

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 15 JUNE 2016**

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DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 June 2016

Agenda Ref No: DAP150616 - 2.1

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: I Think Design Studio

Development Description: To construct a two storey group dwelling and two single storey group dwellings to the rear of the site, all with associated car parking and landscaping

Site Location: 3 Tennyson Avenue, Plympton Park

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 29/10/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/2006

Recommendation: That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

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

BACKGROUND

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

Amendments Requested	Amendments Made
Private open space should be located to the side or rear of the dwelling, and not street-side.	Area of private open space area of Dwelling 1 forward of the dwelling reduced, however portion of POS remains forward of dwelling.
The design of Dwelling 1 should be improved to; present to the street, reduce bulk and scale	Dwelling 1 altered to ensure entry door presents to street and increased dimensions to

and provide additional articulation and detailing.	habitable room windows.
Additional area must be provided adjacent vehicle parking spaces to ensure the safe and convenient on-site manoeuvring of vehicles	Increased area adjacent parking spaces provided to address concerns.
The overlooking of adjoining land should be addressed via appropriate privacy treatments	Overlooking from Dwelling 1 addressed via inclusion of high level windows and/or obscure glazing to 1700mm above floor level.
Increase of landscaping along western side of driveway and increase in dwelling setback to this side of driveway.	No change.

SUBJECT LAND & LOCALITY

The subject land is situated at 3 (Lot 240) Tennyson Avenue, Plympton Park.

The land incorporates a frontage width of 18.29 metres, an average depth in the order of 46 metres and a total site area of approximately 949 square metres.

A single storey detached dwelling and outbuilding are located on the land; both of which are in average condition.

Limited vegetation of note remains on the land; none of which are classified as Regulated pursuant to the Development Regulations 2008.

The locality comprises much of the original housing stock; typically single storey detached dwellings, constructed between 1950 – 1960, on large allotments between 650 – 800 square metres.

New development in the locality typically takes the form of single storey detached and semi-detached dwellings, although two storey dwellings and residential flat buildings are also evident.

The Plympton Park sports club and grounds, which includes oval and playground are located 200 metres to the north-west. The Morphetville Racecourse is situated 300 metres to the west, whilst the Adelaide-Glenelg tram line is situated 500 metres (walking distance) to the north.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct three group dwellings.

Dwelling 1, at the front of the site, is two storey in height and comprises an open plan kitchen/living/dining area, laundry, bathroom and attached carport on the ground floor. The upper floor contains three bedrooms (main with ensuite) and shared bathroom and toilet.

Dwellings 2 and 3 are single storey in height and comprise an open plan kitchen/living/dining area, three bedrooms, laundry, bathroom and toilet. Dwelling 3 incorporates an ensuite to the main bedroom. Dwelling 3 also incorporates an enclosed garage, whereas Dwelling 2 maintains an open carport.

All three dwellings incorporate a mix of exposed brick (in 'liquorice' colour), white render and 'Scyon linea cladding' in 'burnt orange' colour.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	16 properties were notified during the Category 2 public notification process.
Representations:	2 representations (one neutral and one primarily against) were received by Council.
Persons wishing to be heard:	No representors have identified they wish to present to the Panel.
Summary of representations:	<ul style="list-style-type: none"> • Overlooking/privacy; • Reduction in natural light; • Removal of vegetation; • Increase in side setback sought <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	The applicant has provided a response to the matters raised by the representors. Please refer Attachment V.

INTERNAL DEPARTMENT COMMENTS

Engineering:	Council's Development Engineer is comfortable the proposed manoeuvring areas are satisfactory to accommodate appropriate vehicle movements.
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>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.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that contributes to the desired character of the policy area.</p>

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	<i>The following forms of development are envisaged in the policy area:</i> <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	<i>Minimum Site Area: Group Dwellings: 300 square metres</i>	Does Not Comply Dwg 1: 232.87 sq metres Dwg 2: 204.95 sq metres Dwg 3: 291.55 sq metres
	<i>Minimum Frontage: Group Dwellings: 20 metres</i>	Does Not Comply 18.29 metres
	<i>Minimum Depth: Group Dwellings: 45 metres</i>	Does Not Comply Min depth of 42.1 metres.

Assessment

The site areas of Dwellings 1, 2 and 3 equate to 232, 204 and 291 square metres, respectively, where a minimum site area of 300 square metres ought to be maintained; equating in a shortfall between 9 - 96 square metres, or 3 - 32%. 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)

Given the considerable shortfall in site area of Dwellings 1 and 2, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area.

The subject land maintains an overall site area of 949 square metres; resulting in an average site area of 316.3 square metres per dwelling. This average site area satisfies the minimum 300 square metres required for group and residential flat buildings in the Northern Policy Area 13, while also exceeding the 250 square metres required for row dwellings. Hence it is appropriate to conclude that the subject land could feasibly be developed to accommodate three dwellings.

This observation is further justified by the fact that a number of more recent row and residential flat dwelling developments in the immediate locality support average site areas similar to that proposed in the subject application. Accordingly, the density of the proposed development remains congruous with the nature of development in the locality. Furthermore, the proposed

site areas nevertheless comprise low-to-medium density development, which reflects the level of density desired to occur within the policy area.

In my view, the shortfall in frontage width does not result in any streetscape consequences, as ample area forward of Dwelling 1 remains available for landscaping.

Whilst the minimum depth of the site is less than that sought, due to the angled nature of the rear boundary, a substantial portion of the property exceeds the minimum depth of 45 metres. Given there are no unreasonable visual or overshadowing impacts upon adjoining land as a result of the rear setback of Dwelling 3 or the shortfall in site depth, it is my view the dimensions of the site are appropriate to accommodate three group dwellings in the format proposed.

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 Dwg 1: 36.7%</p> <p>Does Not Comply Dwg 2: 67.35% Dwg 3: 55.63%</p> <p>Whole of site: 40.64%</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Complies Dwg 1: 0.487</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies 23.1%</p>

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.
- 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

- b) Portion of the POS of Dwelling 1 is located forward of the associated building.
- f) The proposed POS areas of Dwelling 1 and 2 maintain a westerly aspect, however, adequate afternoon sunlight will be available during afternoon hours.

All POS areas are screened for privacy

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.*

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

Dwg 3: 93.1 sq metres (31.93%)

Whole of site: 20.93%
(excluding front POS)

(22.46%)
(including front POS)

Complies

Dwg 2: 60.35 sq metres (29.44%)

Does Not Comply

Dwg 1: 45.2 sq metres (19.42%)
(excluding front POS)
Dwg 1: 59.7 sq metres (25.64%)
(including front POS)

Street Setbacks

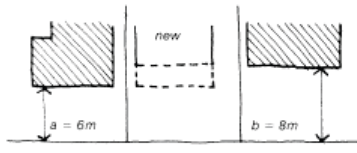
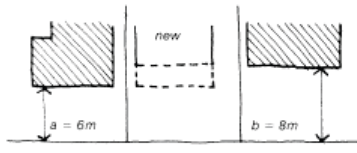
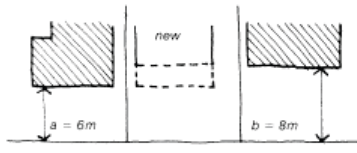
Except in areas where a new character is desired, the setback of buildings from public roads should:

- (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 6.225 metres is similar to that of new dwellings in the locality (and consistent with those under construction immediately east of the site).

	As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.						
<p><i>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> <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> </table> <p><i>General Section: Design and Appearance: PDC 25</i></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</p> <p>Dwelling 1: (min) 6.225 metres</p> <p>(Dwellings on adjoining land set back approximately 5.5 and 9 metres, which equals an average setback of 7.25 metres)</p> <p>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 less weight in this instance.</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><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>						
Side Setbacks							
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p><i>(a) 3 metres if adjacent southern boundary</i></p> <p><i>(b) 2 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Dwelling 3: 1.0 metres</p> <p>Complies</p> <p>Dwg 1: Min side setback: 6.1 metres</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>The separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>						
Rear Setbacks							
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply</p> <p>Dwg 3: Setback between min 2.33 – max 8.82 metres</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>Does Not Comply</p> <p>See above</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>
<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 7.5 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>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 car parking areas are located behind the main face of the dwelling and are not visible from the street.</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><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 and carports incorporate a roof form, materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p>

Car Parking

*Minimum number of on site car parking spaces (one of which should be covered):
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 is provided with two on-site car parking spaces, one of which is undercover.

*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 options are located in 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.

Vehicle parking areas servicing more than one dwelling should be of a size and location to:

- (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely*
- (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area*
- (c) reinforce or contribute to attractive streetscapes.*

General Section: Transportation & Access: PDC 44

Complies

(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.
(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.

Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:

- (a) not face the primary street frontage*
- (b) be located to the rear of buildings with access from a shared internal laneway*
- (c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.*

General Section: Transportation & Access: PDC 45

Complies

The parking areas are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.

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

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 existing crossover is to be maintained and is set back a minimum of 1 metre from the existing stobie pole.

<p>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Complies</p> <p>One vehicle access point is proposed.</p>										
<p>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</p> <table><tr><th>No. of dwellings served by driveway</th><th>Width at front property boundary & for first 6 metres</th><th>Width beyond first 6 metres</th><th>Widening required for passing</th><th>Minimum landscaped strip either side of driveway (metres)</th></tr><tr><td>3</td><td>3</td><td>3</td><td>Only if the driveway length is greater than 30 metres</td><td>0.5</td></tr></table> <p>General Section: Residential Development: PDC 41</p>	No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)	3	3	3	Only if the driveway length is greater than 30 metres	0.5	<p>Partially Complies</p> <p>The access driveway is 3.0 metres in width, complying with Principle 41. However, the driveway does not incorporate 500mm of landscaping on the western side, due to the proximity of Dwellings 1 and 2.</p>
No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)							
3	3	3	Only if the driveway length is greater than 30 metres	0.5							
<p>Design & Appearance</p>											
<p>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</p> <p>(a) building height, mass and proportion</p> <p>(b) external materials, patterns, colours and decorative elements</p> <p>(c) roof form and pitch</p> <p>(d) façade articulation and detailing</p> <p>(e) verandas, eaves, parapets and window screens.</p> <p>General Section: Design & Appearance: PDC 1</p> <p>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</p> <p>General Section: Design & Appearance: PDC 3</p> <p>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</p> <p>General Section: Design & Appearance: PDC 17</p>	<p>Complies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none">• Mixture of brick, cladding and render on the front façade• Stepping of upper and lower storeys to minimise building height, mass and proportion• Protruding portico• Eave overhang and pitched roof form at 25 degree slope• Fenestration <p>The dwellings incorporate a 25 degree Colorbond roof in Woodland Grey, with rendered facades. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The side elevations of the dwellings feature a mixture of render and horizontal cladding, fenestration and stepping 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>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.</p> <p>General Section: Design & Appearance: PDC 15</p> <p>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages</p>	<p>Complies</p> <p>Dwelling 1 is designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The entries to Dwellings 2 and 3 are easily identifiable when viewed from the common driveway.</p>										

and vehicle parking areas.

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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 Dwelling 1. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

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

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

Whilst three openable windows on the upper floor of Dwelling 1 incorporate a sill height less than 1.7 metres above floor level, these windows service the bathroom and toilet areas only. Given these spaces are private areas and limited time is spent in these spaces, I do not consider the opening of such windows (which nonetheless incorporate obscure glazing) will have an unreasonable impact upon the privacy of adjoining properties.

The remaining windows of Dwelling 1 serving habitable rooms (bedrooms) incorporate high-level windows or fixed, obscure glazing below a height of 1.7 metres above floor level.

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><i>Buildings on battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p>	<p>Complies</p> <p>Dwellings 2 and 3 located to the rear of the site are single storey and designed to maintain the privacy of adjoining residential properties.</p>
<h2>Noise</h2>	
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 29</i></p>	<p>Complies</p> <p>Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1 metre or more and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
<h2>Site Facilities and Storage</h2>	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas away from dwellings.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Partially Complies</p> <p>a) Common letterboxes are featured at the entrance to the common driveway.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>
<h2>Energy Efficiency</h2>	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Partially Complies</p> <p>The living areas and POS of Dwelling 3 incorporates a northerly orientation.</p> <p>The living areas and POS of Dwellings 1 and 2 face in a westerly direction, which is not an optimum orientation, however, adequate afternoon sunlight will nonetheless be available to these areas.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>

<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>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.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>The application proposes retaining walls varying in height to a maximum 400 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.20 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>

TABLE DISCUSSION

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

- Site coverage;
- Rear setback (Dwelling 3); and

- Width of landscaping on western side of driveway

Site coverage

Dwelling 1 supports site coverage of 36.7%, Dwelling 2 at 67.35% and Dwelling 3 at 55.63%. Given that the Policy Area prescribes maximum site coverage of 40%, the footprint of Dwellings 2 and 3 exceeds criteria by a substantial amount.

Whilst this shortfall is not minor in nature, it is important to note that the proposed dwellings provide areas of private open space (POS) which well exceed Council's criteria, and which are deemed suitable for likely occupant needs. Additionally, the dwellings are considered to achieve adequate setbacks from boundaries. Consequently, the excess in built form should not detract from the function of the development or adversely impact upon the amenity of adjoining land.

Furthermore, it is of value to consider that for the whole of the land, site coverage equates to 40.6%, which is marginally above that sought, and substantially less than can be constructed "as of right" (60%), pursuant to Schedule 4 of the Development Regulations 2008.

Whilst it is acknowledged that the proposed group dwellings could not be a Complying form of development pursuant to Schedule 4, this consideration nonetheless demonstrates that the proposed overall site coverage of 40.6% is reasonable with respect to standard design criteria for new dwellings in metropolitan Adelaide.

Rear setback

Dwelling 3 is set back from the rear boundary between 2.33 – 8.82 metres, where a minimum setback of 3.0 metres is prescribed. Whilst this setback is less than that sought, it is also appropriate to observe Principle 18 (General Section: Residential Development), which stipulates that dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to:

- (a) minimise the visual impact of buildings from adjoining properties*
- (b) minimise the overshadowing of adjoining properties.*

The subject dwelling is single storey with a wall height of 2.7 metres, and located south of the rear boundary. Consequently, any shadow cast by the dwelling will be located within the vehicle manoeuvring area.

Furthermore, due to the stepping of the dwelling's footprint, the rear setback increases to 8.82 metres. As such, I am of the view that adequate separation has been provided to the rear boundary to avoid an unreasonable effect upon adjoining land by way of visual or overshadowing impacts.

Width of landscaping on western side of driveway

During the assessment of the application, administration requested that Dwellings 1 and 2 be provided with additional separation from the common driveway, to (a) provide greater separation, privacy and amenity for the residents, and (b) to ensure 500mm of landscaping separated from the adjacent dwellings is provided.

The applicant sought not to amend the proposal to address this concern, and as such, the lack of landscaping remains a shortfall with the proposal.

In my view, this element of the proposal is unfortunate, and would not be difficult to address. However, given the overall compliance of the proposal with Council's Development Plan I do not consider this failure is sufficient to suggest that refusal is warranted.

REPRESENTOR'S CONCERNS

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

A representor has also raised concerns over property values and removal of vegetation (which is not Regulated pursuant to the Development Regulations 2008). While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

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

It is acknowledged that the proposal maintains a number of numerical shortfalls, the most significant involving site areas and site coverage. However, further assessment and consideration of potential impacts has demonstrated that the shortfalls do not jeopardise the function of the proposed development, nor do they result on unreasonable impact on the amenity of adjacent land, the streetscape, or the locality.

Where the proposal fails to satisfy other quantitative criteria, it only does so by a minimal amount. When these shortfalls are considered on balance with the proposal's compliance with the Development Plan, the overall merit of the proposal is considered to outweigh any discrepancies. To this end, it is my view that the quantitative non-compliances are not of such severity to warrant refusal of the application.

Further assessment of the proposal against qualitative criteria has demonstrated that the proposal generally achieves the anticipated design, layout and features sought for new residential developments.

