

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 6 JULY 2016**

- 1.1 PRESENT**
- 1.2 APOLOGIES**
- 1.3 IN ATTENDANCE**
- 1.4 COMMENCEMENT**
- 2. APPLICATIONS:**
 - 2.1 5 TOWERS TERRACE SOUTH PLYMPTON**
A two storey building, comprising three dwellings, one of which incorporates a wall on the southern side boundary
DAP060716 – 2.1.....1
 - 2.2 3 FIFTH AVENUE, ASCOT PARK**
A two storey residential flat building comprising two dwellings, and a single storey residential flat building comprising two dwellings
DAP060716 – 2.2.....41
 - 2.3 121 DUNROBIN ROAD AND 1A THIRD AVENUE, WARRADALE**
Two, two storey buildings, each comprising two dwellings, with associated car parking and landscaping
DAP060716 – 2.3.....86
- 3. OTHER BUSINESS:**
 - 3.1 APPEALS UPDATE**
 - 3.2 POLICY OBSERVATIONS**
- 4. CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 6 JULY 2016**
- 5. CLOSURE**

DEVELOPMENT ASSESSMENT PANEL
Wednesday 6 July 2016

Agenda Ref No: DAP060716 – 2.1

Originating Officer: Dylan O'Brien
Development Officer - Planning

Applicant: Designtech Studio

Development Description: A two storey building, comprising three dwellings, one of which incorporates a wall on the southern side boundary

Site Location: 5 Towers Terrace South Plympton

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 20/11/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/2170

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

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

| Noted shortfalls/Amendments Requested | Amendments Made |
|--|---------------------------|
| Density: Each dwelling falls significantly short of the required “minimum” 250m ² densities espoused for row-dwellings/allotments in the Northern Policy Area. | No change proposed |

| | |
|--|---|
| Upper level rear setbacks: Dwelling 1 and 3 fall short of the required 8.0m minimum upper level rear setback standard. | Dwelling 1 fails to achieve an 8 metre upper level rear setback. However, Dwelling 2 and 3 have been amended to achieve an upper level rear setback of 10.82m and 8.0m (respectively) |
| Parking and access: A minimum 1.0m setback from proposed driveway/crossovers to street infrastructures is mandatory. The proposal does not provide for any tangible on-street parking directly in front of the subject site. | Driveways/crossers have been altered/tapered to provide the required separation and room for 1 on-street parking space |
| Garage/driveway dominance: The double garages not only take up well over 50% of each allotment width, combined they equate to approximately 80% of the total frontage width of the site. To this end, the garaging and associated driveways are likely to dominate the presentation of the dwellings and streetscape. | Each driveway has been tapered to a single crossover and a landscape plan has been provided which appears to sufficiently soften the increase in hard surface. |
| Site coverage: the proposal will result in high site coverage and floor areas ratios and should be reduced. | No discernible change proposed |

SUBJECT LAND & LOCALITY

The subject land is located at 5 Towers Terrace, South Plympton, located on the western side of the street, between Castle Street to the north and Wheaton Street to the south. The allotment is rectangular in shape. The site has a primary frontage of 21.64 metres and a depth (measured east to west) of 30.48 metres, resulting in a total site area of 659.61 square metres.

The allotment contains a single storey detached dwelling and free standing garage. The site maintains no discernible slope and no trees on site are deemed to be Regulated or Significant pursuant to the Development Act and Regulations. The site has one existing access point from Towers Terrace.

The locality comprises a mixture of dwelling types which is dominated by the original detached dwellings typically constructed in the 1950s, on large allotments of approximately 600 – 800 square metres and to a lesser extent recently developed infill development, typically comprising semi-detached and row-dwellings. The Residential Character Policy Area 17 is located on the opposite side of Towers Terrace, which espouses a significantly lower density to Policy Area 13.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to construct a two storey building comprising three dwellings which when subdivided would form row-dwellings. All three dwellings will have presentation to Towers Terrace and an exclusive site, as identified in the associated land division application (refer to DA: 100/997/2016, DAC Ref: 100/D119/16).

The dwellings are made up of a similar floor plan which includes an open plan kitchen/living/dining area, laundry and WC downstairs and three bedrooms (main with ensuite) and a bathroom upstairs. Dwelling 2 also includes a rumpus room on the upper floor.

Each dwelling incorporates a double garage, with one on-street visitor parking space being retained. Dwelling 2 and 3 are each provided with a small under main roof alfresco.

The dwellings are to be constructed using a combination of face brick to the garages and surrounding the main entrance and the side and rear elevations on the ground floor. A rendered finish is also proposed to the lower front façade through the internal garage (only), as well as the main entrance and through the upper storey side/rear elevations and main bedrooms that face the street. Protruding parapet wing walls constructed in brick will sit between all three dwellings, which will both join and define the dwellings as being separate.

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. |
| Persons wishing to be heard: | 1 representor wishes to be heard. |
| Summary of representations: | <ul style="list-style-type: none"> • Concerned with the likely impact of building on boundary; • Increased traffic and cars parking; • Overdevelopment of site, suggest 2 dwellings instead of 3, and; • Privacy glazing to be included to avoid overlooking. <p><i>Refer Attachment IV</i></p> |
| Applicant's response: | <p>Response has been provided by Heynen Planning consultants.</p> <p><i>Refer Attachment V</i></p> |

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.</p> <p>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p> |

Northern Policy Area 13

Objectives

- 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.

Desired Character

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.

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.

| | | |
|-------|---|---|
| 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: 250m ² | <p>Does Not Comply</p> <ul style="list-style-type: none"> • Dwelling 1: 213m² • Dwelling 2: 213m² • Dwelling 3: 233m² <p>On average the proposal falls 12.13% short of the minimum standard.</p> |
| | Minimum Frontage: 7.0m | <p>Complies</p> <ul style="list-style-type: none"> • Dwelling 1: 7.0m • Dwelling 2: 7.0m • Dwelling 3: 7.64m |
| | Minimum Depth: 20m | <p>Complies</p> <ul style="list-style-type: none"> • 30.48m |

Assessment

The development application proposes to replace one dwelling with three two storey dwellings in its place. The Policy Area seeks for a variety of architectural styles at greater densities compared to the traditional housing stock and to this end, the proposal achieves this aim. However, Dwelling 1 and 2 are 37 square metres (14.8%) and Dwelling 3 is 17 square metres (6.8%) below the minimum allotment standard. As such, all three dwelling allotments support site areas well below the 250 square metres minimum sought for row dwellings in the Northern Policy Area 13. To this end, the proposal represents one of the first 'incursions' of this form of

development / density in the locality, albeit three two storey row dwellings currently under construction at 72 Castle Street, demonstrate an average site area of approximately 229 square metres.

Whilst the Desired Character anticipates change over time, via *“one and two storey, low-to-medium density dwellings in a variety of architectural styles”* which will occur *“through... the redevelopment of other properties generally at greater densities than that of the original housing”*, it is also noted that the Residential Character Policy Area 17 which seeks a substantially lower density on minimum site areas of 420 square metres is situated directly to the east of Towers Terrace. In this regard, the proposed density is not only higher than that anticipated throughout the subject policy area; it is at odds with the wider locality where a substantially lower density is anticipated.

It is also worth considering that increased dwelling densities are an Objective in the Residential Zone (Northern Policy Area), when they are shown to be in close proximity to centres, public transport routes and public open spaces. The subject street comprises a bus route, and the site is located within walking distance (600m) to the nearest bus route and Neighbourhood Centre Zone on Cross Road (Glandore shopping centre) which comprises a 7 day supermarket, barber shop & takeaway food. Further, the site is within 800m of the Edwardstown train station and a number of small reserves.

For the reasons above it is my view that the proposal is finally balanced.

However, the undersized allotments each maintain a frontage width which is either equal or greater than the minimum requirement of 7.0 metres. Therefore, the undersized nature of each of the allotments will not be apparent when viewed from the street.

It will be shown in the assessment throughout this report that each of the dwellings achieves sufficient compliance when assessed against the remaining provisions of the Development Plan and in my view, will not adversely affect the amenity of existing neighbouring properties or the streetscape.

The proposed development will not require the removal of any existing street trees for access points or Regulated/Significant trees.

To this end, despite the undersized nature of the allotments, and whilst the matter is finally balanced, I am of the view that the proposal displays reasonable consistency with the Objectives, Desired Character and Principles 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> | Does Not Comply Dwelling 1: 51.8% Dwelling 2: 54.6% Dwelling 3: 52.6% |
| <i>Maximum floor area ratio: 0.6</i> <i>Northern Policy Area 13: PDC 4</i> | Does Not Comply Dwelling 1: 0.73 Dwelling 2: 0.87 Dwelling 3: 0.78 |

Whilst site coverage/ratios exceed that sought, the proposal achieves a reasonable level of compliance with the applicable criteria. Specifically, the level of site coverage proposed does not preclude the dwellings being provided with adequate private open space and the positioning of the dwellings will not result in an unreasonable visual impact or excessive overshadowing of the adjoining property's habitable rooms and/or private open space area. It is acknowledged further in this report that the front and rear setbacks demonstrated by the proposed dwellings do not meet that sought by Council's Development Plan. Whilst it could be argued a smaller building footprint would enable greater levels of compliance with Council's setback criteria, for the reasons outlined in this report, I am satisfied that the site coverage proposed is not excessive, nor fatal to the overall merits of the proposal.

