

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 18 JANUARY 2017**

- 1.1 PRESENT**
- 1.2 APOLOGIES**
- 1.3 IN ATTENDANCE**
- 1.4 COMMENCEMENT**
- 2. APPLICATIONS:**
 - 2.1 13 GLENGARRY AVENUE, GLANDORE**
Alterations and additions to the existing dwelling, and incorporating an outbuilding (garage) situated adjacent the northern (rear) and eastern (side) boundaries
DAP180117 – 2.1.....1
 - 2.2 69 LEMON ROAD, TROTT PARK**
An outbuilding (garage) incorporating a wall on the western side boundary
DAP180117 – 2.2.....27
 - 2.3 5 FIRST STREET, HALLETT COVE**
Single-storey split-level detached dwelling incorporating a wall on the southern boundary
DAP180117 – 2.3.....45
 - 2.4 12 WALKLEY AVENUE WARRADALE**
To undertake a staged development: Stage 1: Residential Community Title Land Division – 1 into 4 allotments and Stage 2: to construct two pairs of two storey semi-detached dwellings with associated car parking and landscaping
DAP180117 – 2.4.....77
 - 2.5 36 NORRIE AVENUE, CLOVELLY PARK**
To undertake a Community Title Land Division (1 into 3 allotments) and to construct a two-storey detached dwelling and a single-storey residential flat building comprising two dwellings, with associated fencing and landscaping
DAP180117 – 2.5.....119

2.6	87 BELLS ROAD, GLENGOWRIE Residential Land Division - Community Title 1 into 3 allotments and subsequent construction of a two (2) storey detached dwelling and a single storey residential flat building comprising two (2) dwellings and associated landscaping DAP180117 – 2.6.....	153
2.7	2-6 YORK AVENUE, CLOVELLY PARK <i>Previously deferred at DAP211216</i> To erect six (6) light towers, incorporating a maximum height of 12 metres (excluding light fixture atop) DAP180117 – 2.7.....	183
3.	OTHER BUSINESS:	
3.1	APPEALS UPDATE	
3.2	POLICY OBSERVATIONS	
4.	CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 18 JANUARY 2017	
5.	CLOSURE	

DEVELOPMENT ASSESSMENT PANEL

Wednesday 18 January 2017

Agenda Ref No: DAP180117 – 2.1

Originating Officer: Alex Wright
Development Officer - Planning

Applicant: Mr Joe Santo

Development Description: Alterations and additions to the existing dwelling, and incorporating an outbuilding (garage) situated adjacent the northern (rear) and eastern (side) boundaries

Site Location: 13 Glengarry Avenue, Glandore

Zone: Residential Zone

Policy Area: Residential Character Policy Area 17

Application Type: Category 2/ Consent

Date Lodged: 28/09/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1802

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

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan which assigns development that has a wall abutting a side or rear property boundary exceeding a height of 3 metres (above natural ground level) as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

The application was originally considered to be a Category 2 form of Development as the dwelling incorporated a wall exceeding 3 metres in height on the western side boundary. Following public notification of the proposal and receipt of the representations, the applicant has since amended the dwelling footprint to provide a minimum 600mm setback from the dwelling to the western boundary. As the representor has advised their concerns remain, the application has been presented to the Development Assessment Panel for a decision.

SUBJECT LAND & LOCALITY

The subject allotment is located to the northern side of Glengarry Avenue, Glandore. The allotment is rectangular in shape and supports a frontage of 16.76 metres, a depth of 43.84 metres and an overall allotment area of 736 square metres. The dwelling currently incorporates a 1920's era bungalow in good condition with a subsequent addition and several outbuildings to the north-eastern portion of the allotment. Vehicular access is currently available from Glengarry Avenue, adjacent the eastern boundary of the allotment and is proposed to be reused as part of the proposed development. The contour of the land is relatively flat.

The pattern of development in the locality is typically defined by pre-World War II era single storey detached dwellings on large allotments. There are examples however of subsequent redevelopment at higher densities scattered throughout the immediate locality.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes the removal of the existing lean-to addition to the rear of the dwelling and outbuilding located to the north-eastern corner of the allotment, and the construction of a proposed en-suite and large dwelling addition to the western and northern facades respectively and a 48 square metre outbuilding to the north-western corner of the allotment.

No further changes to existing dwelling are proposed.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	13 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council.
Persons wishing to be heard:	Mrs L Weckert
Summary of representations:	<ul style="list-style-type: none">• Proposal will reduce the amount of natural light and direct sunlight her dwelling and courtyard area receives.• Proposal will reduce existing views of tree located on adjacent allotments. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	No response by the applicant was provided.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Residential Character Policy Area 17

Objectives

- 1 Preservation of the existing development patterns and built form.*
- 2 Development which reflects the traditional character elements of the locality, particularly as presented to the streetscape.*
- 3 Development that minimises the impact of garaging of vehicles on the character of the locality.*
- 4 Development that reflects good residential design principles.*
- 5 Development that contributes to the desired character of the policy area.*

Desired Character

Edwardstown, Glandore and Glengowrie

New development in those parts of the policy area located in the suburbs of Edwardstown, Glandore and Glengowrie will reinforce the attractive established character of predominantly single-storey, detached houses. New development will largely comprise the replacement of less attractive or unsound dwellings with new detached dwellings, and in more limited situations, new semi-detached dwellings.

Replacement dwellings will be appropriately designed modern interpretations of the pre-1950's buildings remaining in the area in the locality of the development site. Buildings will be sited so as to complement the siting of adjoining buildings and in such a way that the landscape character is retained and enhanced. Dwellings will incorporate elements typical of homes in the area, including articulated roof forms comprising combinations of gable, Dutch-gable and hips, chimneys, projecting front verandas/portches/porticos, timber-framed windows and external walls constructed of a mixture of brick, painted brick, stone, and rendered masonry. Garages and carports will be discreetly located well behind the main face of the associated dwelling or to the rear of the dwelling, with design and materials to complement the dwelling.

Alterations and additions to dwellings will occur without significantly altering the dwelling's appearance from the street unless it involves the removal of unsympathetic additions/alterations to the front facade or will improve the appearance of a building as viewed from a street frontage. Alterations and additions will reinforce and complement the existing scale, elevation treatments, and use of materials of the associated dwelling, particularly with respect to the design of roof form, the use of front verandas and porticos, building materials, colours, proportions of windows, the use of window shading devices and elevation detailing.

