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WEDNESDAY 3 AUGUST 2016**

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DEVELOPMENT ASSESSMENT PANEL
Wednesday 3 August 2016

Agenda Ref No:	DAP030816 – 2.1
Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Rendition Homes
Development Description:	To construct a two-storey detached dwelling, incorporating a garage wall on the north-western side boundary
Site Location:	403 Diagonal Road, Sturt
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	10/11/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/2087
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 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

The Panel should note that Land Division application 2015/1260 (100/D151/15) was initially lodged with Council. Due to the location of the allotment adjacent an arterial road, a land use application for the site was requested. Subsequently, the subject application (2087/2015) was lodged for the proposed northern allotment (Lot 1). As part of Council's initial request for additional information, it was advised that the land division application had been placed on hold pending the lodgement of dwelling applications for the proposed allotments. This was requested to demonstrate that the allotments are suitable for their intended use. The land division application remains on hold pending the outcome of the land use applications.

Following correspondence with the home owner in relation to the suitability of the southern allotment (to be known as Lot 2) functioning appropriately, a separate application (123/2016) was lodged with Council through different company. Although Council is in a position to support application 123/2016, it has been placed on hold pending the decision of the Panel in relation to the subject application.

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

Amendments Requested	Amendments Made
The dwelling should provide a minimum 20% private open space.	Private open space increased from 64.7m ² (18.4%) to 106.2m ² (30.2%)
Site coverage should not exceed 40%.	Site coverage reduced from 168.6m ² (47.9%) to 150.5m ² (42.4%)
Floor area ratio should not exceed 0.6.	Floor area ratio reduced from 0.69 to 0.6
Given the dwelling features 4 bedrooms, 3 on-site car parking spaces should be provided and maintain adequate vehicle turning spaces.	Upper level floor plan amended to incorporate 3 bedrooms and an open plan study plus an additional on-site parking space.
The upper storey of the dwelling should be setback a minimum 8 metres.	Upper level rear setback increased from 5.1m-7.9m to 6.5m-8.8m.
The upper storey should be setback 3 metres from the south-eastern side boundary.	Upper level setback adjacent the southern boundary increased from 2m to 2.5m.
The proposed crossover location and stormwater pipes should maintain a minimum setback of 1.5 metres from the Council street tree.	Crossover/driveway location and stormwater pipes relocated to achieve 1.5m setback from the Council street tree.
The landscaping should be increased to provide additional larger trees and minimise the extent of paved/driveway areas.	Landscaping increased to the front of the site and amended to incorporate low to medium height growing shrubs.
The dwelling's primary area of POS and living area windows should face north for exposure to winter sunlight.	Private open space increased; however, no changes made to the orientation.
To reduce the amount of bare wall presenting to adjoining land and the street, additional windows should be provided to the upper level side elevations.	Additional upper level windows provided to the side elevations of the dwelling.
Information Requested	Information provided
Shadow diagrams which illustrate the extent of shadow cast from the proposed development.	Shadow diagrams provided.

SUBJECT LAND & LOCALITY

The subject land comprises 403 Diagonal Road, Sturt which is situated towards the southern end of Diagonal Road, and within close proximity to the Seacombe Road intersection. Research conducted in September 2015 by the Department of Planning, Transport and Infrastructure (see Attachment III) has identified that this section of Diagonal Road carries significantly less traffic on a daily basis compared to the section north of Sturt Road and other arterial roads in the locality.

The allotment is irregular in shape, achieving a frontage width of 30.5 metres, average depth of 26 metres and total site area of 701 square metres. The site currently accommodates a detached dwelling in good condition, which presents to Diagonal Road. The dwelling is currently setback approximately 7.0 metres from the front allotment boundary.

Vehicular access is currently available from Diagonal Road, approximately 6.5 metres from the south-eastern boundary. The contour of the land achieves a slight incline (approximately 1.0 metre) from the front of the allotment to the rear. There are not regulated or significant trees on the subject land.

The pattern of development is typically defined by single storey detached and semi-detached dwelling at low to medium densities. Recent development within the locality displays a presence of row, group and semi-detached dwellings that are predominantly single storey in nature.

It is also acknowledged that the subject land is located approximately 60 metres from the Local Centre Zone situated on the corner of Diagonal Road and Plymouth Avenue which incorporates a number of tenancies, currently being used as a variety of shops. The subject land is also situated in close proximity to Darlington Shopping Centre on Seacombe Road which is within the Neighbourhood Centre Zone and Westfield Marion Shopping Centre, located within the Regional Centre Zone.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposed development is for the construction of a two storey detached dwelling which incorporates a garage wall abutting the north-western boundary.

The dwelling incorporates a double garage, lounge, open plan kitchen/living/dining and associated wet areas at ground level. The upper floor features an open plan leisure and study room, three bedrooms and associated bathroom/ensuite.

The dwelling presents to Diagonal Road and incorporates double garaging to the front façade. The dwelling seeks the construction of a new crossover that will maintain adequate clearance from the Council street tree. The crossover will require the removal and/or relocation of a DPTI owned street sign.

The front façade of the dwelling features a mixture of colours and materials including render, exposed brick, panel lift doors and Colorbond roofing.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	12 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council. One of the representations was in favour of the application and one was primarily against the proposal subject to amendments.
Persons wishing to be heard:	Mr. Simon Jeffs.
Summary of representations:	<ul style="list-style-type: none">- Concerns regarding exposed brickwork along the north-western boundary. <i>Refer Attachment IV</i>
Applicant's response:	<ul style="list-style-type: none">- It is common practice for new dwellings to incorporate garage walls along the boundary;- The garage wall height does not exceed Council's Development Plan provisions in relation to height and length;- The garage wall will not result in visual/overshadowing impacts to the adjoining land, being located adjacent the common driveway. <i>Refer Attachment V</i>

GOVERNMENT AGENCY REFERRAL

<p>Department of Planning, Transport & Infrastructure:</p>	<p>DPTI have provided response in relation to the proposed development and advised that they do not support the application in its current form for the following reasons:</p> <ul style="list-style-type: none"> - DPTI does not support any net increase in the number of access points to/from the site and subsequently, the dwellings proposed in this application and DA 123/2016 should be served by a single shared access point and shared manoeuvring area. <p>DPTI has recommended any amended plans show:</p> <ul style="list-style-type: none"> - The garage having sufficient setback to allow all vehicles, including visitor vehicles, to exit in a forward direction; - An appropriately designed turning bay that will enable all vehicles, including visitor vehicles, to achieve forward entry and exit onto Diagonal Road. Turn paths should be overlaid on the plans to demonstrate that forward entry and exit is achieved; - The access being located adjacent the future southern property boundary to facilitate future widening for two-way movements. The access should be in the order of 3.0 metres in width, thus facilitating the construction of a 6.0 metre wide shared access in conjunction with future development of the southern half of the allotment. - The Rights of Way or Common Property remaining clear of any impediments (such as meters, garden beds and parked vehicles).
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Refer Attachment VI

As the Panel may be aware, it is acknowledged that the proposed development will not encroach on land shown on the Metropolitan Road Widening Plan as being potentially required for road widening and as such, under Schedule 8 (2)(3), Council is only required to have regard to the response of the prescribed body.

INTERNAL DEPARTMENT COMMENTS

<p>Council's Arborist:</p>	<p>The three Council street trees situated in front of the allotment have been identified as Pyrus flowering pears and are part of the streetscape, in good health and of a good form. The trees are growing in boxed sections of the paved footpath and as such reinstatement of the area is more involved. Each tree should achieve a minimum tree protection zone of 1.5 metres.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies
PDC 3	Minimum Site Area: 375 square metres	<p>Does Not Comply</p> <p>352 square metres</p>
	Minimum Frontage: 12m	<p>Complies</p> <p>12.3m</p>
	Minimum Depth: 20m	<p>Complies</p> <p>26m – 32.5m</p>

Assessment

The application proposes a two storey detached dwelling on an allotment that previously accommodated a single storey detached dwelling. Council acknowledge a separate application on Lot 2 has been lodged (as indicated by the indicative boundary shown on the plan). As such, the proposal inevitably seeks an increase in the number of dwellings on the land by one. It is acknowledged that the density proposed is in-keeping with recent development in the locality and that redevelopment of existing housing stock, at a higher density, is encouraged by the Objectives and Desired Character statement of the Northern Policy Area 13. Despite there being limited two storey dwellings within the locality, it is acknowledged that the Policy Area encourages a variety of dwelling types and architectural styles of up to two storeys in height to meet a range of accommodation needs.

In addition to the above, it is acknowledged that the Residential Zone and Northern Policy Area 13 encourages an increase in densities adjacent to public transport and within close proximity to centre zones. The subject site is located within walking distance to public transport options along Diagonal Road and the Local Centre Zone which is approximately 60 metres north-west of the subject land. Other notable centre zones in the locality include the Neighbourhood Centre Zone on Seacombe Road and Westfield Marion Shopping Centre which is located within the Regional Centre Zone.

Despite the proposed site area falling 23 square metres short of the minimum 375 square metres required for detached dwellings in the Northern Policy Area 13, it is acknowledged that this non-compliance with Council's Development Plan will not come at the expense of the dwelling's ability to function appropriately. It has been demonstrated that dwelling can function on the undersized allotment in terms of (but not limited to) site coverage, setbacks to boundaries, POS, access arrangements and design and appearance. It is also of value to note that the proposed frontage width exceeds the minimum sought along arterial roads in the Northern Policy Area 13 which allows for additional landscaping opportunities and vehicle turning opportunities.

The dwelling maintains a coherent streetscape as a result of an appropriate street setback, front landscaping and dwelling design, which will be modern in terms of providing a mixture of colours and materials, achieving positive contribution to the streetscape. The proposal is considered to complement the relevant Objectives, Desired Character statement and Principles of Development Control of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>	Partially Complies 150.5 square metres (42.4%) Excluding alfresco: 140 square metres (39.7%) Despite site coverage exceeding Council's Development Plan requirements, it is acknowledged that a generous amount of POS will remain available to the rear of the site and the excess in the dwelling footprint will not come at the expense of setbacks to boundaries.

	<p>Further, when the alfresco is excluded from the calculation, site coverage is less than 40% and comparable to other recent development in the locality. Accordingly, it is my view that the excess in site coverage will not have a negative impact on the dwelling's ability to function appropriately or the adjoining land.</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Complies</p> <p>0.6</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 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>28%</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from a habitable room of the associated dwelling. b) All POS is located at ground level to the side/rear of the dwelling and capable of being screened for privacy. c) The subject land does not maintain natural features which warrant preservation. d) The POS areas should not be directly overlooked by adjacent buildings. e) POS areas are not located next to bedrooms of dwellings on adjacent sites. g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional. <p>Does Not Comply</p> <p>f) Although there is opportunity to achieve north facing POS, it is acknowledged that the rear yard will receive adequate natural light throughout the day and should nonetheless receive some northern light throughout the day. This is further discussed in the Overshadowing section of this report.</p>

<p>Site Area 250 m² or greater: <i>Minimum area of POS: 20% of the site area Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>106.2 square metres (30.2%)</p>
Street Setbacks	
<p><i>Minimum setback from primary road frontage where no established streetscape exits. 8 metres from arterial roads shown on Overlay Map – Transport.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply</p> <p>5.7m and 6.5m</p> <p>Despite the front setback of the dwelling falling short of the minimum 8 metres required along an arterial road, it is acknowledged that adequate land will be available for vehicle manoeuvrability and landscaping opportunities. Further, the front setback will be similar to the existing dwellings on adjacent allotments, which are setback approximately 7.5m and 3 metres (which equals an average of 5.2m). As such, it is my view that an appropriate level of separation has been provided from the street, which will not result in unreasonable impacts to the road or streetscape elevation.</p>
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5.7m and 6.5m is similar to that of new dwellings within the locality and those on adjacent 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 allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Northern setback Ground floor: 1.1 metres Upper floor: 2.0 metres</p> <p>Southern setback Ground floor: 1.0 metre and 2.5m</p>

