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WEDNESDAY 5 APRIL 2017**

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DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 April 2017

Agenda Ref No: DAP050417 – 2.1

Originating Officer: Kristen Sheffield
Development Officer - Planning

Applicant: D'Andrea & Associates

Development Description: A two-storey detached dwelling incorporating a wall on the northern boundary and a residential flat building comprising two dwellings, both of which incorporate a second storey within the roof space.

Site Location: 30 Harris Street, Edwardstown

Zone: Residential Zone

Policy Area: Medium Density Policy Area 12

Application Type: Category 2 / Consent

Lodgement Date: 29/11/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/2229

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 on the same site 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

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

Amendments Requested	Amendments Made
The proposal should be 'flipped' to achieve improved solar orientation to the POS of Dwelling 1.	Proposal 'flipped' to incorporate the common driveway along the southern side boundary.

SUBJECT LAND & LOCALITY

The subject land is located at 30 Harris Street, Edwardstown. The allotment is rectangular with a width of 19.8 metres, depth of 39.62 metres, and total site area of 785 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to an attached garage adjacent the southern 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 is primarily residential in nature, comprising a mixture of dwelling types including original detached dwellings on large allotments and older established group and residential flat dwellings which are particularly prevalent in the immediate vicinity, as well as detached, semi-detached, group and row dwellings on smaller redeveloped allotments. The subject land is sited some 200 metres walking distance to the south of a public open space reserve which includes picnic tables and a children's playground. The Edwardstown Railway Station is located approximately 650 metres walking distance to the north-east of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks for the construction of a two-storey detached dwelling (Dwelling 1) facing Harris Street, and a residential flat-building comprising two dwellings and incorporating a second storey within the roof space (Dwellings 2 and 3) to the rear.

Dwelling 1 is two-storey in nature and incorporates three bedrooms (main with ensuite and WIR) and a bathroom on the upper level whilst the ground level incorporates a laundry, bathroom and open plan kitchen/living/dining areas with direct access to the main area of private open space. A double width garage comprises a wall on the northern boundary, which seeks to gain access via a new crossover located adjacent the northern side boundary.

Dwellings 2 and 3 (residential flat dwellings) each comprise a bedroom and ensuite as well as a laundry, a separate WC and open plan kitchen and living areas to the ground level, with an additional two bedrooms and a bathroom provided within the roof space of each dwelling. Both dwellings are provided with single width garages and an associated visitor space. Vehicular access is achieved through an internal common driveway running the length of the southern boundary.

Low through to high level landscaping has been provided throughout the subject site, and along both sides of the common driveway.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	Twelve properties were notified during the Category 2 public notification process.
Representations:	Two representations were received by Council, one neutral regarding the outcome of the application, although noting certain concerns, and one against the application.
Persons wishing to be heard:	27 Harris Street
Summary of representations:	27 Harris Street <ul style="list-style-type: none">Two storey development is not in-keeping with the existing character of the streetscape.

	<ul style="list-style-type: none"> Concerns regarding increased traffic, noise and on street car parking within narrow street. <p>55 Angus Avenue</p> <ul style="list-style-type: none"> Concerns regarding fencing. Any overlooking windows should be screened. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<i>Refer Attachment V</i>

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p><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>
Medium Density Policy Area 12
<p>Objectives</p> <p><i>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.</i></p> <p><i>2 Development that minimises the potential impact of garaging of vehicles on the character of the area.</i></p> <p><i>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</i></p> <p><i>4 Development that contributes to the desired character of the policy area.</i></p>
<p>Desired Character</p> <p><i>This policy area encompasses areas especially suitable for a wide range of low and medium-density housing, such as detached, semi-detached, row and group dwellings, residential flat buildings, supported accommodation and student and other special purpose housing. Medium density development is especially suited to areas in proximity to centres and public transport, and to areas where such development already occurs (as in the area redeveloped by the former South Australian Housing Trust in Mitchell Park).</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic are appropriate where located centrally within a large site.</i></p> <p><i>Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p> <p><i>Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.</i></p>

PDC 1	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	<i>Medium density development should be in the form of 2 storey buildings with an ability to provide a 3rd storey addition within the roof space.</i>	Complies
PDC 5	<i>In the case of more than one dwelling on one site, access to parking and garaging areas from public streets should be via a minimum number of common driveways.</i>	Complies
PDC 6	<i>Minimum Site Area: Detached dwelling (Dwelling 1): 300m² Residential flat dwelling (Dwellings 2 and 3): 250m²</i>	Does not Comply Dwelling 1: 272.8m ² Dwelling 2: 185.3m ² Dwelling 3: 185.3m ²
	<i>Minimum Frontage: Detached dwelling: 10m Hammerhead driveway: 4m</i>	Complies Dwelling 1: 15.8m Dwellings 2 & 3: 4m
	<i>Minimum Depth: Detached dwelling: 20m Residential flat dwellings: 45m</i>	Does Not Comply Dwelling 1: 17.3m Dwellings 2 & 3: 39.62m

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. The application is consistent with the Desired Character of the Medium Density Policy Area 12 in that it will provide medium density dwellings, and redevelop the site at a higher density compared to that typical of the original housing stock in the area.

Given that the subject land is located within reasonable walking distance of public open space and public transport routes, the wider locality contains features identified in Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12 as warranting increased residential densities.

It is envisaged that medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (development with site areas of between 149.3 and 250 square metres) should be in the form of 2 or 3 storey buildings. The proposed development achieves this intent, with two-storey dwellings proposed, albeit with the second storey incorporated within the roof space of Dwellings 2 and 3, given the 'hammerhead' nature of the development.

On balance, the proposal is considered to adequately comply with the Objectives and Desired Character of the Medium Density Policy Area 12.

Site Areas

A minimum site area of 300 square metres is prescribed for detached dwellings, whereas the site area of Dwelling 1 equates to 272.8 square metres. This represents a shortfall of 27.2 square metres; 9.1% below that sought. It is noted that the subject land is located within a determined area pursuant to Schedule 4 of the Development Regulations, whereby detached dwellings are permitted to comprise site areas equal to that prescribed for semi-detached dwellings within the Development Plan, being 270 square metres. Accordingly, the proposed site area is considered acceptable when having regard to what is permitted “as of right” within this Policy Area.

Furthermore, the allotment maintains a frontage width of 15.8 metres, where a minimum width of 10 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 185.3 square metres each. Whereas an average site area of 250 square metres applies for residential flat dwellings in this Policy Area. This equates to a shortfall of 64.7 square metres (25.9%) 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 256.1 square metres each; exceeding the prescribed minimum site area.

Nonetheless, 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 250 square metres would be sought; it is only by the configuration of the site that Dwelling 1 requires a site area of 300 square metres. The subject land maintains an overall site area of 785 square metres; resulting in an average site area of 261.7 square metres per dwelling; exceeding the minimum site area sought for three group dwellings in the Medium Density Policy Area 12.

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 individual deficiencies in site area, in my view, are not considered to be fatal to the proposal.

Site Depth

Detached dwellings should comprise a minimum depth of 20 metres, whereas a site depth of 17.3 metres is observed for Dwelling 1. However, it is noted that this allotment incorporates a frontage width in excess of the minimum requirement of 10 metres. Accordingly, the dwelling has been designed to take advantage of the width of the allotment, with the shortfall in site depth not readily apparent adjoining land.

A minimum site depth of 45 metres is sought for allotments of residential flat buildings, whereas the subject land comprises a total depth of 39.62 metres. The shortfall in site depth of the overall site is acknowledged and considered on balance with the proposal's merits.

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 site coverage and floor area ratio within the following parameters:</i></p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Maximum Site Coverage</th> <th>Maximum Floor Area Ratio</th> </tr> </thead> <tbody> <tr> <td>250 - 325 m²</td> <td>130 m²</td> <td>0.6</td> </tr> <tr> <td>< 250 m²</td> <td>100 m²</td> <td>0.7</td> </tr> </tbody> </table> <p>130m² and 0.6 is applicable for Dwelling 1, and 100m² and 0.7 applies for Dwellings 2 and 3.</p> <p><i>Medium Density Policy Area 12: PDC 7</i></p>			Site area	Maximum Site Coverage	Maximum Floor Area Ratio	250 - 325 m ²	130 m ²	0.6	< 250 m ²	100 m ²	0.7	<p>Site coverage:</p> <p>Complies Dwelling 1: 122.5m² Dwelling 2: 96.5m² Dwelling 3: 96.5m²</p> <p>Floor area ratio:</p> <p>Complies Dwelling 1: 0.52 (140.5m²) Dwelling 2: 0.6 (111m²) Dwelling 3: 0.6 (111m²)</p>
Site area	Maximum Site Coverage	Maximum Floor Area Ratio										
250 - 325 m ²	130 m ²	0.6										
< 250 m ²	100 m ²	0.7										
<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>(a) would not be contrary to the relevant setback and private open space provisions (b) would not adversely affect the amenity of adjoining properties (c) would not conflict with other relevant criteria of this Development Plan.</p> <p><i>Residential Zone: PDC 9</i></p>			<p>Complies Site coverage does not exceed the prescribed maximum, nonetheless, the proposal generally maintains appropriate setbacks to boundaries and allows for adequate POS.</p>									
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p>(a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles.</p> <p><i>General Section: Residential Development: PDC 14</i></p>			<p>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 Approx. 24.2% (190m²)</p>									
Private Open Space												
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p> <table border="1"> <thead> <tr> <th>Site area of dwelling</th> <th>Minimum area of POS</th> <th>Provisions</th> </tr> </thead> <tbody> <tr> <td>175 square metres or greater</td> <td>20 per cent of site area</td> <td>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</td> </tr> </tbody> </table>			Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly	<p>Complies Dwelling 1: 20.2% (55m²) Dwelling 2: 25.4% (47m²) Dwelling 3: 25.4% (47m²)</p> <p>5 x 5 metre POS dimension achieved by each dwelling.</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										

		<p>accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
<p><i>Residential Zone: PDC 7</i></p>			
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from the internal living rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i> <i>(c) to be located to the side or rear of a dwelling and screened for privacy</i> <i>(d) to take advantage of, but not adversely affect, natural features of the site</i> <i>(e) to minimise overlooking from adjacent buildings</i> <i>(f) to achieve separation from bedroom windows on adjacent sites</i> <i>(g) to have a northerly aspect to provide for comfortable year round use</i> <i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(i) to be partly shaded in summer</i> <i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <ul style="list-style-type: none"> <i>(a) any area covered by a dwelling, carport, garage or outbuildings</i> <i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i> <i>(c) common areas such as parking areas and communal open spaces</i> <i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i> <i>(e) any area at ground level with a dimension less than 2.5 metres</i> <p><i>General Section: Residential Development: PDC 17</i></p>		<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional. <p>Partially Complies</p> <ul style="list-style-type: none"> g) The proposed POS areas maintain an easterly aspect which should nonetheless receive some access to northern sunlight to provide for comfortable year round use. 	
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>		<p>Complies</p>	
<p>Building Setbacks from Road Boundaries</p>			
<p><i>Minimum setback from primary road frontage where an established streetscape exists:</i></p> <p>5 metres within <i>Medium Density Policy Area 12</i></p> <p>8 metres from arterial roads shown on <i>Overlay Map – Transport</i></p> <p><i>Residential Zone: PDC 6</i></p>		<p>Complies</p> <p>Dwelling 1: 5.5m</p>	
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>		<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>	

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

Wall height not greater than 3 metres

Complies

Dwelling 1 lower level: 1m

Wall height between 3 and 6 metres

Complies

Dwelling 1 upper level northern side: 2.5m
Dwelling 1 upper level southern side: 5m

Partially Complies

Dwelling 2 (wall height of 3.3m): 0.91m
Dwelling 3 (wall height of 3.3m): 0.91m

It is anticipated that a wall incorporating a height of up to 3 metres should maintain a minimum setback of 0.9 metres from side boundaries. Accordingly, it is only the 0.3 metres above 3 metres that does not meet requirements. The excess wall height should not result in any meaningful visual or overshadowing impacts, and is in my opinion, considered acceptable.

Maximum length and height when wall is located on side boundary:

- (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height*
- (b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.*

Residential Zone: PDC 6

Complies

Dwelling 1 boundary wall length: 6.3m
Dwelling 1 boundary wall height: 2.842m (from natural ground level)

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

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) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres*

Residential Zone: PDC 6

Partially Complies

Dwellings 2 and 3 (wall height of 3.3m): 4.4m increasing to 5m

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>		<p>Complies</p> <p>Although the rear 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></p> <p><i>(i) 2 storeys of not more than 9 metres</i></p> <p><i>(ii) 2 storeys with an ability to provide a 3 storey addition within the roof space of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>		<p>Complies</p> <p>Dwelling 1 incorporates a maximum building height of 7.3 metres, while a height of 6.9 metres is observed of Dwellings 2 and 3, 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>Dwellings 2 and 3 each incorporate a second storey within the roof space, resulting in taller built form towards the rear of the property, although noting that the placing of windows within the pitched roof prevents overlooking of adjacent properties. This is discussed further within the Table Discussion section of this report.</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>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.</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
Maximum wall or post height	3 metres	Complies
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Complies Dwelling 1: 6m 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 Dwelling 1: 6.3m

<p>Maximum frontage width of garage or carport with an opening facing the street</p>	<p>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>	<p>Complies Dwelling 1: 34.8% (5.5m)</p>
<p>Carpports 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.</p> <p>General Section: Residential Development: PDC 13</p>		<p>Complies</p>
<p>Vehicle Parking</p>		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		<p>Complies Dwelling 1 comprises three bedrooms and is provided with three on-site car parking spaces, two covered within the garage and one within the driveway.</p> <p>Dwellings 2 and 3 each provide one garage space and one open visitor space, which equals a total of 4 on-site parking spaces. However, no independently accessible visitor parks are available. <i>Note: 1.5 resident spaces x 2 dwellings = 3 Plus 1 (rounded up) visitor space required for 2 dwellings = 4 on-site spaces required</i></p>
<p>Detached Semi-detached Row</p>	<p>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</p>	<p>Dwellings 2 and 3 each provide one garage space and one open visitor space, which equals a total of 4 on-site parking spaces. However, no independently accessible visitor parks are available. <i>Note: 1.5 resident spaces x 2 dwellings = 3 Plus 1 (rounded up) visitor space required for 2 dwellings = 4 on-site spaces required</i></p>
<p>Group Residential flat building</p>	<p>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</p>	
<p>Multiple dwelling</p>	<p>0.7 per bedroom</p>	
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>		
<p>On-site vehicle parking should be provided having regard to: (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>		<p>Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Public transport opportunities are located within walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.</p>
<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to: (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area (c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation & Access: PDC 44</p>		<p>Complies (a) (b) The development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner. (c) The proposed vehicle parking areas of Dwelling 2 and 3 are located to the rear of the site and therefore should maintain an attractive streetscape.</p>
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>		<p>Complies 2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>

Access

The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:

- (a) 3 metres wide for a single driveway
- (b) 5 metres wide for a double driveway.

General Section: Residential Development: PDC 39

Complies

Dwelling 1: 3.5m
Dwellings 2 & 3: 3m

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.).

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.

Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:

Dwellings served	Trafficable width (metres)		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)
	Intersection with public road and first 6 metres			
	Arterial roads	Other roads		
1 – 3	6	3	3	0.5

General Section: Residential Development: PDC 41

Complies

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.

General Section: Transportation and Access: PDC 28

Complies

Vehicle access points are separated by a minimum distance of 6 metres.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Complies

The proposed dwellings reflect the desired character of the locality, and incorporate a relatively contemporary design.

Dwelling 1 incorporates a mixture of face brickwork, horizontal and matrix cladding and render. Stepping is provided between the lower and upper levels of the dwelling, with fenestration and an appropriate mix of materials avoiding extensive areas of uninterrupted walling exposed to public view.

Dwellings 2 and 3 incorporate off-white render to the front façade of the building and face brickwork to the remaining façades.

All dwellings incorporate Custom Orb roof sheeting in 'Shale Grey' and panel lift garage doors.

The proposed materials should not result in unreasonable glare to neighbouring properties, drivers or cyclists.

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

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Complies

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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.

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

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) The upper level of Dwelling 1 maintains a 5m setback from the southern side boundary, with a majority of shadow cast by this dwelling falling within the common driveway area of Dwelling 2 and 3. The taller section of the roof form of Dwelling 2 and 3 (accommodating a second storey) is located to the rear of the building, with the pitch of the roof reducing overshadowing from that which would be expected of a typical two-storey dwelling (incorporating greater wall heights).

Accordingly, shadow cast within the adjoining properties to the south of the subject land will not exceed that permitted by PDC 10. Shadow cast into the eastern adjoining property only begin 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

Dwelling 1 incorporates fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

Dwellings 2 and 3 incorporate 'Velux' skylight windows within the roof form in order to provide light and ventilation to the upper level bedrooms. As these windows/skylights are set at a 39-degree angle (equal to the pitch of the roof) and are located a minimum of 2.4 metres above the upper floor level, overlooking impacts do not arise from these windows.

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

Partially Complies

Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 0.5 metres and incorporate landscape screening 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 not featured at the entrance to the common driveway, addressed via recommended condition of consent 2.

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

2 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 nonetheless receive some northern winter sunlight.

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

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

Dwelling 1 incorporates a hipped roof form set at a 22-degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

The combined hipped roof form of Dwellings 2 and 3 comprise a 39-degree pitch. Whilst the portion of the roof form to Dwelling 3 does not include a north-facing section, solar collectors could nonetheless be sited on the west facing section and operate at adequate efficiency.

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

Landscaping is proposed throughout the development site. 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 proposed development satisfies a majority of the applicable principles of development control contained within the Marion Council Development Plan with exception of the application incorporating two-storey development on a hammerhead allotment. The following considerations are noted with regard to this aspect of the proposal.

Principle of Development Control 2 (General Section: Residential Development) specifies that 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. The proposal involves the development of a residential flat building comprising two dwellings on a hammerhead allotment. Both proposed dwellings incorporate a second storey within the roof space of the building. In many instances two storey dwellings towards the rear of an allotment may not be appropriate given the clear direction of the Development Plan to restrict this type of development. In considering the appropriateness of the proposal, the location, dimensions and layout of the development as a whole are taken into account, along with potential visual, overlooking and overshadowing impacts, and the built form in the locality.

The proposed residential flat building incorporates a combined hipped roof form pitching at 39-degrees, with a resulting building height of 6.9 metres. It is noted that the Development Plan specifies a maximum building height of two storeys of not more than 9 metres, or two storeys with an ability to provide a third storey addition within the roof space of not more than 10 metres. While PDC 2 (Residential Development) outlines that buildings on battle-axe allotments should be single storey, the Development Plan does not specify a maximum building height for single-storey dwellings. Accordingly, a single storey residential flat building with a combined hipped roof form may achieve a similar building height to that proposed. While the increased pitch of the roof in order to accommodate the second storey within the roof space may result in some visual impact upon adjoining land, it is my view that a similar impact may be expected of a single storey building. Certainly the visual impact upon adjacent dwellings is less than that of a typical two-storey dwelling, which would comprise an increased wall height in closer proximity to the boundaries of the land than that of the maximum roof pitch of the proposed building more central to the site.

The proposal includes 'Velux' skylight windows within the roof form of the residential flat building, in order to provide light and ventilation to the upper level bedrooms. As these windows/skylights are set at a 39-degree angle (equal to the pitch of the roof) and are located a minimum 2.4 metres above the upper floor level, overlooking impacts do not arise from these windows.