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: 100/2015/2006 to construct a two storey group dwelling and two single storey group dwellings to the rear of the site, all with associated car parking and landscaping at 3 Tennyson Avenue, Plympton Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/2006, except when varied by the following conditions of consent.
- 2. A revised, fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. 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. 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. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
5. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

<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 15 June 2016

Agenda Ref No: DAP150616 – 2.2

Originating Officer: Justin Clisby
Development Officer - Planning

Applicant: SKS Surveys Pty Ltd

Development Description: Land Division Residential Community Title - 1 into 3 allotments and the construction of a two storey dwelling and a single storey residential flat building comprising two dwellings with associated car parking and landscaping

Site Location: 34 Castle Street, Edwardstown

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 05/02/2016

Development Plan: Consolidated – 03/12/2015

Application No: 100/2016/170

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

CATEGORISATION & DELEGATION

The subject application is required to be assessed by the Development Assessment Panel by virtue of proposed Dwelling 1 supporting an allotment area less than the minimum of 375 square metres required for detached dwellings and Dwellings 2 and 3 the minimum of 300 square metres for Residential Flat Dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Reduction in site coverage of each dwelling sought	Dwelling 1 site coverage reduced by 2.67% Dwelling 2 & 3 site coverage not reduced
Increase in the manoeuvring space directly behind the garages of Dwellings 2 and 3	Additional 0.5 metres provided as requested

Increase in the length of the visitor car parking spaces directly behind the garages of Dwellings 2 and 3	Increased to 5.5 metres as requested
Increasing street frontage setback of Dwelling 1 from 4.5 metres to 5.0 metres.	Setback increased to 5.0 metres as requested
Side setback of Dwelling 1 to increase from 0.35 metres to 0.9 metres at the lower level and 2.0 metres at the upper level	Boundary amended to provide 0.45 metre landscaping strip adjacent the shared driveway and a 0.6 metre side setback between the two-storey western wall of Dwelling 1 and the boundary adjacent the shared driveway
Additional articulation to the 6.0 metre high western wall of Dwelling 1 to reduce visual impact of mass	High level windows and James Hardie cladding introduced to western façade of Dwelling 1
Amendments to the driveway crossover serving Dwelling 1 to provide clearance to existing infrastructure and street tree	2.0 metres clearance to existing street tree provided, 1.0 metre clearance to existing stobie pole, Telstra pit and sewer inspection point provided
Increase capacity of stormwater retention	3000L stormwater retention tank to Dwelling 1 provided 2000L stormwater retention tank to Dwelling 2 and 3 provided

SUBJECT LAND & LOCALITY

The subject site is located at 34 Castle Street, Edwardstown. The site is a regular shaped allotment with an 18.29m frontage, a depth of 45.72m and a total site area of 836m². The site is flat and a single storey dwelling with associated verandas and outbuildings exists on the site. There are no existing significant trees on the site.

The locality consists primarily of single storey detached dwellings varying in styles from bungalows and post war housing on large allotments to more recently constructed detached and group dwellings on smaller allotments. While the majority of dwellings have street frontage, there are some buildings in the immediate locality which have shared driveway access leading to a battle axe allotment.

The subject site is situated approximately within 300m to the Edwardstown Railway Station to the east.

Refer Attachments I

PROPOSED DEVELOPMENT

The proposed development is for one two storey detached dwelling and a single storey residential flat building comprising two dwellings. Dwelling 1 incorporates primary street frontage and individual access. Dwellings 2 and 3 are located behind the allotment of Dwelling 1 with shared driveway access.

The ground floor level of Dwelling 1 contains a double carport, open plan kitchen/living/dining area, bathroom, laundry and stairs leading to the first floor level. The first floor level comprises three bedrooms (one with ensuite), bathroom and a sitting/study area. Dwellings 2 and 3 contain three bedrooms (one with ensuite), open plan kitchen/living/dining area and laundry facilities within the garage.

The dwellings are to be constructed of face brick with a combination of brick and rendered finish on the façade. Dwelling 1 has the addition of James Hardie Scyon Axon cladding panels to the southern and western facades. The roof of each dwelling is to be Colorbond at a 20 degree pitch with a nominal 500mm eaves overhang.

Landscaping has been provided in front of Dwelling 1 and along both sides of the shared driveway servicing Dwellings 2 and 3 to enhance the streetscape appearance and soften the hard-standing areas.

Refer Attachment II

INTERNAL DEPARTMENT COMMENTS

Engineering:	Vehicle access and manoeuvrability are adequate
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>
Northern Policy Area 13
<p>Objectives</p> <p><i>1 A policy area primarily comprising low scale, low to medium density housing.</i></p> <p><i>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i></p> <p><i>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</i></p> <p><i>4 Development densities that support the viability of community services and infrastructure.</i></p> <p><i>5 Development that reflects good residential design principles.</i></p> <p><i>6 Development that contributes to the desired character of the policy area.</i></p>
<p>Desired Character</p> <p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p>

<p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>		
PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	<p>Complies The proposed development comprises dwellings</p>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>Complies</p>
PDC 3	<p><i>Site Area:</i> <i>Detached dwelling: 375m²</i> <i>Residential Flat Buildings (RFB): 300m² Average</i></p>	<p>Does Not Comply Detached Dwelling 1: 248.45m² RFB Dwellings 2 & 3: 216.10m² (average)</p>
	<p><i>Minimum Frontage:</i> <i>Detached dwelling: 12 metres</i> <i>Hammerhead allotment: 4 metres</i></p>	<p>Complies Detached Dwelling 1: 14.15m</p> <p>Does Not Comply RFB Dwellings 2 & 3: 3.95m</p>
	<p><i>Minimum Depth:</i> <i>Detached dwelling: 20 metres</i> <i>Residential Flat Buildings (RFB): 45 metres</i></p>	<p>Partly Complies Detached Dwelling 1: 18.0m RFB Dwellings 2 & 3: 45.72m</p>

Assessment

The proposed development will replace older housing stock at a greater density than that of the original housing with the proposed construction of one two storey dwelling and a single storey residential flat building comprising two dwellings. The dwellings contribute to providing a variety of dwelling types and accommodation needs in an area that is generally dominated by conventional detached dwellings on medium to large allotments.

Further, it is considered that the proposed development will contribute to an attractive residential environment by replacing a dwelling that was in fair condition.

Although it is acknowledged that the allotments supporting the dwellings are undersized, further assessment on the proposal's consistency with the remaining quantitative and qualitative requirements of the Development Plan will assist in determining the merits of the application.

The proposed development will not result in any tree damaging activity to significant trees nor result in the removal of any street trees to accommodate driveways.

It is therefore considered that the proposed development displays consistency with the Objectives and Desired Character 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	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Does Not Comply Detached Dwelling 1: 42% RFB Dwellings 2 & 3: 59%</p> <p><u>Floor area ratio:</u></p> <p>Complies Detached Dwelling 1: 0.56</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Does Not Comply Despite being slightly over the maximum required site coverage, at 42%, Dwelling 1 maintains the required setback from the primary street frontage and sufficient private open space. Despite being considerably over the maximum desired site coverage of 40%, at 59% Dwellings 2 and 3 maintain sufficient private open space to the rear of the dwellings, acceptable setbacks to boundaries and on-site vehicle manoeuvring.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies Combined pervious surfaces: 23%</p>

Private Open Space

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

Complies

Detached Dwelling 1: 26.20%
RFB Dwellings 2 & 3: 21.45%

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

Each dwelling has a minimum 10% of private open space directly accessible from a living room.

Residential Zone: PDC 7

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

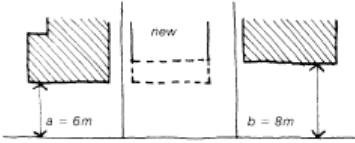
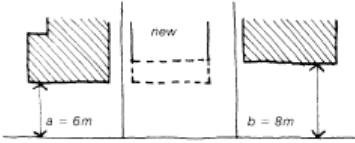
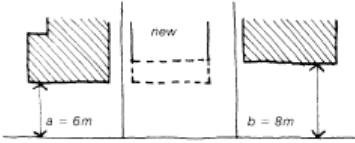
- (a) any area covered by a dwelling, carport, garage or outbuildings*
- (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas*
- (c) common areas such as parking areas and communal open spaces*
- (d) any area at ground level at the front of the dwelling (forward of the building line)*
- (e) any area at ground level with a dimension less than 2.5 metres*
- (f) to achieve separation from bedroom windows on adjacent sites*
- (g) to have a northerly aspect to provide for comfortable year round use*
- (h) to not be significantly shaded during winter by the associated dwelling or adjacent development*
- (i) to be partly shaded in summer*

Complies

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

Does Not Comply

- g) The proposed POS areas do not maintain a northerly aspect to provide for comfortable year round use.