	<p>Partially Complies</p> <p>Southern setback Upper floor: 2.5m</p> <p>Although the southern side setback of the dwelling is not equal to 3.0 metres, it is acknowledged that as a result of the existing shape and orientation of the allotment, the boundary is not facing "true south". It is my view that a significant portion of the boundary faces north-east to east whereas the rear of the boundary achieves a south-eastern orientation. Nonetheless it is acknowledged that shadow will be cast onto adjoining land throughout the day; however, morning light will remain available (this is discussed further within the Overshadowing section of this report).</p> <p>In terms of the bulk of the building, the proposal has been amended to incorporate a mixture of full length and high level windows to the side elevations. In my view, the incorporation of these windows assists in reducing the amount of bare wall presenting to adjoining land. Accordingly, it is my opinion that the reduced setback to the internal boundary will not result in unreasonable shadow or visual impacts.</p>
<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p>Complies</p> <p>a) The dwelling maintains a 1.0 metre setback from the internal boundary.</p> <p>(b) no wall exists on the adjacent boundary.</p> <p>(c)(iv) Garage situated a minimum 2.5m from any habitable room windows.</p> <p>Does Not Comply</p> <p>(c)(i) The garage will be setback 1.3m behind the main face of the adjacent dwelling.</p> <p>(ii) 6.5m wall length proposed.</p> <p>(iii) 3.1m wall height proposed.</p> <p>Despite the garage wall exceeding the maximum permitted on a boundary, it is acknowledged there will be no overshadowing impacts onto adjoining land. Further, given the garage wall will be located adjacent a common driveway and not a habitable room window or an area of private open space, it is my view that any visual impacts will be negligible.</p> <p>Whilst not applicable in this instance, it is also befitting to acknowledge that Schedule 4 permits the construction of dwellings "as of right" which incorporate boundary walls with a maximum length of 8.0 metres and height of 3.0 metres, with no consideration attributed to the impact on the amenity of adjoining land. Therefore, the proposed boundary wall location and length remains appropriate when considered against standard design criteria for new dwellings in metropolitan Adelaide.</p>

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the side setback does not comply with the quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties (as discussed in the Overshadowing section of this table).</p>
<h2>Rear Setbacks</h2>	
<p>6 metres for a single storey dwelling</p> <p><i>Residential Zone: PDC 7</i></p> <p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Partially Complies</p> <p>12.8m and 4.5m which extends to 6m</p> <p>Given the angled nature of the rear boundary, the gradual increase in rear setback and stepping of the dwelling, it is my view that the bulk of the building and associated visual impacts will be of a minor nature. It is also acknowledged that adequate separation has been provided from the rear boundary to limit overshadowing.</p> <p>It is also acknowledged that as a result of the angled rear boundary, the proposal complies with PDC 37.</p>
<p>8 metres for a 2 or more storey dwelling</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Partially Complies</p> <p>6.5m which extends to 8.8m</p> <p>Given adequate natural light will be available to the POS area of adjoining land (discussed further in the Overshadowing section of this report) it is my view that the reduced upper floor rear setback is appropriate.</p> <p>Further, the upper level windows, combined with the single storey portion of the dwelling and angled rear boundary is considered to appropriately reduce the bulk of the building when viewed from adjoining land. Accordingly, it is my view that the proposal will not result in unreasonable overshadowing or visual impacts and demonstrates compliance with PDC 2 below.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjoining properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>

Building Height

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

Residential Zone: PDC 7

Complies

The proposed dwelling incorporates a maximum building height of 7.45 metres, which is less than the maximum permitted in the Policy Area.

Garages, Carports and Outbuildings

Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:

*Minimum setback from primary road frontage:
8 metres for a freestanding structure.
5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.*

Residential Zone: PDC 8

Complies

Garage is setback 8.8 metres from the front boundary and 1.2m behind the main face 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 12

Complies

Given the proposal allows for vehicles to enter and exit in a forward direction, it has been demonstrated that the location of the garage will not adversely impact on the safety of road users.

In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:

- (a) when located on side or rear allotment boundaries:*
 - (i) be constructed at least 6 metres from any existing structure on the same site and the same boundary*
 - (ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:*
 - (A) 7 metres for structures with enclosed side walls*
 - (B) 8 metres for structures with open side walls*
 - (iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres*

General Section: Residential Development: PDC11

Complies

- i) Garage on boundary is not located within 6 metres of any existing structure on the same site and same boundary
- ii) Garage wall length equal to 6.5 metres

Does Not Comply

- iii) Wall height of 3.1 metres

As identified in the "Side Setback" section of this report, it has been demonstrated that the excess in garage wall height on the boundary will not have adverse visual or overshadowing impacts upon adjoining land.

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

General Section: Residential Development: PDC8

Complies

The proposed garage incorporates a roof form, materials and detailing which complement the associated dwelling.

Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.

Residential Zone: PDC 6

Complies

5.5m (44.7%)

Car Parking

Minimum number of on site car parking spaces (one of which should be covered) :
2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.
3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.

Residential Zone: PDC 7

Complies

Dwelling contains no more than three bedrooms.

3 on-site parking spaces are available, 2 of which are covered and therefore satisfy PDC 7.

The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised and, where possible, access points should be:
(a) limited to local roads (including rear lane access)
(b) shared between developments.

General Section: Transport & Access: PDC 25

Does Not Comply

This non-compliance against the Development Plan will be discussed within the "Table Discussion" section of this report.

Development with access from roads with existing or projected traffic volumes exceeding 6000 vehicles per day should be sited to avoid the need for vehicles to reverse onto or from the road.

General Section: Transport & Access: PDC 26

Development with access from arterial roads or roads as shown on Overlay Maps – Transport should be sited to avoid the need for vehicles to reverse onto or from the road.

General Section: Transport & Access: PDC 27

Complies

As demonstrated compliance with PDC 44, the proposal incorporates a motorised vehicle turntable which will allow vehicle to enter and exit in a forward direction.

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 (eg an increase in number of driveway crossovers).

General Section: Transportation & Access: PDC 43

Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwelling, as demonstrated by compliance with PDC 7.

b) Centre facilities and public transport are located in walking distance of the dwelling

c) The likely occupants are anticipated to have standard mobility and transport requirements.

d) e) Although there will be one on-street car parking spaces available adjacent the subject land, it is acknowledged that when the site is considered as a whole and having regard to DA 123/16, three on-street parking spaces shall remain available. It is also acknowledged that the proposal allows for an additional on-site parking space than required under Council's Development Plan.

Access

The width of driveway crossovers 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

4.3m wide crossover

Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 1.5 metres from the existing street tree.

	<p>It is noted that the proposal requires the removal/relocation of a DPTI owned street sign. Given DPTI have made no comment on the street sign relocation, the following has been included as a recommended condition of consent, "Prior to Development Approval being issued, correspondence is sought from the relevant authority which confirms the street sign can be removed and/or relocated. Any costs associated with the street sign removal and/or relocation shall be paid by the applicant/home owner. The removal and/or relocation of the street sign shall be undertaken prior to the occupation of the dwelling".</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>
<h2>Design & Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <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><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><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 17</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 façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of brick and render on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Eave overhang and pitched roof form at 22.5 degree slope • Fenestration. <p>The dwelling incorporates a 22.5 degree Colorbond roof in Brown, with rendered facades. The garage of the dwelling features Cream Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The side elevations of the dwelling features render, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>On balance, the design and appearance of the dwelling is considered to appropriately satisfy relevant Development Plan criteria.</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 15</i></p>	<p>Complies</p> <p>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.</p>

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that:

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

b) Some shadow will be cast into the south-western adjoining property (1A Lincoln Avenue, Sturt) in morning hours, and to the south-eastern adjacent property (dwelling proposed in DA 123/2016) in the afternoon.

Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space will be free from shadow by midday. Likewise, shadow cast into the south-eastern adjoining property only begins in afternoon hours.

It is also acknowledged that the majority of afternoon shadow cast from the dwelling are upon the dwelling proposed in DA 123/2016. It is acknowledged that the shadow cast to the future allotment will be over private yard area and garage which is situated along the north-western internal boundary; however, morning light will remain available. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Complies

The dwelling incorporates fixed obscure glazing to 1.7 metres above floor level for habitable 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 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.

Noise

Residential development close to high noise sources (eg major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, or protect these areas with appropriate noise attenuation measures.

General Section: Residential Development: PDC 26

Complies

The internal layout has been designed to locate the main private open space areas to the rear of the site and despite the lounge, study and bedroom 3 presenting to the street, it is my view that appropriate separation has been provided to Diagonal Road to limit traffic noise. It is also acknowledged that the subject land is situated adjacent a section of Diagonal Road which carries significantly less traffic on a daily basis compared to the section north of Sturt Road. It is also acknowledged that habitable rooms present to Diagonal Road as a result of the existing orientation of the land.

The following has been included as a recommended condition of consent "Revised elevation plans shall be submitted to Council prior to Development Approval being issued, nominating the windows on the front facade being double glazed for sound attenuation purposes."

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Partially Complies

Despite the southern portion of the private open space being in shadow, the shadow diagrams provided have demonstrated that the main activity areas of the dwelling should nonetheless receive some northern winter sunlight throughout the day.

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

<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>The dwelling incorporates a hipped roof form set at a 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Partially Complies</p> <p>Despite a majority of the front yard being paved for the driveway, it is acknowledged that landscaping throughout the site has been amended to incorporate low to medium height shrubs adjacent the front boundary. It is my view that the proposed planting species and distribution should appropriately compliment the built form and enhance the appearance of the road frontage and parking areas. The landscaping is considered to assist in softening the appearance of paved surfaces to the street and as such, it is my view that the proposal satisfies PDC 1 and 2.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>The application proposes retaining walls varying in height to a maximum 350 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.15 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.</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:

- Proposed access point is not shared between developments.

It is acknowledged that the proposal fails to achieve an access point that is shared between the development which relates to DA 123/2016, and situated on the southern allotment (Lot 2). Whilst the proposal will result in the provision of a separate access point to serve the dwelling and therefore result in a net increase in the number of access points by one (1), it is also acknowledged that the proposed frontage width for the site exceeds the minimum required for detached dwellings on arterial roads in the Northern Policy Area 13. It is my understanding that the minimum frontage for allotments which abut an arterial road are required in order to allow for (but not limited to) adequate vehicle turning areas, landscaping opportunities and separation from the road.

As per the assessment and discussions in the above table, it has been demonstrated that the layout and design of the dwelling appropriately satisfies the relevant provisions of the Development Plan. As per the referral response form DPTI, concerns have been raised which relate to vehicle turning areas and an additional crossover being constructed along Diagonal Road. Whilst these concerns are noted, it is acknowledged that the proposal has demonstrated that that vehicles will be able to enter and exit the site in a forward direction and as such, vehicle manoeuvrability has not been identified as a failing applicable to the Development Plan requirements. Given vehicles are not required to reverse onto Diagonal Road, I am satisfied that the proposal will not result in road safety impacts. In relation to on-site and on-street vehicle parking spaces, it is also acknowledged that the proposal exceeds the minimum required by the Development Plan, therefore further reducing impacts to the street.

Lastly, as identified throughout this report, the southern section of Diagonal Road carries significantly less traffic on a daily basis compared to sections north of Sturt Road and other arterials roads in the locality. In my opinion, whilst the proposal does not achieve a shared access point with the development that may occur on the southern half of the allotment, it is my view that the dwelling will be able to function appropriately, without resulting in road safety impacts.

In order to ensure vehicles have the opportunity to enter and exit the site in a forward direction, the following has been included as a recommended condition of consent, "The motorised vehicle turntable shall be installed and available for use prior to the occupation of the dwelling".

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to the garage wall situated on the boundary has been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to this matters.

The representor in favour of the application has also raised concerns over the two storey nature of the dwelling. While this concern is noted, it is acknowledged that the Residential Zone and Policy Area anticipates two storey development which does not exceed 9.0 metres. In this instance the maximum building height does not exceed 9.0 metres and has demonstrated that the dwelling will be able to function appropriately without resulting in amenity impacts upon adjoining land.

ANALYSIS/CONCLUSION

It is my view that the proposed development satisfies the relevant Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages the redevelopment of the existing housing stock at low to low-medium densities. It has also been identified that the subject land is located within close proximity to a variety of centre zones within the locality which is welcomed by the Residential Zone.