Alterations and additions in the form of adding a second storey will only occur where the addition is within the roof space of the dwelling and the external appearance of the dwelling as viewed from surrounding streets takes the form of a single storey plus attic form. Similarly, new two storey dwellings will take the form of a single storey plus attic in order to reinforce the attractive, low-scale character of the policy area.

Fences on or near the street frontage will be low and of a construction and style that complements those existing in the locality.

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

PDC 1	<i>The following forms of development are envisaged in the policy area:</i> ▪ detached dwelling ▪ semi-detached dwelling within the suburbs of Edwardstown, Glandore and Glengowrie.	Complies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies

Assessment

The proposed additions are in keeping with the Objectives and Desired Character of the Residential Zone and Residential Character Policy Area 17 by preserving the existing built form and will not significantly alter the dwelling's appearance from the street as the additions, particularly the en-suite (which is visible from the front boundary) reinforce and complement the existing scale and use of materials of the associated dwelling. Although the proposed outbuilding does not complement the dwelling in terms of its design and use of materials, it is discreetly located to the rear of the allotment.

The proposal is considered to adequately comply with the Objectives and Desired Character of the Residential Zone and Residential Character Policy Area 17.

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 (PDC): Assessment:

Site Coverage	
<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 0.5.</i> <i>Residential Character Policy Area 17: PDC 7</i>	Does Not Comply <u>Site coverage:</u> 307m² / 41.77% The slight excess in site coverage is considered acceptable given the provision of acceptable setbacks to boundaries (as discussed further within this report) and area/dimensions of Private Open Space.
<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> <i>Residential Zone: PDC 9</i>	Complies
<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> <i>General Section: Residential Development: PDC 14</i>	Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.

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

General Section: Residential Development: PDC 15

Complies

Private Open Space

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

Complies
216m² / 29.3%

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

Residential Zone: PDC 7

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

Complies

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

<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Minimum setback from primary road frontage where an established streetscape exists:</i> <i>8 metres from arterial roads shown on Overlay Map – Transport (if not an arterial road and an established streetscape exists, PDC 22 (General Section: Design & Appearance) applies)</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>No change to the existing front setback is proposed, and the en-suite addition is setback 11.2 metres from the front boundary and behind the main façade.</p>
<p>Side Setbacks</p>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> <i>(a) 3 metres if adjacent southern boundary</i> <i>(b) 2 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply Ensuite: 600mm setback Rear Addition: 1 metre (western) <i>3.2m wall height requires 2 metre setback (as wall exceeds a height of 3 metres).</i></p> <p>Complies Rear addition: 3.1m (eastern)</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>

The en-suite, which achieves a length of 5 metres and a wall height of 3.2 metres, proposes a minimum setback of 600mm, well short of the 2 metres required for walls exceeding 3 metres in height. The lack of appropriate setback in this instance is not considered to adversely affect the amenity of the adjacent dwelling in terms of loss of natural light or bulk/scale impacts.

The adjacent dwelling to the west incorporates a windowless eastern facade that achieves a 600mm setback, before increasing to approximately 5 metres. Therefore, the proposed addition will only be visible from within this courtyard for an approximate length of 1.7 metres, and given north is to the rear of the allotment, will not result in unacceptable overshadowing impacts lasting throughout the day. The extent of separation afforded to the side boundary is considered sufficient to minimise the visual impact of bulk and scale on the adjacent property .

Likewise, the western setback of 1m for the rear addition does falls short of the 2 metres required. The excess in wall height of 200mm is not considered unreasonable and much of the addition will be setback adjacent the neighbouring dwelling's enclosed garages and as such, limited visual and amenity impacts will occur.

As such, the shortfall in setbacks 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. Furthermore, the proposed wall height is in keeping with the existing scale and proportion of the existing dwelling.

Rear Setbacks

Minimum setback from rear boundary:
 (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), and
 (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres

Residential Zone: PDC 6

Complies
 16.7m

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

Building Height

Maximum building height (from natural ground level):
 (i) within the suburb of Marion, 2 storeys of not more than 9 metres
 (ii) in all other areas, one storey with an ability to provide a 2 storey addition within the roof space subject to Principles of Development Control within the policy area of not more than 7 metres

Residential Zone: PDC 6

Complies

The proposed dwelling incorporates a maximum building height of 5.8 metres, which is less than the maximum permitted in the Policy Area. Given the dwelling achieves an appropriate roof height, the loss of view from the adjacent court yard to the west (15 Glengarry Avenue) over this allotment to the tree located at 19 Glengarry Avenue is considered unavoidable.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

The pitched roof and use of colorbond sheeting complements the associated dwelling.

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

General Section: Residential Development: PDC 12

Parameter	Value
Maximum floor area	60 square metres
Maximum wall or post height	3 metres
Maximum building height	5 metres
Maximum height of finished floor level	0.3 metres
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall

Complies – 48m²

Complies – 2.7m

Complies – 3.7m

Complies

Does Not Comply – 600mm to northern and eastern boundaries.

Proposed 600mm setback to both boundaries considered acceptable given the location of outbuildings on adjacent allotments within close proximity to the boundaries. No visual impacts are anticipated.

Vehicle Parking			
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>	<p>Complies 5 spaces provided on-site, 3 of which are covered.</p>		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 5px;"><i>Detached</i></td> <td style="padding: 5px;"><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></td> </tr> </table>	<i>Detached</i>	<i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i>	<p>Complies</p>
<i>Detached</i>	<i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i>		
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>			
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <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>		
Design & Appearance			
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies The proposed dwelling reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape.</p>		

As mentioned earlier within this report, the proposed additions are considered to be in keeping with the Objectives and Desired Character of the Residential Zone and Residential Character Policy Area 17 by preserving the existing built form and will not significantly alter the dwelling's appearance from the street as the additions, particularly the en-suite (which is visible from the front boundary) reinforce and complement the existing scale and use of materials of the associated dwelling.

In addition to matching wall heights and roof pitch/material, the en-suite and rear addition are to incorporate a red brick finish to match the existing dwelling, whilst the en-suite will further incorporate a front window that matches the windows within the front façade to provide visual interest and consistent streetscape presentation.

On balance, the design and appearance of the dwelling additions are considered to appropriately satisfy relevant Development Plan criteria.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

Given that south forms the street boundary, a majority of winter shadow will be cast within the front yard of the existing dwelling. 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.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

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

As identified in the Overshadowing section of this table, the dwelling additions 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 dwelling additions incorporate hipped roof forms set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to loss of natural light and loss of amenity views have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

The primary issue with the proposed development is the lack of compliant side setback from the en-suite and rear addition to the western property boundary and the proposed wall height exceeding 3 metres. The shortfall of rear and side setbacks afforded to the outbuilding located to the rear of the allotment are considered inconsequential given no visual or amenity impacts will ensue.