An assessment of the projected overshadowing from the proposed residential flat building on 21 June (being the winter solstice) illustrates that up to 5 metres of the northern portion of the POS of 55 Angus Avenue, located south of the proposed building, will remain in shadow for a majority of the day. The extent of the overshadowing is achieved by the 3.5 metre pitching height of the roof form (i.e. gutter level), not the maximum building height. By comparison, a typical single storey building may comprise a pitching height of 3 metres, in which case, up to 4.5 metres of the northern portion of the POS to the south of the subject land may remain in shadow on the day of the winter solstice. Accordingly, the shadows cast by the proposed residential flat building incorporating a second storey within the roof space, are only marginally greater than that which could be anticipated by a single storey dwelling to the rear of the subject land.

It is noted that there are several examples of two-storey hammerhead development within the immediate locality. This being said, limited regard is had to these examples given they are representative of an older building stock, to which the current provisions of the Development Plan may not have been applicable. Regard is more so had to the proposed built form in relation

to the likely impact upon adjacent properties. In my opinion, the proposal does not unreasonably impact on adjoining properties by way of visual bulk and scale, overlooking or overshadowing.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to privacy, the two-storey nature of the development and increased on-street parking resulting from the proposal 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 have also raised concerns over fencing. 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 preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Medium Density Policy Area 12, being the replacement of original dwelling stock and increase to medium density in the form of two-storey dwellings, whilst maintaining an appropriate built form on a hammerhead allotment.

Whilst the essential nature of the development is envisaged, it is noted that the proposed dwellings each contain three bedrooms, which represents the most common dwelling size in the locality. Accordingly, the proposal does not contribute to providing a "wider range of dwelling types... to meet a variety of accommodation needs" as desired in the Policy Area 12. Given the fact that the overall density of the site accords with density criteria, the uniformity in proposed dwelling size does not significantly undermine the merit of the proposal.

Despite the individual deficiencies in site area, the average site areas over the subject land exceed the minimum required to accommodate three dwellings. Additionally, the proposed site areas are classified as medium density, which accords with the density envisaged to occur within the Medium Density Policy Area 12. Consequently, the proposed site areas and associated density are considered appropriate.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. While it is acknowledged that two-storey hammerhead development is not anticipated by the Development Plan, further consideration of potential impacts has demonstrated that the proposed second storey within the roof space of the residential flat building does not result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

When the individual shortfalls in site area and the two-storey nature of the development is 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: 100/2016/2229 for a two-storey detached dwelling incorporating a wall on the northern boundary and a residential flat building comprising two dwellings, both of which incorporate a second storey within the roof space at 30 Harris Street, Edwardstown, 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. 100/2229/2016, except when varied by the following conditions of consent.
2. Mail box facilities shall be provided at the front boundary. An amended plan incorporating mail box facilities shall be submitted to Council for consideration prior to issuing Development Approval.
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 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.
6. 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.
7. 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.
8. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

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

NOTES

1. 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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 April 2017

Agenda Ref No: DAP050417 – 2.2

Originating Officer: Joanne Reid
Development Officer - Planning

Applicant: Urban3

Development Description: Two, two storey dwellings and garages

Site Location: 58 Harding Street Glengowrie

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 24/01/2017

Development Plan: Consolidated – 28 April 2016

Application No: 100/2017/107

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 the Schedule 9 of the Development Regulations 2008, which assigns development that contains buildings of 2 or more dwellings on the same site where at least 1 of those dwellings is 2 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.

A Torrens Title Land Division (100/D299/16) has received Development Approval, however the lodgement of a Plan of Division has not occurred with the Lands Titles Office and thus the additional allotment is not deemed to have been created thereby triggering the notification process.

BACKGROUND

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

Amendments Requested	Amendments Made
Reduce the driveway width of Residence 1 to	Driveway width of Residence 1 reduced from

5m in accordance with Residential Development Principle 39.	6m to 5m.
Raise the finished floor levels of the dwellings to satisfy engineering advice relating to flooding.	Finished floor levels raised by 50mm to 100.0.
Provide landscaping plan.	Landscaping plan provided.

SUBJECT LAND & LOCALITY

The site is located at 58 Harding Street in Glengowrie. It is a rectangular shaped allotment with a frontage of 19.2m and a depth of 39.32m. The total site area is 755m².

At present, the site contains a single storey detached dwelling with associated outbuildings. The site is relatively flat and there are no regulated or significant trees on the land. One access point exists and is located along the eastern boundary of the site.

The locality is dominated by detached and semi-detached dwellings, predominantly single storey on medium to large allotments.

A traffic calming device which reduces the roadway to one lane, is situated slightly to the west of the site on the roadway.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of two, two storey dwellings, which for all intents and purposes, will present as detached dwellings.

Each dwelling will incorporate an open plan kitchen/dining/living room, theatre, WC and laundry on the lower level. On the upper level, both dwellings will include three bedrooms (one with ensuite and walk-in-robe) and bathroom, however, Residence 1 is slightly larger and will also contain a lounge.

The dwellings will each maintain a double garage with direct access on to Harding Street.

The dwellings will be constructed using a mix of face brick and rendered powerpanel with a colorbond roof at a 25 degree pitch.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	18 properties were notified during the Category 2 public notification process.
Representations:	1 representation was received by Council. Mrs N Chambers
Persons wishing to be heard:	The representor did not indicate a desire to be heard by the Panel.
Summary of representations:	<ul style="list-style-type: none"> • Would prefer to see single storey dwellings and not two-storey dwellings. • Loss of lawns and trees within Glengowrie area.

	<ul style="list-style-type: none"> • More cars will be parked in the street as the new two-storey dwellings often do not have enough parking. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • The applicant prides itself on building homes which utilises the land to the best of their ability whilst trying to remain within the development regulations. • A single storey build is not an option in this case due to the client's desires. • The current shed on the corner boundary of the property will be taken down and should actually create more of an open space view from the representor's backyard. • The applicant has provided a landscape plan to place lawn and tress in light of any that may be removed in the construction of this proposal. • Contrary to the idea that there will be less parking, each dwelling will create 4 parking spaces (8 spaces between both), which will reduce parking on the street. <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	Finished floor levels should be 100.0 to reduce risk of flooding during a 1-in100 year ARI event.
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>
Northern Policy Area 13
<p>Objectives</p> <p><i>1 A policy area primarily comprising low scale, low to medium density housing.</i></p> <p><i>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i></p> <p><i>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</i></p> <p><i>4 Development densities that support the viability of community services and infrastructure.</i></p> <p><i>5 Development that reflects good residential design principles.</i></p> <p><i>6 Development that contributes to the desired character of the policy area.</i></p>

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.

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none">▪ <i>affordable housing</i>▪ <i>dwelling including a residential flat building</i>▪ <i>supported accommodation.</i>	Complies The proposal is for two residential dwellings.
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
<i>PDC 3</i>	<i>Minimum Site Area: 375m²</i>	Complies Residence 1 – 400m ² Does Not Comply Residence 2 – 354m ²
	<i>Minimum Frontage: 12m</i>	Does Not Comply Residence 1 – 10.2m Residence 2 – 9m
	<i>Minimum Depth: 20m</i>	Complies 39.32m

Assessment

The proposed development consists of the removal of one dwelling to be replaced with two, 2-storey dwellings. The proposed dwellings are considered to add to the variety of housing forms and accommodation types within the locality. The Desired Character contemplates the building of 2-storey dwellings and deems them acceptable providing their height does not adversely impact on the amenity of adjacent land or the locality.

It is noted that Residence 2's allotment size and the frontage widths of both dwellings are below their respective Development Plan standard. It is however, of particular worth to note that application has been assessed as a merit-based application due to the site being deemed to be

at risk of flooding, but both the dwellings and their allotments would meet the complying standards of Schedule 4, 2B within the Development Regulations, 2008.

In essence, given that the proposed dwellings could feasibly be constructed on the subject land "as of right" (i.e. without an assessment against Development Plan criteria), this suggests that it is inappropriate to enforce the maximum minimum allotments sizes and frontage widths to meet the merit applications with such rigidity.

Notwithstanding this, the proposal is deemed to be relatively compliant with the majority of the other numerical provisions of the Development Plan with respect to setbacks, private open space and car parking provision and suggested measures to minimise any risk of flooding to the site has been adhered to.

The site does not contain any significant or regulated trees nor are there any street trees located on the verge in front of the site.

To this end, the proposal is considered to display consistency with the Objectives, Desired Character and the majority of Principles within Policy Area 13 of the Development Plan.

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 Residence 1 – 48% Residence 2 – 44.5%</p> <p>Whilst site coverage is not significantly over the 40% requirement, each dwelling includes an under main roof alfresco. If this were removed, site coverage would reduce down to 40% for Residence 1 and 38.6% for Residence 2, thus meeting the Development Plan requirements. However, removing the alfrescos to meet the requirements is deemed to be of no benefit as a verandah up to 40m² could be erected without Planning Consent under Schedule 1A of the Development Regulations, 2008. The alfrescos will provide an undercover area for the enjoyment of the occupants which ties in to the dwelling using the same roof pitch and materials. As such, the site coverage proposed is considered acceptable.</p> <p><u>Floor area ratio:</u></p> <p>Complies Residence 1 - 0.53 Residence 2 – 0.496</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 proposal complies with the requirements for front, side and rear setback and private open space provision.</p> <p>Throughout the assessment of this application it can be demonstrated that the proposed dwellings will not adversely impact on the amenity of 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>Complies</p> <p>Residence 1 – 24%</p> <p>Residence 2 – 28.3%</p> <p>of the site is shown to remain undeveloped and free from driveways, car parking, paved areas and the like.</p>						
<p>Private Open Space</p>							
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>	<p>Complies</p> <p>Residence 1 – 136.63m² (34%)</p> <p>Residence 2 – 125.96m² (35.6%)</p>						
<table border="1"> <thead> <tr> <th data-bbox="172 1115 320 1167">Site area of dwelling</th> <th data-bbox="320 1115 512 1167">Minimum area of POS</th> <th data-bbox="512 1115 930 1167">Provisions</th> </tr> </thead> <tbody> <tr> <td data-bbox="172 1167 320 1536">175 square metres or greater</td> <td data-bbox="320 1167 512 1536">20 per cent of site area</td> <td data-bbox="512 1167 930 1536"> <p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p> </td> </tr> </tbody> </table>	Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	<p>Residence 1 – 13.3m x 10.2m accessible from a living room.</p> <p>Residence 2 – 13.9m x 9m accessible from a living room.</p>
Site area of dwelling	Minimum area of POS	Provisions					
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>					
<p><i>Residential Zone: PDC 7</i></p>							
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwelling/dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>i) POS areas are capable of being shaded during summer.</p>						

(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

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.

Does Not Comply

g) and h)

Both residences have their POS with a southerly aspect, meaning that during the winter months the areas will be overshadowed by the building. This is an unfortunate consequence of the site's northerly orientation with the only method of achieving this Principle is by having their POS forward of the main face and this is considered impractical for privacy and streetscape reasons.

Despite this shortfall, the areas provided are still a functional size for the likely needs of the occupants and the inability to fully achieve this Principle should not, in itself warrant refusal of the development.

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

Residence 1 - 78% of POS is open to the sky
 Residence 2 - 83% of POS is open to the sky

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 proposed front setback of 6.0 metres is similar to the adjacent properties and 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 $b - a \leq 2$, 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

Dwellings 1 and 2: 5.5 metres

(Dwellings on adjoining land set back approximately 7 and 5 metres, which permits a minimum setback of 5 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

Residence 1 – 1.6m on eastern side and 1m on western side
Residence 2 – 1m on eastern side and 1m on western side

Complies

Residence 1 – 2.08m on eastern side and 2.1m on western side
Residence 2 – 2m on eastern side and 2m on western side

Maximum length and height when wall is located on side boundary:

- (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height*
- (b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.*

Residential Zone: PDC 6

Complies

Residence 1 – 6.7m in length and 2.7m in height
Residence 2 – 6.2m in length and 2.7m in height

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 side setbacks are compliant with the Development Plan and therefore the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties, noise impacts, maintain privacy and ensure appropriate access to sunlight to adjacent dwellings.

Rear Setbacks

Minimum setback from rear boundary:

- (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary*

- (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres*

Residential Zone: PDC 6

Complies

Residence 1 – 13.3m
Residence 2 – 13.9m

Complies

Residence 1 – 17.6m
Residence 2 – 17.5m

Buildings should be sited with respect to side and rear property boundaries to:

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

General Section: Design and Appearance: PDC 2

Complies

The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight to adjacent dwellings.

Building Height

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

Residential Zone: PDC 6

Complies

The proposed dwellings incorporate a maximum building height of:
Residence 1 – 7.6 m
Residence 2 – 7.2m
which is less than the maximum permitted in the Policy Area.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

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

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

General Section: Residential Development: PDC 12

Parameter

Value

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

The garages are setback 6m from the front boundary and the upper storey cantilevers over the garage by 500mm.

Maximum length on the boundary

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

Complies

Residence 1- 6.7m on boundary
Residence 2 – 6.2m on boundary

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)

Does Not Comply

Both garages are not greater than 6m in width, however they are greater than 50 per cent of the front façade.

Despite this, I am of the view that the garage does not form a dominant element on the building as the upper storey of the building sufficiently 'draws the eyes away' from this part of the dwelling.

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

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

General Section: Residential Development: PDC 13

Complies

The proposed development is considered to adequately foster the safe and convenient entry and exit from the site so as not to adversely impact on the safety of road users.

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 4 car parking spaces, 2 of which are 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.

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

<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i> <p><i>General Section: Transportation & Access: PDC 42</i></p>	<p>Complies</p> <p>The car parking associated with each dwelling is considered to be easily identifiable, accessible and will not dominate the internal site layout.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <ul style="list-style-type: none"> a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Public transport stops with routes to centre facilities are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. e) The 2 additional on-site car parks are considered to compensate for the loss of the on-street car parking spaces. <p>Does Not Comply</p> <ul style="list-style-type: none"> d) Limitations with regard to the placement of the driveway of Residence 2 due to the traffic calming device has meant that the opportunity to have on-street car parking in front of the dwellings was not achievable. However, the proposal complies with part (e) of this principle in that each dwelling provides an additional two on-site car parks per dwelling.
<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>Although the proposed development will result in the loss of two on-street car parks, two parking spaces are available for each dwelling in front of the garages which could be accessed by visitors.</p>
Access	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <ul style="list-style-type: none"> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>Each dwelling has a crossover with a maximum width of 5m for a double driveway.</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 crossover of Residence 2 is set back 3m away from existing traffic calming device.</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>Does Not Comply</p> <p>The crossovers are less than 6m apart due to restrictions with the traffic calming device insofar as Residence 2's driveway could not be placed on the eastern side. However, the issue of on-street parking has been discussed in the Vehicle Parking section above and I am satisfied that the proposal is acceptable in this regard.</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</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate a variety of building materials, textures and colours to provide visual interest on the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Residence 1 includes a mixture of brick, horizontal cladding and render on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding porticos with feature posts, lintels or parapet. • Fenestration • A 25 degree Colorbond roof with eave overhang. • Panel lift door. <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> <p>The entries to the dwellings are clearly visible from the street entrance and include a front entrance door, portico and habitable room window presenting to the street.</p>
Relationship to the Street and Public Realm	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p>	<p>Complies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The elevations of the dwellings feature a mixture of render and horizontal cladding, fenestration and stepping to avoid extensive</p>

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

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

Due to the orientation of the dwellings, the majority of overshadowing is likely to occur over the POS of the proposed dwellings during the winter months.

Whilst this may have implications for the dwellings' energy efficiency, it is unlikely to severely restrict light entry into the living areas of the dwellings.

The dwellings are compliant in their rear setbacks and with adequate separation along the southern side boundary and is unlikely to unreasonably overshadow the adjoining rear property such that Design and Appearance Principles 9 and 10 will be unable to be achieved.

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

The dwellings incorporate fixed obscure glazing to 1.8 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

The 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

Windows are located an adequate distance away from parking and vehicle access ways, service equipment areas and fixed noise sources on the subject land and adjacent sites.

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 main shortcoming of the development in this regard will be that the dwellings have their main living area and POS with a southerly aspect, meaning that the area will be shaded during the winter months for a large portion of the day.

However, whilst this may impact on the ability to warm the dwelling without mechanical heating, adequate natural light will still be available to the habitable rooms of the dwelling.

The setbacks of the proposed dwellings are such that all adjacent dwellings will receive adequate natural and winter sunlight into their POS and main activity areas.

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

(a) taking into account overshadowing from neighbouring buildings

(b) designing roof orientation and pitches to maximise exposure to direct sunlight.

General Section: Energy Efficiency: PDC 3

Complies

The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Flooding

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

General Section: Hazards: PDC 4

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

(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event

(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor level of 100.0 should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

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 applicant has provided a landscaping plan which incorporates a range of plantings along the driveway and within the front garden.

The proposed planting species, which have a maximum height of 5m, and its 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 a concrete plinth along the western boundary of Residence 2 up to a maximum 360 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.16 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to the two storey nature of the dwellings, landscaping 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.

ANALYSIS/CONCLUSION

The proposed dwellings are compliant with the majority of the provisions of the Development Plan, particularly with respect to setbacks, POS, and car parking provision.

There are slight variances in relation to the site area of Residence 2, frontage widths, site coverage, on-street car parking and energy efficiency, however, I am of the opinion that the proposal is satisfactory in this regard. These aspects of the proposal could either be deemed 'complying' pursuant to Schedule 4, 2B of the Development Regulations (i.e. site areas, frontage widths and site coverage) or are not relevant considerations under the Residential Code (i.e. on-street car parking and energy efficiency), and therefore could be built 'as of right'.

Accordingly, the proposed development is deemed to be reasonable and will not adversely impact on the adjacent properties or the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/107 for two, two storey dwellings and garages at 58 Harding Street Glegowrie be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/107, being Project No. SM 469, Sheets DA-01 to DA-09 (inclusive) prepared by Salvatore Marzullo Building Design, and received by Council 16 February 2017 and 23 March 2017 (Landscape Plan), except when varied by the following conditions of consent.
2. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details, being Drawing No. HC01, Project Title 'Proposed Residence', prepared by FMG Engineering and received by Council 16 February 2017, prior to the occupation of the premises to the reasonable satisfaction of the Council.
3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
4. 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. 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.
6. 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.
7. 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.
8. 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. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- 5. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 April 2017

Agenda Ref No: DAP050417 – 2.3

Originating Officer: Dylan O'Brien
Development Officer - Planning

Applicant: Format Homes

Development Description: Single storey split level detached dwelling with associated earthworks and retaining walls and incorporating a garage wall on the eastern side boundary

Site Location: 2 Cabin Street Sheidow Park

Zone: Residential Zone

Policy Area: Worthing Mine Policy Area 20

Application Type: Category 2 / Consent

Lodgement Date: 13/07/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1266

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 the Public Notification section of the Residential Zone of the Marion Council Development Plan which assigns development that has a wall abutting a side or rear property boundary exceeding a height of 3.0 metres (above natural ground level) 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

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

Amendments Requested	Amendments Made
Increase split between the front and rear sections of the dwelling while also considering setting the whole dwelling further into the site	The proposal has been altered to provide for a greater split between the front and rear portions of the dwelling while maintaining an

to reduce the level of fill/retaining, subject to maintaining an appropriate driveway grade/transition in accordance with the relevant Aust. standard for vehicle access.	appropriate driveway grade / transition and a moulded sleeper retaining system, Colorbond fencing and light coloured brick face (Austral Nougat) to the garage along the eastern boundary to better tie in / complement the immediate neighbours fencing / retaining.
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SUBJECT LAND & LOCALITY

The subject land is located at 2 Cabin Street, Sheidow Park. The allotment is rectangular in shape with a frontage width of 11.0 metres, a depth of 43.89 metres, and a total site area of 482.79 square metres and is devoid of any trees or mature vegetation.