Whilst the allotment is undersized, the proposed development satisfies a majority of the provisions of Council's Development Plan, demonstrating that the site is able to accommodate a detached dwelling in the form proposed. It is acknowledged that the proposal fails to achieve certain aspects of the quantitative provisions of Council's Development Plan; however, these shortfalls are not considered to affect the functionality of the dwelling. These shortfalls have been considered on balance with the overall compliance with the Development Plan and the merit of the proposal is considered to outweigh any discrepancies. Furthermore, assessment of the qualitative criteria has demonstrated that the proposal achieves the anticipated design, layout and features sought for new residential development. Accordingly, the proposed development achieves a number of positive outcomes for future residents as well as the amenity and character of 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: 100/2015/2087 for to construct a two-storey detached dwelling, incorporating a garage wall on the north-western side boundary at 403 Diagonal Road, Sturt 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. 100/2015/2087, being drawing numbers 1-6 of Job No: 14475 (inclusive) prepared by Rendition Homes, received by Council on 14 April 2016 and the Site and Drainage Plan, file ref: DIA3208-1, prepared by Dean Iuliano and Company Consulting Engineers, received by Council on 20 April 2016, except when varied by the following conditions of consent.
2. Prior to Development Approval being issued, correspondence is sought from the relevant authority which confirms the street sign can be removed and/or relocated. Any costs associated with the street sign removal and/or relocation shall be paid by the applicant/home owner. The removal and/or relocation of the street sign shall be undertaken prior to the occupation of the dwelling.
3. The motorised vehicle turntable shall be installed and available for use prior to the occupation of the dwelling.
4. Revised elevation plans shall be submitted to Council prior to Development Approval being issued, nominating the windows on the front facade being double glazed for sound attenuation purposes.
5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

8. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
9. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
10. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
11. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
12. All west facing windows and glass doors shall be either externally shaded, fitted with solar glass, or protected with an anti-glare, heat reflective adhesive film or similar to the reasonable satisfaction of the Council or its delegate, prior to occupation. (Refer to the City of Marion Information Brochure "Energy Efficiency" for further information and please note that some external shading structures may require the further Development Approval of the Council).
13. All north facing windows and glass doors shall be externally shaded to allow winter sun access but provide complete shading during summer to the reasonable satisfaction of the Council or its delegate, prior to occupation. (Refer to the City of Marion Information Brochure "Energy Efficiency" for further information and please note that some external shading structures may require the further Development Approval of the Council).
14. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, 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

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment VI:</i>	<i>External Agency Referral Comments</i>

DEVELOPMENT ASSESSMENT PANEL

Wednesday 3 August 2016

Agenda Ref No:	DAP030816 – 2.2
Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Scope Development Solutions
Development Description:	Residential Land Division - Community Title 1 into 4 allotments and construction of a two (2) storey detached dwelling, single (1) storey group dwelling and a residential flat building comprising two (2) dwellings and associated landscaping.
Site Location:	17 Adelaide Terrace, Edwardstown
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 1 / Consent
Lodgement Date:	16/11/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/2137
Recommendation:	That Development Plan Consent and Land Division Consent GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed dwellings supporting allotment areas less than the minimum sought within the Medium Density Policy Area 12. Dwelling 1 supports an allotment area less than the minimum 300 square metres required for a detached dwelling, Dwelling 2 supports an allotment area less than the minimum 250 square metres required for a group dwelling, whilst Dwellings 3 and 4 each supporting an average allotment area less than the minimum 250 square metres required for residential flat buildings within the Medium Density Policy Area 12. 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
A reduction in dwellings should be considered to provide site areas that meet the minimum allotment area requirements.	Not provided.
Provision of 4m by 4m dimension of POS for Dwellings 1 and 2.	Not provided.
Amended front setback of Dwelling 1 to ensure a minimum front setback of 5 metres is achieved (at the closest point).	Minimum 5 metre setback provided.
Provide a location for common utilities and mailboxes.	Amendments provided.
Provide a minimum 5.5 metre visitor space for Dwelling 2.	Amendments provided.
Appropriate screening and/or medium to high level landscaping should be incorporated into the design to protect front bedroom of Dwelling 4 from external noise and artificial light intrusion.	Screening provided.
To ensure safe and convenient access for vehicles access Dwellings 2, 3 and 4 the driveway width between Dwellings 3 & 4 and the boundary of allotment 2 is required to be increased.	Amendments provided.
Provide greater articulation and/or design/detailing to the upper level northern façade of Dwelling 1.	A mixture of colours and materials has been incorporated into the design of the façade to improve visual interest and reduce the visual bulk/scale of the dwelling.
Increase rear setbacks of each dwelling to provide greater separation to the respective rear boundaries and to ensure sufficient area and dimensions of private open space can be provided.	Rear setback of Dwellings 3 & 4 marginally increased.
Increase the width of the common driveway to a minimum of 4 metres (3 metres driveway width and two 500 mm landscape strips).	Amendment provided.
Provide fixed and obscured glazing to a height of 1.7 metres above the internal finished floor level of the upper level northern, eastern and southern facades.	Amendment provided.
Increase the northern side setback of Dwelling 1 and 2 to the common driveway to provide appropriate separation of habitable rooms from pedestrian and vehicle movement.	Amendment provided.
Information Requested	Information Provided
Engineered site works and drainage plan provided.	Provided.
A vehicle manoeuvring plan which details the vehicle turning areas for all nominated car parking spaces.	Provided.

Ensure proposed allotment areas and dimensions on the land use plans are consistent with the proposed plan of division.	Provided.
Ensure correct plans and documentation is uploaded to EDALA.	Provided.
Confirmation of all colours and materials	Provided.
Detailed landscape plan.	Provided.

SUBJECT LAND & LOCALITY

The subject land is located at 17 Adelaide Terrace, Edwardstown. The allotment is predominately rectangular in shape (although it incorporates an angled frontage) and incorporates a frontage of 18.37, an allotment width of 16.15 metres, an average depth of 59.22 metres and an overall allotment area of 956 square metres.

The subject site is relatively flat and devoid of any structures or vegetation. The site formally contained a 1940's austerity era dwelling in ordinary condition and a swimming pool and outbuilding to the rear of the allotment. The Certificate of Title confirms that the land is clear of any encumbrances or easements. Vehicular access to the site is currently achieved through a crossover located to the northern side of the allotment. This crossover is proposed to be reused as part of the proposed development.

The locality is primarily residential in nature and typically defined by a mixture of single storey detached dwellings on large allotments and recently sub-divided allotments incorporating a variety of modern style single and double storey dwellings at a range of densities. The subject allotment is located opposite the Woodlands Park Train station which provides access to the Adelaide CBD via the Seaford Rail line, and is within 130 metres of the Weaver Street Reserve, 250 metres of the Edwardstown Memorial Oval Reserve and 500 metres of the Castle Plaza shopping centre and associated District Centre Zone.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes a residential sub division to create three additional allotments (four in total) and the construction of a two (2) storey detached dwelling facing Adelaide Terrace, a single (1) storey group dwelling sited to the rear of the two storey detached dwelling and a single storey residential flat building comprising two (2) dwellings.

Dwelling 1 is two storey in nature and incorporates three bedrooms, en-suite, walk-in-robe and bathroom on the upper level and whilst the ground level incorporates a laundry, open plan kitchen/meals/living area with direct access to the associated area of private open space. A single width carport, sited on the southern boundary, will gain access through a proposed driveway and crossover located adjacent the southern side boundary.

Dwelling 2 (group dwelling) is single storey in nature and incorporates two bedrooms, a bathroom and an open plan kitchen/meals/living area with direct access to the associated area of private open space. The dwelling incorporates a single width carport and an associated visitor space. Vehicular access is achieved via an internal common driveway running the length of the northern boundary of the allotment (this driveway also services allotments 3 and 4).

Dwellings 3 & 4 (residential flat dwellings) are single storey in nature and incorporate 2 bedrooms, an en-suite, laundry area within the garage, bathroom, water closet and an open plan kitchen/meals/living area with direct access to the associated area of private open space. 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 northern boundary of the allotment (this driveway also services allotment 2).

Low through to high level landscaping has been provided forward of Dwelling 1, whilst low to medium level plantings have been provided throughout the remainder of the subject site, and along both sides of the common driveway.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

SA Water:	Refer to <i>Attachment IV</i> for the standard SA Water land division comments.
DAC:	Refer to <i>Attachment IV</i> for the standard DAC land division comments.

Refer Attachment IV

INTERNAL DEPARTMENT COMMENTS

Engineering:	Council's Development Engineer has advised the current design achieves vehicle movements that comply with the applicable Australian Standards.
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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	
Objectives	
<i>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i>	
<i>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i>	
Medium Density Policy Area 12	
Objectives	
1	<i>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>
2	<i>Development that minimises the potential impact of garaging of vehicles on the character of the area.</i>
3	<i>Development that supports the viability of community services and infrastructure and reflects good residential design principles.</i>
4	<i>Development that contributes to the desired character of the policy area.</i>
Desired Character	
<i>The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density 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 additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater</i>	

compatibility with that adjacent housing.

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.

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

Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building (buildings between one and three storeys) ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies
PDC 4	<p>Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should be in the form of 2 to 3 storey buildings.</p> <p>(i.e. Site areas between 149.3 and 250 m²)</p>	Does Not Comply
PDC 6	<p>In the case of multiple dwellings on one site, access to parking and garaging areas from public streets should primarily be via a minimum number of common driveways.</p>	<p>Partially Complies</p> <p>Dwellings 2-4 gain access via a single common driveway and will utilise an existing crossover. A new driveway and crossover will be constructed to provide access to Dwelling 1.</p>
PDC 7	<p>Minimum Site Area:</p> <p>Dwelling 1 – Detached: 300m² Dwelling 2 – Group Dwelling: 250m² Dwelling 3 & 4 - Residential Flt Building: 250m²</p>	<p>Does Not Comply</p> <p>Dwelling 1: 232m² Dwelling 2: 183.4m² Dwelling 3 & 4: 170.4m² (per dwelling)</p>
	<p>Minimum Frontage:</p> <p>Dwelling 1 – Detached: 10m Dwelling 2 – Group Dwelling: 18m Dwelling 3 & 4 - Residential Flt Building: 18m</p>	<p>Complies</p> <p>Dwelling 1: 12.11m Dwelling 2: 18.37m Dwelling 3 & 4: 18.37m</p>
	<p>Minimum Depth:</p> <p>Dwelling 1: 20m Dwelling 2: 45m Dwelling 3 & 4: 45m</p>	<p>Complies</p> <p>Dwelling 2: 59.22m (average) Dwelling 3 & 4: 59.22m (average)</p> <p>Does Not Comply</p> <p>Dwelling 1: 19.47m (average)</p>

The applicant proposes to replace one dwelling and construct four dwellings in its place. Objective 1 of the Residential Zone seeks a range of dwelling densities, whilst Objective 2 of both the Residential Zone and Medium Density Policy Area 12 encourages development of an

increased density close to public open space, neighbourhood centres and public transport nodes. The proposal is considered to reflect the Objectives and Desired Character of the Residential Zone and Medium Density Policy Area 12 by replacing the existing housing stock with greater density development, whilst contributing positively to the area with the establishment of modern dwelling types at a higher density that differ to that typically found within the immediate locality. Furthermore, the development promotes a cohesive streetscape through the dwelling's design, as the height and bulk of the proposed two storey dwelling is not considered to adversely impact upon the amenity of existing neighbouring development.

The site is located in relatively close proximity to a number of desirable attributes where higher densities are sought. Future occupants would be within walking distance of the Seaford Rail Line with services to Adelaide CBD and the Edwardstown Memorial Oval. Additionally, a District Centre which contains Castle Plaza shopping centre and other services is located within 500 metres.

Whilst the subject land is located within close proximity to the Northern Policy Area 13 -which seeks to accommodate dwellings at a lower density – the overall built form and scale of the proposed dwellings are considered to be compatible with form and scale of housing found within this adjacent policy area.

No mature vegetation on the subject land, or on the road reserve will be impacted by the development and therefore the proposal complies with that part of the Desired Character.

Overall the proposed development, in terms of the density and form of development proposed, is considered to complement the Objectives and Desired Character of the Residential Zone and Medium Density Policy Area 12.

Site Area (Dwellings 1-4)

The site areas of all four proposed dwellings do not meet the minimum prescribed for detached, group dwelling, and residential flat buildings within the Medium Density Policy Area (300 square metres for detached and 250 square metres for group and residential flat-buildings).

Dwelling 1 (detached dwelling) incorporates a site area of 232m², which equates to a shortfall of some 68 square metres (22.7%). Although the undersized nature the allotment is significant, the two storey design of the dwelling has demonstrated that the lack of site area has not adversely compromised the provision of appropriate area of private open space (as discussed further in this report). Furthermore, the allotment maintains a frontage width of 12.11 metres, 2.11 metres greater than the required 12 metres for the Policy Area. As such, the undersized nature of the allotment will not be as apparent from the street as the predominate pattern of wider frontages for detached dwellings will be maintained.

Dwelling 2 (group dwelling) incorporates a site area of 183.4 square metres, which equates to a shortfall of some 66.6 square metres (26.64%), whilst Dwellings 3 and 4 (residential flat dwellings) incorporate an average site area of 170.4 19.6 square metres, which equates to a shortfall of some 79.6 square metres (31.84%).