As discussed within this report although the proposed western setbacks and wall height, particularly those of the en-suite, fall short of the quantitative requirements relative to the wall height (which exceeds 3 metres), sufficient separation has been afforded to appropriately mitigate potential bulk/scale impacts and to ensure the potential loss of direct natural light is within Development Plan requirements. The proposed wall height is in keeping with the existing scale and proportion of the existing dwelling. As such, the shortfall in setbacks and proposed wall height are not considered to result in unreasonable impacts to adjacent properties to the extent where refusal is warranted.

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: 100/2016/1802 for alterations and additions to the existing dwelling, and incorporating an outbuilding (garage) situated adjacent the northern (rear) and eastern (side) boundaries at 13 Glengarry Avenue, Glandore be 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. 100/2016/1802, except when varied by the following conditions of consent.
2. Stormwater from the structures approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 January 2017

Agenda Ref No:	DAP180117 – 2.2
Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Bargain Steel Centre
Development Description:	An outbuilding (garage) incorporating a wall on the western side boundary
Site Location:	69 Lemon Road, Trott Park
Zone:	Residential Zone
Policy Area:	Southern Policy Area 18
Application Type:	Category 2 / Consent
Lodgement Date:	07/09/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1639
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that has a wall abutting a side or rear property boundary as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

SUBJECT LAND & LOCALITY

The subject land is situated at 69 Lemon Road, Trott Park. The allotment is irregular in shape, incorporating a corner cut-off to the north-eastern corner and angled boundary to the north-west. The allotment therefore achieves a frontage width of 14.0m to Lemon Road, depth of 35.0m and total site area of 580 square metres. The site currently accommodates a detached dwelling in good condition, which is setback approximately 6.0 metres from the allotment boundary. The dwelling is setback approximately 3.0 metres from Ludgate Avenue, which steps to 4.5m and 5.8m. The dwelling features two ancillary verandahs adjacent the secondary street boundary, setback approximately 500mm and 1.8m.

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 January 2017

Agenda Ref No: DAP180117 – 2.3

Originating Officer: Kristen Sheffield
Development Officer - Planning

Applicant: Designtech Studio

Development Description: Single-storey split-level detached dwelling incorporating a wall on the southern boundary

Site Location: 5 First Street, Hallett Cove

Zone: Residential Zone

Policy Area: Hills Policy Area 11

Application Type: Category 2 / Consent

Lodgement Date: 29/07/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1373

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

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan which assigns development that has a wall abutting a side or rear property boundary exceeding a height of 3 metres and a length of 8 metres as Category 2 development.

Given a resolution regarding the proposal could not be reached between administration and the applicant, the application is being presented to the Development Assessment Panel at the request of the Manager, Development and Regulatory Services.

BACKGROUND

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

Amendments Requested	Amendments Made
Northern side setback should be increased to align with the prescribed minimum of 2 metres.	No change.
Attached 'shed' should provide separation from the rear boundary.	Attached 'shed' removed from the proposal, setback of 2.03 metres provided from the dwelling to the rear boundary.

Finished floor level should be reduced, or incorporate stepping in accordance with the slope of the land, in order to minimise the amount of fill required to the rear of the dwelling.	Finished floor level stepped 0.6m in accordance with the slope of the land.
The application should detail fencing to be sited atop proposed retaining walls.	1.8 metre high Colorbond 'Good Neighbour' fencing provided to the northern side and rear boundaries.
Potential garage dominance from triple garaging should be reduced through a greater setback to the 'caravan garaging'.	'Caravan garaging' setback unchanged (0.5m behind double garage). Alternative style of panel lift door provided to 'caravan garaging'.

SUBJECT LAND & LOCALITY

The subject land is located at 5 First Street, Hallett Cove. The allotment is rectangular in shape with a frontage width of 20.78 metres, a depth of 54.864 metres, and a total site area of 1146.1 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition, several ancillary structures, as well as a detached garage forward of the dwelling. The land incorporates a fall of approximately 2.3 metres over a distance of approximately 58 metres, from the south-eastern to the north-western corner of the allotment.

The locality generally comprises a slope from the east to the west, and consists of predominantly detached dwellings at low densities as well as limited examples of semi-detached and group dwellings. The Hallett Cove Conservation Park adjoins the subject land to the south, while the Hallett Cove Railway Station is located approximately 100 metres walking distance to the north-east of the subject site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of a single storey split-level detached dwelling incorporating a garage wall on the southern boundary. The dwelling incorporates five bedrooms all with walk-in-robos (and main with ensuite) as well as a rumpus room/guest bedroom, a study, home theatre, two bathrooms, water closet, laundry, larder pantry and an open plan kitchen/family/meals area with access to an enclosed alfresco area with an outdoor kitchen/BBQ area as well as a triple width garage under the main roof of the dwelling.

The proposal incorporates a hipped roof form at 25-degree pitch to the front portion of the dwelling, while the rear portions of the dwelling are comprised of skillion roof forms at a 25-degree and 20-degree pitch. The skillion roof form provides a raked ceiling and north-facing clerestory windows to the open plan living and alfresco areas. The dwelling incorporates a 0.6 metre split between the front and rear portions of the building, with a retaining wall varying in height up to approximately 0.4 metres required along the northern property boundary.

Refer Attachment III

**Panel Members should note that the original (now superseded) engineered site works plan included within Attachment III provides reference of the site levels however is not reflective of the amended floor plan and floor levels. Given a resolution regarding the proposal could not be reached between administration and the applicant, it was not sought that an amended engineered site works plan be submitted. Should the Panel not concur with the recommendation of this report, it is respectfully recommended that a condition of consent be included requesting that an amended engineered site works plan be submitted to administration for consideration and approval prior to issuing Development Approval.*

PUBLIC NOTIFICATION

Properties notified:	15 properties were notified during the Category 2 public notification process.
Representations:	2 representations in favour of the application were received by Council. <i>Refer Attachment IV</i>

INTERNAL DEPARTMENT COMMENTS

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

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

Residential Zone
<p>Objectives</p> <p><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>
Hills Policy Area 11
<p>Objectives</p> <p><i>1 A policy area primarily comprising detached dwellings at low densities.</i></p> <p><i>2 Residential development which is sensitive to the particular topography of the locality.</i></p> <p><i>3 Residential development which has minimal visual and environmental impacts.</i></p> <p><i>4 Development that contributes to the desired character of the policy area.</i></p>
<p>Desired Character</p> <p><i>The policy area encompasses parts of the escarpment which forms an east-west band through the centre of the council area, including elevated land visible from the Adelaide Plains in the suburbs of Seacliff Park, Seaview Downs, Seacombe Heights and Darlington. The policy area also contains undulating to steep land along the coast from Marino to Hallett Cove. Many dwelling sites have good views of the Adelaide Plains or the coast.</i></p> <p><i>The desired character is a high quality residential environment containing site appropriate houses set in attractively landscaped, relatively large gardens. This desired character is derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the re-vegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</i></p> <p><i>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>

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

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

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

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

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

Assessment

The application seeks to construct a single-storey detached dwelling on an existing large, gently sloping allotment; finding compliance with Objective 1 and Principle of Development Control 1 of the Hills Policy Area 11.