The site incorporates a diagonal fall from the north-western corner (street boundary) to the south-eastern corner of the allotment (rear boundary) of approximately 3.0 metres over a distance of approximately 44 metres. The site has been partially retained at the rear as part of the initial land division.

The locality generally comprises sloping allotments and the subject land is the last remaining vacant allotment in what is a 28 allotment subdivision approved in 2011. To this end, the locality comprises only newer detached dwellings at low densities that are all less than ten (10) years old.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of a single storey split-level detached dwelling incorporating a garage wall on the eastern side boundary and retaining and fencing to both eastern and western side boundaries, as well as through the rear of the site.

The dwelling incorporates 3 bedrooms (one with walk in robe / ensuite), as well as a second lounge room, home theatre, a study, bathroom, laundry, open plan kitchen/family/meals area with access to an alfresco area with an outdoor kitchen/BBQ area and single car garage under the main roof.

The proposed roof is a hipped form set at a 25-degree pitch with eave over-hangs.

The dwelling also includes split levels, to accommodate the sloping land that incorporates a 1.204 metre split between the front and rear portions of the dwelling, a 0.344m split between the front portion of the dwelling and the garage, and retaining walls at varying heights up to approximately 1.55 metres along the eastern side property boundary.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	12 properties were notified during the Category 2 public notification process.
Representations:	1 representation was received primarily against the application although there objection would be lessened if certain amendments or provisions were met.
Persons wishing to be heard:	1 person wishes to be heard by the Panel

Summary of representations:	<p>Opposed to the current application due to:</p> <ul style="list-style-type: none"> • Overall height and location of the garage boundary wall; • The overall height of any new proposed boundary retaining walls and additional fence height placed on top the new retaining wall, and; • The shadowing impact this proposal will directly have on our home and rear yard, and the effect it will have on our lifestyle. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<p>Format Homes have provided a detailed response to the representation.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>

Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>The application was referred to Council's Development Engineer who has advised that the proposed driveway gradients are now considered appropriate.</p>
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Worthing Mine Policy Area 20 are listed in the following table and discussed in further detail below:

Residential Zone
<p>Objectives</p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>
Worthing Mine Policy Area 20
<p>Objectives</p> <p><i>1 A policy area primarily comprising a range of dwelling types with medium density housing in close proximity to the District Centre Zone at Hallett Cove.</i></p> <p><i>2 Preservation of the natural environment and watercourse features of the policy area.</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 that reflects good residential design principles.</i></p> <p><i>5 Development that contributes to the desired character of the policy area.</i></p>

Desired Character

The policy area encompasses gently to steeply sloping land near the southern boundary of the Council area overlooking the valleys of the Field River and its tributaries (part of the Metropolitan Open Space System). Residential development is of recent origin taking place predominantly from the mid 1990's onward.

The desired character of the policy area is an attractive residential environment containing predominantly detached dwellings of a variety of architectural styles, and reflecting the varied topography and natural features within or adjoining the policy area.

Dwelling densities and allotment sizes will be varied to reflect the natural topography. Towards the coast and on steeper sites, dwellings will be commonly split-level or two-storey. In Hallett Cove especially, dwelling sites in elevated locations have good views of the coast. Buildings will be designed to minimise alteration of the natural or existing landform. To reduce the need to cut and fill sloping sites, designs should include split levels and small narrow footprints that are aligned perpendicular to the slope of the land.

New buildings will maintain the existing pattern and scale of existing buildings. The built form, architectural and landscape design of individual sites should make a positive contribution to the streetscape.

Where buildings and extensions (including decks) are proposed on sloping land, particular attention will be given to the protection of the privacy and amenity of neighbouring properties and the avoidance of construction problems involving retaining walls and fences on boundaries.

The relatively flat land in close proximity to Hallett Cove District Centre is suited to medium-density accommodation for older persons. A more intense form of development than prevalent elsewhere in the policy area is appropriate in this location to take advantage of the better access to District Centre facilities.

Special attention to the design and location of development is required at interfaces with the Metropolitan Open Space System Zone in order to protect the significant natural and cultural features and the open space character of that zone. In addition, the design of development adjacent Lonsdale Road will need to have regard to the high volume and speed of traffic on that road. It is important that development in these locations avoids creating or contributing to any undesirable environmental or traffic impacts, or hazards.

Land division will provide:

- (a) a range of allotment sizes suitable for different kinds of dwellings
- (b) safe and convenient vehicle (including public transport) and pedestrian linkages
- (c) adequate buffers to the coast and watercourses
- (d) accessible and useable public open space which can be efficiently maintained.

PDC 1	The following forms of development are envisaged in the policy area: <ul style="list-style-type: none">▪ detached dwelling▪ medium density housing and supported accommodation within 200 metres of the District Centre Zone at Hallett Cove▪ row dwelling▪ semi-detached dwelling.	Complies Detached dwelling
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	Complies

Assessment

The application seeks to construct a single-storey detached dwelling (split level) on an existing sloping allotment. The proposed dwelling features a single car garage under main roof, setback behind the main face of the dwelling. The nature of the proposal (detached dwelling), and contemporary design / scale of the garage and parking provision complies with Objective 1, 3, 4 and 5 of the Worthing Mine Policy Area 20.

To reflect the sloping topography of the site and reduce the extent of cut / fill and retaining, the proposal incorporates two separate split levels between the front and rear sections of the dwelling, and a lessor spit between the garage and the front section of the dwelling.

The design of the dwelling is a contemporary brick veneer construction with aluminium windows, main entrance facing the street and a hipped / gabled roof form with eave over-hangs. The contemporary design is in keeping with the pattern and scale of existing buildings in the locality and should provide a consistent/positive contribution to the built form / streetscape character of the area.

To protect neighbouring privacy while providing a functional and accessible site, the proposal includes a series of retaining walls to the side boundaries with fencing on top to reflect the varying splits in the dwelling, which will assist with protecting privacy and amenity of adjacent neighbouring dwellings.

For these reasons, the proposal is considered to accord sufficiently with the Desired Character and relevant Principles of the Worthing Mine Policy area 20.

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 50 per cent of the allotment area and a maximum floor area ratio of 0.7.</i></p> <p><i>Worthing Mine Policy Area 20: PDC 6</i></p>	<p>Does Not Comply Site coverage: 55.4% (Refer comments below)</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>Partially Complies Notwithstanding the high site coverage, the proposal demonstrates numerical compliance in relation to front/side/rear setbacks. Amenity concerns and other relevant Development Plan criteria, is discussed further in this report.</p> <p>The proposal accords sufficiently with the residential zone PDP 9 (a), (c) and (d).</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 The proposal provides sufficient space for vehicle access and parking.</p> <p>Space is provided within and behind the garage for domestic storage, outdoor clothes drying and waste storage, whereas rainwater tanks are discretely located along the western fence line within the rear yard space.</p> <p>For these reasons, the proposal accords sufficiently with PDC 14</p>

Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.

General Section: Residential Development: PDC 15

Complies

Approximately 113m² permeable area will be retained. This is equal to approximately 23% of the total site area.

Private Open Space

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

Complies

Approximately 121.2m² or 25.1% of the total site area is provided as private open space.

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

The rear yard will also be terraced using a series of retaining walls, to provide for usable flat area of 75.72m² which is equal to approximately 15.5% of the total site area, a minimum dimension of 7.2m and with direct connection to the internal living space.

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.*

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 dwelling 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.
- year round use.
- 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.

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*

Does Not Comply

g) and h): The proposed POS area to the rear of the dwelling and including a section located behind the garage (to the eastern side of the dwelling) is essentially south facing and therefore fails to provide a desired northerly aspect for optimum year round comfort. To this end, the POS area is likely to be shaded during the peak winter months by the associated dwelling.

General Section: Residential Development: PDC 17

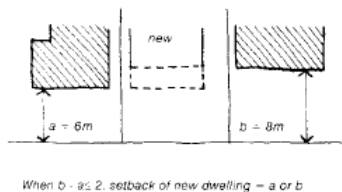
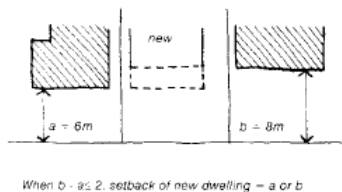
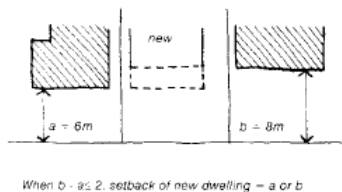
However, given the long axis of the subject site which runs north/south, and Cabin Street located to the north, this particular site does limit conventional housing from achieving such an outcome, whilst still maintaining access

	<p>between habitable rooms and private open space traditionally positioned to the rear of the dwelling.</p> <p>Nevertheless, given the single storey nature of the dwelling and level of separation, from the rear boundary, available sunlight should still penetrate a reasonable portion of the rear yard space in the morning and afternoon when the sun's angle will project towards the site in an easterly and westerly direction.</p> <p>At midday it is anticipated that the dwelling will result in a majority of the rear yard being overshadowed, albeit for a small section adjacent the rear boundary.</p> <p>Whilst the anticipated level of overshadowing is not ideal, given the limitations of the site and bearing in mind some solar access will still be achievable, the proposed shortfall in relation to PDC 17(g) and (h) is not deemed fatal.</p> <p>On balance the proposal accords sufficiently with PDC 16 and 17.</p>
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<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p> <p>Approximately 20.2% of the proposed private open space area will be covered by a pergola/verandah structure incorporated under the main roof. To this end, more than 50% of the private open space area will remain open to the sky.</p>
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Building Setbacks from Road Boundaries

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality. 34</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies</p> <p>The proposed front setback of 6.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
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<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1" data-bbox="183 1500 917 1859"> <thead> <tr> <th data-bbox="183 1500 478 1568">Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th data-bbox="478 1500 917 1568">Setback of new building</th> </tr> </thead> <tbody> <tr> <td data-bbox="183 1568 478 1825">Up to 2 metres</td> <td data-bbox="478 1568 917 1825">The same setback as one of the adjoining buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" data-bbox="183 1825 917 1859">  </td> </tr> <tr> <td data-bbox="183 1825 478 1859">Greater than 2 metres</td> <td data-bbox="478 1825 917 1859">At least the average setback of the adjoining buildings</td> </tr> </tbody> </table> <p><i>General Section: Design and Appearance: PDC 22</i></p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:			Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Complies</p> <p>Dwelling 1: 6.0 metres.</p> <p>The established neighbouring dwellings on adjoining land are setback approximately 5.0 and 3.0 metres, which equals an average setback of 4.0 metres.</p> <p>In this instance, due to the steep slope of the land, the proposed front setback is greater than the average to accommodate sufficient vehicle access and driveway grade/transition levels.</p>
Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building								
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:								
									
Greater than 2 metres	At least the average setback of the adjoining buildings								

Side Setbacks

<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 0.9 metres</i></p> <p><i>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.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Complies:</p> <p>Proposed minimum side setback of 0.96 metres. Whilst the wall height is generally no great than 2.7 metres, for an approximate 3.0 metre section surrounding the transition between split-levels, the wall height increases to 3.904m. The likely impact is considered minor as this represents only a small section of the dwelling wall that actually breaches the numerical standard.</p>
<p><i>Maximum length and height when wall is located on side boundary: (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Complies</p> <p>The proposal will result in a garage wall abutting the eastern side boundary for a length of 6.71m (complies) and a height to 3.5m (does not comply).</p> <p>Whilst actual garage wall is only 2.4m above the finished floor level the overall height of 3.5m is due to the natural slope of the site and need to build the land up to provide for an acceptable driveway grade/transition.</p> <p>Given the sloping topography of the land and locality, wall heights greater than 3.0m are typical and anticipated in this locality.</p> <p>Given the position of the garage to the east of the nearest neighbour and level of separation between dwellings, the location of the garage wall (eastern side) shall have minimal impact on the availability of northern sun to existing living areas or private open space of the immediate neighbours to the west. Whilst some overshadowing is anticipated, this shall only occur later in the afternoon.</p> <p>To this end, north-facing windows to habitable rooms on adjacent allotments, including private open space shall be unaffected for the majority of the day. Furthermore, the garage wall includes a brick colour (Austral Nougat) which is similar to the existing fence colour and neighbouring retaining walls and should sufficiently complement the neighbouring fencing / retaining and landscape scheme.</p> <p>It is also worth considering the garage straddles two neighbouring boundaries and will therefore not be entirely visible from one neighbour only.</p> <p>For the reasons, the noted excess in boundary wall height is considered to be acceptable.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p>	<p>Complies</p> <p>Although the side setback fails to comply with quantitative criteria for small section, the separation from the side boundaries is generally considered sufficient to minimise the visual impact of bulk and scale on adjacent properties and minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the</p>

<p>General Section: Design and Appearance: PDC 2</p>	<p>Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties, whereas, the setbacks are considered to be compatible with other developments in the locality, and should maintain the character of the locality in relation to patterns of space between buildings.</p>
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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> <i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies: 9.0m</p>
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<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 level of separation from the rear boundary, particularly as the proposal is single storey is sufficient to minimise the visual impact of the dwelling on adjacent properties. The level of separation is also considered sufficient to appropriately minimise noise impacts and ensure appropriate access to sunlight, while the fencing should provide a sufficiently level of privacy.</p> <p>As such, the shortfall in side setback only, should not result in unreasonable impacts to adjacent properties. Moreover, the proposed setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to setback patterns.</p>
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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 dwelling is essentially single storey and generally less than 5.0m. However due to the split level design the maximum building height does extend to approximately 7.2m.</p>
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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 The subject dwelling incorporates three bedrooms and room for up to two onsite parking spaces, one of which is under cover.</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> <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>		

<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>One on-street car parking space is maintained which satisfies PDC 22 when combined with the amount of on-site parking provided.</p>
Access	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p style="margin-left: 20px;"><i>(a) 3 metres wide for a single driveway</i></p> <p style="margin-left: 20px;"><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>The proposal incorporates a 3.0 metre wide single driveway.</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 crossover is setback a minimum of 1.0 metre from existing street infrastructure.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p style="margin-left: 20px;"><i>(a) building height, mass and proportion</i></p> <p style="margin-left: 20px;"><i>(b) external materials, patterns, colours and decorative elements</i></p> <p style="margin-left: 20px;"><i>(c) roof form and pitch</i></p> <p style="margin-left: 20px;"><i>(d) façade articulation and detailing</i></p> <p style="margin-left: 20px;"><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The proposed dwelling reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling façade provides the following elements to enhance the design and appearance:</p> <ul style="list-style-type: none"> • Mixture of brick piers through the portico and surrounding the garage and main entrance; • Horizontal timber cladding is included to the top fascia and render on the front façade surrounding the master bedroom; • 450mm eave overhangs, • A hipped gabled roof form at a 25-degree slope and Colorbond roof; and • The garage incorporates a Panel lift door. <p>These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwelling 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

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 dwelling is designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

The elevation of the dwelling features a mixture of render and horizontal cladding, and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

The dwelling incorporates split levels, to reflect the natural slope of the land and a brick colour and finish as well as moulded sleeper retaining walls in keeping with the immediate neighbouring retaining and fencing material and colour scheme.

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

Given the single storey nature of the proposal, level of separation and position of the site which is to the east and west of the immediate neighbours, it is my opinion that:

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

b) A majority of winter shadow will be cast within the private open space of the subject dwelling to the south of the subject land. Some shadow will be cast into the western and eastern adjoining properties in the morning and afternoons. The majority of the day should be free from overshadowing impacts

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*

Complies

The proposed retaining and boundary fencing should be sufficient to protect neighbouring privacy on all sides.

(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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Does Not Comply

The proposed dwelling is oriented so that the open spaces and main activity areas face south. As such, exposure to available winter sunlight will be partially denied. To this end, the proposal fails to provide for efficient solar access to open space all year around.

Complies

As identified in the Overshadowing section of this table, the proposed dwelling will have minimal impact on available winter sunlight 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 25-degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Fences and Walls

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 retaining walls varying in height to a maximum 1.555 metres a standard 1.8-metre-high fence on top. This will result in a maximum structure height of 3.355 metres surrounding the main split between finished floor level of the dwelling. Retaining walls and fencing of this scale are typical for the locality. Furthermore, to address concerns raised by neighbours following public notification process, the applicant has provided a moulded sleeper and fencing system/colour scheme to match the colour scheme and retaining on the adjoining neighbours land. In this instance the fencing/retaining heights proposed is considered necessary to achieve a level development site and maintain privacy and security without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

Sloping Land

Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:

- (a) minimises their visual impact*

Complies

The subject land features a significant slope which not only falls from front to back but also diagonally from opposing corners of the site. A

- (b) reduces the bulk of the buildings and structures*
- (c) minimises the extent of cut and/or fill*
- (d) minimises the need for, and the height of, retaining walls*
- (e) does not cause or contribute to instability of any embankment or cutting*
- (f) avoids the silting of watercourses*
- (g) protects development and its surrounds from erosion caused by water runoff.*

General Section: Sloping Land: PDC 2

retaining wall with a maximum height of 1.555m is proposed along the eastern boundary.

Whilst concerns remain due to the visual impact of the dwelling upon adjoining properties, this is not in my opinion a result of excessive build-up, or a poor relationship to ground level. In fact, the dwelling incorporates a 1.204m split between the front and rear portions of the dwelling, assisting to reduce the level of fill required towards the rear and along the eastern side of the property where the fall of the land is most profound.

Having regard to the slope of the site, and neighbouring site and level of retaining associated with dwelling in the immediate locality, it is my opinion that the amount of retaining required/proposed is not out of character with prevailing scale of retained earthworks throughout the locality.

Furthermore, the applicant has attempted to address concerns with the immediate neighbour to the east where the proposed earthworks will be at their highest and most visible, by incorporating a retaining a fencing plan that ties in / matches that of the immediate neighbours retaining and fencing colour and material scheme.

To this end, the design and choice of materials should more or less blend in with the neighbouring retaining and fencing plan thereby minimising the visual impact and apparent bulk of the works while ensuring stability of the land.

Accordingly, the proposal is considered to adequately satisfy Principle 2.

- The cutting and/or filling of land should:*
- (a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation*
 - (b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment*
 - (c) only be undertaken if the resultant slope can be stabilised to prevent erosion*
 - (d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.*

General Section: Sloping Land: PDC 7

Partially Complies
 Whilst the level of cut and fill along the eastern side boundary exceeds 1.5metres, this is only a minor departure for a small section of the site. Given the steep slope of the land in the locality this level of cut/fill is necessary to accommodate the proposed dwelling and typical when you consider the prevailing scale of earth works associated with most of the recently constructed dwellings in the locality.

- Retaining walls should:*
- (a) not exceed 1.5 metres in height*
 - (b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total*
 - (c) be constructed to a high standard from high amenity materials*
 - (d) be landscaped to enhance their appearance.*

General Section: Sloping Land: PDC 8

Does Not Comply
 Whilst the proposed retaining will exceed 1.5m at its maximum height, the majority of the retaining will be below 1.5m. The retaining has also been designed to step down in a series different levels that reflect the natural slope of the site and varying split levels in the associated dwelling.