The total combined site area of Dwellings 2-4 equates to 524.2 square metres and as such results in an average deficiency of 30.11% below the minimum required.

It is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with General Section: Land Division Principle of Development Control 8, 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 and manoeuvring areas were to be included within site area calculations, the combined allotment and driveway area of allotments 2-4 would equate to 697.2 square metres. It is noted that even when including the driveway, the combined driveway area of Dwellings 2-4 maintains a 7.04% discrepancy against the prescribed minimum (with a minimum area of 750 square metres required for allotments 2-4 - i.e. three allotments comprising the minimum 250 square metre requirement equates to a total of 750 square metres).

It is therefore essential, given the undersized site areas, to consider whether the densities proposed fundamentally contradict that sought within the Policy Area. The total site area of all allotments (Dwellings 1-4), excluding the common driveway, is 756.2 square metres which equates to a shortfall of 293.8 square metres (27.99%), with 1,050 square metres being required to accommodate the dwelling types proposed. Although all proposed site areas are significantly less than that sought for their dwelling type, the land, with a total site area of 956 square metres, and average site area per dwelling of 189.05 square metres (excluding the common driveway, but 239 square metres when included), is adequate to yield 4 dwellings in a row dwelling configuration (which requires a minimum allotment size of 210 square metres). This notwithstanding, four row dwellings would not be possible given the significant lack of site frontage.

Despite the undersized nature of the allotments and acknowledging that the proposal does represent shortfalls in relation to dimensions of private open space, each dwelling is considered to function relatively appropriately (as discussed further in the table below).

Regard should also be given to the location of the proposed development in a Policy Area that encourages increased densities, especially considering its close proximity to large areas of open space and high frequency transportation routes. Furthermore, a combination of two and three bedroom dwellings are proposed and this promotes a diversification of dwelling types found within the immediate locality. As such, the allotments proposed are considered suitable for the site density sought within the Policy Area.

Depth (Dwelling 1)

Dwelling 1 proposes an average depth of 19.47m, 530mm short of that sought for detached dwellings within the Medium Density Policy Area 12. Whilst the inability to provide compliant dimensions of POS can be somewhat attributed to the lack of allotment depth, it is not considered detrimental to the functionality of the proposal.

On balance, whilst the site depth does not comply with the quantitative provisions of the Policy Area, it is not considered fatal to the functionality of the dwellings or compromise the streetscape or amenity of adjoining land.

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>Maximum site coverage:</p> <p>Site area less than 270 m²: 100 m² or 40% (whichever is the greater)</p> <p>Medium Density Policy Area 12: PDC 8</p>	<p>Complies Dwelling 1: 93.55m² Dwelling 2: 99.3m²</p> <p>Does Not Comply Dwelling 3 & 4: 102.2m²</p> <p>(100m² is applicable for each dwelling in this instance)</p>
<p>Maximum floor area ratio:</p> <p>Site area less than 270 m²: 0.7</p> <p>Medium Density Policy Area 12: PDC 8</p>	<p>Complies Dwelling 1: 0.61 Dwelling 2: 0.42 Dwelling 3 & 4: 0.47</p>
<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (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>General Section: Residential Development: PDC 13</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>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 14</p>	<p>Complies</p>

The Medium Density Policy Area 12 prescribes a maximum site coverage of 100 square metres in this instance, whereas Dwellings 3 & 4 propose a total floor area of 102.2m².

The excess in dwelling footprint in this instance is considered minor, as the dwellings have been provided with adequate side and rear setbacks, vehicular turning areas that accord with the applicable Australian Standards and adequate dimensions and area of private open space (discussed further within this report). Furthermore, the excess in site coverage is unlikely to result in overshadowing of the areas of private open space or create adverse visual impacts on adjoining properties due to the single storey nature of the dwellings.

Moreover, it should be noted, a 'residential flat dwelling' can incorporate site coverage of up to 70% with the subsequent construction of a verandah or outbuilding under Schedule 1A or 4 of the Development Regulations 2008 (once the dwellings have been completed) indicating a degree of flexibility in this instance.

Private Open Space

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

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

General Section: Residential Development: PDC 15

Complies

Dwellings 1-4

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

Dwellings 3 & 4

- j) The POS areas are considered to have sufficient shape and area to be functional.

Partially Complies

Dwelling 4

- f) The proposed POS area maintains a partial northern aspect to provide for comfortable year round use.

Dwellings 1, 2 & 3

- f) Due to the east-west orientation of the original allotment, and the proposed internal layout of each dwelling, a primary northern orientation has not been achieved. This notwithstanding, it is acknowledged a portion of POS for each dwelling maintains a partial northern aspect.

Dwellings 1 & 2

- j) Whilst these dwellings are provided with sufficient area of private space, the dimensions proposed do not accord with Residential Development Principle of Development Control 17 (see discussion below).

Site area less than 250 m²:

20% of the site area or 35 m², whichever is the greater. Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.

One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.

General Section: Residential Development: PDC 17

Complies

Dwelling 1: 47.7m² / 20.5%

Dwelling 2: 52.2m² / 28.4%

Dwellings 3 & 4: 35.45m²

(Dwellings 1 & 2 require a minimum 20% of the allotment area whilst Dwellings 3 & 4 require a minimum 35 square metres of POS as 35 square metres is the greater).

Dwellings 3 & 4 are provided with an area of POS that is directly assessable from a living room and achieves minimum 4m by 4m dimensions.

Does Not Comply

Dwelling 1: 6.4m by 3.2m (largest area provided)

Dwelling 2: 11.68 x 2.7m (largest area provided)

Whilst each dwelling is provided with an appropriate area of private open space, Dwellings 1 and 2 are not provided with a single 4 metre by 4 metre area of POS. In my view, this is the largest failure of the proposal and can be attributed to the significantly undersized nature of each allotment.

Dwelling 1

The area of POS for dwelling 1 is divided into three separate, but linked, areas measuring 3.1m by 4.6m (12.82m² when including the corner cut-off), 3.2m by 6.4m (20.48m²) and 2.57m by 5.1m. Notwithstanding the proposals inability to provide a minimum 4m by 4m area of POS, the individual areas provided are not convoluted and are directly accessible from the main living area. A single area of 16 square metres has been provided, however this only achieves a maximum secondary dimension of 3.2 metres. Additionally, this area is orientated to the south of the dwelling and is therefore likely to experience shading by the associated dwelling throughout the year. The secondary areas are of a reasonable size and can be used for the location of rubbish bin storage, rainwater tanks and other utilities.

In my opinion, despite the proposal's inability to provide adequate dimensions, the area and dimensions as provided, are considered to be adequate for the likely needs of future occupants.

Dwelling 2

The area of POS for Dwelling 2 is divided into two linked areas measuring 11.68m by 2.7m (31.53m) and 2.6m by 8.3m (20.63m), both of which are directly accessible from the main living area. The 2.7 and 2.6 metre secondary dimensions are marginally greater than the minimum 2.5 metre dimension required for space to even be considered as an area of POS, indicating the proposal's significant shortfall in the achievement of adequate dimensions. Furthermore, the largest area is south facing and whilst the dwelling is single storey in nature, it will still experience overshadowing, particularly during the winter months. In my opinion, the proposed dimensions result in a poor amenity outcome with the occupants provided a cramped and confined area of primary POS.

On the alternative view, the Medium Density Policy Area 12 Desired Character seeks redevelopment at a greater density and a range of dwelling types. The dwelling incorporates two bedrooms, and is located within close proximity to a high frequency public transport route and a short distance from a significant area of public open space (Edwardstown Memorial Oval). Furthermore, the individual areas provided are not convoluted and are directly accessible from the main living area

The provision of adequate area and dimensions of private open space is fundamental to the amenity and likely needs of future occupants. In my opinion, sufficient dimensions of private open space have not been provided and the proposal, in regards to Dwelling 2, does not achieved the intent of Residential Development Principle of Development Control 17 and results in a cramped and constrained area of POS.

Despite Council requests for amendments to increase the dimensions of POS to meet the minimum requirements for Dwelling 1 and 2, this shortfall remains an outstanding matter that was not addressed by the applicant.

Street Setbacks

Except in areas where a new character is desired, the setback of buildings from public roads should:
(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
(b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 23

Complies

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

Due to the angled front boundary, Dwelling 1 incorporates front setbacks varying from between 5.7 to 8.5 metres from the main face of the dwelling to the front boundary.

This should not detract from the appearance and function of the dwelling, nor from the desired character of the locality.

Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads 5 metres in all other circumstances.

Residential Zone: PDC 7

Complies

Given allotment to the north is vacant and only one allotment to the south of the site faces Railway Terrace, there is no established streetscape within the immediate locality. It is apparent newer dwellings within the wider locality attain similar front setbacks.

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Where the wall height is not greater than 3 metres: 1 metre

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 7

Complies

Dwelling 1: 4.6m (existing northern boundary) & 3.2m (southern boundary)
Dwelling 2: 4.9m (existing northern boundary) & 2.7m (southern boundary)

Does Not Comply

Dwelling 3 & 4: 900mm (southern and northern boundaries respectfully)

Does Not Comply

Dwelling 1: 6.3 metre wall height requires a 3.3 metre setback from the Southern Boundary

Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:
(a) the visual impact of the building as viewed from adjacent properties
(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.

General Section: Design & Appearance: PDC 2

Complies

Although the side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.

Ground Level Side Setbacks

The proposed southern and northern ground level side setbacks of Dwelling 3 and 4, at 900mm, are marginally short of the 1 metre distance required for a single storey dwelling with a wall height under 3 metres. The discrepancy in side setback is considered acceptable as it is minor in nature and will not result in a detrimental visual impact or cause unreasonable overshadowing of adjoining land. Whilst the proposed side setback does not accord with Council's Development Plan, it does nonetheless accord with the Building Code of Australia.

Upper level Side Setbacks

The proposed dwelling achieves an upper level wall height of 6.3 metres (taken from the top of the parapet to the proposed finished floor level). As the southern wall height exceeds 6 metres, a minimum upper level side setback of 3.3 metres should be achieved. In my opinion, the 100mm discrepancy in upper level side setback is minor and will not result in unreasonable visual, amenity or overshadowing impacts onto the adjacent allotment to the south. This setback is considered appropriate and provides sufficient separation to the side boundary.

The neighbouring dwelling to the south (18 Adelaide Terrace) incorporates a carport on the boundary. A majority of the private open space is located to the rear of the allotment. As a result of the carport on the boundary and limited number of north facing habitable room windows (a single corner wrap-around window is present), potential visual and amenity impacts associated with the height and bulk of the proposed dwelling is primarily limited to the front yard of the adjacent allotment.

Rear Setbacks	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Dwelling 1 & 2</p> <p>Does Not Comply Dwelling 3 & 4: 2.9m (41.3%), increasing to 5.5m (47.05%).</p>
<p><i>6 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Dwelling 1</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Does Not Comply <i>See discussion below</i></p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>

Rear Setbacks Dwelling 3 & 4

The proposed rear setbacks of Dwellings 3 & 4 encroach on the minimum 3 metre setback (for 50% of the allotment width) by 100mm for a distance of 3.3 metres, whilst the remainder of the dwellings encroach on the minimum 6 metre setback by 560mm. The discrepancy in setbacks does not compromise the functionality of the dwellings and they are provided with acceptable dimensions and area of private open space. Furthermore, the single storey nature of the built form will not result in inappropriate overshadowing or visual impact onto adjoining residential properties.