Site coverage should ensure sufficient space is provided for:

- (a) pedestrian and vehicle access and vehicle parking*
- (b) domestic storage*
- (c) outdoor clothes drying*
- (d) rainwater tanks*
- (e) private open space and landscaping*
- (f) convenient storage of household waste and recycling receptacles*

General Section: Residential Development: PDC 13

Complies

The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.

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.

General Section: Residential Development: PDC 14

Complies.

Dwelling 1: approximately 50m² or 23.4% of site area will remain pervious.

Dwelling 2: approximately 75m² or 35.2% of site area will remain pervious.

Dwelling 3: approximately 61m² or 26.2% of site area will remain pervious.

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

- 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 associated dwelling and is 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.

Partially complies

- f) Acknowledging that the POS areas are largely west facing each areas maintain a northerly aspect (rear yard side boundary) to provide reasonably comfortable year round use.

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: 48.51m² or 22.73%
Dwelling 2: 66.34m² or 31.09%
Dwelling 3: 56.80m² or 24.39%

Furthermore, each dwelling provides a private open space area which is greater than 16m², is directly accessible from a living room and has an area with a minimum dimension of greater than 4 metres and the site is virtually flat.

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

Partially Complies

The neighbouring dwelling to the north with the same primary street frontage is setback approximately 9.1m, whereas, the neighbouring dwelling to the south features a secondary street setback to Towers Terrace of approximately 0.4m.

Acknowledging the established secondary street setback, the average between neighbouring dwellings of 4.75m is achieved.

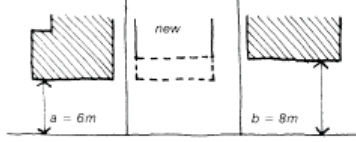
However, in this instance the primary street setback of the proposed dwellings is between 5.5m to 5.7m to the man face/garaging (lower level) and 4.3m to each of the upper level cantilevered main bedrooms resulting in high degree of articulation and an average of approximately 5.0m.

Given, the subject locality is one where a new character is desired, 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 (as noted) provides an increased level of articulation and visual interest in the front façade/presentation of the dwelling from the street which is considered to contribute positively to the function, appearance and desired character of the locality.

To this end the proposal is considered to accord sufficiently with General Section, Design and Appearance: PDC 23

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

| Setback difference between buildings on adjacent allotments | Setback of new building |
|---|---|
| Up to 2 metres | The same setback as one of the adjacent buildings, as illustrated below:  When $b \leq 2$, setback of new dwelling = a or b |
| Greater than 2 metres | At least the average setback of the adjacent buildings |

General Section: Design and Appearance: PDC 25

Partially Complies

PDC 23 (above) outlines that setbacks of buildings from the public road do not need to be similar / compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, PDC 25 has limited weight in this instance. Nevertheless, given the level of articulation proposed between lower and upper levels and between the main face and double garages, in this instance the proposed front setbacks are considered to be sufficient.

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

Does Not Comply (lower level)

Dwelling 3: (0.9m) The proposed lower level side setback falls 0.1 metres short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.

Does Not comply (upper level southern side)

Dwelling 1: 2.76m.

Complies (upper level northern side)

Dwelling 3: 2.34m.

Dwelling 1 maintains a minimum upper level southern side setback of 2.76m, which is 0.24 metres short of that prescribed by PDC 7.

In this instance, the shortfall should not result in unreasonable visual or overshadowing impacts upon adjoining land. The reason being, the southern side boundary abuts a neighbouring rear boundary where the neighbouring dwelling is setback approximately 10m from the boundary and approximately 13m from proposed the upper level side wall.

Having regard to the level of separation, it is anticipated that some overshadowing will occur into the neighbouring private open space, however as indicated by the shadow diagram at least 3 hours of available sunlight shall be retained to most parts of the rear yard throughout the course of the day (throughout the winter months), and any overshadowing shall not affect the neighbouring dwelling including habitable room windows.

| | |
|---|---|
| <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>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <p><i>(i) 50 per cent of the length of the boundary</i></p> <p><i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p> | <p>Complies</p> <p>Dwelling 1: garage wall located on side boundary will have a wall length of 6.0m and a height of 2.7m. Furthermore a portion of the garage wall will be partially concealed behind the neighbouring garage on the adjoining land. As such the total length of the garage wall will not be visible.</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 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 previously and including in the Overshadowing section of this table.</p> |
| <p>Rear Setbacks</p> | |
| <p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p> | <p>Complies</p> |
| <p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p> | <p>Does Not Comply</p> <p>Dwelling 1: 6.93m</p> <p>Complies</p> <p>Dwelling 2: 10.82</p> <p>Dwelling 3: 8.0m</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>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p> | <p>Partially Complies</p> <p>Dwelling 1: 6.93m (lower and upper level) 6.93m - shortfall of 1.07m (upper level only).</p> <p>Complies</p> <p>Dwelling 2: 8.30m (lower level), 10.82m (upper level).</p> <p>Dwelling 3: 6.75m (lower level), 8.0m (upper level).</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> |
| <p>The proposed two storey rear setback for Dwelling 1 (only) does not satisfy the minimum sought in the Policy Area by approximately 1.0m. Whilst this is the case, the rear setback nonetheless enables a private open space area that exceeds the applicable minimum dimensions and area required for the site area and there is ample separation between the nearest neighbouring dwelling to the rear. Given Dwelling 2 and 3 accord and only Dwelling 1 falls marginally short of the required 8.0m, the overall level of separation is considered to be acceptable and sufficient not to result in an unreasonable level of visual impact upon neighbouring land to the rear. Furthermore, the rear elevation of all three dwellings incorporates appropriate articulation and stepping. For these reasons, the rear setbacks shall not have an unreasonable visual impact upon adjoining land.</p> | |
| <h2>Building Height</h2> | |
| <p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p> | <p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 7.7 metres, which is less than the maximum permitted in the Policy Area.</p> |
| <h2>Garages, Carports and Outbuildings</h2> | |
| <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></p> <p><i>8 metres for a freestanding structure.</i></p> <p><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>Complies</p> <p>All garages are setback no less than 5.5 metres from the primary street boundary and approximately 800mm behind the main face of the dwelling (upper level).</p> |
| <p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p> | <p>Complies</p> <p>The proposed garages incorporate materials and detailing which complement the associated dwelling.</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></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><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></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><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</p> <p>i) the garage on boundary is not located within 6 metres of any existing structure on the same site and same boundary</p> <p>ii) structure length of 6.0 metres on the boundary</p> <p>Does Not Comply</p> <p>iii) Wall height of 2.7 metres.</p> <p>Whilst the proposed wall height of 2.7m is one which is anticipated with more recent contemporary developments that include boundary walls, 2.7m represents a minor departure which should have minimal amenity implications.</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 garage 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>Partially Complies</p> <p>Each garage is approximately 5.5m wide, equating to 78% of Dwelling 1 and 2 frontages and 71% of the Dwelling 3 frontage. Given the two storey nature of the proposal and level of articulation/ variation between upper and low level setbacks, use of different material/ finishes and inclusion of landscaping, these elements should sufficiently soften the overall dominance of the garages widths to an acceptable level.</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>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p> | <p>Complies</p> <p>Each dwelling comprises three bedrooms and three on site car parking spaces; exceeding that sought 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) local centre facilities and public transport facilities is conveniently located in walking distance for the subject site c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Partially Complies</p> <p>d) e) 1 on-street car parking spaces shall remain available adjacent the subject land, where 2 ought to be provided. Moreover each dwelling provides one additional on-site parking space thereby compensating for the shortfall in on-street parking.</p> |
| <p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p> | <p>Partially Complies</p> <p>1 on-street car parking space is provided for the proposed two extra allotments. When combined with the 3 parking spaces per dwelling that will be provided on-site, ample parking is provided for the likely demand.</p> |

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

The driveway of each dwelling tappers to a single width crossover no wider than 3m

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 as required.

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.

General Section: Transportation and Access: PDC 28

Complies

Vehicle access points between Dwelling 1 and 2 are separated by a minimum distance of 6.5 metres.

Does Not Comply

Vehicle access points between dwelling 1 and 2 are separated by a minimum distance of 3.0 metres.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of brick through the lower level and cladding / render through the upper level front façade;
- Stepping of upper and lower storeys to minimise building height, mass and proportion;
- Protruding / cantilevered upper level main bedrooms and wing walls between dwellings facing the street;
- 550mm eave overhang, and;
- pitched roof form at 25 degree slope in Colorbond

The garage of each dwelling features dual panel lift doors. The internal door will incorporate acrylic infill panels to create further visual interest and break up the apparent width. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

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

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

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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:

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 and ground level open space of existing buildings shall receive direct sunlight for at least 2 hours between 9 am and 3 pm on 21 June to at least half of the existing ground level private open space

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,*

Complies

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

The dwellings have therefore been designed to minimise direct overlooking of habitable

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

rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed 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

The dwellings are oriented so that their open spaces and main activity areas feature a west orientation, which should nonetheless receive some northern winter sunlight.