Concern has been raised by the immediate neighbour to the east about the visual impact

	<p>of the retaining as viewed from their living and private open space area.</p> <p>The applicant has sought to reconcile these concerns, by including a retaining wall and fencing system along that eastern side boundary that very closely matches the neighbouring retaining wall and fencing, both in material and colour.</p> <p>For these reasons, the proposed retaining and fencing plan should more or less result in a continuation of the immediate neighbouring landscaping / retaining and fencing design.</p>
Siting and Visibility	
<p><i>Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:</i></p> <p><i>(a) the profile of buildings should be low and the rooflines should complement the natural form of the land</i></p> <p><i>(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land</i></p> <p><i>(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</i></p> <p><i>General Section: Siting and Visibility: PDC 4</i></p>	<p>Complies</p> <p>The site features a generous slope from front to back. The dwelling is a single storey split level design with hipped gabled roof form that drops down commensurate to the slope of the land. To this end, the proposal is not at significant variance to the landform, whereas, the hipped/gabled roof design incorporates eave overhangs and alfresco/verandah under main roof that will provide shaded areas to reduce bulking bulk.</p>
<p><i>The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.</i></p> <p><i>General Section: Siting and Visibility: PDC 5</i></p>	<p>Complies</p>

TABLE DISCUSSION

The proposal shortfall in relation to: site coverage; side setbacks; wall height on boundary; efficient solar access, and; cut/fill/retaining have been addressed in the body of this report. On balance, the proposed numerical shortfalls are not considered to jeopardise the merit of the proposal. Moreover, the proposal sufficiently satisfies a majority of the applicable principles of development control contained within the Marion Council Development Plan.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to: height and location of the garage wall/boundary retaining walls and additional fence height placed on top the new retaining wall, and impact of overshadowing have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

An assessment of the proposal against applicable Development Plan criteria has demonstrated an excess in site coverage as well as several shortfalls in relation to side setbacks; wall height on boundary; efficient solar access, and cut/fill/retaining. For the reasons outlined in this report, I am of the opinion that the nature of the proposal (single storey split level detached dwelling) and level of earthworks/retaining proposed is necessary given the steep slope of the land and is typical for new dwellings in the locality.

The applicant has also attempted to address neighbouring concerns regarding the visual impact of the development on the eastern side boundary, by providing a retaining wall/fencing and boundary wall material/colour scheme that is in keeping with the colour/finish and materials of the neighbouring retaining/fencing.

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: 100/2016/1266 for a single storey spit level detached dwelling with associated earthworks and retaining walls and incorporating a garage wall on the eastern side boundary at 2 Cabin Street Sheidow 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. 100/2016/1266, being plans titled "Drainage Plan" prepared by SAF Consultant engineers, and plans titled "Floor Plan, Site Plan, Front/Rear Elevation and Section A-A/B-B" prepared by Format Homes, received by Council on 9/11/2016 and plans titled, "L.H Side Elevation and R.H Side Elevation" prepared by Format Homes, received by Council on 20/1/2017, except when varied by the following conditions of consent.
2. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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.

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 5 April 2017

Agenda Ref No: DAP050417 – 2.4

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Mr Geoff Gill

Development Description: To construct a store (garage) abutting the eastern and southern boundaries, two freestanding signs adjacent the Oaklands Road and Diagonal Road frontages and a sign attached to the western facade of the building

Site Location: 116-118 Diagonal Road, Warradale

Zone: Residential

Policy Area: Northern Policy Area 13

Application Type: Category 3 / Consent

Lodgement Date: 18/08/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1513

Recommendation: That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a non-complying form of development by virtue of the Procedural Matters of the Residential Zone, as the proposed signage results in more than one sign on the land. The application is considered to comprise a Category 3 form of development, as the proposal does not satisfy the applicable clauses of Parts 1 or 2 of Schedule 9, and cannot be considered minor in nature.

The subject application requires determination by the Development Assessment Panel pursuant to the City of Marion Schedule of Delegations, as the proposal represents a non-complying form of development.

BACKGROUND

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

Amendments Requested	Amendments Made
Amend the design of the freestanding signs to better reflect the prominent position of the site	No change

and to complement the architectural styling of the associated building	
Reduce the length of the proposed garage/store due to the structure encroaching within the car park aisle	Garage/store length reduced from 12.0 metres to 10.0 metres
Amend the application to seek retrospective consent for the sign affixed to the western façade of the building	Application amended to include sign

SUBJECT LAND & LOCALITY

The property incorporates a total area of approximately 4,410 square metres, is irregular in shape and is situated at the south-eastern corner of the intersection of Oaklands and Diagonal Roads. Both roads are listed as arterial roads.

The land is developed with a large building for the purpose of a place of worship. The building incorporates a contemporary design, being sited towards the north-western portion of the site. A large car park, accommodating 68 spaces, is situated adjacent the eastern and south-eastern boundaries of the land.

Trees and shrubs of varying heights and age are scattered adjacent the boundaries of the site.

The locality is divided into two distinct characters. To the north and west of the site, a number of commercial land uses exist, including a shop and service station, offices, shops, service trade premises and a two storey aged care facility, commonly known as Eldercare Allambi.

Land to the east and south of the subject site largely contains single storey detached dwellings, many of which appear to be between 40 and 50 years of age. This area has a distinct and attractive residential nature, incorporating relatively low density dwellings sited on large allotments of approximately 700-800m².

Refer Attachment I & II

PROPOSED DEVELOPMENT

The application seeks to erect two freestanding signs – one adjacent the Oaklands Road frontage (west of the entrance path), and the other adjacent the Diagonal Road frontage (north of the car park entrance).

Both signs incorporate a total height of 3.7 metres, a width of 1.4 metres, and a face area (on each side) of 3.78 square metres. The signs incorporate 'The Corner' Uniting Church text and logo, opening times and contact details of the facility. Neither sign is to be illuminated.

Please note - it is sought for the signs to be erected perpendicular to the road boundaries, however, the site plan has been drafted identifying the signs at 45 degrees to the road boundaries.

Retrospective consent is sought for an additional sign, recently affixed to the upper section of the western elevation. This sign measures 2.9 metres in width, 1.7 metres in height (total area of 4.93 square metres – albeit there are substantial 'gaps' between the text and logo) and incorporates 'The Corner' Uniting Church text and logo.

The application also seeks for the erection of a garage (classified as a 'store' pursuant to Schedule 1 of the Development Regulations, 2008), to accommodate seating and other items not in regular use by church activities. The store measures 10 metres in length, 3.5 metres in width (35 square metres in area) and a wall height of 2.7 metres, and is proposed to be erected abutting the eastern-most southern boundary of the land.

PUBLIC NOTIFICATION

Properties notified:	15 properties were notified during the Category 3 public notification process.
Representations:	1 representation against the proposal was received by Council.
Persons wishing to be heard:	The representor did not identify they wish to be heard by the Panel
Summary of representations:	No specific comments provided <i>Refer Attachment IVI</i>
Applicant's response:	No response was received from the applicant

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 transport routes and public open spaces.

Principle of Development Control

- 1 The following forms of development are envisaged in the zone:
 - ... small scale non-residential uses that serve the local community, for example:
 - child care facilities
 - health and welfare services
 - open space
 - primary and secondary schools
 - recreation areas
 - shops, offices or consulting rooms....
- 2 Development listed as non-complying is generally inappropriate.
- 4 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:
 - (a) serves the needs of the local community
 - (b) is consistent with the character of the locality
 - (c) does not detrimentally impact on the amenity of nearby residents.

Northern Policy Area 13

Objectives

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

- 5 Development that reflects good residential design principles.
- 6 Development that contributes to the desired character of the policy area.

Desired Character

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

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

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

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

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development.

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

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Does Not Comply
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The above Objectives, Desired Character statement and Principles provide little guidance for the assessment of the subject proposal and are silent in respect to all forms of advertising signage whether free-standing or attached to existing buildings.

The proposal however seeks to provide signage and additional storage to an existing lawful non-residential use; a use that is typically found within residential zones and localities.

It is acknowledged the proposal is classified as non-complying, however, the subject land maintains a long-standing use as a place of worship. Further, signage is an anticipated adjunct for non-residential land uses, and given the character of the immediate locality, the proposed signage will, in my view, not look out of place, nor significantly impair the amenity of the Residential Zone.

As such, it would be unsuitable to rely solely on these provisions in assessing the proposal, rather, consideration is more appropriately confined to the Advertisements provisions below.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Advertisements

<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p>Partially Complies</p> <p>Whilst the size and location of the proposed signs are similar to others found within the locality, it is acknowledged the signs display limited architectural features that complement the form of the associated building.</p> <p>During the planning assessment of the application, the applicants were encouraged to reconsider the design of the signs to replicate/complement the architectural form of the building, however, this was not pursued.</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p><i>(a) clutter</i></p> <p><i>(b) disorder</i></p> <p><i>(c) untidiness of buildings and their surrounds</i></p> <p><i>(d) driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p>Complies</p> <p>Whilst the proposal seeks to erect three signs on the land, the wide frontage, together with the limited size and height of the signs will, in my view, not lead to clutter, disorder, untidiness of buildings or driver distraction.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p>Complies</p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p><i>(a) be completely contained within the boundaries of the subject allotment</i></p> <p><i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p><i>(c) not obscure views to vistas or objects of high amenity value.</i></p> <p><i>General Section: Advertisements: PDC 5</i></p>	<p>Partially Complies</p> <p>The proposed signs may require the pruning of nearby vegetation, however, the site comprises dense, attractive landscaping adjacent all property boundaries and minor pruning of existing plantings is unlikely to compromise the appearance of the property.</p>
<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p><i>(a) a public footpath or veranda post</i></p> <p><i>(b) a road, median strip or traffic island</i></p> <p><i>(c) a vehicle adapted and exhibited primarily as an advertisement</i></p> <p><i>(d) residential land.</i></p> <p><i>General Section: Advertisements: PDC 6</i></p>	<p>Complies</p>
<p><i>Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, unless the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.</i></p> <p><i>General Section: Advertisements: PDC 7</i></p>	<p>Complies</p>
<p><i>Signs should not be silhouetted against the sky or project beyond the architectural outline of the building.</i></p> <p><i>General Section: Advertisements: PDC 9</i></p>	<p>Complies</p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p>Does Not Comply</p> <p>The two freestanding signs incorporate exposed supporting posts.</p>

<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p><i>General Section: Advertisements: PDC 11</i></p>	<p>Complies</p>
<p>Safety</p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></p> <p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p>Complies</p> <p>The signs are not illuminated, do not comprise text/imagery that could be interpreted as a traffic sign, are unlikely to distract drivers or obscure a driver's view.</p>
<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p><i>General Section: Advertisements: PDC 16</i></p>	<p>Complies</p>
<p>Freestanding Advertisements</p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) limited to only one primary advertisement per site or complex</i></p> <p><i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i></p> <p><i>General Section: Advertisements: PDC 18</i></p>	<p>Does Not Comply</p> <p>The proposal seeks to erect two freestanding signs.</p> <p>The signs are limited in size and height – smaller than a majority of freestanding signs in the locality, and are compatible with the development on the site (albeit the signs do not incorporate a form complementary to the architectural style of the associated building).</p>
<p>Advertising along Arterial Roads</p> <p><i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p><i>General Section: Advertisements: PDC 24</i></p>	<p>Complies</p> <p>Both roads are limited to a maximum speed limited of 60 km/h</p>

It is acknowledged the proposed store is not classified as an 'outbuilding', however, given outbuildings are an anticipated form of development in the Residential Zone, it is my view it is of value to consider the proposed store against the applicable outbuilding criteria.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 12

Parameter	Value	
Maximum floor area	60 square metres	Complies
Maximum wall or post height	3 metres	Complies
Maximum building height	5 metres	Complies
Maximum height of finished floor level	0.3 metres	Complies
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Does Not Comply 10.0 metre length on boundary

Interface Between Land Uses

<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(c) vibration</i></p> <p><i>(d) electrical interference</i></p> <p><i>(e) light spill</i></p> <p><i>(f) glare</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Complies</p> <p>The store will be used for the storage of chairs, furniture and equipment not in regular use. No activities will occur within the store that should generate excessive noise to unreasonably impact upon adjoining land.</p>
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p>Complies</p>

TABLE DISCUSSION

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

The proposed freestanding signs are fully enclosed portrait-orientated rectangular structures. The signs incorporate a maximum height of 3.7 metres and 1.4 metres in width. The structures achieve an advertising display area of 3.78 square metres per side and are sited to the northern (Oaklands Road) and south-western (Diagonal Road) boundaries of the land to gain maximum visual exposure.

Whilst the proposal seeks to erect more than one sign on the site, and is therefore classified as a non-complying form of development, the property incorporates generous frontages to two arterial roads, whilst the character of the locality is such that all commercial land uses comprise a number of signs – both freestanding and affixed to the building – of varying sizes, colours and shapes.

Whilst the subject land is situated within the Residential Zone, the site maintains a long-standing use as a place of worship, with the Uniting Church operating from the site for several decades. It is anticipated that most, if not all forms of non-residential development require some signage element to provide exposure to the premises and activities conducted on the land. The signage proposed, in my view, affords reasonable exposure to the site without having an unreasonable impact upon the appearance of the site or the locality.

It is acknowledged that the proposed store incorporates a wall length of 10.0 metres; 2.0 metres greater than anticipated for outbuilding structures within the Residential Zone. Whilst this is the

case, the total 'face area' of the wall, at 27 square metres, is marginally above that considered acceptable (24 square metres; 8.0m x 3.0m), whilst the total wall height is less than that anticipated in the Zone.

The adjoining property that shares the boundary the store is proposed to be erected upon, incorporates substantial vegetation adjacent the boundary. Whilst the store is proposed to abut the northern boundary of that land, due to the density of vegetation, the extent of shadow cast is unlikely to have a negative impact upon the adjoining property.

As such, it is my view that whilst the store will result in a visual impact upon the adjoining property, this impact will not be unreasonable.

ANALYSIS/CONCLUSION

Assessment relating to the qualitative Principles of Development Control identifies the development satisfies a majority of the relevant and applicable Development Plan criteria.

The proposed signs are considered reasonable in terms of height, width and overall size and are not considered to be out of character with other similar advertisements within the locality.

It is considered that if the design of the signs was to complement the architectural form of the associated building, the appearance of the site would be enhanced. However, the applicants did not choose to pursue this option. In my opinion, when having regard to other signs in the locality, the proposed advertisements are unlikely to dominate the landscape character or result in significant visual amenity impacts on adjacent land uses.

The signs are not internally or externally illuminated and is therefore unlikely to be considered a traffic hazard to motorists using Oaklands or Diagonal Roads.

The proposed store, despite incorporating a wall length 2.0 metres greater than that anticipated for outbuildings within the Residential Zone, will not have such a negative impact upon the adjoining land as to warrant the reduction in the height or length of the structure.

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 seeking concurrence from the Development Assessment Commission.

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: 100/2016/1513 to construct a store (garage) abutting the eastern and southern boundaries, two freestanding signs adjacent the Oaklands Road and Diagonal Road frontages and a sign attached to the western facade of the building at 116-118 Diagonal Road, Warradale be GRANTED subject to seeking CONCURRENCE from the Development Assessment Commission and the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1513.
2. An amended plan, accurately identifying the location and orientation of the proposed freestanding signs shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
3. The existing freestanding sign adjacent the Oaklands and Diagonal Road intersection is to be removed from the subject land within 4 (four) weeks of the erection of the Oaklands Road or Diagonal Road sign (whichever is first).
4. The advertisement and supporting structure shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
5. The proposed signs shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.
6. The store building is only to be used for the storage of items associated with the lawful use of the site and its ancillary activities.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 5 April 2017

Agenda Ref No: DAP050417 – 2.5

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Lyndal Jane Evans

Development Description: Two storey dwelling addition, balcony and retrospective consent for deck

Site Location: 20 Paringa Avenue, Marino

Zone: Residential Zone

Policy Area: Hills Policy Area 11

Application Type: Category 1 / Consent

Lodgement Date: 17/10/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1927

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(b) of the Development Regulations 2008, which assigns the alteration or addition to an existing detached dwelling as Category 1 development.

At the request of the Manager Development and Regulatory Services, the subject application is to be determined by 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
Treatments required to provide an appropriate level of privacy to adjoining land to the north, east and south	Screening of varying heights and forms provided to the northern, eastern and southern faces of the proposed upper level, balcony and deck
The upper level should be altered to minimise	Upper level of the southern elevation altered to

visual impact upon adjoining land and to provide a greater level of articulation and visual interest	introduce 'custom orb' (colour-treated corrugated iron) or weatherboard material to the upper 'half' and the eastern 'quarter' of upper level roof removed to reduce building height
The streetscape elevation of the building should be altered to ensure habitable rooms present to the street and provide causal surveillance	Upper level floor plan altered to incorporate the main bedroom presenting to the street and the en-suite relocated to the southern side of bedroom

SUBJECT LAND & LOCALITY

The subject land is situated at 20 (Lot 52) Paringa Avenue, Marino. The property incorporates a frontage width of 15.0 metres, an average depth in the order of 53.07 metres, providing a total site area of approximately 796 square metres.

At present, an existing single storey dwelling, in good condition, occupies the site. A double-width, open carport has been constructed forward of the dwelling and an in-ground swimming pool has recently been constructed to the north-east of the dwelling.

The land is relatively flat, with a minor fall immediately adjacent the northern side boundary. Vegetation of varying heights is located throughout the property; none of which are classified as Regulated pursuant to the Development Act.

The locality is characterised by single, split-level and two storey detached dwellings on large, sloping allotments. Due to the topography of the land and opportunity to obtain attractive views to the north and west, more recent development is typically split level or two storeys in height. The locality has a high level of amenity with well-maintained dwellings and landscaped front yards.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to undertake an extension to the existing dwelling, in the form of a two storey addition.

The additions incorporate alteration to the ground floor to accommodate the stairwell, and on the upper level a bedroom with en-suite and walk-in-robe, family room, roofed deck and open balconies to the front (west) and rear (east) of the building are proposed. The application also seeks retrospective consent for the erection of a freestanding deck, situated to the south-east of the associated dwelling.

The additions incorporate a broken roof form, with two, 2-degree skillion roofs sited at opposing angles. The façade of the additions incorporate exposed render in 'surfmist', 'Hardiplank' cladding ('pale grey'), weatherboard materials ('pale grey') and exposed mini-orb in 'dark ocean blue'.

Various screening techniques are proposed along the northern façade of the building and on the northern, eastern and southern sides of the rear deck/balcony. A screen to the southern end of the existing deck is also proposed.

It is also proposed to install a panel-lift door (in 'surfmist') to the western (street) side of the existing carport.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Hills Policy Area 11

Objectives

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

Desired Character

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

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

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

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

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

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

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

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> ▪ <i>detached dwelling</i> ▪ <i>group dwelling</i>	Complies
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
<i>PDC 3</i>	<i>Development should be designed and sited to relate to the slope of the land, so that:</i> <i>(a) the bulk and scale of the buildings do not dominate the landscape</i> <i>(b) the amount of cutting and filling of the natural ground profile is minimised.</i>	Complies See comments below and in Siting and Visibility section of this report
<i>PDC 5</i>	<i>Development that would be prominently visible from the Adelaide Plains should:</i> <i>(a) achieve a profile that blends with the topography of the land</i> <i>(b) avoid the use of bright and highly reflective external materials and finishes</i> <i>(c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.</i>	Complies See comments below and in Siting and Visibility section of this report
<i>PDC 6</i>	<i>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land by:</i> <i>(a) incorporating stepping in the design in accordance with the slope of the land</i> <i>(b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.</i>	Complies See comments below

Assessment

The subject proposal seeks to construct a second storey addition to the existing dwelling, and in this regard, the proposal is consistent with the density envisaged within the Policy Area. (It is acknowledged that density is also measured by site coverage, setbacks to boundaries and the height, bulk and scale of buildings – these are discussed throughout this report).