Building Height	
<p><i>Maximum building height (from natural ground level):</i> <i>(i) 2 storeys of not more than 9 metres</i> <i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Dwelling 1, which is two storey in nature, incorporates a maximum building height of 8.3 metres, which is less than the maximum permitted in the Policy Area.</p> <p>Dwellings, 2-4, which are single storey in nature, incorporate maximum 4.08 metre building heights.</p>
Garages, Carports and Outbuildings	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i> <i>8 metres for a freestanding structure.</i> <i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Does Not Comply Whilst the carport of Dwelling 1 is setback a minimum 9.1 metres from the primary road frontage, it is not setback a minimum 500mm behind the main face of the dwelling. This shortfall is considered minor and does not affect the merits of the proposal. Each dwelling is afforded significant articulation and a mixture of colours/materials which appropriately minimises the discrepancy in setbacks.</p> <p>The respective carports and garages of Dwellings 2-4 are sited behind the main face of the dwellings and do not face the primary street, therefore this provision is not relevant in this instance.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies The associated garages and carports incorporate roof forms, materials and detailing which complement the associated dwellings.</p>
<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i> <i>(a) when located on side or rear allotment boundaries:</i> <i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i> <i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i> <i>(A) 7 metres for structures with enclosed side walls</i> <i>(B) 8 metres for structures with open side walls</i> <i>(C) 7 metres where there are both enclosed and open sided structures</i> <i>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p>Complies Dwelling 1: i) Carport on boundary is not located within 6 metres of any existing structure on the same site and same boundary ii) Open structure length of 6.5 metres on the boundary</p> <p>Dwelling 2: i) Carport on boundary is not located within 6 metres of any existing structure on the same site and same boundary ii) Open structure length of 3.42 metres on the boundary</p> <p>Does Not Comply Dwelling 1 and 2: iii) Wall height of 3.0 metres</p>

	<p>Whilst it is noted that the structure located on the boundary exceeds the maximum 2.4 metre height permitted within the Development Plan, it is worthy to have regard to Schedule 4 of the Development Act 2008 which permits a maximum wall/structure height of 3 metres "as of right". The excess in structure height when assessed against the Development Plan is unlikely to be visually obtrusive and will not have an unreasonable visual impact on the adjoining property with a majority of shadow caused likely to fall on the adjoining dwellings side path and front yard.</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>The proposed carport incorporates a roof form, materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> <i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i> <i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Each dwelling incorporates 2 car parking spaces, one of which is undercover.</p> <p>Therefore, a total of 8 car parking spaces are provided, exceeding the minimum prescribed by the Development Plan.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i> <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 (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does not comply</p> <p>d) 1 on-street car parking space shall remain available adjacent the subject land when two ought to be provided in accordance with Land Division Principle 22.</p> <p>e) The proposed development will result in a loss of on-street parking, as an additional crossover is proposed. It is however noted, several indented parking bays are located opposite the subject site, and sufficient on-street parking is provided within the immediate locality to overcome this shortfall.</p>

<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</p> <p>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</p> <p>(c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation & Access: PDC 44</p>	<p>Partially Complies</p> <p>(a) (b) Council's Development Engineer has confirmed that the development provides adequate space for vehicles to manoeuvre between the street and parking area in accordance with the applicable Australian Standards.</p> <p>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>										
<p>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</p> <p>(a) not face the primary street frontage</p> <p>(b) be located to the rear of buildings with access from a shared internal laneway</p> <p>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</p> <p>General Section: Transportation & Access: PDC 45</p>	<p>Complies</p> <p>The parking areas are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.</p>										
Access											
<p>The width of driveway crossovers should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>General Section: Residential Development: PDC 39</p>	<p>Partially Complies</p> <p>The driveway servicing Dwelling 1 achieves a maximum width of 3.2 metres. The slight increase in driveway width is considered acceptable and will not prevent the provision of an on-street parking space.</p> <p>The driveway servicing Dwellings 2-4 achieves a maximum width of 3 metres.</p>										
<p>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>										
<p>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Complies</p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>										
<p>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</p> <table><tr><th>No. of dwellings served by driveway</th><th>Width at front property boundary & for first 6 metres</th><th>Width beyond first 6 metres</th><th>Widening required for passing</th><th>Minimum landscaped strip either side of driveway (metres)</th></tr><tr><td>3</td><td>3</td><td>3</td><td>Only if the driveway length is greater than 30 metres</td><td>0.5</td></tr></table> <p>General Section: Residential Development: PDC 41</p>	No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)	3	3	3	Only if the driveway length is greater than 30 metres	0.5	<p>Complies</p>
No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)							
3	3	3	Only if the driveway length is greater than 30 metres	0.5							

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

Dwelling 1 has been designed so that its main facade faces the primary street, presenting an entrance door, portico and habitable windows to the street.

The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape.

Dwellings 1 incorporates a mixture of light grey and sandy grey render to the front façade, in addition to the stepping back of one portion of the façade to provide greater articulation. The front portico incorporates James Hardie Scyon Axon cladding to provide a contrasting material and aid in improving the visual presentation of the dwelling to the street. Furthermore, sufficient fenestration has been provided and enables casual surveillance to the street and Woodlands Train Station. The dwelling incorporates a 20 degree hip-end 'Dune' Colorbond roof.

The northern and eastern façades feature a mixture of render and James Hardie Scyon Axon cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to

public view. Whilst the western façade does not incorporate additional cladding, it does incorporate stepping to aid in minimising the visual bulk and scale of the structures two story nature.

Dwelling 1 proposes a garage wall height of 3.6 metres. Given the wall is adjacent the internal common driveway servicing Dwellings 2-4, medium to high level landscaping (as discussed further within this report) is proposed to help minimise and screen this wall. In my opinion, the wall height is unlikely to result in adverse or inappropriate visual bulk/scale impacts.

Dwellings 2-4 incorporate a 20 degree 'Dune' Colorbond roof with rendered facades. These materials should not result in glare to neighbouring properties. The garage doors of Dwellings 3 & 4 feature an Off White Colorbond Panel lift door.

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

Some portion of private open space of each dwelling achieves a partial northern aspect and will receive adequate natural light throughout the winter months.

The proposed development will not result in adverse overshadowing onto adjacent dwellings or their associated areas of private open space due to the significant separation to boundaries. The upper level of Dwelling 1 is setback 3.2 metres from the existing southern side setback and further separation is afforded to the adjacent dwelling by the dwellings driveway (approximately 3 metres).

The potential impact of overshadowing in this instance should not have an unreasonable impact on the amenity of the owners and occupiers of adjoining land.

Likewise, the eastern façade of Dwelling 1 is afforded sufficient separation to the POS of Dwelling 2, and is unlikely to result in unreasonable overshadowing impacts.

As such, the development is considered to reasonably accord with the mentioned Principles of Development Control.

Visual Privacy

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

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

Complies

Dwelling 1 incorporate fixed obscure glazing and/or window sill heights 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 overlooking of habitable areas.

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.

<p><i>have minimal negative effect on residents' or neighbours' amenity.</i></p> <p>General Section: Design & Appearance: PDC 12</p>	<p>Dwellings 2-4 are single storey in nature, and as such, not overlooking impacts are anticipated.</p>
<p><i>Buildings on battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining residential properties.</i></p> <p>General Section: Design & Appearance: PDC 14</p>	<p>Complies</p> <p>Dwelling 2-4 are located on a battleaxe allotment are single storey and designed to maintain the privacy of adjoining residential properties.</p>
Noise	
<p><i>Residential development close to high noise sources (eg major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, or protect these areas with appropriate noise attenuation measures.</i></p> <p>General Section: Residential Development: PDC 26</p>	<p>Partially Complies</p> <p>The front façade of dwelling 1 is located approximately 25 metres from the rail line and whilst the upper level bedrooms and ground level living areas face the line, extent of separation afforded is considered to adequately minimise significant noise impacts. It should be noted the subject site is not located within close proximity to a rail crossing, which arguably generates greater immediate noise than an electric train.</p> <p>The associated area of private open space is located to the rear of the dwelling, and is there shielded from adjacent rail line.</p>
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p>General Section: Residential Development: PDC 29</p>	<p>Complies</p> <p>Dwellings 2-4 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1 metre and incorporate landscaping between the driveway and bedroom window. This combination of setback and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29. Additionally, vegetated privacy screens have been provided to Bedroom 1 of Dwellings 3 and 4 to provide an additional level of privacy.</p> <p>Window shutter devices, additional external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
Site Facilities and Storage	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas away from dwellings.</i></p> <p>General Section: Residential Development: PDC 30</p>	<p>Partially Complies</p> <p>a) Common letterboxes are featured at the entrance to the common driveway.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>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.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p>General Section: Energy Efficiency: PDC 1</p>	<p>Partially Complies</p> <p>The main activity areas of Dwellings 3 and 4 are oriented east and should nonetheless receive some northern winter sunlight.</p>

<p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Does Not Comply</p> <p>The main activity areas of Dwellings 1 and 2 are south facing and therefore incorporate a majority of windows along their respective southern facades. This notwithstanding, Dwelling 1 incorporates a living room window along the northern façade, whilst Dwelling 2 incorporates a window along the eastern façade. The main activity areas of both dwellings should nonetheless receive some northern winter sunlight.</p> <p>The lack of compliance with the applicable provisions is not considered fatal to the application.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>Each dwelling incorporates a hipped roof form set at a 20 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas. Higher level plantings are proposed forward of Dwelling 1 and within the common driveway adjacent the northern façade to further aid in reducing and softening the visual bulk/scale posed by the two storey nature of the dwelling.</p>

Land Division

When land is divided:

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

General Section: Land Division: PDC 1

Complies

- a) Council's Development Engineer has confirmed that the stormwater disposal system is satisfactory.
- b) SA Water have confirmed that water supply is available (subject to conditions).
- c) SA Water have confirmed that sewerage connection is available (subject to conditions).

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

- (a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use*
- (b) any allotment will not have a frontage to one of the following:

 - (i) an existing road*
 - (ii) a proposed public road*
 - (iii) access to a public road via an internal roadway in a plan of community division**
- (c) the intended use of the land is likely to require excessive cut and/or fill*
- (d) it is likely to lead to undue erosion of the subject land or land within the locality*
- (e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development*
- (f) the intended use of the land would be contrary to the zone objectives*
- (g) any allotments will straddle more than one zone, policy area or precinct.*

General Section: Land Division: PDC 2

Complies

- a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use.
- b) Allotment 1 will achieve direct access to the public road, whilst Allotments 2-4 will gain access via the internal driveway.
- c) Due to the relatively flat topography only minor cut/fill is required.
- d) Erosion is unlikely.
- e) The locality is connected to the SA Water sewerage system.
- f) The intended use of the allotments is consistent with the zone objectives.
- g) The allotments are located wholly within the zone and policy area.

Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.

General Section: Land Division: PDC 3

Complies

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

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

General Section: Land Division: PDC 10

Complies

The layout of a land division should provide for efficient solar access.

General Section: Land Division: PDC 11

Complies

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:

- (a) the size of proposed allotments and sites and opportunities*

Partially Complies

- a) The allotments provide opportunities for adequate on-site car parking.
- b) Access to frequent bus and train services is

<p><i>for on-site parking</i> <i>(b) the availability and frequency of public and community transport</i> <i>(c) on-street parking demand likely to be generated by nearby uses.</i></p> <p><i>General Section: Land Division: PDC 21</i></p>	<p>readily available within the wider locality. c) 1 on-street car parking space shall be available adjacent the subject land. Whilst this does not comply with Development Plan requirements as discussed earlier in the report, I am of the opinion the number of on-street spaces is considered acceptable.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Does Not Comply The proposed increase in density requires the provision of two on-street parking spaces however, only one on-street car park is maintained, resulting in a shortfall of one on-street parking space. Given the proposal exceeds the minimum on-site parking requirements (albeit not including independently accessible on site visitor parks), three of the four dwellings comprise two bedrooms only and that the dwellings are located in relatively close proximity to public transport and centre facilities, the shortfall in on-street car parking is considered acceptable. Additionally, sufficient on-street parking is available within the immediate locality.</p>

ANALYSIS/CONCLUSION

The proposed development complements the Objectives, Principles and Desired Character of the Residential Zone and Medium Density Policy Area 12 as it achieves an increase in dwelling densities, greater than that of the original housing stock, provides further diversification of dwelling types and is located within close proximity to public transportation routes and large areas of open space.

Assessment of the proposal against the quantitative and qualitative Development Plan provisions has demonstrated that the proposal complies with a significant number of the applicable provisions and attains appropriate design outcomes envisaged for residential development. It is acknowledged however; the proposal maintains significant shortfalls relating to site area of each allotment and the dimensions of private open space afforded to Dwellings 1 & 2.

The proposal also maintains several other quantitative shortfalls, including an excess in site coverage and a lack of rear setbacks for Dwellings 3 & 4, a shortfall of 1 on-street parking space, the lack of siting and design of the main activity areas to face north (each dwelling), the boundary carport height and the side setbacks of Dwelling 1. These areas, in my opinion, are relatively minor in nature. Furthermore, assessment of these particular shortfalls, and consideration of their potential impacts and consequences, has demonstrated that they do not adversely jeopardise the layout and function of the proposed development, nor do they result in unreasonable impacts on the amenity of adjacent land, the streetscape, or the immediate locality.