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

Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.

General Section: Energy Efficiency: PDC 4

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.

General Section: Energy Efficiency: PDC 5

Complies

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

- (a) include the planting of locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*

General Section: Landscaping, Fences & Walls: PDC 2

Complies

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

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The land is virtually flat and the finished floor levels will be no more than 300mm above natural ground. As such, if retaining walls are required they should not exceed 200mm. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.0 metres. To this end, it is anticipated that the associated fencing and minimal amount of retaining required for providing privacy and security is unlikely to constitute development in its own right.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to, building on boundary, increased traffic and cars parking, overdevelopment of site (suggest 2 dwellings instead of 3), and privacy have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

The proposal satisfies a majority of the applicable objectives and principles contained within the Marion Council Development Plan. However, the following non-compliances have been identified in this report:

- Site coverage;
- Upper level Rear setbacks;
- Upper level Southern side setback;
- Front setback, and;
- Density

The assessment discussion in the above tables has considered the implications of each of these shortfalls. In each case, the impact of the discrepancy with Development Plan guidelines is not considered to be of such severity to outweigh the merit of the proposal.

In relation to the higher than anticipated density, the Desired Character anticipates change over time, via *“one and two storey, low-to-medium density dwellings in a variety of architectural styles”* which will occur *“through... the redevelopment of other properties generally at greater densities than that of the original housing”*.

This report has identified recent infill development under construction which espouses a similar density. The report has also demonstrated that each allotment maintains a frontage width that is either equal or greater than the minimum requirement and so the higher density will not be apparent from the street. Importantly, the locality is also one where higher densities can be accommodated due to the close proximity to bus routes, a Neighbourhood Centre Zone, a train station and a number of small reserves.

However, it is also noted that the Residential Character Policy Area 17 which seeks a substantially lower density with minimum site areas of 420 square metres is situated directly to the east of Towers Terrace. In this regard, the proposed density is not only higher than that

anticipated throughout the subject policy area; it is at odds with the wider locality where a substantially lower density is anticipated.

For the reasons above it is my view that the proposal is finally balanced.

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

Therefore, 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: 100/2015/2170 for a two storey building, comprising three dwellings, one of which incorporates a wall on the southern side boundary at 5 Towers Terrace South Plympton 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. 100/2015/2170, being plans titled "Front Perspective, Front / Rear Elevation, Left / Right Elevation, Site Plan, Landscape Plan, Ground Floor Plan and First Floor Plan" prepared by Designtech Architectural Services, received by Council on 23/6/2016, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor level of 99.80, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. 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> |

DEVELOPMENT ASSESSMENT PANEL

Wednesday 06 July 2016

| | |
|---------------------------------|--|
| Agenda Ref No: | DAP060716 – 2.2 |
| Originating Officer: | Kristen Sheffield Development Officer - Planning |
| Applicant: | Scope Development Solutions |
| Development Description: | A two storey residential flat building comprising two dwellings, and a single storey residential flat building comprising two dwellings |
| Site Location: | 3 Fifth Avenue, Ascot Park |
| Zone: | Residential Zone |
| Policy Area: | Northern Policy Area 13 |
| Application Type: | Category 2 / Consent |
| Lodgement Date: | 28/10/2015 |
| Development Plan: | Consolidated – 19 March 2015 |
| Application No: | 100/2015/1987 |
| Recommendation: | That Development Plan Consent be Granted, subject to conditions |

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns any development that consists of the construction of a building of two storeys comprising dwellings, 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.

In addition, the subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings each supporting an average allotment area less than the minimum of 300 square metres required for residential flat buildings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

| Amendments Requested | Amendments Made |
|--|---|
| The floor area ratios of Residence 1 and 2 should be reduced. | Floor area ratios reduced from 0.75 and 0.74 to 0.59 and 0.66 respectively. |
| Residence 1 should incorporate a minimum front setback of 5 metres. | Front setback increased from 4.5 metres to 5 metres. |
| Rear setbacks of Residence 3 and 4 should be increased to 6 metres, with an incursion of up to 3 metres for no more than 50% of the allotment boundary. | Rear setbacks increased from 3.25 metres and 4.5 metres for a portion of the allotment width to 4.5 metres for 100% of the allotment width. |
| POS should comprise a minimum 20% of the site area for each dwelling. | POS of Residence 3 and 4 increased from 18.6% (35.9 square metres) to 20.6% (41.2 square metres). |
| 2 x 0.8m landscaping strips should be provided on either side of the common driveway (only 1 x 0.5m landscaping strip provided). | 2 x 0.5m landscaping strips provided on either side of the common driveway. |
| The main façade and entry to Residence 1 should be reoriented towards the primary street frontage. | No change. |
| Design and appearance of Residence 1 warrants revision to reduce overall bulk and scale. | No change. |
| Upper level windows, aside from those facing the primary street frontage, should be fixed and obscured to a level of 1.7 metres above the upper floor level. | Upper level windows, aside from those facing the primary street frontage, fixed and obscured to a level 1.7 metres above the upper floor level. |
| Corner cut offs required to Residence 1 and 2 to achieve vehicular manoeuvrability. | Corner cut offs provided. |
| Additional width required to the manoeuvring area of Residence 3 and 4 (or corner cut offs). | Additional manoeuvring area not provided. Porches moved back to provide corner cut offs. |

SUBJECT LAND & LOCALITY

The subject land is located at 3 Fifth Avenue, Ascot Park. The allotment is rectangular with a width of 18.29 metres, depth of 55.32 metres, and total site area of 1011.8 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to a detached garage adjacent the eastern side boundary. Several other ancillary structures are located to the rear of the existing dwelling. A small slope exists, from the south to the north of the site, falling approximately 0.6 metres over a distance of some 55 metres. While several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

The locality is primarily residential in nature, containing a mix of single storey detached dwellings on large allotments and group dwellings in the form of hammerhead allotments, which are particularly prevalent in the immediate vicinity. Marion Road, including bus services to the City as well as the Marion Regional Centre, is located 75 metres to the west of the subject land, while the Ascot Park Railway Station is located approximately 750 metres walking distance south-west of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to construct two residential flat buildings, one being two storeys comprising two dwellings and sited one behind the other; and the other building comprising two single storey dwellings located side by side at the rear of the allotment. A common driveway is proposed adjacent the eastern side boundary providing access to each dwelling.

Residence 1 and 2 each feature open-plan kitchen, dining and living areas, separate WC and laundry to the ground floors, while the upper floors contain three bedrooms (main with ensuite), a bathroom and sitting area. Residence 3 and 4 will each contain two bedrooms, a bathroom, open-plan kitchen, dining and living areas, as well as a single garage (including a laundry) under the main roof of each dwelling.

A 1.8m high rendered fence (including horizontal timber battens) is proposed on the front boundary and landscaping will be placed in front and behind the fence as well as on either side of the common driveway, in front of the dwellings and around external car parking spaces.

Refer Attachment III

PUBLIC NOTIFICATION

| | |
|-------------------------------------|--|
| Properties notified: | 24 properties were notified during the Category 2 public notification process. |
| Representations: | 3 representations were received by Council. |
| Persons wishing to be heard: | 1/2 Fifth Avenue |
| Summary of representations: | <p>1/2 Fifth Avenue</p> <ul style="list-style-type: none">• Two storey development is not in-keeping with the existing character of the streetscape.• The presentation of the two single storey flats do not contribute to the streetscape.• Recent development within Fifth Avenue on similar size allotments has comprised three dwellings, not four.• Concerns regarding on-street car parking. <p>4B Fifth Avenue</p> <ul style="list-style-type: none">• Concerns regarding proposed density, the site is suitable for three dwellings.• Two storey development is contrary to the existing character of the streetscape. <p>5A Fifth Avenue</p> <ul style="list-style-type: none">• Concerns regarding overlooking from upper level windows.• Concerns regarding overshadowing from the proposed two storey building, reducing natural light available to the master bedroom, and interference with solar panels (looking to obtain within 12 months).• Two storey development is not in-keeping with the locality. <p><i>Refer Attachment IV</i></p> |

Applicant's response:**Overlooking**

- Upper level windows, aside from those facing the primary street frontage, are fixed and obscured to 1.7 metres above the upper floor level.
- The proposed upper levels comprise side setbacks exceeding criteria.
- There are no balconies from which overlooking of adjacent properties could be gained.

Overshadowing

- The proposed upper levels comprise side setbacks exceeding criteria.
- The closest two storey component of the proposed dwellings is located some 28 metres from the rear boundary, given the north/south orientation of the subject land, any shadow cast in the direction of 5A fifth Avenue will not be until very late afternoon or evening (if at all), and will not interfere with any future solar panels or result in diminished natural light to the master bedroom of this dwelling.
- The common driveway of the dwellings at 5 Fifth Avenue (adjacent the western boundary) provides further separation between the two storey components of the proposal and habitable rooms or private open space of adjacent development.