Whilst the proposed development generally maintains the existing low density character of the Hills Policy Area 11, it is also acknowledged that 'low density character' not only relates to site area, but also 'built form density'. The proposed development comprises an excess in site coverage and shortfalls in front, rear and side setbacks (as discussed further below within this report), the cumulative impact of which may suggest that the built form density of the proposal is somewhat at odds to that envisaged of the Policy Area. These shortfalls result in subsequent visual impacts upon adjacent properties; whereas Objective 3 of the Hills Policy Area seeks for development to minimise visual and environmental impacts.

The Desired Character for the Policy Area seeks for 'new buildings and extensions on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development'. For Members' reference, the Development Act 1993 defines amenity as 'any quality, condition or factor that makes, or contributes to making, the locality or building harmonious, pleasant or enjoyable'. The dwelling has been designed with a 'rumpus/bedroom wing' sited alongside the northern side boundary. While the proposed layout improves privacy between the subject land and the adjoining units to the north, it also results in a wall length of some 45.6 metres in close proximity to the northern boundary. This may result in amenity impacts upon the private open spaces and occupants of the adjacent dwellings to the north of the subject land.

The dwelling has been stepped in accordance with the slope of the land, with a 0.6 metre split provided between the front and rear portions of the dwelling, thereby reducing the alteration of the natural landform and subsequently decreasing the visible amount of cutting and filling of natural ground. As a result, the extent of earthworks required to accommodate the proposed dwelling is considered appropriate.

The proposed dwelling design is considered to contribute to the variety of architectural styles within the locality. While the Skillion roof form provided to the living and alfresco areas does not necessarily complement the natural form of the land, this portion of the roof incorporates generous setbacks from boundaries and should not be readily visible from the streetscape or result in adverse visual impacts upon adjoining properties. The external façades incorporate colours and materials which are not reflective or bright, whilst the single storey nature of the building is considered to complement the scale of adjacent buildings in terms of its overall bulk and scale. The proposal also includes landscaping to the front and rear of the dwelling complementing the landscape character sought within this Policy Area.

The proposal satisfies a majority of the applicable Principles for the Policy Area, and a number of elements of the Desired Character statement are adhered to. However, the visual and amenity impact upon adjacent properties, in my view, is considered unreasonable. This is discussed further within the Table Discussion further below within this report.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area.</i></p> <p><i>Hills Policy Area 11: PDC 7</i></p>	<p>Site coverage:</p> <p>Does Not Comply 52.4% (600.1m²)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p>	<p>Does Not Comply Discussed further within the table discussion.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>

<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies Approximately 22.7% (260m²)</p>						
Private Open Space							
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>	<p>Complies 23.6% (270.5m²) not including enclosed alfresco area. 31.3% (358.2m²) including enclosed alfresco area.</p> <p>5 x 5 metre POS dimension achieved. Gradient of the land does not exceed 1-in-10.</p>						
<table border="1"> <thead> <tr> <th data-bbox="177 566 323 618">Site area of dwelling</th> <th data-bbox="323 566 512 618">Minimum area of POS</th> <th data-bbox="512 566 932 618">Provisions</th> </tr> </thead> <tbody> <tr> <td data-bbox="177 618 323 987">175 square metres or greater</td> <td data-bbox="323 618 512 987">20 per cent of site area</td> <td data-bbox="512 618 932 987"> 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. </td> </tr> </tbody> </table>		Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly 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.
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<p><i>Residential Zone: PDC 7</i></p>							
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwelling and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply</p> <p>g) The proposed POS area is sited on the southern side of the dwelling.</p> <p>Discussed further within the 'Energy Efficiency' section of this table.</p>						

<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Minimum setback from primary road frontage where an established streetscape exists: 8 metres from arterial roads shown on Overlay Map – Transport and any road within Hills Policy Area 11.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply 7m</p>
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> <i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> <i>(b) contribute positively to the function, appearance and/or desired character of the locality. 34</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies The proposed front setback of 7 metres is similar to that of other 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><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<p>Side Setbacks</p>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 2 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply Northern side setback: 0.9m Southern side setback: 0m increasing to 3 metres</p>
<p><i>Not applicable in Hills Policy Area 11, that part of Residential Character Policy Area 17 within the suburb of Marion, and Watercourse Policy Area 19, as walls on boundaries are generally not appropriate in these policy areas.</i></p> <p><i>In all other policy areas of the Residential Zone –</i> <i>(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</i> <i>(b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply Boundary walls are generally not appropriate in this Policy Area, whereas the proposal includes a garage wall sited on the southern boundary, adjacent the Hallett Cove Conservation Park, for a length of 9.4 metres and comprising a height of 3.3 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>Does Not Comply Discussed further within the table discussion.</p>

Rear Setbacks

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

Residential Zone: PDC 6

Does Not Comply

2.03m for a 5.2m portion of the dwelling increasing to 18.4m thereafter.

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

Does Not Comply

Discussed further within the table discussion.

Building Height

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

Residential Zone: PDC 6

Complies

The proposed dwelling incorporates a maximum building height of 8.7 metres from the lowest point of the natural ground level, which is less than the maximum permitted in the Policy Area.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

The proposed garaging is incorporated under the main roof of the dwelling.