The most significant shortfall proposed is the lack of appropriate site area for each dwelling. The proposal is finely balanced in this regard. Assessment within this report has demonstrated that the whilst the shortfall in site area is substantial, the proposed density is not necessarily inconsistent with that envisaged within the Policy Area. A combination of two and three bedroom dwellings are proposed, and this reflects that sought by the Policy Area. In this regard, it could be concluded that the primary shortfall posed by the proposal (the provision of appropriate dimensions of POS for Dwelling 2) may be a result of the proposed density. I am of the opinion however, these shortfalls are not impossible to achieve with the density proposed, rather, the siting and layout of the dwellings has failed to satisfy the applicable Principles of Development Control.

The lack of appropriate dimensions of private open space for Dwelling 2 is, in my opinion, the greatest non-compliance of the proposal. The provision of adequate area and dimensions of private open space is fundamental to the amenity and likely needs of future occupants. The largest secondary dimension provided (2.7 metres) is marginally greater than the minimum 2.5 metre dimension required for space to even be considered as an area of POS, indicating the proposal's significant shortfall in the achievement of adequate dimensions. No large singular area of POS has been provided, and instead the future occupants will be restricted to long and narrow areas that reinforces the lack of separation and confinement of the occupants. As such, I am of the opinion the proposal fails to provide adequate dimensions of private open for this dwelling.

Whilst Dwelling 1 is not provided with a minimum area achieving 4 metre by 4 metre dimensions, the individual areas provided are not convoluted and are directly accessible from the main living area. Whilst a single area of 16 square metres has been provided, this area only achieves a maximum secondary dimension of 3.2 metres. In my opinion, despite the failure to provide adequate dimensions, the area and dimensions as provided for Dwelling 1, are considered to be tolerable for the likely need of future occupants.

It is acknowledged the proposal is finely balanced in relation to the compliances and non-compliances. This report has acknowledged a number of significant shortfalls when, if viewed in isolation, may not be considered acceptable. The proposal, in my opinion, will ultimately result in a reduced amenity outcome for the future occupants of Dwelling 2, however, it should be acknowledged, the future occupants have elected to reside in dwelling that incorporates a lack of appropriate rear setbacks and dimensions of POS.

Ultimately, the proposal must be considered on its merits as a whole and, in my opinion, the lack, and extent of, non-compliances identified are slightly outweighed by the extent of compliance with applicable Development Plan criteria.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development satisfactorily 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 and land Division Consent for Development Application No: 100/2015/2137 for Residential Land Division - Community Title 1 into 2 allotments and construction of a two (2) storey detached dwelling, single (1) storey group dwelling and a residential flat building comprising two (2) dwellings at 17 Adelaide Terrace, 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. 100/2015/2137, being drawings;
 - PL01.I, PL02.I, PL03.G, PL04.E, PL05.E prepared by Alexander Brown Architects, and received by Council 22/07/2016
 - 'Plan of Proposed Division prepared by SKS Surveys Pty Ltd, and received by Council 25/07/2016
 - 'Site Works and Drainage Plan' prepared by P & G Constructions Pty Ltd, received by Council on 6/6/2016.except when varied by the following conditions of consent.
2. The portion of upper floor windows to the Eastern façade of Dwelling 1, 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.
3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
4. 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.
5. 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.
6. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**
- 8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**
- 9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**
- 10. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**
- 11. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**

Land Division Consent

- 1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.**

For SA Water to proceed with the assessment of this application, the developer will need to advise SA Water of their preferred servicing option. Information of our servicing options can be found at: <http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information> . For any queries please contact SA Water Land Developments on 7424 1119.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

- 2. Payment of \$19464 into the Planning and Development Fund (3 lots(s) @ \$6488/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. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, 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.
7. The applicant is reminded that Development Approval from the Council is required for any retaining wall over one metre in height, any masonry fence over one metre in height, any non-masonry fence (eg colorbond, wood paling, brush etc) over 2.1 metres in height, and any retaining wall with a fence on top with a total height over 2.1 metres in height (measured from the lower of the two adjacent ground levels).
8. Demolition of the existing dwelling and/or other structures on the land cannot occur until a separate application has been lodged, assessed by and approved by the Council.
9. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.
10. The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Attachments

<i>Attachment I:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment II:</i>	<i>Certificate of Title</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>External Agency Referral Comments</i>

DEVELOPMENT ASSESSMENT PANEL

Wednesday 3 August 2016

Agenda Ref No: DAP030816 – 2.3

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Danny Gardiner

Development Description: To undertake development in stages: Stage 1: construction of dwelling to rear of site: Stage 2: demolition of existing dwelling: Stage 3: construction of two storey dwelling: Stage 4: to change use of dwelling to rear of site to dependent accommodation.

Site Location: 39 Trumara Road, Marino

Zone: Residential Zone

Policy Area: Hills Policy Area 11

Application Type: Category 1 / Consent

Lodgement Date: 24/12/2015

Development Plan: Consolidated – 3 December 2015

Application No: 100/2015/2421

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

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development.

The subject application is required to be determined by the Development Assessment Panel at the request of the Manager – Development Services.

BACKGROUND

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

Amendments Requested	Amendments Made
The privacy of adjoining land to the north (39 and 41 Barula Road) and south (41 Trumara Road) must be protected by way of	<ul style="list-style-type: none">External screen provided below upper level north-facing dwelling windows to prevent downwards view to rear yard of

appropriate treatments.	39 and 41 Barula Road; <ul style="list-style-type: none"> Balcony screen to northern and part western side of rear balcony provided; Fixed, obscured glazing provided to south-facing kitchen window.
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In addition, the following information was requested from the applicant:

Information Requested	Information Provided
Clarification as to the timing/process for the staging of the development	Provided
Clarification as to the floor level of the existing dwelling	Provided

SUBJECT LAND & LOCALITY

The subject land is situated at 39 (Lot 497) Trumara Road, Marino. The land is situated on the western side of that road, comprising a frontage width of 18.29 metres, an average depth of 81.71 metres, providing a total site area in the order of 1492 square metres.

The certificate of title confirms the land incorporates an easement (to the Minister for Infrastructure), situated some 58 metres west of the front boundary of the land.

A single storey detached dwelling, built in the 1950s, is constructed at the front of the site. A large outbuilding and attached carport are situated towards the centre of the property, accessed by a concrete driveway adjacent the northern side boundary. A smaller outbuilding is located adjacent the north-western corner of the property, also serviced by the concrete driveway.

The land incorporates a gentle fall at the front of the site, generally sloping downwards in a northerly direction, at an average grade of 1:10. Land adjacent the outbuilding and carport is relatively flat, having been augmented some time ago. Land towards the rear 'third' of the property is relatively steep, falling downwards in a westerly direction, at an average grade of 1:5.

Various retaining walls, steps and benched areas are located throughout the site, accommodating existing buildings, driveways and areas of usable private open space.

Minimal vegetation exists on the land at present.

The locality is characterised by single and two storey detached dwellings on large, sloping allotments.

Allotments on the western side of Trumara Road and in surrounding streets are typically 600 – 1,500 square metres in area and comprise older (1950s – 60s) dwellings and more recently-constructed dwellings.

More recent development is typically split level or two storeys in height, due to the topography of the land and opportunity to obtain attractive views to the north and west. The locality has a high level of amenity with well-maintained dwellings and landscaped front yards.

Land on the eastern side of Trumara Road differs from that which typifies the locality, as these properties range between 3,000 – 23,000 square metres in area, many of which are vacant and comprise varying densities of native and exotic vegetation.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicants seek to undertake the development in stages, which will avoid the residents having to vacate the site during the construction of the ‘main’ dwelling.

The application proposes the following forms of development, in the following order;

- Stage 1:** Construction of ‘dwelling’ (to later become ‘dependent accommodation’) towards the rear of the site;
- Stage 2:** Demolition of the existing dwelling at the front of the site;
- Stage 3:** Construction of the two storey detached dwelling and garage at the front of the site;
- Stage 4:** Vacate rear ‘dwelling’, occupy ‘main’ dwelling the front of the site, and change use of rear ‘dwelling’ to ‘dependent accommodation’

The proposed rear ‘dwelling’ will comprise two bedrooms, open plan kitchen/living/meals area and bathroom. The building will be constructed on piers to avoid substantial earthworks, and will incorporate a skillion roof pitch, facing north, at 10 degrees.

The materials of the building will match those used in the ‘main dwelling’, described below.

The proposed ‘main’ dwelling will be two storey in nature, comprising a double garage, family room, two bedrooms, bathroom, laundry and covered patio on the ground floor.

The upper level will comprise the main bedroom with en-suite and walk-in-robe, study, open plan kitchen/living/dining area and balcony to the western side.

The dwelling will incorporate render to all four facades, a skillion roof form at 7.5 degrees, with ‘express jointed FRC spandrel infills’ between the walls and roof.

To provide privacy to adjoining land, external screens will be placed at an angle and length to prevent downwards view from the upper level windows. The rear upper level balcony will incorporate louvre screens, which should prevent direct downwards view.

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

Hills Policy Area 11

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 Seaclyff Park, Seaview Downs, Seacombe Heights and Darlington. The policy area also contains undulating to steep land along the coast from Marino to Hallett Cove. Many dwelling sites have good views of the Adelaide Plains or the coast.

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

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

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

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

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

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

PDC 1	The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"> ▪ detached dwelling ▪ group dwelling 	Complies
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	Complies
PDC 3	Development should be designed and sited to relate to the slope of the land, so that: <ul style="list-style-type: none"> (a) the bulk and scale of the buildings do not dominate the landscape (b) the amount of cutting and filling of the natural ground profile is minimised. 	Complies (See below)

<i>PDC 4</i>	<i>Wherever possible, existing vegetation should be used to screen buildings and excavation or filling from view.</i>	Partially Complies (See below)
<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>	Partially Complies (See below)
<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>	Partially Complies (See below)

Assessment

The subject proposal seeks to construct a detached dwelling on an existing allotment, 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 steep grade and is adjacent a ‘watercourse’ that is likely to carry water during heavy rain events and in the winter months.

The main dwelling is to utilise the same floor level as the existing dwelling, whilst the proposed dependent accommodation will be constructed on piers, minimising earthworks required to accommodate the building.

In my view, the design of both buildings have made a practical attempt at minimising and avoiding inappropriate earthworks and being sensitive to the topography of the land.

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”.

In my opinion, two properties to the north (39 and 41 Barula Road) and two properties to the south (43 and 43A Trumara Road) will be most impacted by the proposal with respect to consideration of amenity (privacy and building bulk/scale).

Privacy

The proposed dwelling includes unobscured upper level windows to the north-western elevation of the dwelling as well as a balcony to the rear, with the potential for creating significant overlooking of the adjoining properties to the north-west of the subject land (specifically 39 and 41 Barula Road), thereby reducing the privacy afforded to the occupants of this land.

The north-western elevation of the dwelling has been provided with angled louvered screens below each of the upper level windows. A line of sight diagram has been submitted to Council demonstrating that this screening prevents view of a person standing in the rear verandah at 41 Barula Rd. The line of sight achieved therefore ensures that the windows on the rear elevation of 41 Barula Road, as well as the whole of the rear yard and primary area of POS of this dwelling, maintain privacy from persons occupying the internal upper level of the proposed dwelling.

Given that 39 Barula Road is sited at a similar elevation to that of 41 Barula Road, the proposed louvered screening will also avert a majority views from the internal upper level of the proposed dwelling into the rear yard of this dwelling. It is acknowledged that the dwelling at 39 Barula Road is sited further away from the subject land, and as such, the line of sight into this land may include the areas of private open space nearest to the dwelling. However, given the overall distance and extent of separation between this area and the subject dwelling, as well as the prevalence of overlooking within the locality, this is in my opinion, deemed acceptable.

The rear balcony has been provided with louvered slat screening along the north-western elevation, and to the northern portion of the south-western elevation, to a height of 1.7 metres above the balcony floor level. The proposed screening to the balcony prevents overlooking of 41 Barula Road, however, views into 39 Barula Road remain available. Whilst a good percentage of the rear yard of 39 will not be visible via the 'passive' use of the balcony, it must be acknowledged that some view of the rear yard, including the swimming pool, could be gained by persons situated in the south-western portion of the balcony. Given the reasonable distance (over 20 metres) over which views are gained, combined with the reasonable amount of screening proposed and that some view can nonetheless be gained into this area from the ground level (through the existing cyclone fencing along the driveway), the level of overlooking into 39 Barula Road from one portion of the Balcony, in my opinion, is considered tolerable, albeit not ideal.