<p>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p> <p>General Section: Residential Development: PDC 17</p>							
<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p>Complies All private open space to each dwelling is open to the sky and free from verandas.</p>						
Building Setbacks from Road Boundaries							
<p>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.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Complies The subject locality is one where a new character is desired, and the front setbacks of new dwellings are anticipated to be less than the original housing stock. 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 $b > a$: 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 22</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 $b > a$: 2, setback of new dwelling = a or b</p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Does Not Comply Dwelling 1: 5.0 metres</p> <p>(Dwellings on adjoining land set back approximately 8.0 metres, which equals an average setback of 8.0 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 Northern Policy Area 13 anticipates reduced front setbacks, PDC 22 has limited weight in this instance.</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 $b > a$: 2, setback of new dwelling = a or b</p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						
<p>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>						
Side Setbacks							
<p>Minimum setback from side boundaries:</p> <p>Where the wall height is not greater than 3 metres: 0.9 metres</p> <p>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.</p> <p>Residential Zone: PDC 6</p>	<p>Complies The eastern wall of Dwelling 1 is 6.0 metres high and is setback 5.8 metres from the eastern boundary.</p> <p>Partially Complies The western wall of Dwelling 1 is 6.0 metres high and is setback 0.6m from the new boundary adjacent the shared driveway and 4.55 metres from the existing western boundary.</p>						

	<p>Complies</p> <p>The eastern wall of Dwelling 2 is setback 0.96 metres from the eastern boundary and the western wall of Dwelling 3 is setback 0.96 metres from the western boundary.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p>(a) <i>maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p>(b) <i>minimise the impact of bulk and scale of development on adjoining properties</i></p> <p>(c) <i>maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p>General Section: Design and Appearance: PDC 2</p>	<p>Complies</p> <p>Although the western side setback for Dwelling 1 does not comply with quantitative criteria, the separation from the existing western side boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. In addition, the new boundary to Dwelling 1 is adjacent the shared driveway servicing Dwellings 2 and 3. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<h2>Rear Setbacks</h2>	
<p><i>Minimum setback from rear boundary:</i></p> <p>(a) <i>6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p>(b) <i>8 metres for all other parts of the dwelling with a wall height greater than 3 metres,</i></p> <p><i>subject to the following variations:</i></p> <p>(i) <i>within Hills Policy Area 11 - (a) is 8 metres;</i></p> <p>(ii) <i>within Medium Density Policy Area 12 and Regeneration Policy Area 16 - (b) is 6 metres;</i></p> <p>(iii) <i>within Medium Density Policy Area 12, Northern Policy Area 13, Racecourse Policy Area 15, Regeneration Policy Area 16, Southern Policy Area 18, Worthing Mine Policy Area 20 - (a) may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary.</i></p> <p>Residential Zone: PDC 6</p>	<p>Does Not Comply</p> <p>Dwelling 1: Setback 2.7 metres for 27.4% of the width of the rear boundary and 4.3 metres for 27.4% of the width of the rear boundary.</p> <p>Does Not Comply</p> <p>Dwellings 2 & 3: Setback 3.57 metres for 54% of the width of the rear boundary and 6.84m metres for 36% of the width of the rear boundary.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p>(a) <i>maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p>(b) <i>minimise the impact of bulk and scale of development on adjoining properties</i></p> <p>(c) <i>maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p>General Section: Design and Appearance: PDC 2</p>	<p>Complies</p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>

Building Height

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

Residential Zone: PDC 6

Complies

The proposed dwellings incorporate a maximum building height of 7.95 metres, which is less than the maximum permitted in the Policy Area.

Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.

General Section: Residential Development: PDC 2

Complies

Dwelling 2 and 3 are single storey.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

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

General Section: Residential Development: PDC 12

Parameter

Value

Maximum floor area

60 square metres

Complies

Dwelling 1 carport is 36m²
Dwelling 2 and 3 garage is 25.85m²

Maximum wall or post height

3 metres

Does Not Comply

Dwelling 1 incorporates piers that form a carport on the eastern boundary of the site that are 3.30 metres in height.

Maximum building height

5 metres

Complies

Dwelling 1: 4.7 metres
Dwellings 2 and 3: Garage roof is incorporated into the main roof of the dwellings which is 4.0 metres in height.

Maximum height of finished floor level

0.3 metres

Complies

Finished floor level to each dwelling is 0.15 metres above natural ground level.

Minimum setback from a primary road frontage

Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling.

Complies

The carport to Dwelling 1 is setback from the primary road frontage at a distance of 5.5 metres which is 0.5 metres behind the main face of the dwelling.

Minimum setback from a rear or side vehicle access way

1 metre

Complies

The carport to Dwelling 1 is setback from the rear vehicle access way at a distance of 7.0 metres.

Maximum length on the boundary

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

Complies

The carport to Dwelling 1 is 6.0 metres deep. 45% of the length of the boundary is 8.1 metres.

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

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

Complies

The total width of the carport to Dwelling 1 is 5.8 metres.

<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 13</i></p>	<p>Complies</p>						
<p>Vehicle Parking</p>							
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p> <table border="1" data-bbox="165 633 901 913"> <tr> <td data-bbox="165 633 531 801"> <p><i>Detached Semi-detached Row</i></p> </td><td data-bbox="531 633 901 801"> <p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p> </td></tr> <tr> <td data-bbox="165 801 531 887"> <p><i>Group Residential flat building</i></p> </td><td data-bbox="531 801 901 887"> <p><i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i></p> </td></tr> <tr> <td data-bbox="165 887 531 913"> <p><i>Multiple dwelling</i></p> </td><td data-bbox="531 887 901 913"> <p><i>0.7 per bedroom</i></p> </td></tr> </table> <p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>	<p><i>Detached Semi-detached Row</i></p>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	<p><i>Group Residential flat building</i></p>	<p><i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i></p>	<p><i>Multiple dwelling</i></p>	<p><i>0.7 per bedroom</i></p>	<p>Complies</p> <p>Dwelling 1 comprises three bedrooms and provides three on-site car parking spaces, two of which are covered.</p> <p>Dwellings 2 and 3 comprise a residential flat building of three bedrooms each. Each dwelling provides one undercover car parking space and one additional uncovered off-street car parking space directly to the rear of the garages.</p>
<p><i>Detached Semi-detached Row</i></p>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>						
<p><i>Group Residential flat building</i></p>	<p><i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i></p>						
<p><i>Multiple dwelling</i></p>	<p><i>0.7 per bedroom</i></p>						
<p><i>On-site visitor parking spaces should be sited and designed to:</i> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation & Access: PDC 42</i></p>	<p>Complies</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 (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) Public transport is located within walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply</p> <p>d) & e) Only one on-street car parking space shall remain available adjacent the subject land.</p>						
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i> <i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i> <i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Complies</p> <p>(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas to Dwellings 2 and 3 are located to the rear of the site and therefore should maintain an attractive streetscape.</p>						

<p><i>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</i></p> <p><i>(a) not face the primary street frontage</i></p> <p><i>(b) be located to the rear of buildings with access from a shared internal laneway</i></p> <p><i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p><i>General Section: Transportation & Access: PDC 45</i></p>	<p>Complies</p> <p>The parking areas to Dwelling 2 and 3 are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.</p>														
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Does Not Comply</p> <p>Only one on-street car parking space is provided for the proposed allotments which is one short of the two spaces required. Shared visitor car parking spaces are not provided on the site.</p> <p>Despite this, Dwelling 1 provides three car parking spaces when only two are required. It is therefore my opinion that an acceptable number of car parking spaces have been provided.</p>														
Access															
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>The driveway to Dwelling 1 is served by a 3.0 metre wide driveway crossover.</p> <p>The shared driveway to Dwellings 2 and 3 is served by a 3.0 metre driveway crossover.</p>														
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>														
<p><i>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</i></p>	<p>Partially Complies</p> <p>The shared driveway serving Dwelling 2 and 3 is 3.0m wide.</p> <p>A landscaping strip on one side is 0.5m wide and 0.45m on the other.</p>														
<table><tr><td rowspan="3">Dwellings served</td><td colspan="2">Trafficable width (metres)</td><td rowspan="3">Width beyond first 6 metres</td><td rowspan="3">Minimum landscape strips on both sides of driveway (metres)</td></tr><tr><td colspan="2">Intersection with public road and first 6 metres</td></tr><tr><td>Arterial roads</td><td>Other roads</td></tr><tr><td>1 – 3</td><td>6</td><td>3</td><td>3</td><td>0.5</td></tr></table> <p><i>General Section: Residential Development: PDC 41</i></p>	Dwellings served	Trafficable width (metres)		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)	Intersection with public road and first 6 metres		Arterial roads	Other roads	1 – 3	6	3	3	0.5	
Dwellings served		Trafficable width (metres)				Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)								
		Intersection with public road and first 6 metres													
	Arterial roads	Other roads													
1 – 3	6	3	3	0.5											
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p> <p>Vehicle access points are separated by 10.0 metres.</p>														

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Complies

The proposed dwellings reflect the desired character of the locality, 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, large glazed areas and render to the front façade
- Horizontal cladding incorporated into the western and southern elevations to break up the two-storey mass of Dwelling 1
- Eaves overhang and pitched roof formed at 20 degree pitch

The dwellings incorporate a 20 degree pitched Colorbond roof in Charcoal Grey, with rendered facades. The garage of each dwelling features Off White Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:

- (a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants*
- (b) individual entries for ground floor accommodation*
- (c) opportunities to overlook adjacent public space.*

General Section: Residential Development: PDC 6

Complies

An appropriate landscaping scheme has been included to create an attractive garden area between the street and the façade of Dwelling 1. The landscaping proposed will also assist in providing privacy of the occupants of Dwelling 1.