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

General Section: Residential Development: PDC 12

Parameter

Value

Maximum wall or post height

3 metres

Does Not Comply

3.3m

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

Double garage setback: 9.16m (2.16m behind main face)
 Caravan garage setback: 9.8 (2.8m behind main face)

<p>Maximum frontage width of garage or carport with an opening facing the street</p>	<p>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated, whichever is the lesser. (6m is applicable)</p>	<p>Does Not Comply 9m Discussed further within the table discussion.</p>
<p>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.</p> <p>General Section: Residential Development: PDC 13</p>		<p>Complies</p>
<p>Vehicle Parking</p>		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		<p>Complies The proposed dwelling incorporates up to 6 bedrooms and at least 4 on-site car parking spaces, at least 2 of which are covered within the garage.</p>
<p>Detached Semi-detached Row</p>	<p>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</p>	
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>		
<p>On-site vehicle parking should be provided having regard to: (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>		<p>Complies a) Sufficient car parking is provided for the nature and size of the proposed dwelling, as demonstrated by compliance with PDC 34. b) Public transport opportunities are located in walking distance of the dwelling c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.</p>
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>		<p>Complies 2 on-street car parking spaces are provided in front of the subject land, which satisfies PDC 22</p>
<p>Access</p>		
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of: (a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>		<p>Does Not Comply Double driveway: 6m</p>
<p>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.).</p> <p>General Section: Residential Development: PDC 40</p>		<p>Complies The proposed crossover is set back a minimum of 1 metre from existing street infrastructure. There are no existing street trees sited forward of the subject land.</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 dwelling incorporates an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of sandstone cladding and render detailing on the front façade
- Protruding portico
- Eave overhang and pitched roof form at 25-degree slope
- Fenestration

The proposed 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.

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Complies

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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

The elevations of the dwelling feature a mixture of render, sandstone cladding, face brickwork and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

An assessment of the projected extent of overshadowing on 21 June (winter solstice) demonstrates that;

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

b) A majority of winter shadow will be cast within the private open space of the subject dwelling, or within the area of public open space sited to the south of the subject land. Some shadow will be cast into the western adjoining properties in morning hours however will subside throughout the morning, such that all areas of private open space will be free from shadow by midday.

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 area of POS is sited to the west of the living areas/alfresco (and south of the 'bedroom/rumpus wing'). Whilst this orientation does not provide optimum solar access to the open space, the large dimensions (14.5m x 18.4m) provided result in an adequate level of sunlight available to the POS.

The internal living areas of the dwelling are oriented to the west. While this is not an optimum orientation for energy efficiency of the dwelling, north facing clerestory windows are provided via a raked ceiling to the living/alfresco areas, with the west-facing glazing of the internal living area adequately shaded by the proposed alfresco area.

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 dwelling incorporates a hipped roof form set at a 25-degree pitch, as well as skillion roof forms set at a 25-degree and 20-degree pitch, both with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

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

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

Based on the previously submitted engineered site works plan, and subsequent amendments in finished floor levels, the proposal may require retaining walls varying in height up to approximately 400 millimetres. If a standard 1.8-metre-high fence is constructed atop these walls, this will result in a maximum structure height of 2.2 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.

Sloping Land

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

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

General Section: Sloping Land: PDC 2

Complies

The land where the dwelling is proposed to be constructed is gently sloped. A retaining wall with a maximum height of 400mm is required along the northern boundary.

Whilst concern remains due to the visual impact of the dwelling upon adjoining properties, this is not a result of excessive build-up, or a poor relationship to ground level.

The dwelling incorporates a 600mm split between the front and rear portions of the dwelling, assisting to reduce the height of fill required at the western end of the building.

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

The cutting and/or filling of land should:

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

General Section: Sloping Land: PDC 7

Complies

Retaining walls should:

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

General Section: Sloping Land: PDC 8

Complies

Siting and Visibility

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

- (a) the profile of buildings should be low and the rooflines should complement the natural form of the land*
- (b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land*
- (c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.*

General Section: Siting and Visibility: PDC 4

Partially Complies

(a) The slope of the land is relatively gentle and as such, the profile of the front portion of the dwelling will not be at significant variance to the landform. The skillion roof to the rear portion of the dwelling does not necessarily complement the natural form of the land, however, it is not readily visible from the streetscape, being set back some 19 metres from the front boundary.

Complies

(b)(c)

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

General Section: Siting and Visibility: PDC 5

Complies

TABLE DISCUSSION

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

- Site coverage
- Boundary setbacks
- Percentage of garage to dwelling frontage

Site Coverage

Site coverage considerably exceeds criteria; the Hills Policy Area 11 prescribes that dwellings should be designed to have a maximum site coverage of 35% of the allotment area, whereas the proposal comprises site coverage of 52%. It is noted that the proposal includes a large alfresco area under the main roof of the dwelling. Were this to be deleted from the proposal, site coverage would reduce to 44.8%, still exceeding the maximum prescribed by 9.8%, which in this instance represents some 112.3 square metres.

Principle of Development Control 9 (Residential Zone) provides that site coverage should not exceed the amount specified unless it is demonstrated that doing so would not be contrary to the relevant private open space and setback provisions, and would not adversely affect the amenity of adjoining properties. In this regard, it is acknowledged that the proposal substantially exceeds the minimum POS requirement of 20%, with 31.3% POS provided when including the alfresco area. Accordingly, the numerical discrepancy in site coverage does not necessarily impair the design and function of the proposed dwelling. However, the excess floor area, and layout and siting of the dwelling results in shortfalls in front, side and rear setbacks (as discussed below); the extent of which results in subsequent adverse impacts upon the amenity of adjoining properties.

It is of worth to note that were the impacts upon adjacent land to be addressed through either a varied layout reducing the length of structure alongside the northern boundary, or through an increased side setback to this boundary, the numerical dispensation in site coverage alone may be tolerable.

Boundary setbacks

Dwellings within the Hills Policy Area 11 should incorporate generous setbacks from boundaries; whereas the proposal incorporates a wall on the southern side boundary. While boundary development is generally not anticipated within the Hills Policy Area, I am of the view that the boundary wall may be considered acceptable given that this is sited on a boundary adjoining a large area of public open space. Impacts upon nearby residential development and the streetscape are, in my view, relatively minor.

The proposal incorporates a front setback of 7 metres to the main face of the dwelling, where a minimum 8 metres is sought by the Development Plan. As noted within the Development Assessment Table above, the proposed front setback nonetheless remains similar to that of other dwellings in the locality. Furthermore, the subject land is sited adjacent to a large area of public open space, accordingly, while the proposed front setback is less than that of the other dwellings on the western side of First Street, the shortfall in front setback will not interrupt an established streetscape.