Building bulk/scale

The main dwelling incorporates a maximum height above natural ground level of 9.1 metres; 100mm above the maximum permitted in the Policy Area, pursuant to Zone Principle 7.

This height is achieved, in part, by a majority of the dwelling's lower floor level being located at the same level as the existing dwelling, and the generous eave overhang of 800mm.

The dwelling incorporates little stepping of the upper level to assist in reducing the mass of the building. This is amplified due to the skillion roof form, that results in the northern façade incorporating a generous height above ground level.

Whilst it is appreciated the side elevations offer limited articulation, the entirety of the northern façade of the building will not be visible from the property at 41 Barula Road, due to their lower siting within the landscape.

As such, it is the upper level of the proposed dwelling which will be most apparent from that land.

Further in this report, the setback of the building to the northern side boundary is assessed against the applicable criteria. In that assessment, I acknowledge in that there will be a level of impact upon the amenity of adjoining land to the north, due to the height and lack of articulation to the northern façade. I conclude however that due to a number of factors, it is my opinion the impact is not so severe as to warrant refusal of the application.

Whilst the rear balcony and verandah element at the rear of the dwelling add to the size of the building, in context with the size of the land, I do not consider the building's footprint is excessive or unreasonable. In this regard, I note the footprint of the proposed dwelling is equivalent to the existing (single storey) dwelling on the land.

In conclusion, it is acknowledged the bulk and scale of the building could be improved/addressed via stepping of the floor plan and/or increasing the setback of the upper storey a greater distance than the ground floor level. However, I do not consider the overall size or mass of the dwelling is unreasonable, rather, it is akin to a conventional two storey dwelling typically constructed in metropolitan Adelaide.

Impact on landscape

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

Despite the height of the dwelling exceeding that sought in the Policy Area, the highest part of the skillion roof will be approximately 9.1 metres above ground level. A high majority (over 95%) of the building will be less than the maximum height permitted in the Policy Area.

The pitched roof form of the dwelling does not complement the slope of the land, failing Policy Area Objectives 2 and 3 and Principle 5(a), the Desired Character statement and Sloping Land Principle 2(c) and Siting and Visibility Principles 4(a) and 4(b).

In this regard, when viewed from the north, the dwelling may be quite prominent.

During assessment of the application, staff queried the orientation of the roof pitch; citing the relevant provisions of the Development Plan that seeks the pitches of roofs to mimic the natural fall of the land. It is further noted that a ‘reversed’ pitch would provide improved opportunities for solar collectors to be efficiently sited on the roof, without the need for unsightly supporting frames.

The owner of the land has advised it is their preference for the roof pitch to remain as proposed, as it is their intention to incorporate a raked ceiling above the lounge/dining area; providing a feeling of space within those rooms.

Whilst this reasoning is appreciated, the proposal nonetheless fails the abovementioned provisions of the Development Plan. A ‘reversed’ roof pitch would satisfy those principles and would lead to a lowered northern wall height (discussed above and below).

In respect to view loss however, I do not anticipate a ‘reversed’ roof pitch would lead to a meaningful improvement in view available, rather, as the taller part of the building is located closer to the affected property, a marginally greater expanse of view may be lost.

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. The development of the site will provide an opportunity for the land to be revegetated, assisting in minimising erosion and complementing the natural setting of the site.

It is likely that some reflection will occur from the windows of the building, however the generous eave overhangs and verandah and balcony elements will provide shading to glazing for a large proportion of the day.

The use of 'dune' roofing, complemented by 'warm neutral' render will soften the appearance of the dwelling. These colours are similar to beige, comprising an 'earthy' colour.

To this end, the colour and material schedule is considered appropriate and should complement the setting of the site.

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 approved. 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 one property is most affected by the proposed development, which is located at 43 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 property is a private parcel of land, created, I assume, at the time the suburb of Marino was first divided. The owner/s of the allotment has a right to develop the property for a residential dwelling, in general accordance with the Council's Development Plan.

Given the fact that the adjacent dwelling is 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 dwelling on the land will have an impact upon the views currently available to the adjacent property.

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(a) and 2(b), Siting and Visibility Obj 1, PDC 1, PDC 2, PDC 3 and PDC 4, Sloping Land Obj 1 and PDC 2 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.

43 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 floor level of the dwelling which is situated between 1 – 2.7 metres above ground level (measured from east to west). The rooms on the eastern side of the dwelling have large north-facing windows to take advantage of the view. A deck, situated on the western side of the dwelling and above an ‘undercroft’ garage, provides an open area outside the dwelling in which to gain views.

Views available comprise the waters of Gulf St Vincent to the south-west to north-west, the Adelaide coastline to the north and the Adelaide metropolitan area and city skyline to the north-east. Of the available view, based upon the Debelle decision, view to the north and north-east comprises ‘icons’, being the coastline and city skyline, respectively. Views to the direct north are currently affected by the dwelling of the subject land, albeit, that building does not markedly compromise the view available.

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

When considering the extent of view loss, it is my assessment (refer Attachment IV) that view of the Gulf St Vincent will be obstructed when standing or sitting in or adjacent the north-eastern corner of the dwelling at 43 Trumara Road. In my opinion, the impact of the proposed dwelling from this part of the dwelling is ‘moderate’, as the ‘icons’ referred to earlier remain visible, whilst substantial ocean view remains available west of the proposed dwelling.

From my calculations, when standing at the western end of the dwelling and upon the outdoor deck, the proposed dwelling will remove a majority of the Adelaide coastline from view when looking in a northerly direction.

It is my opinion that the impact of view loss from this part of the dwelling at 43 Trumara Road will be ‘considerable’, as elements such as large buildings, jetties and sandy beaches will be lost from view.

Having said this, it should be noted that a high majority of the Adelaide Metropolitan Area available to view will remain visible, whilst a substantial amount of the Gulf St Vincent will remain available west of the proposed dwelling.

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

Building height

In terms of determining the appropriate height for buildings in the Residential Zone, Principle 7 states the “maximum building height (from natural ground level)” should not exceed 9 metres.

In my view, to consider whether a proposal satisfies Principle 7, one must identify a point 9 metres above natural (or existing) ground level. This point should run parallel with ground level over the entire building footprint. The intent of the Principle is that the building would not protrude through the 9.0 metre line.

In my view, existing ground level should be taken as the relevant measure where it is apparent the earth has been manipulated over time (and therefore ‘natural’ ground level would be difficult or impossible to identify).

From my measurement, the proposed dwelling incorporates a maximum height above natural/existing ground level of 9.1 metres – measured at the northern end of the roof pitch.

However, it is only northern-most 800mm of the skillion roof form that protrudes through the 9.0 metre height line.

As such, of the building, 11.5 square metres (4.8%) of roof area exceeds a height of 9.0 metres above natural ground level, whereas 225 square metres (95.2%) of the building incorporates a height less than 9.0 metres.

It is acknowledged if the roof pitch was ‘reversed’, it would follow the natural contours of the land/locality, finding compliance with Policy Area Objectives 2 and 3 and Principle 5(a), the Desired Character statement and Sloping Land Principle 2(c) and Siting and Visibility Principles 4(a) and 4(b).

However, such a design change would not necessarily improve the amount of view available from the adjoining property. Furthermore, it should be noted that if the building was to be altered so that no part of the dwelling exceeded a height of 9.0 metres above natural ground level, a reduction in height would not result in additional elements of view being visible, as the proposed dwelling would nonetheless protrude above the horizon.

As such, it is my opinion that given the small ‘footprint’ of the building that protrudes above the 9.0 metre height parameter, and given that a dwelling not exceeding this height would not result in a substantial improvement in view loss as experienced by adjoining land, the proposed building height is acceptable.

Boundary setbacks

As can be seen in the table below, the proposed dwelling meets or exceeds a majority of the side and rear setbacks sought in the Policy Area. Whilst the northern side setback is less than that sought for a wall height exceeding 6.0 metres, for the reasons outlined further in this report, I am of the opinion that the amenity impact upon the adjoining property, due to bulk and wall height, are tolerable, albeit not desirable.

Furthermore, this wall height, as is the case with building height above, does not result in the loss of significant elements within the available view, in that when viewed from the adjoining property, the proposed dwelling will substantially protrude above the horizon.

Building bulk/scale

Rather than repeating my previous assessment, I respectfully refer the reader to my assessment regarding bulk, under the heading, 'Amenity' above.

Site coverage and floor area ratio

Dwelling 1 incorporates a site coverage of 33.9% and a floor area ratio of 0.18. These figures indicate the dwelling does not extend over a large proportion of the property; reinforced by the fact that approximately 40% of the land is provided as private open space.

Conclusion

In conclusion, it is appreciated that from the western end of the dwelling at 43 Trumara Road, view to the north of the Adelaide coastline will be impacted. This view loss, in my opinion, is 'considerable'.

However, attractive views of the coastline will be available towards the eastern end of the dwelling, whilst substantial views of the Adelaide Metropolitan Area and the Gulf St Vincent will nonetheless remain available from the eastern, middle and western portions of the dwelling.

In my opinion, the view loss is one that would be 'anticipated' by the Development Plan, given that a two storey dwelling in the same position, and compliant with all height and setback provisions, is likely to have a similar (or possibly greater – if larger in footprint) impact upon the views available.

Overall, it is my opinion that in totality, the view loss likely to be experienced by the occupants of 43 Trumara Road will be moderate. The views available to this neighbouring property will not be 'obliterated', as was described by Debelle J in *Hutchens v City of Holdfast Bay*.

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><u>Site coverage:</u></p> <p>Complies 33.9% (including all structures to remain and proposed)</p> <p><u>Floor area ratio:</u></p> <p>Complies 0.18</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 50% (750 square metres) will remain pervious.</p>
<p><i>The dependent accommodation has a small total floor area relative to the associated main dwelling and does not exceed 60 square metres.</i></p> <p><i>General Section: Residential Development: PDC 33(b)</i></p>			<p>Complies</p> <p>The dependant accommodation comprises a total floor area of 59.4 square metres.</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>Approximately 40% (600 square metres) of the site will remain as private open space. Approximately 300 square metres will maintain a usable grade of no steeper than 1:10.</p>
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.	
<p><i>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 natural features of the site are not being significantly altered as a result of POS provision.</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>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>Complies</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><i>Adequate outdoor space of a minimum of 20 square metres is provided for the use of all occupants of the dependent accommodation, in addition to the required private open space for the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 33(c)</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><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>Minimum front setback measures 8.0 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 proposed front setback of 8.0 metres is similar to that of new dwellings in the locality.</p> <p>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</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<p>Side Setbacks</p>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 2 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Where the wall height is greater than 6 metres:</i> (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p><i>Residential Zone: PDC 6</i></p>	<p>(Please note: wall height measurement varies due to skillion roof design)</p> <p>Does Not Comply Garage wall setback 1.0 metre</p> <p>Complies Southern wall height 5.5m: (Min setback required = 3.0m): 4.5 metres setback provided</p> <p>Does Not Comply Northern wall height 8.7 metres (including skillion 'in-fill'): (Min setback required = 4.7 metres): 3.56 metres provided</p> <p>Complies Southern wall height 5.5m – 6.8m (including skillion 'in-fill'): (Min setback required = 3.8m): 4.5 metres setback provided</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Partially Complies</p> <p>The northern side wall of the proposed dwelling incorporates a substantial height, which when combined with the additional height of the skillion roof 'infill', does not satisfy the side setback criteria sought.</p> <p>The primary area of private open space of the adjoining property to the north (41 Barula Road) is oriented towards the northern wall, and in this regard, in my view, the wall will have a considerable visual impact upon the amenity of the rear yard.</p> <p>Having said this, the wall incorporates a moderate length, of some 14.4 metres, whilst the façade, albeit on one plane, is broken by large glazing elements.</p> <p>Furthermore, the wall is setback 3.56 metres from the shared boundary, and approximately 14 metres from the rear patio area of the adjoining property. This level of separation will assist in reducing the visual dominance of the northern wall.</p> <p>In conclusion, it is my view that the northern wall will have an impact upon the amenity of the adjoining land to the north. However, due to the reasons above, I consider the impact to be an acceptable one, albeit the matter is finely balanced.</p>

Rear Setbacks

Minimum setback from rear boundary:
(a) 8 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres)
(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres

Residential Zone: PDC 6

Partially Complies

Dependent Accommodation: Minimum 4.2 metres

Complies

Dwelling: Minimum rear setback of 56.3 metres provided to rear of dwelling

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

General Section: Design and Appearance: PDC 2

Complies

Although the rear setback of the dependent accommodation does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact 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 setback is considered to be compatible with other developments in the locality, in that the building aligns with that to the direct south (41 Trumara Road) and therefore should maintain the character of the locality in relation to patterns of space.