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Complies

The entry to Dwelling 1 is setback within a dedicated porch giving clear visibility of the entrance from the street and approaches from the footpath.

Dwelling 1 incorporates an open living/kitchen/dining area presenting to the street.

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

Complies

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

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

<p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	
Overshadowing	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level private open space</i></p> <p><i>(ii) 35 square metres of the existing ground level private open space</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</p> <p>b) Given that north forms the street boundary to Dwelling 1, a majority of winter shadow will be cast within the rear yard of that Dwelling. In addition, proposed Dwellings 2 and 3 are situated 8.0m from the rear wall of Dwelling 1 and are unlikely to be negatively impacted by overshadowing. Dwellings 2 and 3 are single storey only, setback from the rear boundary between 3.57 metres and 6.84 metres and are unlikely to overshadow adjoining land.</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>
Visual Privacy	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 11</i></p>	<p>Complies</p> <p>The upper level of Dwelling 1 incorporates high level windows with a sill height of 1.7 metres above finished floor level to the side and rear elevations preventing overlooking to adjoining land and the proposed Dwellings 1 and 2. Upper level 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.</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>
<p><i>Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.</i></p> <p><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Complies</p>

Noise	
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p>General Section: Residential Development: PDC 30</p>	<p>Complies</p> <p>Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1.25 metres and incorporate landscaping and a timber batten privacy screen between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient “separating or shielding” to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
Site Facilities and Storage	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas located away from dwellings and screened from public view.</i></p> <p>General Section: Residential Development: PDC 31</p>	<p>Complies</p> <p>a) Common letterboxes are featured at the entrance to the common driveway.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p>General Section: Energy Efficiency: PDC 1</p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that 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>Partially Complies</p> <p>The dwellings are oriented so that their open spaces and main activity areas are facing south. As such, these areas are likely to receive limited exposure to winter sun. However, the private open space to each dwelling will receive some morning and afternoon winter sun. Dwelling 1 incorporates a large glazed area to the combined living/kitchen/dining area at ground level which will receive significant winter sun. The only north facing windows to Dwellings 2 and 3 are to one bedroom in each.</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>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p>General Section: Energy Efficiency: PDC 3</p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 20 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</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*
- (c) result in the appropriate clearance from power lines and other infrastructure being maintained.*

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

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

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The proposed development does not include the construction of retaining walls. If a standard 1.8 metre high fence is constructed the height is considered necessary to maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

LAND DIVISION ASSESSMENT

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

Land Division	
<p>Objectives</p> <p><i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</i></p>	Complies
<p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>	Complies
<p><i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i></p>	Complies
<p>Principles of Development Control</p> <p><i>1 When land is divided:</i> <i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i> <i>(b) a sufficient water supply should be made available for each allotment</i> <i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i> <i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></p>	Complies SA Water has no requirements pursuant to the Development Act as the services are existing.
<p><i>2 Land should not be divided if any of the following apply:</i> <i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i> <i>(b) any allotment will not have a frontage to one of the following:</i> <i>(i) an existing road</i> <i>(ii) a proposed public road</i> <i>(iii) access to a public road via an internal roadway in a plan of community division</i> <i>(c) the intended use of the land is likely to require excessive cut and/or fill</i> <i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i> <i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i> <i>(f) the intended use of the land would be contrary to the zone objectives</i> <i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></p>	Complies a) It has been demonstrated that the allotments are suitable for their intended use. b) Proposed Dwelling 1 will have frontage to a public road. Access to Dwellings 2 and 3 is via a shared driveway with access to a public road. c) No excessive cut and/or fill is required as the subject land is relatively flat. d) Boundary realignment is unlikely to result in undue erosion of the subject land or locality. e) The site has access to existing services. f) Detached dwellings and residential flat dwellings and are an envisaged built form in the Residential Zone g) boundary realignment will remain in the Northern Policy Area 13 within the Residential Zone.
<p>Design and Layout</p> <p><i>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p>	Complies

<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Complies</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Partially Complies</p> <p>As a result of being situated on the southern side of a street running east-west, the layout of the land division provides good solar access to some habitable spaces in Dwelling 1 but only limited efficient solar access to habitable spaces of Dwellings 2 and 3. Despite being situated to the south of each dwelling, the private open space provided is likely to receive direct morning and afternoon sun throughout the year.</p>
<p>Roads and Access</p> <p>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p>	<p>Complies</p> <p>a) adequate on-site parking available</p> <p>b) public transport services are accessible in the wider locality</p> <p>c) the locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.</p>
<p>23 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.</p>	<p>Complies</p>

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 area (Dwellings 1, 2 & 3)
- Minimum site depth (Dwelling 1)
- Site coverage (Dwellings 1, 2 & 3)
- Orientation of private open space (Dwellings 1, 2 & 3)
- Primary street frontage setback (Dwelling 1)
- Rear setback (Dwellings 1, 2 & 3)
- Carport post height (Dwelling 1)
- Landscaping strip adjacent shared driveway
- Energy efficiency (Dwellings 1, 2 & 3)

Site areas (Dwellings 1, 2 & 3)

The site area of Dwelling 1 is calculated at 248.45m², which is a considerable amount (33.6%) below the Development Plan standard of 375m². The allotment however, maintains a frontage

width of 14.15m, 2.15m above the required 12m for the Policy Area. Therefore, the undersized nature of the allotment will not be apparent from the street as the predominant allotment pattern of wider frontages for detached dwellings will be maintained.

The average site areas of the Residential Flat Building equate to an average site area of 216.10m², a significant shortfall of 83.9m² (or 28%) from the Development Plan requirement of 300m². This figure excludes the common driveway and manoeuvring area in accordance with Principle 8 (General Section: Land Division) which states:

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 the site areas, the dwellings would maintain an average site area of 293.45m².

In terms of the total site area, the site would numerically be able to accommodate three row dwellings, however, the site displays a shortfall in frontage for this to occur on the subject site itself. Notwithstanding that row dwellings are considered a more efficient use of land (i.e. land is available for the exclusive use of each dwelling with no 'wasted' land for use of the common driveway) it does demonstrate that dwellings on a site this size is a density contemplated within the Policy Area.

It is also worthy to note that there are a number of group/residential flat buildings within the immediate locality, some with similar site areas to the subject development.

As such, providing that the development as a whole functions appropriately and is not significantly at variance with the majority of Development Plan provisions, the undersized nature of the allotments, in my view, is not fatal to the merits of the application.

Minimum depth (Dwelling 1)

The site depth of Dwelling 1 shows a two metre departure from the numerical figure of 20m specified in the Development Plan. This is of minor consequence to the overall proposal as it does not compromise the functionality of the development and will not be apparent from the street.

Site coverage (Dwellings 1, 2 & 3)

The site coverage of Dwelling 1 being 42%, and Dwellings 2 and 3 being 59% represents a marginal deviation for Dwelling 1 and a significant deviation for Dwellings 2 and 3 from the 40% standard identified in the Development Plan. This equates to an additional 5.7m² in floor area for Dwelling 1 and 41m² each for Dwellings 2 and 3.

The additional area to Dwelling 1 is considered a minor discrepancy and therefore insignificant, given significant setbacks and appropriate private open space is achieved. Whilst it is acknowledged that this additional area to Dwellings 2 and 3 is not minor, it should be noted that the amount of private open space provided for each dwelling accords with the numerical requirement specified in the Development Plan and, in my view, is suitable for the likely needs of the occupants. Further, the setbacks are considered to be acceptable and the site coverage for the total site as a whole equates to 43%, which is generally consistent with the majority of new developments within the Council area.

As such, in my view, given that the proposal is deemed to be consistent with the provisions of the Development Plan or its variances not of such a severity that they would warrant refusal, the excess site coverage is not considered to be critical in the overall merits of the application.

Orientation of private open space (Dwellings 1, 2 & 3)

Although each of the three dwellings meet the requirements for private open space with regard to minimum areas, minimum dimensions and access, they are all south of the associated dwellings. Due to the northern orientation of the allotment and the overall layout and design of the development, the south facing private open space areas are an unfortunate consequence. The private open space to each dwelling will however receive some morning and afternoon sun in winter, the extent of which will increase throughout the year. Whilst northern orientated private open space areas are a desirable aspect of a development, this non-compliance, in itself, in my view, is insufficient to warrant refusal of the proposal.

Primary street frontage setback (Dwelling 1)

A setback of 8.0 metres, being the approximate average of the two adjacent dwellings on either side ought to be applied in lieu of the 5.0 metres provided.