A minimum rear setback of 8 metres is sought for dwellings within the Hills Policy Area, whereas a rear setback of 2.03 metres is observed for the 'rumpus/bedroom wing' of the dwelling, increasing to 18.4 metres thereafter. It is noted that the proposal nonetheless provides ample private open space. Further, given the 'rumpus/bedroom wing' of the dwelling comprises a limited width of 5.3 metres, the visual impact upon the adjoining properties to the rear is

somewhat reduced. However, the layout of the dwelling and subsequent shortfall in rear setback for this portion of the dwelling results in the northern elevation comprising a wall length of 45.6 metres. The impact of the length of structure adjacent the northern boundary is exacerbated by a shortfall in side setback, with the dwelling sited 0.9 metres from the northern boundary, where the Development Plan specifies a minimum side setback requirement of 2 metres. Principle of Development Control 2 (General Section: Design and Appearance) stipulates that 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; and
- (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.

In this regard, it is again acknowledged that the layout of the dwelling, through the inclusion of a 'rumpus/bedroom wing' adjacent the northern boundary, provides improved levels of privacy to the private open space of both the subject dwelling and to those of the adjoining properties to the north. Further, with the subject dwelling sited to the south of the group dwellings, overshadowing impacts do not arise from the length of the structure or the shortfall in side setback. However, in my view, the horizontal scale of the building results in unreasonable visual and amenity impacts upon the three group dwellings at 3 First Street, particularly upon that of Unit 2.

The visual impact arises from a combination of factors, being the length of the structure, the shortfall in side setback, and that the finished floor level of the proposed dwelling is sited between 0.4 metres and up to 1 metre above the floor levels of the group dwellings. These factors combined result in a sense of enclosure of the POS of the group dwellings, with the proposed dwelling spanning the full outlook of Unit 2, and substantial portions of Units 1 and 3. The proposed dwelling comprises a wall height of 3.01 metres; when taking into account the proposed finished floor levels, the top of the wall will be sited between 3.4 and 4 metres above the floor levels of the group dwellings. The proposed 0.9 metre setback from the northern boundary serves to further exacerbate the visual impact and sense of enclosure from the length and height of the structure. An increased side setback would not only alleviate the enclosed nature of the POS of the adjacent dwellings, but also allow for landscaping to screen and soften the built form as sought by PDC 2 (c).

While I am of the opinion that the boundary development along the southern boundary and shortfall in front setback may be considered acceptable, it is my view that the cumulative impact of the shortfalls in side and rear setback upon the adjoining properties to the north is considered unreasonable.

Percentage of garage to dwelling frontage

Principle of Development Control 6 of the Residential Zone prescribes that garaging should comprise a maximum width of 6 metres or 50% of the width of the front façade of the dwelling to which the garage is associated, whichever is the lesser. Accordingly, a maximum width of 6 metres is applicable. As a result of this shortfall, the applicant has designed the dwelling to minimise the visual dominance of the garaging through the following treatments:

- Increased front setback from the double garage to 'caravan garaging';
- Translucent panel lift door to 'caravan garaging';
- Attractively-proportioned habitable room windows that present to the street;
- An appropriate mix of colours and materials on the front façade;
- Portico element extending forward of the garaging;
- Reduced driveway width to minimise paving and increase landscaping opportunities; and

- Landscape plantings, as opposed to only lawn/turf, to assist in reducing visibility of driveway.

These features are considered to sufficiently address the excess in garage width to ensure that the garages should not dominate the streetscape.

ANALYSIS/CONCLUSION

The proposal satisfies a number of the applicable Objectives and Principles of the Hills Policy Area, and a number of elements of the Desired Character statement are adhered to. However, the layout and siting of the proposed dwelling results in a built form density not necessarily envisaged for the Policy Area as well as significant visual and amenity impacts.

The intent of the proposed layout is certainly acknowledged, as this layout provides separation/privacy for both the future occupants of the subject dwelling as well as those of the units, providing an outlook to the Hallett Cove Conservation Park instead. However, assessment of the proposal against applicable Development Plan criteria has demonstrated an excess in site coverage as well as several shortfalls in boundary setbacks, including front, rear and side setbacks as well as boundary development. Whilst I am of the opinion that the shortfall in front setback and the inclusion of boundary development adjacent the public open space may be acceptable, I am of the view that the layout of the dwelling, including a substantial disparity in rear setback, and the building's close proximity to the northern side boundary, results in unreasonable visual impacts given the significant length of the dwelling.

Having said this, I am of the opinion that these impacts could be addressed through either a reduction in the length of the structure (through an increased rear setback), and/or preferably through an increased setback to the northern side boundary to provide improved separation from the excessive length of the dwelling. It is also my view that given the generous proportions of the allotment, this could be achieved without significant impacts upon the intent of the layout of the proposed dwelling. These concerns have been brought to the applicant throughout the processing of the application, however, changes to address such concerns were not forthcoming.

It is acknowledged that the proposal is finely balanced in relation to the extent of compliance with applicable Development Plan criteria. It is my view, that when viewed in isolation, each shortfall may be viewed as tolerable or justifiable for one reason or another. However, I am of the opinion that the cumulative impact of these shortfalls suggests that that the proposal does not accord with the intent of the Hills Policy Area 11, and that the layout and siting of the dwelling, and subsequent visual impacts upon adjoining properties is not appropriate.

As a result of the above considerations, it is my view that whilst the proposed development is not seriously at variance to the Development Plan, the proposal fails to sufficiently accord with the relevant provisions of the Development Plan, and therefore warrants refusal

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993;
- (c) However that Development Plan Consent for Development Application No: 100/2016/1373 for a single-storey split-level detached dwelling incorporating a wall on the southern boundary at 5 First Street, Hallett Cove, be REFUSED for the following reasons:

REASONS FOR REFUSAL

- (1) The proposed dwelling results in an unreasonable visual impact upon the adjoining properties to the north, due to the proximity and horizontal expanse of the northern elevation of the dwelling, failing to satisfy Objectives 3 and 4 and Principle 2 of the Policy Area, parts of the Desired Character statement of the Policy Area and Principle 2(a) of the General Section: Design and Appearance.
- (2) The development incorporates an excess in site coverage resulting in adverse impacts upon the amenity of adjoining properties and failing to satisfy parts (b) and (c) of Principle of Development Control 9 of the Residential Zone.
- (3) The northern side setback and rear setback of the proposed dwelling result in an unreasonable visual impact upon the adjoining properties to the north, and fail to satisfy that required by Principle 6 of the Residential Zone.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 18 January 2017