Building Height

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

Residential Zone: PDC 6

Does Not Comply

The proposed dwelling incorporates a maximum building height of 9.1 metres, which exceeds that sought in the Policy Area.

However, it is northern-most 800mm of the skillion roof form that protrudes through the 9.0 metre height line.

As such, of the building, 11.5 square metres (4.8%) of roof area exceeds a height of 9.0 metres above natural ground level, whereas 225 square metres (95.2%) of the building incorporates a height less than 9.0 metres.

It is therefore my view that the marginal excess in building height will not compromise the integrity of the Policy Area, nor will it result in unreasonable impacts upon adjoining land via visual impact, overshadowing or view loss as discussed in this report.

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 garage incorporates a skillion roof pitch, complementary to the associated dwelling

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

General Section: Residential Development: PDC 12

Parameter	Value
Maximum floor area	60 square metres
Maximum wall or post height	3 metres
Maximum building height	5 metres
Maximum height of finished floor level	0.3 metres
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.
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
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

Complies

Complies

Complies

Complies

Complies

Complies

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

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

General Section: Residential Development: PDC 13

Complies

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

Complies

Detached
Semi-detached
Row

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> <p><i>(a) not dominate internal site layout</i></p> <p><i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i></p> <p><i>(c) be accessible to visitors at all times.</i></p> <p>General Section: Transportation & Access: PDC 42</p>	<p>Complies</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>General Section: Land Division: PDC 22</p>	<p>Complies</p> <p>1 on-street car parking spaces is available.</p>
<p><i>Dependant Accommodation- Adequate on-site car parking is provided by one additional car parking space being provided on the site in addition to the car parking required for the associated dwelling</i></p> <p>General Section: Residential Development: PDC 33(d)</p>	<p>Complies</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p>General Section: Residential Development: PDC 39</p>	<p>Complies</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.</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>General Section: Transportation and Access: PDC 28</p>	<p>Complies</p> <p>Subject to the recommended condition of consent, the proposed vehicle access points are to be separated by a minimum distance of 6 metres.</p>
<h2>Design & Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <p>General Section: Design & Appearance: PDC 1</p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p>General Section: Design & Appearance: PDC 3</p>	<p>Partially Complies</p> <p>It is acknowledged the building incorporates a bulk and mass that will have an impact upon the amenity of the adjoining property to the north.</p> <p>This has been discussed earlier in this report.</p> <p>The proposed dwelling otherwise reflects the desired character of the locality, incorporating the following elements to enhance its design and appearance:</p> <ul style="list-style-type: none"> • Mixture of render and 'FRC Spandrel infills' on all façades; • Protruding portico and balconies • Eave overhang and skillion roof form • Fenestration

	<p>These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The side elevations of the dwellings feature a mixture of render and spandrel infills and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.</p>
<p><i>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i></p> <p><i>(b) include balustrade detailing that enables line of sight to the street</i></p> <p><i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p>General Section: Design & Appearance: PDC 5</p>	<p>Complies</p> <p>The proposed balcony is integrated into the dwelling design, with screening devices to protect the privacy of adjoining land and to partly provide protection from wind.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i></p> <p><i>(b) individual entries for ground floor accommodation</i></p> <p><i>(c) opportunities to overlook adjacent public space.</i></p> <p>General Section: Residential Development: PDC 6</p>	<p>Complies</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>General Section: Residential Development: PDC 8</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>General Section: Residential Development: PDC 9</p>	<p>Complies</p>
<p>Dependant Accommodation- <i>the building is designed to, and comprises colours and materials that will, complement the associated dwelling.</i></p> <p>General Section: Residential Development: PDC 33(e)</p>	<p>Complies</p> <p>The proposed materials and colours are similar/complementary to the associated dwelling.</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>General Section: Design & Appearance: PDC 13</p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p>General Section: Design & Appearance: PDC 14</p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p>General Section: Design & Appearance: PDC 15</p>	<p>Complies</p> <p>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.</p> <p>The elevations of the dwellings feature fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</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>	
Overshadowing	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level private open space</i></p> <p><i>(ii) 35 square metres of the existing ground level private open space</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</p> <p>b) A majority of winter shadow will be cast within the side yard of the subject land. However, some shadow will be cast into the southern adjoining property throughout the day, although this is likely to be limited to the common driveway sited adjacent the common boundary with the subject land.</p>
Visual Privacy	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 11</i></p>	<p>Partially complies</p> <p>The dwelling incorporates a number of measures to provide an acceptable level of privacy for adjoining land, but to maintain an attractive outlook for the occupants.</p> <p>The following has been included in the proposed design;</p> <ul style="list-style-type: none"> • External screens that prevent downwards view into the adjoining property at 41 Barula Road, so as to avoid view into the rear private open space and rear windows; • Balcony screen that prevents view of 41 Barula Road and a majority of the immediate rear yard and swimming pool of 39 Barula Road; • Fixed, obscured glazing to kitchen (southern) window. <p>It is acknowledged the upper level study window comprises clear glazing. A recommended condition of consent seeks for this window to be treated to provide privacy to adjoining land.</p>
<p><i>Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.</i></p> <p><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Complies</p>

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 dwelling is oriented so that the main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

Whilst the upper level balcony is screened on the northern side to prevent overlooking of the adjoining properties, adequate solar access is likely to be achieved in this space.

Ample solar access will be available in winter months in the ground floor verandah and in the remaining open rear yard.

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

The dwellings incorporate a skillion roof form above the rear balcony and verandah set at a 7.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

The applicants have not provided a landscape plan, which was not requested by staff.

Given the substantial amount of undeveloped land on the property, I am satisfied that following construction adequate areas will be available for the beautifying and landscaping of the property which can adequately satisfy a majority of the Landscaping, Fences and Walls criteria.

In the event the Panel were supportive of the application, but felt a landscape plan would assist in achieving greater compliance with the Development Plan, it is respectfully suggested that a condition could be placed upon the Development Plan Consent.

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

Does Not Comply

(a) - (b) Due to the roof form proposed, and generous height of the northern façade, it cannot be concluded the proposal “minimises” its visual impact, nor “reduces” the bulk of the building.

Please refer to the Zone and Policy Area discussion above for assessment.

Complies

(c) - (g) minimal earthworks required to accommodate both buildings proposed.

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

Complies

Very little earthworks will be required to occur as a result of the proposed dwelling and dependent accommodation, due to the dwelling utilising the same floor level as the existing dwelling on the land, whilst the dependent accommodation building will be constructed on piers.

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

Complies

No additional retaining walls are proposed as part of the application.

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

Does Not Comply

(a) The roof form falls opposite to the natural form of the land

Partially Complies

(b) There is little ‘stepping’ of the upper level wall, except for that part that is located above the garage. However, the floor level of the dwelling does reflect that of the existing dwelling on the land, which avoids excessive earthworks to accommodate the building.

Complies

(c) Outside of the matter regarding the northern side wall, which will have an impact upon the amenity of adjoining land, the dwelling incorporates a generous eave overhang of some 800mm, which in combination with the rear verandah, assists in reducing the bulky appearance of the dwelling.

<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>
<p>Throughout this report, I have acknowledged that more could be done to reduce the height of the main dwelling, and it does exceed, albeit marginally, the maximum height sought in the Policy Area.</p> <p>On this element, proposal fails a number of applicable criteria, including Policy Area Objectives 2 and 3 and Principle 5(a), the Desired Character statement and Sloping Land Principle 2(c) and Siting and Visibility Principles 4(a) and 4(b).</p> <p>The colours of the dwelling are relatively neutral/earthy tones, which will assist in reducing the prominence of the building within the local landscape.</p>	

ANALYSIS/CONCLUSION

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

The main dwelling incorporates appropriate treatments to protect the privacy of adjoining land to the north, to an acceptable level, which I consider is paramount given the elevated position of the proposed dwelling in relation to adjoining land.

The design of both buildings have attempted to address the slope of the land, minimising earthworks.

Whilst the height of the main dwelling exceeds the maximum 9 metres sought in the Policy Area, it does so by 100mm, which I do not consider will have an unreasonable impact upon adjoining land, nor compromise the integrity of the Policy Area.

The proposal will disrupt views currently enjoyed from the dwelling and associated balcony of 43 Trumara Road. The preceding assessment has identified that whilst view of the Adelaide coastline will be lost from parts of that dwelling, the city skyline (an 'icon') is likely to be preserved, whilst ample view of the metropolitan area and Gulf St Vincent will remain available.

Further to this point, the openness and vista available to this dwelling will generally remain intact. The extent of view loss likely to be experienced by this dwelling is considered to be moderate. There will not be an 'obliteration' of views, as was the case in *Hutchens v City of Holdfast Bay*.

In conclusion, having regard to the nature of the impacts associated with the development, the restrictive nature of the slope of the land and the compliance of the proposal with a number 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: 100/2015/2421 to undertake development in stages: Stage 1: construction of dwelling to rear of site: Stage 2: demolition of existing dwelling: Stage 3: construction of two storey dwelling: Stage 4: to change use of dwelling to rear of site to dependent accommodation at 39 Trumara Road, 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. 100/2015/2421, including the correspondence from Mr Michael Southern, dated 9 May 2016, except when varied by the following conditions of consent.
2. Greater details (cross-section or similar) of the external screens below the upper level north-facing windows shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
3. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
4. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
5. The upper floor window to the study shall be treated in a manner that permanently restricts views of adjoining property's yards and/or indoor areas being obtained by a person within the room, details of which shall be provided to Council for consideration and approval, prior to Development Approval being issued.
6. At the conclusion of Stage 3, the dwelling at the rear of the site shall only be used ancillary to the dwelling at the front of the site, by the occupiers of that dwelling and their relatives, and at no time shall be used as a separately tenable building.
7. The proposed driveway shall be constructed no closer than 6.0 metres to the existing invert, to ensure one on-street parking space is available.
8. 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.

9. 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.
10. 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.
11. 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.
12. 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

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>View loss diagrams drafted by administration</i>

DEVELOPMENT ASSESSMENT PANEL

Wednesday 3 August 2016

Agenda Ref No:	DAP30816 – 3.1
Originating Officer:	Alex Wright Acting Team Leader - Planning
Applicant:	Vodafone Hutchinson Australia
Development Description:	Telecommunications facility comprising a 25 metre monopole, 3 triangular panel antennas, RT Dish, equipment shelter, security fence and alterations to the existing carpark.
Site Location:	1/121 The Cove Road, Hallett Cove
Zone:	Local Centre Zone
Application Type:	Category 3 / Non-Complying
Lodgement Date:	08/06/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1025
Recommendation:	The report be noted

INTRODUCTION

The subject application is a Category 3 / Non-complying form of development by virtue of the Procedural Matters section of the Local Centre Zone, where a telecommunication facility is listed as non-complying form of development.

The applicant seeks to construct a telecommunications facility comprising a 25 metre monopole, 3 triangular panel antennas, RT Dish, equipment shelter, security fence and alterations to the existing carpark on the northern portion of the subject allotment.

The telecommunication facility is proposed to be located within a Local Centre Zone. It is noted the subject zone seeks development comprising a variety of non-residential uses provided such development does not prejudice the operation of existing or future retail activity within the zone. The proposed tower is located to the northern portion of the allotment, and will not result in a loss of on-site car parking or restrict meaningfully future development on the allotment. Furthermore, Council's Development plan provides that telecommunication facilities should be located in specified non-residential zones, including centre zones.

Given this, it is staff's view the proposed development displays merit. The Manager – Development Services has agreed with staff's position and resolved to proceed to the full assessment of the application.

The applicant has provided a brief statement of support and Statement of Effect, pursuant to Section 39(2)(d) of the Development Act, 1993 and Regulation 17(4) of the Development Regulations, 2008.

Category 3/Non-Complying public notification of the proposal will occur in the near future.

In due course, the application will be presented to the Development Assessment Panel for a decision.

RECOMMENDATION

The Panel note this report and resolve that the determination of the Manager – Development Services to proceed with the further assessment of Non-complying Development Application No: 100/2016/1025 for Telecommunications Facility comprising a 25 metre monopole, 3 triangular panel antennas, RT Dish, equipment shelter, security fence and alterations to the existing carpark. at 1/121 The Cove Road, Hallett Cove be NOTED.

Attachments

Attachment I: Certificate of Title

Attachment II: Aerial Photograph & Site Locality Plan

Attachment III: Proposal Plan and supporting documentation