I am however, of the view that the setback proposed will not produce detrimental impacts on the streetscape. Towards the east of the site, the majority of the more recently constructed dwellings are setback at a similar distance from the primary street and to this end, the proposed setback is compatible with the overall pattern of development in the locality.

Notwithstanding the above, it is considered that the additional separation provided by the hammerhead driveway as well as the dense plantings located along the boundary of the adjoining property to the west will relieve the apparent incursion of the front setback.

Furthermore, the *Desired Character* for Northern Policy Area 13 stipulates that new dwellings can incorporate a lesser setback than that of the original housing stock. It is therefore my view that the setback proposed is acceptable given the changing character of the area as old housing stock is replaced by new.

Rear setback (Dwellings 1, 2 & 3)

Dwelling 1 achieves a rear setback of 2.7 metres for 27.4% of the width of the rear boundary and 4.3 metres for 27.4% of the width of the rear boundary. As the wall is 6.0 metres in height, the rear setback should be a minimum of 8.0m. In this instance, the rear boundary to Dwelling 1 is adjacent the shared driveway serving Dwellings 2 and 3 and the rear wall to Dwelling 1 is positioned 8.0 metres from the nearest part of Dwellings 2 and 3. In addition, high level windows with a sill height of 1.7 metres to the upper level of Dwelling 1 will prevent overlooking to Dwellings 2 and 3. It is therefore considered unlikely that the reduced rear setback of Dwelling 1 will impact negatively on Dwellings 2 and 3 and is deemed acceptable.

Dwellings 2 & 3 achieve a rear setback of 3.57 metres for 54% of the width of the rear boundary and 6.84 metres of 36% of the width of the rear boundary. Despite the Development Plan requiring no more than 50% of the rear boundary to be less than 6.0 metres from the rear boundary, 4% over this maximum amount is considered a minor discretion especially taking into account that the remaining 36% of the rear wall is greater than 6.0 metres setback from the rear boundary at 6.84 metres. In my opinion, it is unlikely that the rear setback proposed will create unreasonable visual impacts to the existing property at the rear.

Carport post height (Dwelling 1)

With a pier height of 3.3 metres, the proposed carport on the boundary exceeds the 3.0m height requirement for an unenclosed structure on the boundary by 0.3 metres.

Notwithstanding that the structure will have negligible visual impacts due to it abutting the driveway of the neighbouring land, the structure is of an appropriate height, scale and massing

when considered in conjunction with the dwelling it is ancillary to and is therefore deemed to be acceptable.

Landscaping strip adjacent shared driveway

A 0.5 metre landscaping strip has been provided along the western side of the shared driveway and a 0.45 metre landscaping strip along its eastern side. Despite being 0.05 metres under the required 0.5 metres on the eastern side, the landscaping strips will enhance the streetscape appearance and soften the hardstand areas. A vine creeper is proposed to trellis the wall of Dwellings 2 and 3 to provide privacy to the bedroom windows exposed to the driveway.

Energy efficiency (all dwellings)

Dwelling 1 incorporates a north facing window to the combined open plan dining/kitchen area of the lower level and to bedrooms on the upper level allowing winter sun to penetrate these spaces. The south facing lounge area to the lower level and the combined sitting/study area will only receive indirect sunlight.

Dwellings 2 & 3 incorporates north facing windows to one bedroom of each dwelling only with the main open plan living/kitchen/dining areas facing south and receiving only indirect sunlight.

Given the northern orientation of the allotment and the overall layout and design of the development, the south facing private open space areas and living areas are an unfortunate consequence. Whilst northern orientated living areas are a desirable aspect of a development, this non-compliance, in itself, in my view, is insufficient to warrant refusal of the proposal.

ANALYSIS/CONCLUSION

The proposed development, although displaying some shortfalls particularly with regards to site area, site coverage and energy efficiency, is compliant or producing minor shortfalls in the majority of other Development Plan provisions.

In my view, the proposed development is functional, likely to meet the needs of the occupants and presents reasonably on the street. Furthermore, the variances are not considered to compromise the amenity of the adjacent owners and occupiers nor will it have detrimental impacts on the streetscape.

The proposal is considered to be consistent with the Objectives and Desired Character of the Development Plan and has the added benefit of being in close proximity to public transport links.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2016/170 for Land Division Residential Community Title - 1 into 3 allotments and the construction of a two storey dwelling and a residential flat building comprising two dwellings with associated car parking and landscaping at 34 Castle Street Edwardstown be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/170, being drawing numbers 15-065.SK01.K and 15-065.SK02.J (inclusive) prepared by Alexander Brown Architects, documentation titled Siteworks and Drainage Plan (job no. PG16049, Drawing No. C2/P1) prepared by P & G Structures Pty. Ltd. and Proposed Land Division D5425 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. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 5. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 6. 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.
- 7. 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.

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

LAND DIVISION CONSENT

1. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0044593).
The internal drains shall be altered to the satisfaction of the SA Water Corporation.
An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard.
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
4. Payment of \$12976 into the Planning and Development Fund (2 allotments @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
5. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).

5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
7. The existing street tree is to be retained. Any future proposed crossover/access must be constructed clear of the existing street tree and setback the required distances from the tree in accordance with Council requirements.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 15 June 2016

Agenda Ref No:	DAP150616 – 2.3
Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Sterling Homes Pty Ltd
Development Description:	Two single storey dwellings and associated carport and garage
Site Location:	20 Travers Street, Sturt
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	08/03/2016
Development Plan:	Consolidated – 3 December 2015
Application No:	100/2016/414
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

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

BACKGROUND

Development Application 100/2667/2010 for the construction of two single storey semi-detached dwellings has previously been lodged with Council and considered by the Development Assessment Panel. The application was issued Development Plan Consent on 6 April 2011; however, Development Approval was never obtained and as such, has now lapsed. The layout and design of the dwellings are essentially the same as the current proposal, albeit comprised a pair of semi-detached dwellings with a common roof.

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

Information Requested	Information provided
Schedule of proposed colours/materials/finishes	Proposed materials/finished provided to elevation plans.
Indemnity Insurance form for encroachment upon Council's easement	Provided.
Written confirmation from SA Water that the proposed easement encroachment is appropriate.	Permission from SA Water has been obtained.

SUBJECT LAND & LOCALITY

The subject land comprises 20 Travers Street, Sturt. The allotment is rectangular in shape, achieving a frontage width of 18.3 metres, depth of 34.7 metres and a total site area of 635.5 square metres. The site currently accommodates a detached dwelling in good condition.

Vehicular access is currently available from Travers Street, adjacent the eastern boundary of the allotment. The contour of the land is relatively flat. There are two mature trees in the front yard of the property which have been identified as a Eucalyptus and Jacaranda. Given each tree achieves a trunk circumference less than 2.0 metres, they are exempt from regulated tree status.

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

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of two single storey dwellings and associated carport and garage. The carport associated with Lot 1 will be located along the eastern boundary, whereas the garage of Lot 2 will be located along the eastern internal boundary.

The dwellings each incorporate three bedrooms, associated wet areas and open plan kitchen/meals/living. The dwellings present to Travers Street and provide standard design elements to the streetscape, including a habitable room window and front entrance point.

Lot 1 seeks to slightly relocate the existing crossover to achieve a minimum 1 metre of separation from the existing stobie pole; whereas Lot 2 proposes a new crossover which is clear of street infrastructure.

Both dwellings feature a similar design, including render, exposed brick and Colorbond roofing. The design and appearance of the dwellings are considered adequate for the locality and result in a cohesive streetscape.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	Council's Development Engineer has reviewed the proposal and is satisfied with the carport of Lot 1 encroaching upon Council's Drainage Easement. Council's Indemnity Insurance form has been completed and submitted to Council.
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ZONE & POLICY AREA ASSESSMENT

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

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

PDC 3	<i>Minimum Site Area: 375 square metres</i>	Does Not Comply Lot 1: 326.6 square metres Lot 2: 308.9 square metres
	<i>Minimum Frontage: 12 metres</i>	Does Not Comply Lot 1: 9.4 metres Lot 2: 8.9m
	<i>Minimum Depth: 20 metres</i>	Complies Lot 1: 34.75 metres Lot 2: 34.75 metres

Assessment

The application proposes two single storey dwellings on an allotment that previously accommodated a single storey detached dwelling, increasing the number of dwellings on the land by one. It is acknowledged that the density proposed is in-keeping with other recent development in the locality, which is encouraged by the Objectives and Desired Character statement of the Northern Policy Area 13.

It is acknowledged that the site area of each allotment falls short of the minimum 375 square metres sought in the Policy Area; however, the design and layout of each dwelling maintains adequate setbacks to all boundaries and a generous private open space area. As such, the shortfall in site area is not considered to result in unreasonable impacts to each dwelling's ability to function appropriately, to the locality or adjoining land.