Earthworks

The Policy Area emphasises the importance of development to be “sensitive to the...topography of the area”, so that “the amount of cutting and filling...is minimised”, preferably via split-level dwellings. Further, important features of natural character, such as watercourses and steep gullies “warrant protection from inappropriate development and earthworks”.

The site incorporates a relatively flat grade and does not propose any meaningful change to existing ground levels. As such, it is my view the proposal finds compliance with those parts of the Policy Area that seek for development to be sensitive to the topography of the area and avoid inappropriate earthworks.

Amenity

The Policy Area seeks for dwellings of more than one storey to “take account of the height and bulk of the proposed building” and “incorporate stepping...in accordance with the slope of the land”, be split level “to reduce visual bulk” and “[set] back the upper storey...from...the lower

storey". Buildings should "pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development".

The additions do not result in a split-level design, however, the existing ground floor level of the building will remain in-situ and it has been established above that the proposed works will result in minimal earthworks outside the building's footprint.

The proposed upper level walls are not stepped-in from the lower storey as sought in the Policy Area, however, due to the upper level side setbacks exceeding that sought in the Policy Area (please refer to discussion below and assessment Table further in this report) and the separation achieved to adjacent dwellings and associated private open space areas, it is my view that such a design technique is not necessary.

The proposed additions result in a maximum building height above ground floor level of 7.6 metres. As the footprint of the building incorporates a maximum height above ground level of 300mm (carport), the total building height (in accordance with the Schedule 1 definition) equates to 7.9 metres; 1.1 metres below the maximum permitted in the Policy Area, pursuant to Zone Principle 7.

The height of the building is less than a conventional dwelling, by incorporating a shallow 2-degree skillion roof pitch – a standard 25 degree pitch would likely result in a maximum height of approximately 8.9 metres.

The bulk of the additions have been reduced during the processing of the application, via the introduction of weatherboard material to the upper 'half' of the upper level southern elevation. Furthermore, the eastern 'half' of the length of the upper level roof has been removed to reduce the extent of roof form.

These treatments, combined with the setback of 3.0 metres to the northern side boundary and 3.7 metres to the southern side boundary, in my view, go some way to diluting the visual impact of the proposed additions as viewed from adjoining land.

The visual impact upon adjoining land, in my view, is further reduced given the separation to the primary areas of private open space of adjoining properties.

The land to the north, 18 Paringa Avenue, is set down some 2.2 metres below the floor level of the dwelling on the subject land. This height difference, combined with the existing 1.8 metre-high fence on the boundary will obscure, to some extent, the proposed additions. Furthermore, the dwelling at 18 Paringa Avenue incorporates three generously-proportioned private open spaces areas roofed with verandah structures – one to the east of the dwelling and two to the north – one on ground level and one at balcony level, accessed directly from the main kitchen/living/dining area. View of the proposed additions from the roofed areas of private open space is unlikely.

When one is within the un-roofed areas of private open space, whilst the additions will be prominent, this prominence is a direct result of the steep topography of the land. Such impacts are reasonably anticipated on sloping sites where the allotment pattern follows the geography of the land.

As such, I am satisfied that, when having regard to the more frequented areas of private open space, the proposed additions will not have an unreasonable impact upon the amenity of the occupants of 18 Paringa Avenue, due to building bulk or height.

The two properties to the south of the site (30 and 32 Trumara Road) are those most impacted by the proposed development.

Both dwellings at 30 and 32 Trumara Road incorporate habitable rooms and decks/balconies to the rear (north) of the building and have been designed to take advantage of the attractive views in a northerly direction.

Due to the siting of the proposed additions, the whole of the building will be apparent from the habitable rooms (living room, dining room and kitchen (and the main bedroom of 32 Trumara Road)) and the private open space areas of the adjacent dwellings.

Given the east-west orientation of the proposed additions, there will be a considerable impact upon the adjoining properties to the south. The outlook from these properties will be severely interrupted, however, for the reasons below (including loss of view assessment), it is my opinion that the visual impact of the proposed building is an acceptable one.

The height of the southern side wall equates to 6.25 metres above ground floor level, with the secondary roof section incorporating a small exposed wall, incorporating a height of 7.4 metres above ground floor level. These walls are setback 3.7 metres and 6.8 metres, respectively, from the southern side boundary; exceeding that sought in the Policy Area.

Both adjoining properties to the south are situated higher than the subject land – at 30 and 32 Trumara Road, respectively, the ground level private open space areas are approximately 1.5 metres and 2.0 metres above the ground floor of the subject dwelling.

Furthermore, the upper floors of 30 and 32 Trumara Road incorporate a level approximately 4.0 metres and 4.5 metres above the existing ground floor level of the subject dwelling, respectively, and 1.0 metre and 1.5 metres above the proposed upper floor of the subject dwelling. These dwellings are separated from the proposed additions by a horizontal distance of 20 and 16 metres for 30 and 32 Trumara Road, respectively.

The separation of the upper level provided to the southern side boundary, combined with the elevated position of the adjoining properties to the south, results, in my view, in an impact which whilst considerable, is partly an unfortunate result of the orientation of the subject land in relation to the adjoining properties. Furthermore, this impact is nonetheless one that is 'anticipated' in the Policy Area; having regard to the maximum building height, minimum side setbacks sought in the Policy Area and Council-wide design criteria.

It is acknowledged that loss of view is inextricably linked to the visual impact of any building. This is discussed further below.

Loss of view

Given that loss of view is an amenity consideration, it is important when assessing such a development to have regard to the potential loss of view(s) experienced by adjacent land if the proposed development is erected. In assessing the loss of views, I have not only had regard to the Marion Council Development Plan, but also relevant decisions of the Environment, Resources and Development (ERD) Court and Supreme Court.

In assessing the potential loss of views, it is my opinion, that the two properties most affected by the proposed development are those located at 30 Trumara Road and 32 Trumara Road, and to a lesser extent, 34 Trumara Road.

In the Supreme Court judgment of *Hutchens v City of Holdfast Bay*, Justice Debelle stated that, when determining whether to grant consent to a new building which will obstruct views enjoyed by existing developments, regard *"must be had to the nature and extent of the view, the extent to which the view will be obstructed by the proposed development, and the reasonableness of the proposal as determined by reference to planning controls"*.

Justice DeBelle endorsed a four-part test for the assessment of a development which would result in the obstructing of views of existing developments. In the interests of brevity, these are;

Step 1: Assess the views to be affected (i.e. water, land, coast etc);

Step 2: Consider from which part of the property the views were being obtained;

Step 3: Assess the extent of impact of the loss of views; and lastly

Step 4: Assess the reasonableness of the development proposal.

The following assessment considers the potential loss of view experienced by those properties identified, following the four-part test.

Introduction

Prior to undertaking a views assessment, I believe it is of value to recognise that the subject land has existed as an allotment, to the best of my knowledge, since the suburb of Marino was divided, and at the same time as those allotments most impacted by way of loss of view. The owners of the allotment have a right to develop the land, in general accordance with the Council's Development Plan.

Given the fact that adjacent dwellings are designed to take advantage of views over the subject land, and that two storey dwellings are envisaged in the Policy Area, it is inevitable that any new dwelling or upper level additions to the existing dwelling on the subject land will have an impact upon the views currently available to adjacent properties.

I believe it is also worthwhile providing context to the DeBelle J decision to the City of Marion. In *Alexander & Anor v The City of Marion* [2010] SASC 86, Bleby J stated that “[i]t should be noted that in *Hutchens v City of Holdfast Bay* the relevant Development Plan contained many more specific provisions relating to protection of coastal views...” (para 19). It was further stated that “[the] protection of coastal views receives less attention in this [Marion Council] Development Plan than in some others” (para 23).

This is not to say that view loss should not be considered – the Marion Development Plan nonetheless contains principles relating to the protection of amenity (Design and Appearance PDC 2, Siting and Visibility Obj 1, PDC 1, PDC 2, PDC 3, PDC 4 and PDC 5, Sloping land Obj 1, PDC 2 and PDC 7 and Hills Policy Area 11 Desired Character). However, it is also appropriate to conclude that the protection of views, as is now an established planning consideration, can be given less weight where the applicable Development Plan places less importance on such matters.

30 Trumara Road, Marino

Views currently available from this dwelling span from the south-west to the north-east (in a clock-wise direction), and are available from the upper level comprising kitchen, living, dining room and deck (attached to northern facade of dwelling and spanning the length of the dining and lounge rooms). All rooms have large north-facing windows to take advantage of the view. There are other rooms to the front of the dwelling, however, views are not available. Views are available from the lower (ground) level, although these views are restricted due to existing vegetation and other buildings to the north. As such, my assessment relates to the likely view loss to be experienced from the upper level.

Views available from the upper level comprise the following;

- To the south-west to north-west; the waters of Gulf St Vincent and suburban hills of Marino and Seacliff in the foreground;
- To the north; the Adelaide metropolitan coastline (over the subject land) and the western extent of the Adelaide metropolitan area; and
- To the north-east, the suburban hills of Marino.

Of the available view, based upon the DeBelle decision, view to the north comprises 'icons', being the coast and associated features, such as jetties and the Glenelg skyline.

Views can be gained in a sitting and standing position, albeit when one is standing, views are 'improved'. In addition, the views available are more generous, the further north one is within the building.

From my estimations, view loss will increase the further east one is within the dwelling. It is acknowledged that when viewed from the upper level of 30 Trumara Road (whether sitting or standing), the proposed additions will project above the horizon.

As demonstrated in Attachment IV, the following loss of view is likely to be experienced when one is positioned in the rooms and/or balcony of the dwelling at 30 Trumara Road;

- From the kitchen (western-most room); view loss will be limited to the eastern-most portion of the visible part of the Adelaide metropolitan area and the Marino hills in the foreground. Views of the coastline, icons and Gulf St Vincent will remain unaffected by the proposed additions;
- From the dining room (central room) and western portion of deck; view loss will be limited to the eastern-most portion of the visible part of the Adelaide metropolitan area and the Marino hills in the foreground. Views of the coastline, icons and Gulf St Vincent will remain unaffected by the proposed additions;
- From the lounge room (eastern-most room) and central-to-eastern portion of deck; views of the Adelaide metropolitan area will be removed and the southern 'half' of the coastline currently visible are likely to be lost. However, it is likely that the most notable 'icons' within the view, such as the Brighton and Glenelg Jetties and the Glenelg skyline should remain visible (when one is standing).

(Disclaimer: whilst every effort has been made to identify the likely 'silhouette' of the proposed additions, administration does not guarantee its accuracy).

In my opinion, of the available rooms/windows in which view is available, a majority will maintain most of the attractive view available – that is, the coastline and waters of Gulf St Vincent. It is acknowledged however, that the lounge room, where it is likely that a majority of time would be spent enjoying the outlook, is the room most affected by the proposal.

In conclusion, it is my opinion that the collective impact of view loss from the upper level of 30 Trumara Road will be 'moderate' to 'considerable'.

32 Trumara Road, Marino

The dwelling at 32 Trumara Road is sited south of the subject site. The dwelling maintains views to the Gulf St Vincent to the west and north-west, along the Adelaide metropolitan coastline to the north and western portions of the Adelaide Metropolitan area in a north-easterly direction. These views are currently enjoyed from the living room, dining room, main bedroom and deck. The proposed development will have an impact on the views that are currently experienced from the site in a northerly direction.

In my opinion, the proposed additions will have the greatest impact upon this property in terms of loss of view.

All rooms have large north-facing windows to take advantage of the view. There are other rooms to the front of the dwelling, however, views are not available. Views are available from the lower (ground) level, although these views are restricted due to existing vegetation and other buildings to the north. As such, my assessment relates to the likely view loss to be experienced from the upper level.

Views available from the upper level comprise the following;

- To the west to north-west; the waters of Gulf St Vincent and suburban hills of Marino and Seacliff in the foreground;
- To the north; the Adelaide metropolitan coastline (over the subject land) and the western extent of the Adelaide metropolitan area; and
- To the north-east, the suburban hills of Marino.

Of the available view, based upon the Debelle decision, view to the north comprises 'icons', being the coast and associated features, such as jetties and the Glenelg skyline.

Views can be gained in a sitting and standing position, albeit when one is standing, views are 'improved'. In addition, the views available are more generous, the further north one is within the building.

From my estimations, whether sitting or standing, the proposed additions will project above the horizon.

As demonstrated in Attachment IV, the following loss of view is likely to be experienced when one is positioned in the rooms and/or balcony of the dwelling at 32 Trumara Road;

- From the lounge room (the western- and northern-most room within the dwelling), it is likely the proposed additions will remove the eastern 'half' of the view of the waters of Gulf St Vincent and the entirety of the Adelaide metropolitan coastline, including 'icons' such as jetties and the Glenelg skyline. View of the western 'half' of the available view of the Adelaide metropolitan area is also likely to be prevented.
- From the dining room, located somewhat centrally within the dwelling, views are funnelled to the north, due to the positioning of the lounge room (to the north-west) and the adjacent dwelling constructed on the property boundary (to the north-east).

The proposed additions are likely to remove the entirety of the Adelaide metropolitan coastline, including 'icons' such as jetties and the Glenelg skyline from view. View of the western 'half' of the available view of the Adelaide metropolitan area is also likely to be prevented, although it should be noted that view of the eastern 'half' is currently hampered by existing vegetation on this property.

- From the deck, located north of the dining room, it is likely the proposed additions will remove the eastern 'half' of the view of the waters of Gulf St Vincent and the entirety of the Adelaide metropolitan coastline, including 'icons' such as jetties and the Glenelg skyline from view. A small section of the western extent of the available view of the Adelaide metropolitan area is also likely to be prevented, although it should be noted that view of a majority of the Adelaide metropolitan area is currently hampered by existing vegetation on this property.
- From the bedroom, the eastern-most room in the dwelling with a view, the proposed additions will remove a majority of the view of the waters of Gulf St Vincent and a majority of the Adelaide metropolitan coastline (with parts south of the Brighton jetty likely to be visible), although it should be noted that view of the remaining part of the coastline visible is currently hampered by existing vegetation on this property. A majority of the available view of the Adelaide metropolitan area is likely to remain intact, albeit screened by existing vegetation.

In conclusion, it is my opinion that the impact of the proposed additions upon the view available from 32 Trumara Road can be described as 'significant' to 'severe'.

34 Trumara Road, Marino

The dwelling at 34 Trumara Road is sited south-east of the subject dwelling. The dwelling maintains views to the Gulf St Vincent to the west and north-west, along the Adelaide metropolitan coastline to the north and western portions of the Adelaide Metropolitan area in a north-easterly direction.

All rooms have large north-facing windows to take advantage of the view. There are other rooms to the front of the dwelling, however, views are not available. Views are available from the lower and upper levels. These views are currently enjoyed from the living room kitchen and dining room (ground floor) and two bedrooms, rumpus and balcony on the upper level. The proposed development will have an impact on the views that are currently experienced from the site in a north-westerly direction.

Views available from the middle and upper level comprise the following;

- To the west to north-west; the waters of Gulf St Vincent and suburban hills of Marino and Seacliff in the foreground;
- To the north; the Adelaide metropolitan coastline (over the subject land) and the western extent of the Adelaide metropolitan area; and
- To the north-east, the suburban hills of Marino.

Of the available view, based upon the Debelle decision, view to the north comprises 'icons', being the coast and associated features, such as jetties and the Glenelg skyline.

Views can be gained in a sitting and standing position, albeit when one is standing, views are 'improved'. In addition, the views available are more generous, the further north one is within the building.

From my estimations, whether sitting or standing, the proposed additions are unlikely to project above the horizon.

Due to the positioning of the proposed additions in relation to the existing dwelling at 34 Trumara Road, view of the Gulf of St Vincent from the ground floor is likely to be interrupted, however, from the upper floor, only the southern-most portion of view of the Gulf of St Vincent will be screened.

All of the view of the Adelaide metropolitan coastline and metropolitan area, from the ground and upper floors, will remain unaffected by the proposal.

In conclusion, it is my opinion that the impact of the proposed additions upon the view available from 34 Trumara Road can be described as 'minor'.

Following the Debelle decision, one must also consider the reasonableness of the proposal, having regard to the relevant planning controls.

Building height

Following the legal interpretation of 'building height' as contained within Schedule 1 of the Development Regulations 2008, the proposed additions incorporate a building height of 7.9 metres.

Zone Principle 7 identifies a maximum building height of two stories and 9.0 metres for new development in the Hills Policy Area 11.

As identified earlier in this report, the proposed additions, which incorporate a shallow 2 degree roof pitch, sits well below the maximum building height anticipated for the Policy Area, equating to a maximum building height (as per the Schedule 1 definition) of 7.9 metres).

Boundary setbacks

As identified above and as can be seen in the table below, the proposed additions exceed the front, side and rear setbacks sought in the Policy Area.

As such, when having regard to the maximum building height and front, side and rear setbacks sought in the Policy Area, the building additions sit comfortably within the maximum 'silhouette' anticipated.

Building bulk/scale

The proposed additions incorporate a reasonable level of articulation provided to the front, side and rear elevations; breaking up the bulk of the building when viewed from adjoining land.

To avoid repetition, as has been identified above in assessment against the Objectives, Principles and Desired Character of the Policy Area, and assessed below in the Design and Appearance section of this report, it has been concluded that the bulk and scale and visual impact of the building will not result in unreasonable impacts upon adjoining land.

Site coverage and floor area ratio

The proposal incorporates a site coverage of 27.3% and a floor area ratio of 0.33 – well below the maximum anticipated for the Policy Area (35% and 0.4, respectively). These figures indicate the dwelling does not extend over a large proportion of the property; reinforced by the fact that over 58% of the land is provided as ground-level private open space.

Conclusion

I consider the view loss likely to be experienced from 30 Trumara Road as 'moderate' to 'considerable'.

I consider the view loss likely to be experienced from 32 Trumara Road as 'significant' to 'severe'.

I consider the view loss likely to be experienced from 34 Trumara Road as 'minor'.

Whilst the additions will have a substantial impact upon the views and therefore the amenity of adjoining properties, it is of utmost importance to have regard to the form of development anticipated in the Policy Area – or as put by Debelle J, "*the reasonableness of the proposal as determined by reference to planning controls*".

Furthermore, it should be recognised that whilst view loss is a recognised planning consideration, Bleby J (Alexander & Anor v The City of Marion [2010] SASC 86) stated "[i]t should be noted that in *Hutchens v City of Holdfast Bay* the relevant Development Plan contained many more specific provisions relating to protection of coastal views..." (para 19). It was further stated that "[the] protection of coastal views receives less attention in this [Marion Council] Development Plan than in some others" (para 23).

As described above, the built form 'silhouette' of the additions sit well within that anticipated by the Policy Area. Arguably, a taller, more robust building could also find a high level of compliance with the applicable policies.