Two-storey nature of development

- Two-storey dwellings are envisaged within the Policy Area.
- Two-storey development reinforces the desired character of the Policy Area by contributing to the regeneration of old housing stock and providing diversity of housing choice.
- The two-storey dwellings contribute to the variety of housing stock and architectural styles within the locality.
- The two-storey dwellings demonstrate substantial compliance with setbacks, private open space and site coverage.

Visual presentation to the streetscape

- A variety of materials have been incorporated into the design of the dwellings to provide articulation and relief and reduce the bulk and scale of the built form.
- A comprehensive landscaping plan has been provided to contribute to the visual appeal of the proposal.
- The rear dwellings are not readily visible from the streetscape, nonetheless they have been provided with pitched roofs and landscaping to soften the appearance of the dwellings.

Proposed density

- The total site area of 1011.8 square metres could support four dwellings within this Policy Area, albeit in a different configuration (row dwellings).

| | |
|--|--|
| | <ul style="list-style-type: none"> Reducing the number of dwellings from four to three (one two storey dwelling at the front and two single-storey dwellings to the rear) would not result in a substantial change to the built form proposed. The proposal in its current form does not result in unreasonable impacts upon adjoining properties. The subject land is located in close proximity to public transport and employment opportunities. <p>On street car parking</p> <ul style="list-style-type: none"> All proposed dwellings gain access from the existing crossover, accordingly, existing on-street car parking is maintained. On-site car parking is provided in accordance with Development Plan requirements. <p style="text-align: right;"><i>Refer Attachment V</i></p> |
|--|--|

INTERNAL DEPARTMENT COMMENTS

| | |
|---------------------|--|
| Engineering: | <ul style="list-style-type: none"> Vehicle manoeuvring areas are deemed satisfactory. |
|---------------------|--|

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> |

| | | |
|--------------|---|---|
| <i>PDC 1</i> | <i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>detached dwelling</i> ▪ <i>group dwelling</i> ▪ residential flat building ▪ <i>row dwelling</i> ▪ <i>semi-detached dwelling</i> ▪ <i>supported accommodation.</i> | Complies As listed opposite, residential flat buildings are an envisaged form of housing type within the Northern Policy Area 13. |
| <i>PDC 3</i> | <i>Minimum Site Area: 300m² average</i> | Does Not Comply Res 1: 223.9m ² Res 2: 201.6m ² Res 3: 199.65m ² Res 4: 199.65m ² Average site areas: 206.2m ² (excluding common driveway) 253m ² (including common driveway) |
| | <i>Minimum Frontage: 20m</i> | Does Not Comply 18.29m |
| | <i>Minimum Depth: 45m</i> | Complies 55.32m |

Assessment

Objectives & Desired Character

The application proposes to replace an existing single storey detached dwelling in average condition, with four dwellings, in the form of a two-storey residential flat building comprising two dwellings, and a single-storey residential flat building comprising two dwellings to the rear of the site. Residential flat buildings are form of development anticipated by PDC 1.

The application is consistent with the Desired Character of the Northern Policy Area 13 in that it will provide both single and two-storey medium density dwellings, and redevelop the site at a greater density than that of the original housing stock. The Desired Character also seeks for the range of dwelling types to increase to meet a variety of accommodation needs. The proposal includes two three-bedroom and two two-bedroom dwelling options, and therefore provides a variety in dwelling size.

The subject land is located approximately 750 metres walking distance from the Ascot Park Railway Station, and some 300 metres from the nearest bus stop on Marion Road. Given that the subject land is located within acceptable walking distance of public transport routes, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

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

Site Areas

The proposed dwellings have an average site area of 206.2 square metres, where an average of 300 square metres is prescribed for residential flat dwellings within the Northern Policy Area 13. This equates to a shortfall of 93.8 square metres per dwelling, or 31.3% less than the minimum sought. While the individual site area of each dwelling falls substantially short of the prescribed minimum, 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 Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, the overall average site area per dwelling would equal 253 square metres per dwelling, or 15.7% less than the minimum sought.

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is noted that row dwellings require a minimum site area of 250 square metres within the Northern Policy Area 13, whereby a site of 1000 square metres could theoretically accommodate 4 dwellings. The subject land maintains an overall site area of 1011.8 square metres. Therefore, it is suggested that while the site configuration results in shortfalls in site area, the proposed density is not necessarily inconsistent with that envisaged for the Policy Area.

Furthermore, the proposed site areas fall within the category of “medium” residential density, as defined in the handbook *“Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples”* published by the Government of South Australia in October 2011. This remains in accordance with the “low-medium and medium densities” envisaged by the Desired Character.

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

Frontage width

Allotments of residential flat buildings should maintain a minimum frontage width of 20 metres, whereas the subject land comprises a frontage to Fifth Avenue of 18.29 metres. Despite the shortfall in frontage width, the allotment maintains a depth of 55.23 metres, where 45 metres is anticipated. Accordingly, the shortfall in site width is somewhat compensated by the depth of the site.

It is further considered that minimum frontage width requirements for Residential Flat Buildings seek to ensure appropriate vehicular manoeuvrability. It is noted that a minimum frontage width of 18 metres is identified for Residential Flat Buildings within other Council Policy Areas, demonstrating that appropriate manoeuvrability can be anticipated at this width. Nonetheless, considerations of vehicular manoeuvrability are assessed in the following section ‘Development Assessment’.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

| Site Coverage | |
|--|--|
| <p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p> | <p>Complies Res 1: 36.8% (82.4m²)</p> <p>Does Not Comply Res 2: 40.9% (82.4m²) Res 3: 56.1% (111.9m²) Res 4: 56.1% (111.9m²)</p> <p>Note: Overall site coverage equals 392.2 square metres, which equates to 38.8% of the total site area.</p> |
| <p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p> | <p>Complies Res 1: 0.59 (132.7m²)</p> <p>Does Not Comply Res 2: 0.66 (132.7m²)</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>Does Not Comply 12.8% (130m²)</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 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. j) The POS areas are considered to have sufficient shape and area to be functional. <p>Partially Complies</p> <p>f) The proposed POS areas of Residence 3 and 4 maintain a northerly aspect to provide for comfortable year round use, while the POS of Residence 1 and 2 is west facing.</p> |

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

20% is applicable for each dwelling

Does not comply

Res 1: 18.7% (41.95m²)

Complies

Res 2: 37.9% (76.5m²)

Res 3: 20.6% (41.2m²)

Res 4: 20.6% (41.2m²)

All dwellings feature POS directly accessible from a living room with minimum dimensions of 4x4m and a gradient less than 1-in-10.

Street Setbacks

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

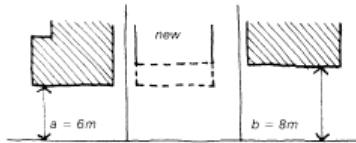
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
- (b) contribute positively to the function, appearance and/or desired character of the locality.

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. Nonetheless, the proposed front setback of 5 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

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

| Setback difference between buildings on adjacent allotments | Setback of new building |
|---|---|
| Up to 2 metres | The same setback as one of the adjacent buildings, as illustrated below:  When $b \leq 2$, setback of new dwelling = a or b |
| Greater than 2 metres | At least the average setback of the adjacent buildings |

General Section: Design and Appearance: PDC 25

Partially Complies

Res 1: 5 metres

(Dwellings on adjoining land set back approximately 5 and 9 metres, which equals an average setback of 7 metres)

However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, PDC 25 has limited weight in this instance.

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

Res 3: 1.36m

Res 4: 1.36m

Complies

Res 1: 4.6m (western side)

4.4m (eastern side)

Res 2: 4.6m (western side)

4.4m (eastern side)

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Does Not Comply

Res 3: 4.5m

Res 4: 4.5m

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:

- (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
- (b) a minimum of 8 metres for two storey components of dwellings

General Section: Residential Development: PDC 37

Partially Complies

Res 3: 4.5m

Res 4: 4.5m

Building Height

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

Residential Zone: PDC 7

Complies

The proposed dwellings incorporate a maximum building height of 8 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.

Minimum setback from secondary road frontage:
5.5 metres for a single-width structure.
Not less than the specified setback of the associated dwelling for a double-width structure.

Residential Zone: PDC 8

Complies

All garaging sited within/to the rear of the site.

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

Partially Complies

Although it is noted that the manoeuvring into and out of the car parking spaces meets the technical requirements of the Australian Standards, the location of the spaces forces movements that leave little room for error and require the careful manoeuvring of vehicles to avoid damage to the dwellings, fencing and landscaping.

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 garages are not readily visible from the streetscape, nonetheless the garages incorporate a roof form, materials and detailing which complement the associated dwelling.

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.
1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.

Residential Zone: PDC 7

Complies

Each dwelling provides one garage space and one open visitor space, which equals a total of 8 on-site parking spaces. However, no independently accessible visitor parks are available.

*Note: 1.5 resident spaces x 4 dwellings = 6
 Plus 1.3 visitor spaces required for 4 dwellings = 7.3 on-site spaces required*

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 dwellings, as demonstrated by compliance with PDC 7.

b) Public transport is located in reasonable walking distance of the dwellings

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

d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.

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

General Section: Land Division: PDC 22

Complies

2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.

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

The proposal utilises the existing 4 metre wide crossover for the proposed common driveway.