Agenda Ref No: DAP180117 – 2.4

Originating Officer: Nicholas Timotheou
Development Officer - Planning

Applicant: Roksolid Construction Pty Ltd

Development Description: To undertake a staged development: Stage 1: Residential Community Title Land Division – 1 into 4 allotments and Stage 2: to construct two pairs of two storey semi-detached dwellings with associated car parking and landscaping

Site Location: 12 Walkley Avenue, Warradale

Zone: Residential Zone

Policy Area: Medium Density Policy Area 12

Application Type: Category 1 / Consent

Lodgement Date: 26 September 2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/1789/2016 (DAC Ref. 100/C216/16)

Recommendation: That Development Plan Consent and Land Division Consent be GRANTED for Stages 1 and 2 and that Development Approval be GRANTED for Stage 1 only, subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(iii)) of the Development Regulations 2008, which assigns the construction of 1 or more sets of semi-detached dwellings, provided that no such dwelling is more than 2 storeys high as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 270 square metres required for semi-detached dwellings within the Medium Density Policy Area 12. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

Development Application 736/2016 for the construction of two (2), two storey residential flat buildings, each comprising two dwellings with associated car parking and landscaping has previously been lodged with Council, albeit did not include the division of the land. This application is currently on hold; however, during the assessment process, Council staff requested modifications (which are reflected in the subject application) to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
The upper level side setback of Res. 1 adjacent the southern side boundary should be increased to a minimum 3.0 metres.	Upper level southern side setback of Res. 1 increased from 2.6m to 2.9m.
Information Requested	Information Provided
A fully engineered site works and drainage plan.	Provided.
Sectional details of the proposed party wall system.	Provided.
Eastern and western elevation plans of the development as a whole.	Provided.
Shadow diagrams.	Information not provided to Council.

SUBJECT LAND & LOCALITY

The subject land is situated at 12 Walkley Avenue, Warradale. The allotment is rectangular in shape, incorporating a corner cut-off to the north-eastern corner, resulting in a frontage width of 18.3m to Walkley Avenue, depth of 41.2m and total site area of 879.3 square metres. The site previously accommodated a detached dwelling in good condition, which presented to Jeffrey Avenue, with a portion of the dwelling slightly angled. Therefore, at the closest point, the dwelling was setback approximately 4.0 metres, which increased to 8.0 metres from the allotment boundary. The dwelling was setback approximately 12.0 metres from Walkley Avenue. The dwelling was demolished between May 2016 and December 2016 and the site remains vacant.

Vehicular access is currently available via Walkley Avenue central to the northern boundary and Jeffrey Avenue, adjacent the south-eastern corner of the allotment. The contour of the land is generally flat and there are no regulated trees on the site.

The pattern of development in the locality is typically defined by single storey detached dwellings and residential flat buildings at low to medium densities. Recent infill development has occurred in the locality, displaying a variety of dwelling types including detached, semi-detached and group dwellings.

It is also acknowledged that the subject land is situated adjacent Christ the King School and in close proximity to the Neighbourhood Centre Zone along Diagonal Road and the Oaklands Train Station. Further, the SA Aquatic and Leisure Centre, Marion Cultural Centre and Library and Westfield Marion Shopping Centre are located a short distance, south-east of the subject land, which are located within the Regional Centre Zone.

It is noted that a Local Heritage place is situated at 11 to 13 Walkley Avenue, north-west of the subject land. The road reserve separates the two allotments and the subject land is not directly opposite the Local Heritage place.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the sub division of the land to create three additional allotments (four in total) and the construction of two pairs of two storey semi-detached dwellings, facing Jeffrey Avenue.

The floor plan of Residence 1 and 2 is mirrored, incorporating three bedrooms and associated bathroom/ensuite on the upper level. The ground level incorporates a living room presenting to the street, laundry and open plan kitchen/living/meals area with direct access to the main area of private open space. A single width garage is proposed for each dwelling, which seeks to gain access via a new crossover and requires the removal of a parking sign.

The floor plan of Residence 3 and 4 is mirrored, incorporating three bedrooms and associated bathroom/ensuite on the upper level. The ground level incorporates a fourth bedroom presenting to the street, laundry and open plan kitchen/living/meals area with direct access to the main area of private open space. A single width garage is proposed for each dwelling, which seeks to gain access via a new crossover and requires the removal of a Council street tree.

Each dwelling incorporates a mixture of colours and materials to the front façade, including a mixture of render, horizontal cladding, panel lift doors and Colorbond roofing. The front entrance point is covered by a protruding porch and a blade wall is featured between each dwelling.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

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

Refer Attachment IV

INTERNAL DEPARTMENT COMMENTS

Coordinator Arboriculture:	Council's Arborist has advised that removal and replacement of the northern street tree is suitable provided a fee of \$300 + GST is paid to Council to undertake the works.
Unit Manager Engineering Services:	The existing parking sign can be relocated to avoid interference with the proposed access point associated with Res. 1 and Res. 2.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>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>		
Medium Density Policy Area 12		
<p>Objectives</p> <p>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.</p> <p>2 Development that minimises the potential impact of garaging of vehicles on the character of the area.</p> <p>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</p> <p>4 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>This policy area encompasses areas especially suitable for a wide range of low and medium-density housing, such as detached, semi-detached, row and group dwellings, residential flat buildings, supported accommodation and student and other special purpose housing. Medium density development is especially suited to areas in proximity to centres and public transport, and to areas where such development already occurs (as in the area redeveloped by the former South Australian Housing Trust in Mitchell Park).</p> <p>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic are appropriate where located centrally within a large site.</p> <p>Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p> <p>Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.</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

<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
<i>PDC 6</i>	<i>Minimum Site Area: 270 square metres</i>	Does Not Comply Res. 1: 215.1sqm Res. 2: 215.1sqm Res. 3: 215.1sqm Res. 4: 234sqm
	<i>Minimum Frontage: 9m</i>	Complies Res. 1: 10m Res. 2: 10m Res. 3: 10m Res. 4: 8.13m + corner cut-off (11.18m)
	<i>Minimum Depth: 20m</i>	Complies Res. 1: 21.3m Res. 2: 21.3m Res. 3: 21.3m Res. 4: 18.29m + corner cut-off (21.3m)

Assessment

The application proposes four dwellings on an allotment which previously accommodated a single storey detached dwelling, increasing the density of the land by three. It is acknowledged that the Residential Zone and Medium Density Policy Area 12 encourages an increase in densities within close proximity to centre zones and public transport opportunities. The subject site is located a short distance to public transport options along Diagonal Road and the Oaklands Railway Station. Further, the Westfield Marion Shopping Centre, SA Aquatic and Leisure Centre and Marion Cultural Centre and Library are located a short distance from the subject land, each of which are located within the Regional Centre Zone. Accordingly, the wider locality contains locational attributes identified in Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12 as warranting increased residential densities.