As identified throughout this report, the proposed additions, find a very high level of compliance with the applicable design criteria. When having regard to the Council's Development Plan as a whole, I do not consider it appropriate that amendments to the design of the additions, nor

refusal of the application are warranted due to the impact of the views (as severe as it is from some rooms) available from adjoining properties.

To this end, it is my opinion that the extent of view loss is not of a magnitude as to warrant amendments to the proposal or refusal of the application having regard to the high level of compliance achieved by the proposal and the intent of the Development Plan as a whole.

Impact on landscape

The Desired Character statement of the Policy Area seeks that buildings do “not dominate the landscape” via bulk and scale.

When considering whether the additions “dominate the landscape” via bulk and scale, it should be acknowledged that as viewed from the north, the additions will represent continuation of the two storey form constructed on adjacent land, and given the height of the dwellings to the south, the proposed additions will not protrude above their roofline. (It is anticipated the roof of the proposed additions will be marginally higher than the upper floor of the dwellings at 30 and 32 Trumara Road).

The larger of the two skillion roof forms complements the slope of the land, softening the built form and reducing the prominence of the dwelling within the local landscape, as sought by Policy Area Objectives 2 and 3, the Desired Character statement, Sloping Land Principle 2(c) and Siting and Visibility Principles 4(a) and 4(b).

As such, it is my view that the additions will not “dominate” the landscape for the reasons listed above.

Environmental impacts

The Objectives, Principles and Desired Character of the Policy Area seek for minimal environmental impacts, and encourage the revegetation of land. The Desired Character statement also seeks for the employment of natural materials and the avoidance of bright and reflective colours and materials.

At present, the property is relatively free from substantial vegetation. ‘Investment’ of the property will provide the occupants opportunity to enhance the greening of the property.

The additions comprise a mix of colours and materials that will present an attractive development, complementary to a number of more recently-constructed dwellings within the locality.

It is likely that some reflection will occur from the upper level north-facing windows, however the generous eave overhang will provide shading to glazing for a large proportion of the day.

The use of ‘slate grey’ roofing will soften the appearance of the dwelling within the landscape, and the use of ‘pale grey’ and ‘woodland grey’ colours and use of exposed, stained timber are appropriate selections with respect to that sought in the Policy Area.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage			
<p><i>Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area and a maximum floor area ratio of 0.4.</i></p> <p><i>Hills Policy Area 11: PDC 7</i></p>		<p>Site coverage:</p> <p>Complies – 27.34%</p> <p>Floor area ratio:</p> <p>Complies – 0.33</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>Site coverage does not exceed criteria</p>	
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>		<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>	
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>		<p>Complies</p> <p>Approximately 35% of the site will remain undeveloped</p>	
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		<p>Complies</p> <p>66% of the site will be available as private open space to the side and rear of the dwelling, at ground level and via decks/balconies.</p>	
Site area of dwelling	Minimum area of POS		Provisions
175 square metres or greater	20 per cent of site area		<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>
<p><i>Residential Zone: PDC 7</i></p>			

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwelling and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply</p> <p>e) The POS areas are likely to be directly overlooked by adjacent buildings, however, the proposed additions will provide some privacy to the upper level POS areas via a roof and screening.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Minimum setback from primary road frontage where no established streetscape exists:</i></p> <p><i>Minimum setback from primary road frontage where an established streetscape exists:</i></p> <p><i>8 metres from arterial roads shown on Overlay Map – Transport and any road within Hills Policy Area 11.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The front setback to the main face of the proposed additions are no closer than the existing dwelling and will measure 13.2 metres.</p>
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality. 34</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies</p> <p>The front setback remains consistent with the existing single storey dwelling on the land. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>

<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is greater than 6 metres:</i></p> <p><i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i></p> <p><i>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Northern wall: 6.7m in height – setback 3.0 metres (min 2.7m sought)</p> <p>Southern wall: 6.4m in height - setback 3.7 metres (min 3.4m sought)</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>As discussed in the Zone and Policy Area assessment, 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 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>
Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 8 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres)</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies Minimum setback of 22.4 metres</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>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 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

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

Residential Zone: PDC 6

Complies

The proposed additions incorporate a maximum building height of 7.9 metres (as per the Schedule 1 definition), which is less than the maximum permitted in the Policy Area.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 12

Parameter	Value	
Maximum floor area	60 square metres	No change to existing area of carport
Maximum wall or post height	3 metres	No change to height of existing carport
Maximum building height	5 metres	No change to height of existing carport
Maximum height of finished floor level	0.3 metres	No change to floor level of existing carport
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.	No change to setback of existing carport, however, the proposal does seek to provide a panel-lift door to the western (street) end of the carport.
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall	No change to side setback of existing carport
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)	No change to width of existing carport
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		No change to setback of existing carport

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

Following the proposed additions, the dwelling will incorporate four bedrooms, whereby four on-site parking spaces will remain available.

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
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	<p>more bedrooms one of which is to be covered.</p>	
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>		
<p>Design & Appearance</p>		
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Partially Complies</p> <p>The proposed additions reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of stone, horizontal cladding and render on the front façade • Protruding portico and balcony • Eave overhang and skillion roof form at 2 degree slope • Fenestration <p>The dwelling incorporates a 2 degree Colorbond roof in Slate Grey.</p> <p>The render and weatherboard materials and garage door are 'surfmist' in colour. This colour may result in excessive glare as sought to be avoided by the Desired Character of the Hills Policy Area.</p> <p>As such, it has been included as a recommended condition of consent that a revised colour schedule be provided, that incorporates darker, 'earthier' tones.</p>	
<p><i>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i> <i>(b) include balustrade detailing that enables line of sight to the street</i> <i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p><i>General Section: Design & Appearance: PDC 5</i></p>	<p>Complies</p> <p>The proposed front balcony is integrated into the portico design, with clear glass balustrade that enables line of sight to the street.</p>	
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Partially Complies</p> <p>The existing dwelling maintains the entrance door to the northern façade, which is not visible from the street. The location of the entry door is to remain in situ.</p> <p>The proposed additions will, however, improve the presentation of the dwelling when viewed from the street, by providing a habitable room presenting to the street, with windows and balconies to provide passive surveillance.</p>	
<p>Relationship to the Street and Public Realm</p>		
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p>	<p>Complies</p> <p>The additions have been designed so that the main facade faces the primary street frontage, presenting a balcony and habitable windows to the street.</p>	

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

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

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

a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall not be shadowed by the proposed additions;

b) A majority of winter shadow will be cast within the northern portion of the rear yards of the adjacent properties, which does not form the primary area of private open space (POS).

Shadow cast will fall upon the sloping and vegetated yard area of 30 Trumara Road, whereas the paved, ground level area of POS and upper level balcony will be free from shadow throughout the year.

Shadow cast upon 32 Trumara Road will generally fall onto the existing outbuilding and the vegetated area comprising a lemon tree and other plants. The primary area of POS and upper level balcony will be free from shadow throughout the year.

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

During the assessment of the application, it was requested the privacy of the adjoining allotments to the north, east and south be maintained.

The architect has designed the proposed screening treatments to the northern façade of the additions and balcony/deck to ensure that all persons standing anywhere within the rear/side yard areas of the adjoining properties

at 14 and 18 Paringa Avenue will be screened from view (please refer to line-of-sight diagram in Attachment III).

Cross-reference of the line-of-sight diagrams with Council's records regarding the level of the adjoining properties and position of dwellings on those allotments confirm the screening provided should ensure a high level of privacy for the occupants of those properties, whilst maintaining attractive view in a northerly direction.

In addition to the privacy treatments to the northern side of the upper level deck/balcony, the eastern and southern sides will incorporate timber slat screening to a height of 1700mm. This screening should provide appropriate privacy to the occupants of adjoining land, whilst providing privacy to the residents of the subject dwelling by limiting downwards views into this area of private open space.

The applicant also seeks to provide screening to the southern side of the existing freestanding deck, to provide mutual privacy between the land to the south. This screening will provide mutual privacy between the subject land at the allotment to the direct south.

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

The dwelling has 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.

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

General Section: Design & Appearance: PDC 12

Complies

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 additions 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 addition is 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 additions incorporate a skillion roof form set at a 2 degree pitch, with a large north-facing section upon which solar collectors could be sited efficiently.

Sloping Land

Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:

- (a) minimises their visual impact*
- (b) reduces the bulk of the buildings and structures*
- (c) minimises the extent of cut and/or fill*
- (d) minimises the need for, and the height of, retaining walls*
- (e) does not cause or contribute to instability of any embankment or cutting*
- (f) avoids the silting of watercourses*
- (g) protects development and its surrounds from erosion caused by water runoff.*

General Section: Sloping Land: PDC 2

Complies

As discussed previously in this report, it is considered the design of the additions has had reasonable regard to minimise the visual impact and bulk of the works proposed.

Siting and Visibility

Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:

(a) the profile of buildings should be low and the rooflines should complement the natural form of the land

(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land

(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.

General Section: Siting and Visibility: PDC 4

Complies

The larger of the two roof pitches of the dwelling complements the natural fall of the local topography, whilst the break in the roof pitch combined with the introduction of two materials to the southern upper level and separation from the southern side boundary results in an acceptable visual impact upon adjoining land and the locality.

The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.

General Section: Siting and Visibility: PDC 5

Complies

ANALYSIS/CONCLUSION

The proposed dwelling additions demonstrate a high level of compliance with Council's Development Plan.

Whilst the additions will have a significant impact upon the views and therefore the amenity of adjoining properties to the south, it is utmost importance to have regard to the form of development anticipated in the Policy Area – or as put by Debelle J, "*the reasonableness of the proposal as determined by reference to planning controls*".

Furthermore, it should be recognised that whilst view loss is a recognised planning consideration, Bleby J (Alexander & Anor v The City of Marion [2010] SASC 86) stated "*[i]t should be noted that in Hutchens v City of Holdfast Bay the relevant Development Plan contained many more specific provisions relating to protection of coastal views...*" (para 19). It was further stated that "*[the] protection of coastal views receives less attention in this [Marion Council] Development Plan than in some others*" (para 23).

The proposal will disrupt views currently enjoyed from the dwellings and associated balconies of 30 and 32 Trumara Road, and to a lesser extent, 34 Trumara Road. The preceding assessment has identified that whilst views, including those containing 'icons' will be lost (depending upon where one is positioned within the respective dwellings), the proposed achieves a very high level of compliance with Council's Development Plan.

The proposal is entirely reasonable when having regard to built form 'silhouette' anticipated within the Policy Area (building height, front, side and rear setbacks, roof pitch orientation and building bulk/scale), and as such, I cannot conclude that amendments should be requested, or that refusal of the application is warranted due to the loss of views likely to be experienced by adjoining land.

In conclusion, having regard to the nature of the impacts associated with the development and the compliance of the proposal with a majority of design criteria, I am of the view that the proposed development is not seriously at variance to the Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

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: 100/2016/1927 for a two storey dwelling addition and balcony and retrospective consent for deck at 20 Paringa Avenue, Marino 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. 100/2016/1927, except when varied by the following conditions of consent.
2. All devices/treatments proposed to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

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.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 April 2017

Agenda Ref No: DAP050417 – 2.6

Originating Officer: Kristen Sheffield
Development Officer - Planning

Applicant: Alexander Symonds Pty Ltd

Development Description: Residential land division (Torrens Title- 1 into 4 allotments) as well as two pairs of two-storey semi-detached dwellings.

Site Location: 37 Castle Street, Edwardstown

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: 100/2016/1886

Recommendation: That Development Plan Consent and Land Division Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(iii)) of the Development Regulations 2008, which assigns the construction of one or more sets of semi-detached dwellings, provided that no such dwelling is more than two 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 320 square metres required for semi-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
The private open space of Residence 1, 2 and 3 should be increased to more closely align with minimum sought for semi-detached dwellings within the Northern Policy Area (20% of 320 square metres = 64 square metres).	POS of Residence 1,2 and 3 increased from 34.1 square metres to 59 square metres, exceeding 20% of the proposed site areas.

POS should incorporate minimum dimensions of 5 metres by 5 metres.	Minimum POS dimensions provided for each dwelling.
The lower levels of the dwellings should incorporate a roof form complementary to that of the upper levels in order to reduce the expanse of upper level walling.	Roof forms unchanged. However, further articulation provided to the upper level walls via varied materials and additional fenestration.
Upper level windows not facing the primary or secondary street frontages should be fixed and obscured to a level of 1.7 metres above the upper floor level.	Rear facing windows fixed and obscured to 1.7 metres above the upper floor level. North facing upper level window of Residence 1 obscured, but not fixed (addressed via recommended Condition of Consent 5)
Information Requested	Information Provided
A fully engineered site works and drainage plan.	Not provided. Conditioned.
Sectional details of the proposed party wall system.	Provided.
Written confirmation from SA Power Networks that the stobie pole forward of the subject land on Macklin Street (within the proposed crossover of Residence 3 and 4) may be removed/relocated.	Provided.

SUBJECT LAND & LOCALITY

The subject site is located at 37 Castle Street, Edwardstown. The land comprises a corner allotment, with a southern primary street frontage to Castle Street of 19.14 metres, a western secondary street frontage to Macklin Street of 46.66 metres, and a total site area of 893 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access provided from Macklin Street. Several ancillary structures are located to the rear of the dwelling, and the contour of the land is relatively flat. While several trees are located on the subject land (including a large Lemon-Scented Gum- *Corymbia citriodora*), 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 semi-detached, row and group dwellings), and single-storey detached dwellings at low densities, which are representative of the original dwelling stock.

The subject land is sited some 400 metres walking distance to the north-east of a public open space reserve which includes picnic tables and a children's playground. The Edwardstown Railway Station is located approximately 400 metres walking distance to the south-east of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the sub division of the land to create three additional allotments (four in total) as well as the construction of two pairs of two-storey semi-detached dwellings with associated car parking and landscaping; all incorporating a primary frontage to Macklin Street.

The ground floor proposal for each dwelling includes a bedroom with an ensuite, laundry, separate WC and open-plan kitchen, living and dining areas, as well as a single garage, while the second floor of each dwelling comprises two bedrooms and a bathroom.

The proposal incorporates a mixture of colours and materials to the front façade of each dwelling, including face brickwork, vertical and matrix cladding and render finishes. Landscaping is also proposed and is to be provided within side and rear yards and to the front of each dwelling.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

SA Water:	Refer to <i>Attachment IV</i> for the standard SA Water land division comments.
Development Assessment Commission (DAC):	Refer to <i>Attachment IV</i> for the standard DAC land division comments.

Refer Attachment IV

INTERNAL DEPARTMENT COMMENTS

Open Space:	A street tree sited within the nominated driveway crossover servicing Residence 1 and 2 may be removed subject to payment of \$350 + GST for the trees removal and replacement.
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>
Northern Policy Area 13
<p>Objectives</p> <p><i>1 A policy area primarily comprising low scale, low to medium density housing.</i></p> <p><i>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i></p> <p><i>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</i></p> <p><i>4 Development densities that support the viability of community services and infrastructure.</i></p> <p><i>5 Development that reflects good residential design principles.</i></p> <p><i>6 Development that contributes to the desired character of the policy area.</i></p>

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.

<p>PDC 1</p>	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	<p>Complies</p>
<p>PDC 2</p>	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>Complies</p>
<p>PDC 3</p>	<p><i>Minimum Site Area: 320m²</i></p>	<p>Does Not Comply Residence 1: 213.4m² Residence 2: 213.4m² Residence 3: 213.4m² Residence 4: 252.8m²</p>
	<p><i>Minimum Frontage: 9m</i></p>	<p>Complies Residence 1: 11.15m Residence 2: 11.15m Residence 3: 11.15m Residence 4: 13.21m</p>
	<p><i>Minimum Depth: 20m</i></p>	<p>Does Not Comply Residence 1: 19.14m Residence 2: 19.14m Residence 3: 19.14m Residence 4: 19.14m</p>

Assessment

Objectives & Desired Character

The application proposes to replace an existing single-storey detached dwelling in average condition, with two pairs of two-storey semi-detached dwellings which is 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.

Given that the subject land is located with acceptable walking distance of public transport routes and public open space, 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

A minimum site area of 320 square metres is prescribed for semi-detached dwellings in the Northern Policy Area 13, which equates to a shortfall of 106.6 square metres (33.3%) for each Residence 1, 2 and 3 and 67.2 square metres (21%) for Residence 4. This results in a 30.2% discrepancy for the total site area.

Given the substantial 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 the applicant to 'join' Residence 2 and 3, the proposed dwellings would be classified as row dwellings, which are permitted a minimum site area of 250 square metres per dwelling within this Policy Area. The subject land maintains an overall site area of 893 square metres; resulting in an average site area of 223.25 square metres per dwelling. Accordingly, the proposed site areas fall 10.7% short of that anticipated for row dwellings.

In this regard, it is of value to acknowledge that despite the allotments falling significantly short of the minimum site areas sought for semi-detached dwellings, there are a number of positive outcomes to the streetscape and amenity of future occupants in proposing this dwelling type over row dwellings which would more closely align with the desired site areas. The level of separation achieved between Residence 2 and 3, both at ground level (2.14 metres) and the upper level (5.6 metres) is considered to assist in reducing the bulk and scale of the dwellings, whilst providing side access to the rear of each allotment and greater opportunities for natural light. This consideration is particularly relevant when compared to row dwellings, which would more closely align with the minimum site area sought in the layout proposed, but would generally result in a greater amount of built form and thereby limit rear access/natural light to the internal two dwellings. In staff's view, it is preferable for two, two storey buildings to be erected (despite the 'technical' shortfall in site area), as such a built form has the opportunity to have a lesser impact via building bulk than could be achieved with four, two storey dwellings joined together.

Notwithstanding this, the proposed site areas still fall short of that anticipated for row dwellings, which are permitted the smallest site area of any dwelling type. For comparison, the Medium Density Policy Area 12 (which permits smaller site areas) seeks for minimum site areas 210 square metres for row dwellings. As such, the proposal results in a density more akin to the Medium Density Policy Area 12, than the Northern Policy Area 13.

The considerations above demonstrate that while the shortfall in site area for the proposed dwelling type is substantial, the outcome may be preferable to that of row dwellings, despite the alternate dwelling type resulting in a lesser shortfall in site area. Accordingly, the extent of the shortfall in site areas is acknowledged and considered on balance with the proposal's merits.

Site Depth

The proposed allotments comprise a site depth of 19.14 metres, where a minimum of 20 metres is prescribed. However, it is noted that the proposed allotments incorporate frontage widths in excess of the minimum requirement of 7 metres. Accordingly, the dwellings have been designed to take advantage of the width of the allotment, with the shortfall in site depth not readily apparent adjoining land (as discussed further in this report).

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: Does Not Comply Residence 1: 49.8% (106.3m²) Residence 2: 49.8% (106.3m²) Residence 3: 49.8% (106.3m²) Residence 4: 42.1% (106.3m²)</p> <p>Floor area ratio: Complies Residence 1: 0.57 (120.8m²) Residence 2: 0.57 (120.8m²) Residence 3: 0.57 (120.8m²) Residence 4: 0.48 (120.8m²)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> <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> <p><i>Residential Zone: PDC 9</i></p>	<p>Partially Complies The proposal maintains a shortfall in front setback, but otherwise maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i> <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> <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 Approx. 24.4% (218m²)</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

Residence 1: 27.6% (59m²)
Residence 2: 27.6% (59m²)
Residence 3: 27.6% (59m²)
Residence 4: 33% (83.5m²)

All dwellings feature POS directly accessible from a living room with minimum dimensions of 5x5m and a gradient less than 1-in-10.