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

Partially Complies

The existing crossover is set back 0.5 metres from the existing stobie pole. While this does not satisfy PDC 40, as it remains in situ, the applicants are entitled to maintain its use.

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.

General Section: Transportation and Access: PDC 28

Complies

Existing crossover utilised

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:

Does not Comply

3-metre-wide driveway and 2 x 0.5 metres landscaping strips either side of the driveway (where appropriate).

| 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) |
|-------------------------------------|---|-----------------------------|-------------------------------|---|
| | | | | |

| | | | | | |
|--|-----|---|--|-----|--|
| 4-7 | 4.5 | 3 | Widen to 5 metres at a point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter | 0.8 | |
| General Section: Residential Development: PDC 41 | | | | | |
| Design & Appearance | | | | | |
| <p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(a) <i>building height, mass and proportion</i></p> <p>(b) <i>external materials, patterns, colours and decorative elements</i></p> <p>(c) <i>roof form and pitch</i></p> <p>(d) <i>façade articulation and detailing</i></p> <p>(e) <i>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><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 17</p> | | | <p>Partially Complies</p> <p>The proposed dwellings reflect the desired character of the Policy Area, as they provide a variety in architectural style. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of horizontal cladding and render on the front façade • Eave overhang and pitched roof form at 30-degree slope • Fenestration <p>While it is noted that the design does not incorporate stepping of upper and lower storeys to minimise building height, mass and proportion, the side elevation of the Residence 1 features a mixture of render, horizontal cladding and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>On balance, the design and appearance of the dwellings 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>General Section: Design & Appearance: PDC 15</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>General Section: Design & Appearance: PDC 18</p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p>General Section: Residential Development: PDC 6</p> <p><i>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.</i></p> <p>General Section: Residential Development: PDC 6</p> | | | <p>Does not comply</p> <p>Residence 1 has been designed and oriented such that its main facade faces east toward the common driveway and side boundary (given that its entrance door and porch are located on this elevation). This orientation does not satisfy PDC 6, 15 and 18.</p> <p>However, it is noted that in order to provide presentation and passive surveillance Residence 1 incorporates a number of unobscured habitable room windows presenting to the primary street frontage.</p> | | |

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

Except where 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

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

b) Given that south forms the street boundary, a majority of winter shadow will be cast within the front yard of the proposed dwellings. While some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours, the majority of shadows cast will fall within the common driveways of these properties which are sited adjacent the subject land.

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

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

Buildings on battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining residential properties.

General Section: Design & Appearance: PDC 14

Partially complies

Residence 2 is two storeys in height. However, this dwelling has been designed to protect and maintain the privacy of adjoining residential properties. Furthermore, Residence 3 and 4, at the rear of the site, maintain a single storey form and satisfy PDC 14.

Noise

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

General Section: Residential Development: PDC 29

Complies

Residence 3 and 4 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 0.5 metres and incorporate a landscaping screen between the driveway and bedroom window. This combination of separation and landscaping is considered to provide adequate "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

Site Facilities and Storage

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

General Section: Residential Development: PDC 30

Partially Complies

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed 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

Residence 2, 3 and 4 are oriented so that their open spaces and living areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

The living area and POS of Residence 1 face in a westerly direction. While this is not an optimum orientation for energy efficiency of the dwelling, adequate afternoon sunlight will nonetheless be available to these areas.

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.

Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.

General Section: Energy Efficiency: PDC 4

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.

General Section: Energy Efficiency: PDC 5

Complies

The proposed dwellings each incorporate a hipped roof form with Residence 1 and 2 set at a 30-degree pitch while Residence 3 and 4 incorporate a 25-degree pitch. The roof form of each dwelling includes 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*

General Section: Landscaping, Fences & Walls: PDC 2

Partially Complies

Shortfalls in driveway landscaping area and pervious areas may compromise the opportunity for taller/broader plantings in order to soften the built form, reduce shading and shelter to private open space and result in excess stormwater run-off.

The proposed planting species and distribution is nonetheless considered appropriate and somewhat enhances the appearance of the road frontage and parking areas.

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

A 1.8m high front fence constructed of rendered blueboard with horizontal timber battens is proposed to a portion of the front boundary. The fence is appropriately articulated and nonetheless provides some visibility of the proposed dwellings.

Other boundary fencing will provide adequate privacy to the existing and proposed dwellings. Retaining walls up to approximately 400mm in height are proposed to the side and rear boundaries with 1.8m high fencing atop.

TABLE DISCUSSION

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

- Site coverage
- Floor area ratio
- Percentage of pervious land area
- Private open space (Residence 1)
- Rear setbacks
- Driveway/landscaping width
- Vehicular manoeuvrability
- Design and appearance

Site coverage

The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area; Residence 2 surpasses this limit at 40.9% while Residence 3 and 4 considerably exceed criteria at 56.1% each. The following considerations are noted with regard to the discrepancy in site coverage;

- (a) The figures above are based upon the curtilage of the dwellings only, and do not include the common driveway. When including the driveway area, overall site coverage for the whole of the land equates to 38.8%, below the maximum prescribed.
- (b) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below) Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.
- (c) The proposal is considered to comply with PDC 13 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access, vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.
- (d) It is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. The subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60% for new detached and semi-detached dwellings. As such, it is considered that the proposal results in less site coverage than that which could feasibly be constructed on the subject land “as of right” (i.e. without an assessment against Development Plan criteria).

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

Floor area ratio

The Floor Area Ratio of Residence 2 (0.66) exceeds that permitted within the Northern Policy Area 13 (0.6). As demonstrated above, the excess in floor area does not result in direct impacts to adjacent land, the street or the proposed dwellings, and as such, suggests the size of the dwelling is acceptable having regard to the form of development proposed.

Percentage of pervious land area

The Development Plan seeks for at least 20% of the land area to remain pervious in order to reduce levels of stormwater runoff from the land, reduce urban heat loading and improve micro-climatic conditions around sites and buildings as well as allow for effective deep planting. The proposed development fails to satisfy this requirement, with some 130 square metres (12.8%) remaining pervious and undeveloped.

Ordinarily applications propose conservative areas of paving within the POS, enough to accommodate an alfresco area, whereas the subject application incorporates more generous levels of paving to the rear of the dwellings. Were these areas of paving to be reduced to a typical 5x5 metre area, the pervious surfaces of the site would increase to 18.2% of the total site area, slightly below that sought. Whilst this excess is undesirable, it is acknowledged that paving a surface is not development, and may occur on any site to levels exceeding that sought

by the Development Plan, without any approval required. Nonetheless the non-compliance in pervious surfaces is noted and considered accordingly with the overall merit of the proposal.

Private open space (Residence 1)

Private open space should comprise at least 20% of the site area; whereas the proposed POS of Residence 1 equates to 18.7%, representing a shortfall of 2.83 square metres. This shortfall is considered to be of minor consequence given that the POS of this dwelling nonetheless comprises sufficient area and shape to be functional for likely occupant needs. Furthermore, it is noted that Residence 1 includes a large area of open space forward of the dwelling (and enclosed by a front fence). While this area does not contribute to the calculation of POS, it may nonetheless be utilized as such by future occupants.

Rear setbacks

Residence 3 and 4 each comprise a rear setback of 4.5 metres. Whilst this does not strictly meet the quantitative standard (3 metres for 50% and 6 metres for the remainder), the overall level of separation from the rear boundary is considered adequate. This is supported by the fact that each dwelling nonetheless exceeds POS requirements, which incorporates a northern orientation, to maximise solar access. Furthermore, given that these dwellings are single storey, this discrepancy is unlikely to result in unreasonable visual impacts or overshadowing of adjacent land.

Driveway/landscaping width

Driveways servicing between four and seven dwellings should have a minimum width of 4.5 metres for the first 6 metres, with a width of 3 metres thereafter. In addition, 0.8 metres landscaping strips should be provided on either side of the driveway. The proposal incorporates a driveway width of 3 metres, with 0.5 metre landscaping strips on either side.

It is considered that the required width of 4.5 metres for the first six metres does not serve any significant purpose as two cars cannot pass each other at this width. It is further considered that no access is available to Fifth Avenue from Marion Road, accordingly, vehicles waiting to enter the site (in the event that another vehicle is exiting the site at the same time), will not cause an unreasonable traffic hazard. Accordingly, a driveway width of 3 metres is tolerated in this instance.

The shortfall in landscaping dimension, when combined with the lack of pervious land area, suggests the extent of sealed areas is excessive. Additional landscaping area would provide greater area for taller and/or denser vegetation to assist in softening the built form and view of the driveway area. The non-compliance in landscaping width is noted and considered accordingly with the overall merit of the proposal.

Vehicular manoeuvrability

The lack of width to the manoeuvring area of Residence 3 and 4 is considered to result in tight and inconvenient vehicle manoeuvres. It has been noted by Council's Development Engineer that the corner cut offs provided to these dwellings result in vehicle movements on site that would comply with the requirements of the relevant parking and manoeuvring standards.