Further, despite the shortfall in frontage width, it is acknowledged that there will be no design limitations when viewed from the street. The design and appearance of each dwelling demonstrates standard features sought for residential development in the Northern Policy Area 13. The impact of the shortfall in frontage width to the streetscape is further lessened as a result of the generous front setback to the main face of the dwellings and stepping of the carport/garage. The proposal maintains a streetscape elevation that is considered to complement others in the locality.

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

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Lot 1: 138.95 square metres (42.5%) Lot 2: 130.12 square metres (42.1%)</p> <p>Given a generous POS area will be available for each dwelling, the excess in site coverage is not considered to result in unreasonable impacts to the dwellings ability to function. Further, the proposed site coverage is comparable to other recent and similar developments in the locality.</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>Lot 1: 96.16 square metres (39.4%) Lot 2: 90.21 square metres (29.2%)</p>

Private Open Space

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

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

Residential Zone: PDC 7

Partially Complies

Lot 1: 92.4 square metres (28.2%)
Lot 2: 80.2 square metres (26%)

Maximum dimension of 4.4 metres

It is acknowledged that the POS area of each allotment does not provide a 5 x 5 metre area; however, given a substantial amount of each allotment will be allocated to private yard area, it is my view that this shortfall will not significantly impact each dwellings ability to function. As such, it is my view that the POS area will be able to meet the likely needs of occupants or those choosing to reside in the dwellings.

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

Complies

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

Does Not Comply

- g) The proposed POS areas maintain an easterly and southern aspect as a result of the existing orientation of the site.

Nonetheless, the POS areas will receive adequate natural light throughout morning hours and some northern light throughout the day.

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

General Section: Residential Development: PDC 22

Complies

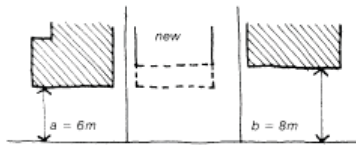
Building Setbacks from Road Boundaries

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

General Section: Design and Appearance: PDC 21

Complies

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:  <p>When $b - a \leq 2$, setback of new dwelling = a or b</p>
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 22

Complies

Front setback: 8.0 metres

(Dwellings on adjoining land set back approximately 9 and 6 metres, which equals an average setback of 7.5 metres)

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

Residential Zone: PDC 6

Complies

Lot 1: 0.9m, 3.5m and 4.4m
 Lot 2: 0.9m/3m

Maximum length and height when wall is located on side boundary:
(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height
(b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.

Residential Zone: PDC 6

Partially Complies

Lot 1: 12.19m in length and 2.7m in height

This shortfall will be discussed further in the "Table Discussion" section of this report.

Complies

Lot 2: 6.0 metres in length and 2.7m in height

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

General Section: Design and Appearance: PDC 2

Complies

The separation from the side boundaries are considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report).

<p><i>Dwellings and associated garages and/or carports should only abut one side boundary (excluding common walls associated with semi-detached, row or residential flat dwellings).</i></p> <p><i>General Section: Residential Development PDC 38</i></p>	<p>Does Not Comply Lot 1: boundary to boundary development</p> <p>This shortfall will be discussed further in the "Table Discussion" section of this report.</p> <p>Complies: Lot 2: 900mm separation provided from the western boundary.</p>
<h2>Rear Setbacks</h2>	
<p><i>Minimum setback from rear boundary:</i> <i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i> <i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply</p> <p>Lot 1: 4.4m (56% of rear boundary) Lot 2: 4.4m (53.2% of rear boundary)</p> <p>It is acknowledged that PDC 6 allows a portion of the dwelling to be setback 3 metres; however, the proposal seeks for the entire dwelling width to be setback 4.4 metres. When the rear setback is considered in terms of impacts to adjoining land and each dwellings ability to function, it is my view that this non-compliance is acceptable. Given the remaining 44% (Lot 1) and 46.8% (Lot 2) of the rear boundary will be free of any structures, it is my view that any visual/overshadowing impacts will not be detrimental to adjoining land.</p> <p>It is also of value to note that the dwelling on adjoining land currently achieves a rear setback of approximately 3.0 metres.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear setback does not comply with the quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report). As such, the shortfall in rear setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i> <i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 4.0 metres, which is less than the maximum permitted in the Policy Area.</p>

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

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

General Section: Residential Development: PDC 12

Parameter	Value	
Maximum floor area	60 square metres	Complies Lot 1: 26.4 square metres Lot 2: 18.9 square metres
Maximum wall or post height	3 metres	Complies Lot 1: 2.4m Lot 2: 2.7m
Maximum building height	5 metres	Complies Lot 1: 2.7m Lot 2: 2.7m
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Complies Lot 1: 10.2m Lot 2: 10.2m
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies Lot 1: 6m Lot 2: 6m
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies Lot 1: 4.4m (46.8%) Lot 2: 3.0m 33.7%)

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

General Section: Residential Development: PDC 13

Complies

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered.
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Table Mar/2 - Off-street Vehicle Parking Requirements.

Complies

Lot 1: 2 parking spaces (one covered)
Lot 2: 2 parking spaces (one covered)

<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i> <p><i>General Section: Transportation & Access: PDC 42</i></p>	<p>Complies</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i> <p><i>General Section: Transportation & Access: PDC 43</i></p> <p><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> <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. <p>Does Not Comply</p> <ul style="list-style-type: none"> d) e) There will be no on-street parking spaces available due to the proximity of the proposed driveway crossovers. Whilst this is not ideal, it is my view that this will not result in a significant amount of traffic congestion and parking impacts upon the street.
<p>Access</p>	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <ul style="list-style-type: none"> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Partially Complies</p> <p>Lot 1: 3.3m</p> <p>The additional 300mm to the crossover of Lot 1 would not allow for an on-street park and as such, I do not deem this shortfall significant to the proposal. However, it is acknowledged that if the crossover width of Lot 1 was reduced and the crossover of Lot 2 was relocated, an on-street park could be made available.</p> <p>Complies</p> <p>Lot 2: 3.0m</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.</p>
<p>Design & Appearance</p>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <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>Complies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate a standard residential design incorporating a habitable room window and front entrance point to the street.</p> <p>The dwellings incorporate a 22 degree Colorbond roof, with rendered facades and exposed brick to the porch piers. The garage of Lot 2 features a Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists. The carport of Lot 1 will remain an open structure. On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Complies

The front façade of each dwelling present the front entrance point and a habitable room window to the street which will be easily identified and enhance passive surveillance.

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Partially Complies

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

Given the garage of Lot 2 will be abutting the dwelling wall of Lot 1, there will be no overshadowing impacts to any habitable room windows or POS.

It is acknowledged that the dwelling wall of Lot 1 will be located on the internal western boundary and adjacent the garage and POS area of Lot 2. Further, the carport will be located adjacent the eastern side boundary; albeit an open structure.

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Partially Complies

The main activity areas of the dwellings are oriented east, which will receive morning light and receive some northern winter sunlight.

The remainder of POS will be located to the south of the dwelling as a result of the existing orientation of the land.

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

Although a landscaping plan has not been provided, it is acknowledged that there is ample front yard area, which allows for persons purchasing or choosing to reside in the dwelling to landscape to their satisfaction.

TABLE DISCUSSION

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

- Side setback (length of wall along the internal boundary) – Lot 1
- Boundary to boundary development – Lot 1

The proposal seeks for the western dwelling wall of Lot 1 to be located along the internal boundary for a length of 12.19 metres and 2.7 metres in height. It is acknowledged that a significant portion of the wall will be located adjacent the garage and driveway of Lot 2, an area which is primarily used for the parking and manoeuvring of vehicles. As such, the length of the dwelling wall visible from the private open space of Lot 2 is equal to 4.19 metres, which satisfies Council's Development Plan provision which limits the length of walls along the boundary to 8.0 metres.

The shadow cast from the dwelling wall into Lot 2 will subside throughout the morning and as such, the overshadowing impacts of the reduced setback will not be apparent from midday. It is also acknowledged that the main private open space area is located to the rear of the dwelling, whereas the private open space to the side of the dwelling is of a lesser dimension. Council's Development Plan anticipates boundary development and in this instance, it has been demonstrated that the dwelling wall will not result in unreasonable impacts to adjoining land.