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.
- 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.

Partially Complies

- g) The proposed POS areas maintain an easterly aspect which should nonetheless receive some access to northern sunlight to provide for comfortable year round use.

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

Partially 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 4.54 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:
Greater than 2 metres	At least the average setback of the adjoining buildings

General Section: Design and Appearance: PDC 22

Partially Complies

4.54 metres

(Dwelling on adjoining land set back approximately 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.

The proposed dwellings are sited on an existing corner allotment. The proposed front setbacks to Macklin Street are greater than what could be expected of a secondary street setback to this street. The front setbacks are also compatible with those of new dwellings also on corner allotments and presenting to Macklin Street further north of the subject land, albeit acknowledging these are single-storey in nature. Nonetheless, I am of the view that the proposed front setback contributes positively to the streetscape.

Minimum setback from secondary road frontage: 2 metres

Residential Zone: PDC 6

Complies

Residence 4: 3m increasing to 4.8m and 5.11m

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

Partially Complies

Lower level (wall height of 3.3m)

Residence 1: 1.07m
Residence 2: 1.07m
Residence 3: 1.07m
Residence 4: 1.07m

Complies

Upper level (wall height of 6.25m)

Residence 1: 3.11m
Residence 2: 3.11m
Residence 3: 3.11m

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

<p><i>Minimum setback from rear boundary:</i></p> <p><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>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Complies</p> <p><u>Lower level (wall height of 3.3m)</u></p> <p>Residence 1, 2 & 3: 2.5m (55.2%) increasing to 5m and 10.9m</p> <p>Residence 4: 2.5m (46.6%) increasing to 5m and 10.9m</p>
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<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear 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>
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Building Height

<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 8 metres, which is less than the maximum permitted in the Policy Area.</p>
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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>Each proposed garage is incorporated under the main roof of the associated dwelling.</p>
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<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>		
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. Outbuildings should not protrude forward of any part of the associated dwelling.	Complies The garage of each dwelling incorporates a 5.5 metre setback from the primary road frontage, 0.96 metres behind the main face of the associated dwelling.
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 Residence 1: 29.6% (3.3m) Residence 2: 29.6% (3.3m) Residence 3: 29.6% (3.3m) Residence 4: 25% (3.3m)
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users (b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		Complies
Vehicle Parking		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		Complies Each dwelling features three bedrooms and two on-site car parking spaces (one of which is covered).
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>		Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Public transport opportunities are located in walking distance of the dwellings. c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 6 on-street car parking spaces shall remain available adjacent the subject land on both Macklin and Castle Streets.

<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 6 on-street car parking spaces are provided for the proposed allotments, which exceeds the requirements of PDC 22.</p>
Access	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p style="margin-left: 20px;"><i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Partially Complies Residence 1 & 2: 6.96m Residence 3 & 4: 6.96m</p> <p>The number of crossovers have been minimised, however the width of the combined crossovers exceeds that anticipated. However, given the proposed development maintains adequate on-street car parking, and features generous landscaping forward of the dwellings in order to soften the appearance of the additional paved areas, this area of non-compliance is considered to be of minor impact.</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 The proposed crossover to Residence 1 and 2 results in the removal of a juvenile street tree, which Council's Arborist has confirmed may be removed and replaced subject to payment of \$350 + GST. The proposed crossovers are located more than 2 metres from another existing street tree on Macklin Street.</p> <p>A stobie pole is located within the location of the proposed crossover to Residence 3 and 4. SA Power Networks has provided that the stobie pole may be relocated subject to the costs being borne by the applicant. It has been included as a recommended condition of consent that the stobie pole be removed/relocated prior to occupation of the dwellings and/or prior to Section 51 Clearance being issued for the proposed land division, whichever occurs first.</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 style="margin-left: 20px;"><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p>	<p>Complies The proposed dwellings reflect the desired character of the locality, and incorporate a relatively contemporary design.</p> <p>Each dwelling incorporates face brickwork to the lower level and a mixture of vertical and matrix cladding to the upper level.</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>The upper levels of the dwellings comprise a hipped roof form, while a parapet design has been adopted to the lower levels. While this results in a greater expanse of upper level walling being viewed from the streetscape and adjoining properties (as opposed to a portion of the upper level walls being 'hidden' by a pitched or hipper roof form to the lower levels), stepping is provided between the lower and upper levels with articulation achieved via an appropriate mix of materials, finishes and fenestration, avoiding extensive areas of uninterrupted walling exposed to public view.</p> <p>The proposed materials should not result in unreasonable 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>
<p>Relationship to the Street and Public Realm</p>	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door and habitable windows to the street.</p> <p>The elevations of the dwellings feature a mixture of render and horizontal cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>

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 secondary street boundary, a majority of winter shadow will be cast within the side yard of proposed Residence 4. While some shadow will be cast into the eastern adjoining property this will only occur during 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

Partially Complies

The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the rear elevations. The upper level northern side window is indicated to be obscured, but not fixed. It has been included as a recommended condition of consent that this window be fixed to at least 1.7 metres above the upper floor level, with an amended elevation to be submitted to Council for consideration and approval prior to issuing Development Approval.

Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

- (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 nonetheless receive some northern winter sunlight.

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

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

Partially Complies

The dwellings incorporate hipped roof forms set at a 22.5-degree pitch. Residence 1 and 3 include north-facing sections upon which solar collectors could be sited efficiently. While the proposed roof forms do not include north facing sections to Residence 2 and 4, solar collectors could nonetheless be sited on the west facing sections and operate at adequate efficiency.

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

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

LAND DIVISION ASSESSMENT

The relevant objectives and principles of development control from the General Section: Land Division section of the Marion Council Development Plan are listed and assessed in the following table:

Land Division	
<p>Objectives</p> <p><i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing underutilised infrastructure and facilities.</i></p>	<p>Complies</p>
<p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>	<p>Complies</p>
<p><i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i></p>	<p>Complies</p>
<p>Principles of Development Control</p> <p><i>When land is divided:</i></p> <p><i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i></p> <p><i>(b) a sufficient water supply should be made available for each allotment</i></p> <p><i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i></p> <p><i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></p> <p><i>General Section: Land Division: PDC 1</i></p>	<p>Complies</p> <p>a) Stormwater is capable of being drained safely and efficiently from the allotment, subject to recommended conditions of consent 6, 7 and 8.</p> <p>b) SA Water have confirmed that water supply is available (subject to conditions).</p> <p>c) SA Water have confirmed that sewerage connection is available (subject to conditions).</p> <p>d) N/A</p>
<p><i>Land should not be divided if any of the following apply:</i></p> <p><i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i></p> <p><i>(b) any allotment will not have a frontage to one of the following:</i></p> <p style="padding-left: 20px;"><i>(i) an existing road</i></p> <p style="padding-left: 20px;"><i>(ii) a proposed public road</i></p> <p style="padding-left: 20px;"><i>(iii) access to a public road via an internal roadway in a plan of community division</i></p> <p><i>(c) the intended use of the land is likely to require excessive cut and/or fill</i></p> <p><i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i></p> <p><i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i></p> <p><i>(f) the intended use of the land would be contrary to the zone objectives</i></p> <p><i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></p> <p><i>General Section: Land Division: PDC 2</i></p>	<p>Complies</p> <p>a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use.</p> <p>b) All allotments will have a frontage to the public road.</p> <p>c) Minor cut/fill is required.</p> <p>d) Erosion is unlikely.</p> <p>e) The area is sewerred.</p> <p>f) The intended use of the allotments is consistent with the zone objectives.</p> <p>g) The allotments are located wholly within the zone and policy area.</p>
<p><i>Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p> <p><i>General Section: Land Division: PDC 3</i></p>	<p>Complies</p>

<p><i>The design of a land division should incorporate:</i></p> <p><i>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</i></p> <p><i>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</i></p> <p><i>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</i></p> <p><i>(d) suitable land set aside for useable local open space</i></p> <p><i>(e) public utility services within road reserves and where necessary within dedicated easements</i></p> <p><i>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</i></p> <p><i>(g) protection for existing vegetation and drainage lines</i></p> <p><i>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</i></p> <p><i>(i) the preservation of significant trees.</i></p> <p><i>General Section: Land Division: PDC 7</i></p>	<p>Complies</p>
<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p><i>(a) minimises the need for earthworks and retaining walls</i></p> <p><i>(b) maintains natural drainage systems</i></p> <p><i>(c) faces abutting streets and open spaces</i></p> <p><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></p> <p><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p> <p><i>General Section: Land Division: PDC 10</i></p>	<p>Complies</p>

TABLE DISCUSSION

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

- Site coverage
- Front setback

Site coverage

The Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas Residence 1, 2 and 3 each comprise site coverage of 49.8%, while site coverage of 42.1% is observed for Residence 4. This equates to an average of 47.6% site coverage for the whole of the subject land. The following considerations are noted with regard to the discrepancy in site coverage;

- a) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below). Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.
- b) The proposal is considered to generally comply with PDC 13 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.

- c) 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 proposed dwellings incorporate a front setback of 4.54 metres from the primary street frontage, where the Development Plan seeks for a front setback equal to that of adjoining dwellings with the same primary street frontage.

The dwelling directly north of the subject land comprises a front setback of approximately 7.5 metres. It is noted that a number of other dwellings towards the southern end of Macklin Street maintain generous front setbacks, and therefore the proposed dwellings will be of greater visual prominence. This being said, the property opposite the subject land comprises a secondary frontage to Macklin Street and incorporates a structure (with a significant wall height) on the boundary. Further, other dwellings towards the northern end of Macklin Street (and also on corner allotments) comprise front setbacks of between 4.5 and 5 metres.

It is further considered that the subject land is located within the Determined Area for the purposes of Schedule 4, whereby a two-storey dwelling designed to maintain a primary frontage to Castle Street, could incorporate an upper level setback of 0.9 metres to Macklin Street “as of right” (i.e. without an assessment against Development Plan criteria).

PDC 23 (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 Northern Policy Area 13 specifically encourages replacement of original dwelling stock with higher densities. This vision implies that lesser setbacks should be established in order to create a more efficient use of land to facilitate the increased density envisaged.

Given the inconsistent streetscape in the immediate locality and that the subject land comprises a corner allotment, and having regard to the likely visual impact of what may occur “as of right”, the proposed setbacks of 4.54 metres are considered to provide an appropriate entrance to Macklin Street. On balance, the proposed separation from the street boundary is considered to contribute positively to the function, appearance and desired character of the locality.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it achieves an increase in dwelling densities in close proximity to public transport routes, as well as providing further diversity in dwelling types.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical excesses/shortfalls including site coverage and front/rear setbacks. Further assessment of these, 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.

The most significant numerical shortfall maintained by the proposal involves site areas. It is acknowledged that the proposal is finely balanced in this regard, with a 30.2% discrepancy noted against the minimum requirement for two pairs of semi-detached dwellings, and a 10.7% shortfall against the minimum sought the proposed density in the form of row dwellings. In my view, despite the subject land falling short of the minimum site area for semi-detached dwellings, there are positive outcomes to the streetscape as a result of the reduced built form (when compared to that of row dwellings) when the development is viewed a whole.

Ultimately, I am of the view that the shortfall in site area, 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 and Land Division Consent subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2016/1886 for Residential land division (Torrens Title- 1 into 4 allotments) as well as two pairs of two-storey semi-detached dwellings at 37 Castle Street, Edwardstown, be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1886/2016 (DAC Ref. 100/D231/16) except when varied by the following conditions of consent.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The stobie pole forward of the subject land on Macklin Street, and sited within the proposed crossover to Residence 3 and 4 shall be removed/relocated, with all associated costs to be borne by the applicant, prior to occupation of the dwellings or to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act, whichever occurs first.
4. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
5. A northern elevation illustrating the north-facing upper level window of Residence 1 fixed and obscured to a minimum of 1.7m above the upper level floor shall be provided to Council for consideration and approval prior to Development Approval being issued.
6. 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.

7. 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

8. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
9. The portion of the upper floor windows (except the west and south facing windows presenting to the primary and secondary streets) less than 1.7m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council.
10. 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.
11. 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.
12. 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.
13. 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.
14. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

Land Division Consent

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services (H0051410).

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

Sa Water Corporation further advise that an investigation will be carried out to determine if the water and/or sewer connections to the development will be costed as standard or non-standard.

2. Payment of \$20028 into the Planning and Development Fund (3 allotment(s) @ \$6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

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

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 April 2017

Agenda Ref No: DAP050417 – 2.7

Originating Officer: Alex Wright
Development Officer - Planning

Applicant: Mr K Bury

Development Description: To divide the subject land to create an additional Torrens Title allotment (2 into 3 allotments), retain the existing dwelling, swimming pool, freestanding garage and Regulated Tree and demolish a freestanding carport and freestanding shed.

Site Location: 49-51 Vennachar Drive, Hallett Cove

Zone: Residential

Policy Area: Southern Policy Area 18

Application Type: Category 1/ Consent

Lodgement Date: 28/10/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1998

DAC Reference No: 100/D244/16

Recommendation: Development Plan Consent (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 a land division that does not create more than 4 allotments as a Category 1 development.

BACKGROUND

During the assessment process Council informed the applicant it could not support the application in its current form, subsequently a second plan of division was provided proposing an alternative division. This plan forms the basis of this report.

SUBJECT LAND & LOCALITY

The subject land is situated over two allotments at 49-51 Vennachar Drive, Hallett Cove. 49 Vennachar Drive, the larger of the two allotments, is predominately square in shape and achieves a frontage width of 36 metres to Vennachar Drive, a secondary frontage of 37 metres to Jupiter Street, a depth of 40 metres and an overall allotment area of 1555 square metres. 51 Vennachar Drive, predominately rectangular in shape, incorporates a frontage of 18 metres to

Vennchar Drive, a secondary frontage of 37 metres to Qualio Avenue, a depth of 40 metres and an overall allotment area of 835 square metres.

The existing dwelling was constructed in 1910 and is a large single storey masonry residence incorporating a hipped and gable roof form. Subsequent additions have been added since the initial construction. The dwelling is listed as a Local Heritage Place under Table Mar/3 – Local Heritage Places in the Marion Council Development Plan, with the dwelling registered on 27 August 1998 (discussed within the Heritage Places section of this report).

A freestanding garage to the east of the dwelling and a pool and freestanding outbuilding to the west of the dwelling are to be retained, whilst a freestanding carport and freestanding shed are to be demolished. Minor alterations to the eastern façade of the dwelling are also proposed to ensure the building achieves compliance with the Building Code of Australia. The southeast and southern portions of the site comprise an open lawned area, low lying garden beds and a 'U' shaped driveway with two crossovers along Vennachar Drive. The entire western portion of the site (predominately 51 Vennachar Drive) incorporates a 1.8 metre high colorbond fence that runs along both road frontages and internally from the front boundary to the dwelling and provides privacy to the dwelling's associated area of private open space.

A Regulated Aleppo Pine (*Pinus halepensis*) is located to the western side of the site adjacent the western boundary. In addition two additional Aleppo Pines - neither of which achieve the applicable criteria to be considered Regulated are located to the southwestern corner of the allotment.

The locality primarily consists of single storey detached dwellings on large allotments. Whilst several recently constructed dwellings are present within the wider locality, a majority of dwellings were constructed in the 1970's - 1980's and therefore incorporate architectural styles common to this era. Hallett Cove East Primary School is located to the west/southwest of the subject site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to divide the subject land to create an additional Torrens Title allotment (2 into 3 allotments), retain the existing dwelling, swimming pool, freestanding garage and Regulated Tree and demolish a freestanding carport and freestanding shed.

Proposed Lot 5, approximately 1478 square metres in area, is 'T' shaped in nature and supports a frontage to Vennachar Drive of 25.4 metres (front boundary). The allotment proposes a rear boundary length of 60 metres and secondary frontages of 9 metres to Jupiter Street (eastern boundary) and 14.8m to Quailo Avenue (western boundary).

The existing dwelling, which is to be retained, is positioned at the intersection of the 'T' and achieves a setback to Vennachar Drive of 20 metres. An existing garage which provides two undercover parking spaces (that gains access to Jupiter Street) is located to the east of the dwelling, whilst an existing pool and outbuilding is located to the west. The modified 'U' shape driveway that gains access to via Vennachar Drive will be retained and provides additional parking spaces.

Proposed Lot 6 is rectangular in shape with an approximate area of 491 square metres and supports a 13 metre frontage to Vennachar Drive (16m allotment width), 28 metre secondary frontage to Jupiter Street and a depth of 31 metres. Potential access could be gained via either Jupiter Street or Vennachar Drive.

Proposed Lot 7 is predominately square in shape with an approximate area of 421 square metres and supports a frontage of 15.6 metres to Vennachar Drive (18.6m allotment width) and

secondary frontage to Quailo Avenue of 22.2 metres. The rear boundary incorporates a 5 metre step to enable retention of the Regulated Aleppo Pine and therefore the allotment depth ranges from 20.2m to 25.2m. Potential access would be gained via Vennachar Drive.

No associated land use application has been lodged with Council.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

Development Assessment Commission (DAC):	The Commission has advised that there are no planning impacts of State significance associated with the application.
SA Water:	SA Water has provided a list of requirements that will need to be met by the applicant should the Panel be of the opinion the application warrants consent.

Refer Attachment VI

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential and Southern Policy Area 18 are listed in the following table and discussed in further detail below:

Residential Zone
<p>Objectives</p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>
Southern Policy Area 18
<p>Objectives</p> <p><i>1 A policy area primarily comprising low scale, low to medium density housing.</i></p> <p><i>2 Development that minimises the impact of garaging of vehicles on the character of the locality.</i></p> <p><i>3 Development that reflects good residential design principles.</i></p> <p><i>4 Development that contributes to the desired character of the policy area.</i></p>
<p>Desired Character</p> <p><i>This policy area encompasses the generally established residential areas in the suburbs of Hallett Cove (east of the Adelaide-Seaford railway), Sheidow Park (north), and Trott Park. Land is typically undulating with some areas of steeper terrain. The existing character of streetscapes is largely derived from single-storey detached dwellings built since the 1970s which incorporate generous front and rear setbacks.</i></p> <p><i>The desired character of the policy area is an attractive residential area comprising predominantly single-storey, low density dwellings exhibiting a variety of architectural styles. Future development of vacant land within the policy area will contribute to a mix of housing densities and housing types to improve housing diversity.</i></p> <p><i>New buildings will minimise alteration of the natural or existing landform. The built form, architectural and landscape design of individual sites should make a positive contribution to the streetscape.</i></p>

Buildings should not exceed two storeys in height and sloping sites should be developed at lower densities. Where buildings and extensions (including decks) are proposed on sloping land, particular attention will be given to the protection of the privacy and amenity of neighbouring properties and the avoidance of construction problems involving retaining walls and fences on boundaries.