However, in staff's view, an assessment against Council's Development Plan must also consider whether the design of the car park will result in convenient and safe vehicle movements. Whilst vehicle movements out of the proposed car parks of these dwellings would be able to be achieved in no more than two movements, the nature of the movements and their proximity to the rear fence of Residence 2 and to the vehicles parked in the visitor space of the adjoining dwelling does, in my opinion, result in somewhat inconvenient vehicle movements.

It is acknowledged that the proposal is a small residential development and as such, traffic generation may be considered relatively low. Nonetheless, such movements (for residents) would be undertaken 3-4 or more times per day. This in itself can create an issue, as it can result in drivers becoming complacent and it would only take a lapse in concentration to result in damage to vehicles and property.

Accordingly, I am of the view that the proposal does not provide convenient vehicle movements, however it is acknowledged that the manoeuvring areas nonetheless comply with relevant standards.

Design and appearance

Residence 1 has been designed and oriented such that its main facade faces east toward the common driveway and side boundary (given that its entrance door and porch are located on this elevation). This orientation does not satisfy PDC 15 and 6 (General Section: Design & Appearance), which specifies that buildings "... should be designed so that their main façade faces the primary street frontage of the land on which they are situated" and that "entries to dwellings or foyer areas should be clearly visible from the street". It is noted that the dwelling nonetheless incorporates other elements typical of a front façade, including generous levels of fenestration in order to provide passive surveillance and presentation to the streetscape.

Further, PDC 1 (General Section: Design and Appearance) specifies that "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."

While Residence 1 nonetheless incorporates fenestration and a mixture of render and horizontal cladding to the Fifth Avenue façade in order to provide articulation and to avoid extensive areas of uninterrupted walling exposed to public view, it is noted that it does not incorporate stepping of upper and lower storeys to minimise building height, mass and proportion.

Despite Council requests for amendments to the design and appearance of Residence 1 including the orientation of the main façade and entry to the primary street frontage and reducing the overall bulk and scale of this dwelling, these qualitative shortfalls associated with the development remain an outstanding matter that was not addressed by the applicant.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to density, privacy, overshadowing, the two-storey nature of development and increased on-street parking resulting from the proposal, have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

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

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical shortfalls including site coverage, floor area ratios, private open space, rear setbacks and driveway width. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

The most significant numerical shortfall maintained by the proposal involves site areas. It is acknowledged that the proposal is finely balanced in this regard, with a 31.3% (or at best, 15.7%) discrepancy for the total site area noted. Considerations within this report have demonstrated that the shortfall in site area is substantial, but that proposed density is not necessarily inconsistent with that envisaged for the Policy Area. In this regard, it could be concluded that other identified shortfalls (vehicular manoeuvrability, pervious land area and landscaping widths), are a result of the density of the proposal. Having said this, I am of the opinion that these matters are not impossible to achieve with the current density, rather, the proposed design has failed to satisfy the applicable design parameters.

It is acknowledged that the proposal is finely balanced in relation to the extent of compliance with applicable Development Plan criteria. This report has identified a number of excesses or shortfalls; it is my view that these various non-compliances could each be deemed acceptable in isolation. Accordingly, these non-compliances must be considered as a whole in conjunction with the proposal's areas of compliance.

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

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Development Plan. 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: 100/2015/1987 for A two storey residential flat building comprising 2 dwellings, and a single storey residential flat building comprising 2 dwellings at 3 Fifth Avenue ASCOT PARK 5043 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. 100/2015/1987, except when varied by the following conditions of consent.
- 2. 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

- 3. The portion of the upper floor windows (except those windows presenting to the street for the front dwelling) less than 1.7 metres 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.
- 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. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 6. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

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

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. 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> |

DEVELOPMENT ASSESSMENT PANEL

Wednesday 6 July 2016

| | |
|---------------------------------|--|
| Agenda Ref No: | DAP060716 – 2.3 |
| Originating Officer: | Rob Tokley Team Leader - Planning |
| Applicant: | Regent Homes SA Pty Ltd |
| Development Description: | Two, two storey buildings, each comprising two dwellings, with associated car parking and landscaping |
| Site Location: | 121 Dunrobin Road and 1A Third Avenue, Warradale |
| Zone: | Residential Zone |
| Policy Area: | Medium Density Policy Area 12 |
| Application Type: | Category 3 / Consent |
| Lodgement Date: | 24/09/2015 |
| Development Plan: | Consolidated – 19 March 2015 |
| Application No: | 100/2015/1757 |
| Recommendation: | That Development Plan Consent be REFUSED |

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development, following from the Cheesman and Anor v Walkerville (2012 SAERDC 59) decision of the Environment, Resources and Development Court, which identified that two, two storey residential flat buildings are not identified as a Category 1 or 2 form of development pursuant to Schedule 9 of the Development Regulation 2008.

As the dwellings cannot be considered minor in nature pursuant to clause 2(g) of Part 1 of Schedule 9, the application must be treated as a Category 3 form of development.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 270 square metres required for semi-detached dwellings 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 |
|---|--|
| Increase private open space areas to accommodate a minimum dimension of 5.0 metres | POS areas increased from minimum dimension of 2.7 metres to 4.0 metres |
| The bulk of the development should be reduced to minimise the visual impact upon land to the east. As such, the upper level sections of the dwellings should set-in from both side walls of the dwelling, to provide greater separation between the upper level built form. | Upper levels set-in from the 'outer' wall only – upper levels remain attached between each semi-detached dwelling. |
| Site coverage of all four dwellings exceeds criteria and should be addressed. | Site coverage reduced from 49% to 47% (Dwellings 2 and 3) and from 44%/43% to 42%/41% for Dwellings 1 and 4, respectively. |
| The secondary street elevation of Dwelling 1 should be improved to provide visual interest and avoid large expanse of blank walling exposed to public view. | Upper level wall set-in from ground floor, however, window removed from this elevation. |

SUBJECT LAND & LOCALITY

The land subject to the proposed development is sited over two allotments, being 121 (Lot 501) Dunrobin Road and 1A (Lot 502) Third Avenue, Warradale.

The land incorporates a frontage width to Dunrobin Road of 14.68 metres, a secondary street to Third Avenue of 52.32 metres, a depth (measured east-west of 17.68 metres) and a total site area of 973 square metres.

Lot 501 is currently vacant, whilst Lot 502 currently accommodates a single storey detached dwelling, constructed in the 1980s.

The land is relatively flat, with no discernible slope, whilst vegetation on the land is not classified as Regulated pursuant to the Development Regulations 2008.

The locality typically comprises single storey detached dwellings on large allotments between 600 – 800 square metres.

More recent development within the locality takes the form of single storey residential flat buildings, semi-detached and detached dwellings, typically on site areas between 250 – 500 square metres.

Christ the King school is located 100 metres to the north-east, whilst further afield, Coles Supermarket, The Warradale Hotel and various small-scale shops, offices and consulting rooms are situated on both sides of Diagonal Road, within the Neighbourhood Centre Zone.

The Adelaide-Seafood rail-line is located 150 metres to the south, with the Warradale station located 300 metres walking distance from the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct two, two storey buildings, each comprising two dwellings. In administration's opinion, given each dwelling has a frontage to a public road, and a site held exclusively with that dwelling (and identified in land division application 100/D229/15), it is appropriate to assess the proposed dwellings as semi-detached dwellings.

Each dwelling comprises a double garage, main bedroom (with en-suite and walk-in-robe), open plan kitchen/living/dining area and laundry on the ground floor.

The upper floor comprises two bedrooms, retreat/landing, bathroom and balcony.

The dwellings will incorporate exposed brick and render to all facades, with colorbond roof set at 22.5 degrees.

Refer Attachment III

PUBLIC NOTIFICATION

| | |
|-------------------------------------|---|
| Properties notified: | 22 properties were notified during the Category 3 public notification process. |
| Representations: | 1 representation was received by Council. |
| Persons wishing to be heard: | The representor did not identify they wish to address the Panel. |
| Summary of representations: | <ul style="list-style-type: none">• Overdevelopment of the site;• Excessive site coverage;• Concerns with setback to powerlines <p><i>Refer Attachment IV</i></p> |
| Applicant's response: | A response has been provided from the applicant – please refer to Attachment V |

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 | |
| 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. |
| Medium Density Policy Area 12 | |
| Objectives | |
| 1 | A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes. |
| 2 | Development that minimises the potential impact of garaging of vehicles on the character of the area. |
| 3 | Development that supports the viability of community services and infrastructure and reflects good residential design principles. |
| 4 | Development that contributes to the desired character of the policy area. |

Desired Character

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 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> | Complies Average site area in the order of 243 square metres and the dwellings are in the form of two storey dwellings |
| PDC 7 | <p>Minimum Site Area: Semi-detached dwellings: 270 square metres</p> | Does Not Comply Lot 1: 256 sq metres Lot 2: 228 sq metres Lot 3: 228 sq metres Lot 4: 261 sq metres |
| | <p>Minimum Frontage: Semi-detached dwellings: 9.0 metres</p> | Complies Min frontage width of 11.77 metres |
| | <p>Minimum Depth: Semi-detached dwellings: 20 metres</p> | Does Not Comply Depth of 17.68 metres |

Assessment

The Medium Density Policy Area 12 encourages redevelopment of properties at greater densities than that of the original housing, whilst seeking the establishment of a range of dwelling types to meet a variety of accommodation needs. The proposed development

embodies these aims, as it will increase the residential density of the subject land within the envisaged net density guidelines of 40-67 dwellings per hectare to deliver four, two storey dwellings.