Lot 1 seeks for a carport to be located along the eastern boundary and the dwelling wall along the western boundary. Whilst the current layout will result in boundary to boundary development, it is acknowledged that the main face of the dwelling will be well setback from the street (8.0 metres) and the associated carport at 10.2 metres. Further, the carport will remain an open structure, which will assist in reducing visual dominance. In addition, it is acknowledged that Lot 2 will provide a 900mm setback from the western boundary. As such, when the site is viewed as a whole, the dwellings provide a level of separation similar to that of a single dwelling site. It is acknowledged that the SA Water and Drainage Easement somewhat limits development over the land; however, whilst not ideal, it is my view that the separation from the street and the fact that the carport will be an open structure, results in a cohesive streetscape, consistent with that sought by the Northern Policy Area 13.

ANALYSIS/CONCLUSION

Despite each allotment achieving a site area and frontage width less than the minimum sought by Council's Development Plan, it has been demonstrated that the proposed dwellings will have the ability to function appropriately, without any design limitations to the street. As such, it is my view that the proposed development satisfies the relevant Objectives, Desired Character and Principles of the Northern Policy Area, being an area which encourages the redevelopment of the existing housing stock at low to low-medium densities.

It is acknowledged that the proposal fails to achieve some of Council's quantitative requirements, the most significant being the length of the dwelling wall along the internal boundary and the boundary to boundary development of Lot 1. It has been demonstrated that these non-compliances with Council's Development Plan will not have a significant impact to adjoining land or the streetscape. Further, the assessment discussion within the above table has demonstrated that the impact of the identified discrepancies will not result in unreasonable impacts to each dwelling's ability to function appropriately or to the amenity of adjoining land. When these shortfalls are considered on balance with the overall compliance with Council's Development Plan, the merit of the application is considered to outweigh any discrepancies.

Further, assessment against the qualitative provisions of Council's Development Plan has demonstrated that the general layout and design of the dwelling is compatible with that sought by the Residential Zone and Policy Area.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/414 for two single storey detached dwellings and associated carport and garage at 20 Travers Street, Sturt be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/414, being the relevant plans which form part of Sterling Job No. T661 (inclusive) prepared by Sterling Homes, received by Council on 23 May 2016 and the Drainage Plan prepared by SAF Consulting Engineers, received by Council on 3 June 2016 except when varied by the following conditions of consent.
- 2. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
- 6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

- 1. The carport associated with Lot 1 shall encroach upon a Council Drainage easement. Particular care should be taken during the construction process and if any damage is made to infrastructure within the easement, contact should be made to Council immediately.

2. 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.
3. 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).
4. 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.
5. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
6. 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.
7. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 June 2016

Agenda Ref No:	DAP150616 – 2.4
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	Ipad Homes
Development Description:	To demolish existing buildings and structures and to construct three, two storey row dwellings one of which incorporates a garage wall along the southern side boundary.
Site Location:	6 Seaforth Avenue, Dover Gardens
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	30/11/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/2239
Recommendation:	Advise the Environment, Resources and Development Court that Council supports the compromise plans

BACKGROUND

The subject proposal was previously presented to the Development Assessment Panel (DAP) at the meeting held on 4 May 2016 and was refused for the following reasons:

- 1. The proposal results in two storey development that adversely impacts upon the amenity of adjacent land, and as such, fails to satisfy the Desired Character, Objective 6 and Principle 2 of the Northern Policy Area 13.**
- 2. The proposal results in unreasonable overshadowing of the adjoining property and fails to satisfy Design and Appearance Principle 9 and 10(a).**
- 3. The upper level southern side setback of Dwelling 1 does not meet the minimum of 3.0 metres sought, and therefore fails Residential Zone Principle 7.**
- 4. The site coverage and floor area ratio of all three dwellings exceeds that sought and results in unreasonable impacts upon adjoining land. As such, the proposal is at variance to Policy Area Principle 4.**

Refer Attachment I

The applicant has subsequently appealed the decision to the Environment, Resources and Development Court with a preliminary conference to be held on the 20th of June 2016. The applicant has provided amended plans for consideration as a compromise prior to the conference. A copy of these plans together with a copy of the original plans that were refused by the Development Assessment Panel are attached.

The compromise submitted by the applicant incorporates the following amendments to the previous proposal:

- The upper level side setback of Dwelling (1) has been increased from 1.1 to 2.0 metres to the prescribed minimum distance of 3.0 metres along the entire length of the southern boundary.
- Minor changes to the configuration of Lots (1) and (3) resulting in slight changes to the site areas of each row dwelling are as follows;

	<u>Original</u>	<u>Compromise Plan</u>
Dwelling (1)	264.3 m2	261.3 m2
Dwelling (2)	250.1 m2	250.1 m2
Dwelling (3)	224.8 m2	227.8 m2

- Minor reductions in the ground floor and upper floor areas of Dwellings (1) and (2) are as follows;

	<u>Original</u>	<u>Compromise Plan</u>
Dwelling (1)		
Ground	109.3 m2	99.8 m2
Upper	95.2 m2	80.6 m2
Dwelling (2)		
Ground	107.2 m2	97.0 m2
Upper	113.2 m2	110.2 m2
Dwelling (3)		
Ground	80.7 m2	79.5 m2
Upper	96.2 m2	96.2 m2

- Minor alterations to the external appearance of each dwelling including changes to window sizes along all front, side and rear elevations together with changes to the design and appearance of the "terrace" structures to the rear of each dwelling.
- Noted changes in respect to floor area ratio and site coverage statistics are as follows;

	<u>Original</u>	<u>Compromise Plan</u>
Dwelling (1)		
FAR	0.77	0.69
Site Coverage	48.0%	45.7%
Dwelling (2)		
FAR	0.88	0.82
Site Coverage	50.0%	46.3%
Dwelling (3)		
FAR	0.78	0.77
Site Coverage	44.8%	43.0%

Refer Attachment II

DEVELOPMENT ASSESSMENT

The proposed compromise plans are assessed in relation to the DAP's reasons for refusal, as detailed below:

The increase in the setback of the upper level storey of Dwelling (1) from 1.1 - 2.0 metre to 3.0 metres from the southern side boundary effectively addresses many of the concerns raised by the Panel. This increase in the upper level setback from the southern boundary will help to reduce the amount of shadow to be cast by the development, as well allow the passage of additional sunlight into north-facing bedroom windows of the dwelling located to the south.

In respect to the proposed design changes to the external appearance of the dwellings, these are considered minor in nature. Whilst the upper level windows along the rear and side elevations of the dwellings has increased, it is worthy to note that all windows will incorporate fixed obscure glass to a height of 1.7 metres above upper floor level. This should ensure that the privacy and amenity of adjacent property owners is protected.

The last notable change to be acknowledged relates to site coverage and the floor area ratios achieved by all three dwellings. These statistics have all been reduced with the reduction in the floor areas of all three dwellings to be more in line with the maximum 40% site coverage and 0.60 floor area ratio prescribed for two storey dwellings proposed within Northern Policy Area 13 of the Residential Zone.

ANALYSIS/CONCLUSION

It is considered that the proposed compromise plans have attempted to address the reasons for refusal which are outlined above. It is considered that the changes put forward by the appellant as part of the compromise plan will result in an improved scheme which should minimise the negative impacts associated with overshadowing of the property located immediately to the south of the subject land at 4B Seaforth Avenue. As such, the amenity of the residents of this dwelling will not be as adversely affected from the impacts derived from over shadowing.

Accordingly, it is staff's view that the amendments to the proposal have addressed the Panel's reasons for refusal, and therefore suggest that the Panel advise the Environment, Resources and Development Court of its support for the compromise plans, subject to the addition of the following conditions.

RECOMMENDATION

- (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;**
- (b) The proposed development is not seriously at variance to the Marion Council Development Plan; and**
- (c) That the Development Assessment Panel advise the Environment, Resources and Development Court that Council supports the comprise proposal submitted by Ipad Homes for Development Application No: 100/2015/2239 and recommends the following conditions:**

CONDITIONS

1. The development shall proceed in accordance with the plans and details prepared by Michael Fogarty – Building Design stamped received by Council on 17 May 2016 all submitted with and forming part of Development Application No. 100/2015/2239, except where varied by the following conditions of consent.
2. A landscaping plan shall be submitted to Council for consideration prior to Development Approval being issued, detailing a mix of native medium and low-level plantings throughout the site.
3. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. The wall surface of any external wall on the property boundary is to be finished in a professional manner, similar to other external wall surfaces on the subject dwelling.

NOTES

1. The applicant is encouraged to consider incorporating 3,000 litre retention tanks, connected to no less than 80% of the roof area and fully plumbed to a toilet and the laundry of each dwelling, in lieu of providing separate retention and detention tanks.

- 2. 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.**
- 3. 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).**
- 4. 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.**
- 5. 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.**
- 6. 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.**
- 7. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

Attachment I: Aerial Photograph/Site Locality Plan
Attachment II: Proposal Plan and supporting documentation
Attachment III: Original proposal plans