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>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Complies Each proposed allotment meets the minimum requirements to accommodate a detached dwelling.
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Does Not Comply (see below)
<i>PDC 3</i>	<i>Where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings.</i>	Does Not Comply (see below)
<i>PDC 4</i>	<i>Minimum Site Area: 420m²</i>	Complies Lot 5: 1478m ² Lot 6: 491m ² Lot 7: 421m ²
	<i>Minimum Frontage: 14m</i>	Complies Lot 5: 25.4m Lot 7: 15.6m Does Not Comply Lot 6: 13m (overall width 16m)
	<i>Minimum Depth: 20m</i>	Complies Lot 5: 40m (at greatest extent) Lot 6: 31m Lot 7: 20.2m (increasing to 25.2m)

Assessment

In respect to the table above it is acknowledged that all three allotments meet the minimum site area and depth requirements prescribed for detached dwellings within the Southern Policy Area 18. Additionally, Lots 5 and 7 achieve the minimum 14 metre frontage width required, whilst Lot 6 proposes a frontage width of 13 metres, which due to the corner cut-off is 1 metre short of the minimum 14 metres. This notwithstanding, the lot achieves an internal width of 16 metres, and in my opinion the shortfall in frontage width is not considered to be unreasonable or prevent future development of the site (in a convention setting).

The Desired Character states the landscape design of individual sites should make a positive contribution to the streetscape. In my opinion, the disjointed nature of Lot 5 which is a 'T' shape, and Lot 7 which proposes a stepped rear setback, would not facilitate a similar pattern of development and disrupt the existing residential landscape character of the locality. The proposed division would not complement or enhance the existing attractive streetscape character as it would force future dwellings on Lots 6 and 7 to be sited significantly further forward than the existing dwelling. Not only would view of the local heritage place be significantly reduced, the siting and form of future development well forward of the existing dwelling would disrupt the otherwise predominately consistent and uniform streetscape character and setbacks of existing dwellings facing Vennachar Drive.

HERITAGE PLACES

Preamble

The existing dwelling situated on Lot: 34 (49 Vennachar Drive) is listed as a Local Heritage Place under Table Mar/3 – Local Heritage Places in the Marion Council Development Plan, with the dwelling registered on 27 August 1998. Pursuant to Section 23 of the *Development Act 1993*, the place has been identified as meeting criteria a) and e):

- a) It displays historical, economic or social themes that are of importance to the local area;
- e) It is associated with a notable local personality or event.

The dwelling is considered to meet criteria a) and e) as the dwelling was constructed in 1910 on land owned by Thomas and Dorothy Davidson and sold to Allan Sheidow in 1922. The site of the house was on land originally part of the Perry Barr farm and remained within the ownership of the Sheidow family until its acquisition by the South Australian Land Commission in 1977. The land was subsequently subdivided and sold off as lots in 1987. Thomas Davidson and Allan Shiedow were both prominent members of the local community, variously serving on the Council.

The proposal intends to retain the dwelling. The dwelling is sited entirely within Lot 34 and according to both Table Mar/3 – Local Heritage Places in the Marion Council Development Plan and the State Government Heritage Places database Lot 33 is not subject to the Local Heritage Place requirements and could be further developed (subject to meeting planning and BCA requirements).

Assessment

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

Heritage Places	
Objectives <i>1 The conservation of State and local heritage places.</i>	Complies The existing dwelling will be retained.
<i>2 The continued use, or adaptive re-use of State and local heritage places that supports the conservation of their cultural significance.</i>	Complies The existing dwelling will be retained.
<i>3 Conservation of the setting of State and local heritage places.</i>	Does Not Comply
The proposed division would provide the opportunity for development of future dwellings on Lots 6 and 7 and would contradict Objective 3 which emphasises the conservation of the setting of local heritage places. The division of land, regardless of future built form on those allotments, would adversely alter the existing setting of the local heritage place by removing the current open setting of the dwelling and limit view of the local heritage place from the the adjacent streets.	

<p>Principles of Development Control</p> <p><i>2 Development of a State or local heritage place should retain those elements contributing to its heritage value, which may include (but not be limited to):</i></p> <ul style="list-style-type: none"> <i>(a) principal elevations</i> <i>(b) important vistas and views to and from the place</i> <i>(c) setting and setbacks</i> <i>(d) building materials</i> <i>(e) outbuildings and walls</i> <i>(f) trees and other landscaping elements</i> <i>(g) access conditions (driveway form/width/material)</i> <i>(h) architectural treatments</i> <i>(i) the use of the place.</i> 	<p>Does Not Comply</p>
<p>The future development of the allotments would provide the opportunity for development to be located between the existing façade of the heritage place and Jupiter Street and Qualio Avenue. Due to the proposed allotment configuration, any future development will be sited well forward of the existing dwelling and would therefore considerably limit view to and from the principle elevations of the dwelling from the southeast (intersection of Jupiter Street and Vennachar Drive and further along), and to a lesser extent from the southwest (intersection of Qualio Avenue and Vennachar Drive and further along) and west.</p> <p>Furthermore, the proposed allotments would remove the existing setting and generous setbacks currently afforded to the dwelling and subsequently reduce the visual impact of the ‘U’ shaped driveway by removing existing landscaping (or areas which could be further landscaped) on either side - it should be acknowledged view of the dwelling to the east and west is partially limited by existing outbuildings and fencing. The existing setbacks combined with the siting of the dwelling and open front yard are considered to contribute to the overall amenity and aesthetic setting of the dwelling within the existing locality.</p> <p>As such, in my opinion, the location of these allotments would be contrary to Heritage Places Principles of Development Control 2(a), (b), (c) and (g).</p>	
<p><i>5 New buildings should not be placed or erected between the front street boundary and the façade of existing State or local heritage places.</i></p>	<p>Does Not Comply</p>
<p>The future development of the allotments would provide the opportunity for development located between the existing façade of the heritage place and the south-eastern and south-western sections of Vennachar Drive. As previously discussed, the proposed allotments are set well forward of the existing front façade and therefore future built form would limit view to and from the existing dwelling. In my opinion, the proposal does not appropriately comply with Heritage Places Principles of Development Control 5 given the likely location of future dwellings.</p> <p>Furthermore, it is worthy to note, as Lots 6 and 7 will not comprise a local heritage place, future development could occur pursuant to Schedule 4 2B – New Dwellings of the Development Regulations 2008 (Residential Code). Development pursuant to Schedule 4 2B would significantly limit Council’s ability to ensure future built form was undertaken in a sympathetic and appropriate manner that would limit adverse visual and amenity impacts on the local heritage place and reduce further impacts on the site’s heritage value. Additionally, fencing to a height of 2.1 metres (non-masonry) could be erected along each boundary without Council consent – significantly limiting view of the existing dwelling.</p>	

<p>8 The division of land adjacent to or containing a State or local heritage place should occur only where it will:</p> <p>(a) create an allotment pattern that maintains or reinforces the integrity of the heritage place and the character of the surrounding area</p> <p>(b) create an allotment or allotments of a size and dimension that can accommodate new development that will reinforce and complement the heritage place and the zone or policy area generally</p> <p>(c) be of a size and dimension that will enable the siting and setback of new buildings from allotment boundaries so that they do not overshadow, dominate, encroach on or otherwise impact on the setting of the heritage place</p> <p>(d) provide an area for landscaping of a size and dimension that complements the landscape setting of the heritage place and the landscape character of the locality</p> <p>(e) enable the State or local heritage place to have a curtilage of a size sufficient to protect its setting.</p>	<p>Does Not Comply</p>
<p>Given the proposed allotments are predominately located forward of the existing primary façade the proposal will, in my opinion, significantly affect the existing setting and visual character/amenity of the dwelling by creating allotments that reduce view of the built form and provide opportunities for future development that could potentially dominate and impact on the setting of the heritage place. Furthermore, the proposed allotments prevent the existing dwelling and allotment from achieving a curtilage of a size sufficient to protect its setting or a sufficient area of landscaping around the built form. A reduction of either would diminish the existing visual, aesthetic and landscape setting currently afforded.</p> <p>The proposed allotments, located predominately forward of the existing dwelling and generally meeting the minimum size and dimensions required for detached dwellings within the Southern Policy Area 18, do not result in an allotment pattern that maintains or reinforces the integrity of the heritage place or consistent in size and dimensions to existing residential allotments within the immediate and wider locality. Whilst each new allotment is of sufficient size and dimension to accommodate future development that will complement the Zone and Policy Area, due to their location primarily forward of the existing dwelling the allotments will not positively reinforce or complement the existing local heritage place.</p> <p>In my opinion, the proposal does not appropriately comply with Heritage Places Principles of Development Control 8.</p>	

LAND DIVISION ASSESSMENT

The relevant objectives and principles of development control from the General Section: Land Division section of the Marion Council Development Plan are listed and assessed in the following table:

Land Division	
<p>Objectives</p> <p>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</p>	<p>Complies</p>
<p>2 Land division that creates allotments appropriate for the intended use.</p>	<p>Partially Complies</p> <p>Whilst the proposed allotments are suitable for detached dwellings, the design would require future built form to be set well forward of the existing dwelling façade and therefore significantly altering existing views.</p>

<p>Principles of Development Control</p> <p>1 When land is divided:</p> <p>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</p> <p>(b) a sufficient water supply should be made available for each allotment</p> <p>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</p> <p>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</p>	<p>Complies</p>
<p>2 Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <p>(i) an existing road</p> <p>(ii) a proposed public road</p> <p>(iii) access to a public road via an internal roadway in a plan of community division</p> <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p>	<p>Partially Complies</p> <p>The proposed division would result in future built form that significantly reduces view of the local heritage place. Furthermore, the siting and form of future development would disrupt the otherwise predominately consistent and uniform streetscape character and setbacks of dwellings facing Vennachar Drive and associated secondary streets.</p>
<p>Design and Layout</p> <p>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</p>	<p>Complies</p>
<p>7 The design of a land division should incorporate:</p> <p>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</p> <p>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</p> <p>(d) suitable land set aside for useable local open space</p> <p>(e) public utility services within road reserves and where necessary within dedicated easements</p> <p>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</p> <p>(g) protection for existing vegetation and drainage lines</p> <p>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</p> <p>(i) the preservation of significant trees.</p>	<p>Complies</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Partially Complies</p> <p>The proposal is considered to detrimentally affect the setting of the surrounding locality by proposing an inappropriate pattern of development.</p>

<p>11 <i>The layout of a land division should provide for efficient solar access.</i></p>	<p>Partially Complies Whilst each allotment runs north-south, due to the location of the existing dwelling only Lots 6 and 7 would enable efficient solar access.</p>
<p>Roads and Access</p> <p>21 <i>The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p>	<p>Complies</p>
<p>22 <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>Complies Sufficient on-street parking would be provided.</p>

ANALYSIS/CONCLUSION

The proposed development finds compliance with a number of Development Plan provisions relevant to the Residential Zone, Southern Policy Area 18 and Land Division Chapter, in terms of proposed allotment area and dimensions, access and intended use.

In my opinion, although the quantitative requirements of the Policy Area are met, the location of the proposed allotments are at variance with the Desired Character of the Policy Area. The proposed allotments do not complement or enhance the existing attractive streetscape character and due to their proposed location and layout would require future dwellings on Lots 6 and 7 to be sited significantly further forward than the existing dwelling, thereby significantly reducing view of the local heritage place. Furthermore, the setting and future built form would disrupt the otherwise predominately consistent and uniform streetscape character and setbacks of dwellings facing Vennachar Drive and associated secondary streets and result in an inappropriate pattern of development.

The proposal is considered to be at variance with a number of Heritage Places Principles of Development Control, with the principle issue relating to the proposed pattern of division resulting in the proposed allotments being located to the southeast and southwest and therefore primarily forward of the existing dwelling. The allotments' location primarily forward of the existing dwelling and immediately abutting the eastern and western facades will, in my opinion, significantly affect the existing setting and visual character/ amenity of the local heritage place and create opportunity for future dwellings to visually dominate and impact on the setting of the heritage place. Additionally, the lack of sufficient setbacks to boundaries and landscaped areas around the built form will further diminish the existing visual, aesthetic and landscape setting of the local heritage place.

In my opinion, the proposal cannot be supported as it would result in an outcome that would be to the detriment of the Local Heritage Place and its setting and context.

As a result of the above considerations, it is my view that whilst the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993, the proposal fails to sufficiently accord with the relevant provisions of the Development Plan, and therefore 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: 100/2016/1998 for the division of the subject land to create an additional Torrens Title allotment (2 into 3 allotments), retain the existing dwelling, swimming pool, freestanding garage and Regulated Tree and demolish a freestanding carport and freestanding shed at 49-51 Vennachar Drive, Hallett Cove be REFUSED for the following reasons:

REASONS FOR REFUSAL

1. The proposed division does not complement or enhance the existing streetscape character and would result in a loss of view of the local heritage place. As such the proposal does not accord with Objective 4, Principles 2 and 3 and the Desired Character of the Southern Policy Area 18.
2. The proposed division would provide the opportunity for future development of buildings on the allotments (Lots 6 and 7) facing Vennachar Drive and as such would obscure views of the local heritage place. As such the proposal does not accord with Heritage Places Principle of Development Control 2 (a), (b), (c) and (g).
3. The proposed division would necessitate future development located between the façade of the heritage place and the street, thereby obscuring the existing dwelling from within the immediate locality. As such the proposal does not accord with Heritage Places Principle of Development Control 5.
4. The proposed division would affect the existing setting and visual character/amenity of the dwelling by creating allotments that reduce view of the built form and provide opportunities for future development to potentially dominate and impact on the setting of the heritage place. As such the proposal does not accord with Heritage Places Principles of Development Control 8.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 5 April 2017

Agenda Ref No: DAP050417 – 2.8

Originating Officer: Justin Clisby
Development Officer - Planning

Applicant: Mr Murray Roberts

Development Description: Dwelling Addition - Carport

Site Location: 47 Limbert Avenue, Seacombe Gardens

Zone: Residential

Policy Area: Medium Density Policy Area 12

Application Type: Category 1 / Consent

Lodgement Date: 01/03/2017

Development Plan: Consolidated – 28/04/2016

Application No: 100/2017/349

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 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 47 (lot 2) Limbert Avenue, Seacombe Gardens. The land incorporates a frontage width of 12.45 metres, an average depth of 43.46 metres and a total site area of (approximately) 401 square metres.

The existing dwelling on the land is single storey and was constructed in 2006.

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

The land is relatively flat, with medium height vegetation occupying approximately 40% of the front yard of the property. No vegetation is 'regulated' pursuant to the Development Regulations, 2008.

PROPOSED DEVELOPMENT

A flat-roofed carport measuring 5.0 metres deep by 4.6 metres wide is proposed positioned forward of the main face of the dwelling and setback 2.1 metres from the primary street frontage. The overall height of the proposed carport is 2.7 metres.

The carport structure is a standard steel framed construction comprising 90mm square columns and a Colorbond steel roof deck at a 1.5 degree pitch sloping away from the existing dwelling.

Refer Attachment III

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>Does Not Comply The proposed carport incorporates a Colorbond roof with a slope of 1.5 degrees towards the primary street frontage. The existing dwelling incorporates a hipped roof with Colorbond roof sheeting at a 22.5 degree pitch</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 23m ²
Maximum wall or post height	3 metres	Complies 2.4m
Maximum building height	5 metres	Complies 2.7m
Maximum height of finished floor level	0.3 metres	Complies Utilising existing paving level.
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.	Does Not Comply The carport will be located 2.1 metres from the front boundary of the property and 4.0 metres forward of the closest part of the dwelling to the street.
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall	Does Not Comply The carport structure is setback 0.3 metres from the side boundary at its closest point.

<p>Maximum frontage width of garage or carport with an opening facing the street</p>	<p>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>	<p>Complies 4.6m (50% of the width of the front boundary = 6.21 metres).</p>
<p>Carpports 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.</p> <p>General Section: Residential Development: PDC 13</p>		<p>Complies The proposed carport is unlikely to adversely impact on the safety of road users and safe entry and exit is likely to be maintained.</p>
<p>Site Coverage</p>		
<p>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area.</p> <p>Medium Density Policy Area 12: PDC 7</p>		<p>Does Not Comply 57%</p>
<p>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so: (a) would not be contrary to the relevant setback and private open space provisions (b) would not adversely affect the amenity of adjoining properties (c) would not conflict with other relevant criteria of this Development Plan.</p> <p>Residential Zone: PDC 9</p>		<p>Complies Although site coverage is 17% greater than the maximum site coverage envisaged in the policy area, the proposed carport will not impact on the current provision of private open space as it is forward of the existing dwelling. Approximately 25% of the total site area is maintained as private open space. In addition the proposed carport is unlikely to adversely impact on the amenity of adjoining properties.</p>
<p>Site coverage should ensure sufficient space is provided for: (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles.</p> <p>General Section: Residential Development: PDC 14</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>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 15</p>		<p>Partially Complies Although the proposed development will not reduce the amount of pervious area on the site, the site currently achieves approximately 17% of the total site area, 3% below the minimum standard.</p>
<p>Vehicle Parking</p>		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		<p>Complies Two covered car parking spaces are provided. One within the existing garage and one beneath the proposed carport situated forward of the dwelling.</p>
<p>Detached Semi-detached Row</p>	<p>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</p>	
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>		

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

General Section: Land Division: PDC 22

Complies

One on-street car parking space exists in front of the dwelling.

TABLE DISCUSSION

Whilst the proposal satisfies a number of the applicable quantitative and qualitative criteria contained within the Marion Council Development Plan, the proposal fails to comply with the following provisions:

- Site coverage
- Minimum setback for garages and carports from primary street frontage
- Minimum setback from side boundaries

Site coverage

Council's Development Plan envisages a maximum site coverage of 40% in the Residential Zone, Medium Density Policy Area 12 for allotments with a site area of more than 325m².

Whilst the proposed development would increase the overall site coverage to 58% it is not considered fatal to the application given that the current amount of private open space at the rear of the dwelling is maintained.

Minimum setback for garages and carports from primary street frontage

Council's Development Plan seeks garages and carports setback from the primary street frontage at a minimum distance of 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 projecting elements to ensure the residential portion of the dwelling is the most prominent and visible, and not dominated in appearance by car parking structures which should be subservient and ancillary to the main building.

The proposed carport is setback 2.1 metres from the primary street frontage which is likely to make it highly visible from the street. 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 close proximity to the primary street boundary.

Although it is acknowledged a gable-ended carport structure exists forward of the dwelling on adjoining land at 47A Limbert Avenue, this structure is setback approximately 6.0 metres from the front boundary and aligns with the front face of the dwelling on the subject land.

It is also acknowledged that the adjoining land to the east of the subject land at 15 Glamis Avenue, Seacombe Gardens incorporates a carport with a roller door on the secondary street boundary. However, this structure does not dominate the streetscape of Limbert Avenue as it is integrated with the existing metal fencing that forms the side boundary of the property.

Minimum setback for garages and carports from primary street frontage

The proposed carport is setback 0.3 metres from the side boundary at its closest point and increases to 0.6 metres closest to the front boundary. Given the open nature of the proposed carport it is unlikely to have a significant impact on the amenity of the adjoining land. This minor departure from Development Plan criteria, in my opinion, is not fatal to the application and should be given little weight.

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 2.1 metres.

There currently exists two off-street car parking spaces on the subject land, one of which is covered within the existing garage.

In my opinion, the proposed structure fails to adequately integrate into the dwelling's façade and is likely to have a detrimental impact on the streetscape of the locality.

The proposed development is therefore considered to be at variance to the Marion Council Development Plan and warrants refusal in its current form.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2017/349 for Dwelling Addition – Carport at 47 Limbert Avenue, Seacombe Gardens be REFUSED for the following reasons:**

REASONS FOR REFUSAL:

- (1) The proposal fails to achieve a setback of 5.5m from the primary street frontage and be located 0.5m behind from the main face of the dwelling in accordance with Principle of Development Control 12 of the General Section: Residential Development.**

Attachments

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