The site is located in convenient reach of a Neighbourhood Centre Zone and fixed rail transport. The proposed dwellings are considered to provide an appropriate contribution to new housing stock in the area, although noting that the dwelling size (three bedrooms) is common in the locality.

The proposed semi-detached dwellings are a form of development envisaged by Principle 1, whilst the Desired Character encourages both one and two storey dwellings. The application proposes an average net site area of 243 square metres per dwelling, which is reflective of the medium density sought for new dwellings in the Policy Area.

Principle 7 - Site Areas and Depth

Dwelling 1 maintains a site area of 256 square metres, Dwellings 2 and 3 each support a site area of 228 square metres and Dwelling 4 incorporates a site area of 261 square metres. Across the site, an average site area of 243 square metres per dwelling is achieved.

A minimum site area of 270 square metres is prescribed for semi-detached dwellings in the Medium Density Policy Area 12, and therefore the dwellings maintain an average shortfall of 27 square metres (or 10%) per allotment. Additionally, these dwellings maintain a site depth of 17.68 metres, where 20 metres is prescribed.

Whilst technically falling short of minimum site area and site depth provisions, it is of worth to note that if all four dwellings were attached, they would form row dwellings, where a minimum site area of 210 square metres is prescribed. If this was to occur, the average site area of the proposal would exceed that sought.

In staff's view, it is preferable for two, two storey buildings to be erected (despite the 'technical' shortfall in site area), as such built form has the opportunity to have a lesser impact via building bulk than could be achieved with four, two storey dwellings joined together. Consequently, in my view, the shortfall in site areas is not considered a fundamental failing of the proposal.

The site incorporates a depth of 17.68 metres, where 20 metres is prescribed. Whilst front, rear and side setbacks are generally satisfied (discussed further in this report), it could be concluded that the shortfall in site depth has resulted in the large expanse and width of the upper level that, in my view, will have an unreasonable impact upon the adjoining property to the east.

In this regard, the shortfall in site depth has manifest itself in a building bulk and scale that is not appropriate in the Policy Area.

No significant trees or street trees require removal to facilitate the proposed development.

Objective 3 and the Desired Character statement

Policy Area Objective 3 seeks for “[d]evelopment that ... reflects good residential design principles”, whilst the Desired Character states, “[d]evelopment should seek to promote cohesive streetscapes ... 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.”

In my view, the bulk of the buildings, lack of articulation and secondary street presentation and the shortfall in private open space dimensions do not embody that sought by Objective 3 or the Desired Character. The proposal results in an extensive amount of built form, which when viewed from land to the east, will, in my view, have an unreasonable impact upon the amenity of that property. To this end, whilst I consider four, two storey dwellings on the land can achieve the aims of the Development Plan, the subject design does not adequately do so.

The Northern Policy Area 13 is located immediately north-west of the subject land (on the northern side of Dunrobin Road), which prescribes a site area of 250 square metres for row dwellings. The Desired Character of the Medium Density Policy Area 12 states that “[w]here 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 compatibility with that adjacent housing” (my underline).

The proposed two-storey built form is not sympathetic with the existing single-storey low-density development on the northern side of Dunrobin Road. Most importantly, the bulk of the development exacerbates the visual impact and scale of the proposed two-storey built form, and is somewhat incompatible with that desired within the Northern Policy Area 13.

As a result of these considerations, it is my view that the proposal satisfies some, but not all of the applicable Objectives, Principles and Desired Character of the Medium Density Policy Area 12.

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:

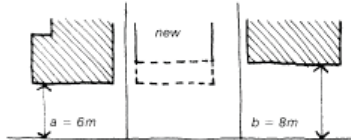
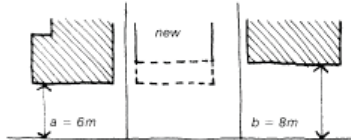
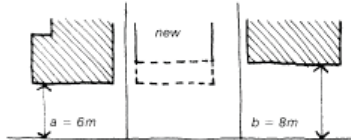
Assessment:

| Site Coverage | | |
|---|--|--|
| Maximum site coverage: Site area less than 270 m ² : 100 m ² or 40% (whichever is the greater) (40% is relevant for Dwellings 1 and 4) (100m ² is relevant for Dwellings 2 and 3) Medium Density Policy Area 12: PDC 8 | | Does Not Comply Dwelling 1: 42.2% Dwelling 2: 107.96 sq metres Dwelling 3: 107.96 sq metres Dwelling 4: 41.3% |

| | |
|---|--|
| <p>Maximum floor area ratio: Site area less than 270 m²: 0.7 Medium Density Policy Area 12: PDC 8</p> | <p>Complies Dwelling 1: 0.51 Dwelling 2: 0.57 Dwelling 3: 0.57 Dwelling 4: 0.50</p> |
| <p>Site coverage should ensure sufficient space is provided for: (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles General Section: Residential Development: PDC 13</p> | <p>Partly Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, landscaping and waste storage. However, as identified below, the poor dimension of private open space is considered to compromise the amenity of the occupants.</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. General Section: Residential Development: PDC 14</p> | <p>Complies Approx 35%</p> |
| <p>Private Open Space</p> | |
| <p>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</p> | <p>Complies 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 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 Partially Complies f) The proposed POS areas maintain an easterly aspect, which should nonetheless achieve adequate solar access. Does Not Comply j) The POS areas are not considered to have sufficient dimension/shape to be functional.</p> |

| | |
|--|--|
| <p>Site Area 250 m² or greater: 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.</p> <p>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.</p> <p>General Section: Residential Development: PDC 17</p> | <p>Complies Dwelling 1: 30% (76.8 sq metres) Dwelling 4: 29.4% (76.8 sq metres)</p> <p>Does Not Comply The POS areas do not incorporate a minimum dimension of 5 metres, whilst the area of greatest dimension (4m x 6m) is not directly accessible from the living room.</p> <p>Does Not Comply Dwelling 2: 19.85% (45.2 sq metres) Dwelling 3: 19.85% (45.2 sq metres)</p> <p>Partially Complies The POS areas do incorporate the minimum dimension of 4 metres, however, this area is not directly accessible from the living room.</p> |
|--|--|

Street Setbacks

| <p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 23</p> | <p>Complies The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p> | | | | | | |
|---|--|-------------------------|----------------|---|-----------------------|--|---|
| <p>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b \leq 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 25</p> | Setback difference between buildings on adjacent allotments | Setback of new building | Up to 2 metres | <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b \leq 2$, setback of new dwelling = a or b</p> | Greater than 2 metres | At least the average setback of the adjacent buildings | <p>Partially Complies Dwelling 1-4: 5.0 metres</p> <p>PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Medium Density Policy Area 12 encourages redevelopment of existing dwelling stock at higher densities, PDC 25 has limited weight.</p> <p>It is further noted that Council's current Development Plan allows a minimum front setback of 5.0 metres in the Medium Density Policy Area, regardless of the setback of adjacent dwellings.</p> <p>As such, the front setback proposed is considered acceptable.</p> |
| Setback difference between buildings on adjacent allotments | Setback of new building | | | | | | |
| Up to 2 metres | <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b \leq 2$, setback of new dwelling = a or b</p> | | | | | | |
| Greater than 2 metres | At least the average setback of the adjacent buildings | | | | | | |
| <p>Minimum setback from secondary road frontage: 2 metres</p> <p>Residential Zone: PDC 7</p> | <p>Complies Dwelling 1: 3.024m</p> | | | | | | |
| <p>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 36</p> | <p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p> | | | | | | |

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.

Residential Zone: PDC 7

Complies

Dwelling 2, 3 and 4: min 1.136m

Complies

Dwelling 3: 2.2 metres (min 2.0m required)

Dwelling 4: 4.0 metres (min 3.0m required)

Does Not Comply

Dwelling 2: 2.2 metres (min 3.0m required)

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 upper level side setback of Dwelling 2 does not comply with quantitative criteria, the separation provided is considered sufficient to minimise the visual impact of the building from Dwelling 3, given the POS area of that dwelling is located some distance away, and shielded from view by the subject dwelling.

Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Does Not Comply

Dwellings 1 -4: Min 2.73 metres

6 metres for a 2 or more storey dwelling

Residential Zone: PDC 7

Complies

Dwelling 1 – 4: 6.005 metres

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:

(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

General Section: Residential Development: PDC 37

Does Not Comply

Dwelling 1: min 2.73m (51.4%)
max 6.005m (27.6% of allotment)

Dwelling 2: min 2.73m (59%)
max 6.005m (31.6% of allotment)

Dwelling 3: min 2.73m (59%)
max 6.005m (31.6% of allotment)

Dwelling 4: min 2.73m (51.4%)
max 6.005m (27.6% of allotment)

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

Does Not Comply

The ground floor rear setback does not comply with quantitative criteria. Whilst the separation from the rear boundary from the upper floor meets the minimum 6.0 metres sought, it is my view that the length of the built form, and failure to provide stepping in the upper level rear wall and separation between the upper levels of each dwelling results in an unacceptable visual impact upon the adjoining property by way of building bulk.

| | |
|--|---|
| | In my view, an appropriate alternative would be to provide separation between the upper levels of Dwellings 1 and 2, and between Dwellings 3 and 4, and for the upper level rear wall to incorporate stepping (and ideally, a combination of materials), to reduce the mass of the building, and provide visual interest. |
| 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 The proposed dwellings incorporate a maximum building height of 6.9 metres, which is less than the maximum permitted in the Policy Area.</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> | Complies |
| <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> | Complies |
| <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: PDC 8</i></p> | <p>Complies The proposed garages are sited below the upper level and 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> | Complies |
| Car Parking | |
| <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></p> <p><i>Residential Zone: PDC 7</i></p> | Complies |

| | |
|--|--|
| <p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i> <p><i>General Section: Transportation & Access: PDC 43</i></p> | <p>Complies</p> <ul style="list-style-type: none"> a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 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. d) e) 5 on-street car parking spaces shall remain available adjacent the subject land. |
| <p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p> | <p>Complies</p> <p>5 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p> |
| Access | |
| <p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <ul style="list-style-type: none"> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i> <p><i>General Section: Residential Development: PDC 39</i></p> | <p>Complies</p> |
| <p><i>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.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p> | <p>Complies</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> |
| Design & Appearance | |
| <p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <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>Partially Complies</p> <p>In my view, the proposal plans have not had adequate regard to reducing the mass and proportion of the buildings, nor sought to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>Whilst the front façade of the dwellings provides exposed brick and render, combined with a protruding balcony to assist in providing variation to the dwelling, when replicated over four (reasonably wide) dwellings, in my view the overall development proposal results in a bulk and mass that will have a dominating impact upon the streetscape and unreasonable visual impact upon the land to the east.</p> <p>The impact to the streetscape is exacerbated by the lack of stepping in the front façade, simplified roof form and close proximity of the balconies to the front boundary of the property; setback a minimum distance of 4.0 metres.</p> |

| | |
|--|---|
| | <p>The upper level side elevations of the dwellings, whilst set-in from the ground floor, do not feature fenestration or articulation to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>The applicants have not provided an east and west elevation of the full proposed development. To provide Panel Member's with an improved understanding of the extent of the built form, administration has provided in Attachment VI, an east and west elevation of the proposal.</p> <p>The dwellings incorporate a 22.5 degree Colorbond roof in 'Monument', with brick and rendered facades. The garage of each dwelling features 'Monument' Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</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 balconies are integrated into the portico design, with clear glass balustrade that enables line of sight to the street.</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>General Section: Design & Appearance: PDC 15</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>General Section: Design & Appearance: PDC 18</p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p>General Section: Residential Development: PDC 6</p> <p><i>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.</i></p> <p>General Section: Residential Development: PDC 6</p> | <p>Complies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> |
| 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>General Section: Design & Appearance: PDC 9</p> <p><i>Except where specified in a zone, policy area or precinct,</i></p> | <p>Complies</p> <p>a) The adjacent dwelling to the south does not incorporate any north-facing windows exposed to direct sunlight, as a large carport extends for a majority of the width/length of that dwelling.</p> <p>b) A majority of winter shadow will be cast within the front yard of the adjacent dwelling to the south. Due to the carport structure on the northern side of the adjacent dwelling, a majority of afternoon shadow will fall upon this structure, however, some shadow will be cast into the</p> |

| | |
|---|--|
| <p><i>development should ensure that:</i></p> <p><i>(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</i></p> <p><i>(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></p> <p><i>(i) half of the existing ground level open space</i></p> <p><i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></p> <p>General Section: Design & Appearance: PDC 10</p> | <p>west-facing windows in afternoon hours.</p> <p>Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p> |
| <h2>Visual Privacy</h2> | |
| <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 building 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>General Section: Design & Appearance: PDC 12</p> | <p>Complies</p> <p>The dwellings 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.</p> <p>The balcony on the front façade is oriented to obtain views of the streetscape.</p> <p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p> |
| <h2>Energy Efficiency</h2> | |
| <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><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>General Section: Energy Efficiency: PDC 2</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>General Section: Energy Efficiency: PDC 3</p> | <p>Complies</p> <p>The main activity areas of the dwellings are oriented east, which should nonetheless receive some northern winter sunlight.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p> |
| <p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p>General Section: Energy Efficiency: PDC 4</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>General Section: Energy Efficiency: PDC 5</p> | <p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p> |

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*

General Section: Landscaping, Fences & Walls: PDC 2

Does Not Comply

The proposal plans provide a limited amount of landscape plantings throughout the site.

Whilst adequate area is located outside the dwellings' footprint to address a majority of the criteria contained in Principle 1, the proposal plans fail to demonstrate how this can be achieved.

As such, it is my view the landscaping proposed will not complement the built form, nor reduce the visual impact of the two storey built form. Furthermore, the proposal fails to satisfy Principle 1(b), 1(e), 1(f) and 1(g).

TABLE DISCUSSION

The proposal satisfies a number of the applicable principles of development control contained within the Marion Council Development Plan. Whilst site coverage exceeds that sought, I do not consider the floor areas proposed are necessarily unacceptable; rather, it is the bulk, scale and massing of the buildings, and lack of suitable dimension for the private open space areas that fail to provide an appropriate development outcome.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to site coverage and density have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor(s) have also raised concerns over proximity to powerlines. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposal meets a number of applicable design criteria. In this regard, I acknowledge that a majority of setbacks are met. Car parking, floor area ratio, privacy, overshadowing and energy efficiency criteria are also satisfactorily met.

Whilst the site areas proposed are less than that sought for semi-detached dwellings, in the interests of seeking a less-bulky built form, separating Dwellings 2 and 3 could (and does to some degree) result in visually-reduced built form along the north-south axis of the allotment.

As such, I do not consider the shortfall in site area to be a fundamental failing of the proposal.

In my view however, the proposed dwellings have failed to provide sufficient break between the upper levels and adequate stepping and articulation to the rear elevation to reduce the bulk and scale of the built form, and to avoid large areas of uninterrupted walling exposed to public view. As such, the proposal results in unreasonable impact upon the adjoining allotment to the east.

In addition to these failings in design/appearance, a majority of the private open space proposed incorporates a minimum dimension of 2.73 metres. Council's Development Plan seeks for private open space areas to be functional for likely occupant needs, and for the larger dimensioned areas to be directly accessible from the living room.

The subject proposal provides the largest area of private open space directly behind the garage. Whilst this area is accessible from the living room, it is not directly accessible, in that one does not step into this space from the living room.

This failing would be to the detriment of the occupants of the dwelling, as a relatively limited area is directly accessible from the living room. Furthermore, apart from the 6m x 4m area, all other private open space areas incorporate a minimum dimension of 2.7 or 3.0 metres.

It appears the desire for a double garage and main bedroom with en-suite on the ground floor has been to the detriment of functional private open space. Whilst of limited planning consideration, the internal living areas also appear to be compromised in dimension due to the above inclusions.

It is for these reasons, that I consider the proposal fails a number of tests of the Development Plan, and subsequently does not warrant the granting of Development Plan Consent.

If the Panel were of a mind to support the application, it should be noted that Council's Development Engineer has not reviewed the proposal with regards to the potential for flooding in a 1 in 100 year rain event. As such, it is respectfully recommended that a Reserved Matter be placed on the consent to have this matter considered and revised if required.

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. However, the proposed development does not sufficiently accord with the relevant provisions of the Marion Council Development Plan, and warrants the refusing of Development Plan Consent.

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: 100/2015/1757 for Two, two storey buildings, each comprising two dwellings, with associated car parking and landscaping at 121 Dunrobin Road and 1A Third Avenue, Warradale be REFUSED subject to the following conditions:**

REASONS FOR REFUSAL

- 1. The proposal fails to satisfy Objective 3 and parts of the Desired Character of the Medium Density Policy Area 12, as the development does not reflect good residential design principles and results in two storey development that adversely impacts upon the amenity of existing neighbouring development.**
- 2. The proposal does not comply with that part of the Desired Character of the Medium Density Policy Area 12, as the proposed development does not provide transitional built form to the adjacent policy area.**
- 3. The development does not have adequate regard to the mass and proportion of the buildings, and does not minimise the visual impact of the building as viewed from adjacent properties, failing to satisfy Design and Appearance Principle 1(a) and 2(a).**
- 4. The proposal does not adequately avoid extensive areas of uninterrupted walling facing areas exposed to public view and therefore does not comply with Design and Appearance Principle 17.**
- 5. The private open space of all dwellings fail to provide adequate minimum dimensions that are directly accessible from a living room, and fail to satisfy Residential Development Principle 17(a).**

Attachments

- Attachment I: Certificate of Title*
- Attachment II: Aerial Photograph & Site Locality Plan*
- Attachment III: Proposal Plan and supporting documentation*
- Attachment IV: Statement of Representations*
- Attachment V: Applicant's Response to Representations*
- Attachment VI: Front (west) elevation and rear (east) elevation – drafted by staff*