It is acknowledged that the Desired Character statement of the Medium Density Policy Area 12 advocates “[d]evelopment [that] should not result in in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality”. Whilst the access associated with Res. 3 and Res. 4 requires the removal of an established and mature Bottlebrush street tree, its size and appearance is not considered to significantly contribute to the visual amenity of the locality. Further, Council’s Arborist has advised that the subject tree accords with the criteria of the City of Marion Tree Management Framework as being suitable for removal and replacement. Lastly, as demonstrated adjacent the subject land and within the Council verge, recently planted street trees have been of an alternate species to the original plantings (southern street tree along Jeffrey Avenue which has been identified as Tulip Wood). As such, it is my opinion that the existing Bottlebrush does not significantly contribute positively to the landscape character of the locality.

The proposal maintains a coherent streetscape as a result of the street setback, front yard landscaping and design to reduce the bulk and scale of each dwelling. The dwellings’ appearance will be modern in terms of design and use of materials and will provide a positive contribution to the existing streetscape. It is also of value to note that the proposed frontage width exceeds the minimum sought in the Medium Density Policy Area 12 which allows for additional landscaping opportunities.

The dwellings shall contribute to the provision of a variety of dwelling types and accommodation needs in an area which encourages the redevelopment of the existing housing stock at low to medium and medium densities. The proposal is therefore considered to complement the applicable Objectives, Principles of Development Control and Desired Character statement of the Residential Zone and Medium Density Policy Area 12.

Site Area

The proposed site area of each dwelling falls considerably short of the minimum 270 square metres sought for semi-detached dwellings within the Medium Density Policy Area 12. Res. 1, 2 and 3 maintain a site area equal to 215.1 square metres, which equates to a shortfall of 54.9 square metre (20.3%). Res. 4 achieves a site area of 234 square metres, equal to a shortfall of 36 square metres (13.3%).

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. The subject land maintains an overall site area of 879.3 square metres; resulting in an average site area of 219.8 square metres per dwelling. It is of value to note that the average site area exceeds the minimum 210 square metres required for row dwellings in the Medium Density Policy Area 12. As such, in my view, subject to achieving appropriate compliance with Council's Development Plan, the subject land could feasibly be developed to accommodate four dwellings.

With consideration to the above, it is also of value to acknowledge that despite the allotments falling short of the minimum sought from semi-detached dwellings, there are a number of positive outcomes to the streetscape and amenity of future occupants. The level of separation achieved between Res. 2 and Res. 3, both at ground (1.8m) and the upper level (5.6m) is considered to assist in reducing the bulk and scale of the dwellings, whilst providing rear access and greater opportunities for natural light. This consideration is particularly relevant when compared to row dwellings, which would satisfy the minimum site area in the layout proposed, albeit generally results in a greater amount of built form and thereby limits rear access/natural light to internal dwellings.

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

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage		
<i>Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:</i>		
Site area	Maximum Site Coverage	Maximum Floor Area Ratio
< 250 m ²	100 m ²	0.7
<i>Medium Density Policy Area 12: PDC 7</i>		
<p>Site coverage:</p> <p>Does Not Comply Res. 1: 118.5sqm (55%) Res. 2: 118.5sqm (55%) Res. 3: 116.5sqm (54.1%) Res. 4: 116.5sqm (49.7%)</p> <p>Excluding alfresco/porch Res. 1: 107.5sqm (49.9%) Res. 2: 107.5sqm (49.9%) Res. 3: 105.5sqm (49%) Res. 4: 105.5sqm (45%)</p>		

	<p><u>Floor area ratio:</u></p> <p>Does Not Comply Res. 1: 0.67 Res. 2: 0.67 Res. 3: 0.66</p> <p>Complies Res. 4: 0.6</p> <p>Despite the excess in dwelling footprint for each allotment, it is acknowledged that when the associated alfresco/porch is excluded from the calculation, the total site coverage more closely aligns to the Development Plan provision of 40% and is comparable to other recent development in the locality.</p> <p>The dwellings have been provided with adequate setbacks from the side and rear boundaries as well as a private open space area which is considered to function appropriately and meet the likely needs of future occupants. Given the private open space exceeds the minimum 20% sought and that the excess in site coverage is unlikely to adversely affect the amenity of adjoining land, I am of the view that the proposed dwelling footprints are suitable for the subject land.</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The 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> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>Res. 1: 26.1% Res. 2: 26.1% Res. 3: 26.1% Res. 4: 29.4%</p>

Private Open Space

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

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

Residential Zone: PDC 7

Complies

Res. 1: 44sqm (20.4%)
Res. 2: 44sqm (20.4%)
Res. 3: 44sqm (20.4%)
Res. 4: 47.5sqm (20.3%)

Each dwelling is provided with a 5.3m x 5.8m area of private open space directly accessible from a living room.

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 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) Adequate separation has been provided from bedrooms of dwellings on adjacent sites and standard fencing is considered to provide an appropriate level of privacy.
- g) The POS of each dwelling is west facing with a northern aspect which will provide adequate natural light throughout the day.
- 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.

The private open space calculation undertaken as part of this assessment has excluded points (a) – (e) listed in PDC 17.

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

General Section: Residential Development: PDC 22

Complies

Res. 1: 21.1% covered POS
Res. 2: 21.1% covered POS
Res. 3: 21.1% covered POS
Res. 4: 19.5% covered POS

Building Setbacks from Road Boundaries

Minimum setback from primary road frontage where an established streetscape exists:
5 metres within Medium Density Policy Area 12
8 metres from arterial roads shown on Overlay Map – Transport

Residential Zone: PDC 6

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. 34

General Section: Design and Appearance: PDC 21

Does Not Comply

4.78m

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 it is acknowledged that the dwellings at 9 Walkley Avenue and 124 Dunrobin Road present a reduced setback to Jeffrey Avenue, serving as the secondary street.

Further, it is acknowledged that the Christ the King School, directly opposite the subject land incorporates a two storey wall and single storey building, setback approximately 4.5m and 3.5m respectively to Jeffrey Avenue. Accordingly, it is my view that sufficient transition is proposed between the dwellings along Jeffrey Avenue. The street presents a variety of reduced setbacks and as such, the proposal is considered to contribute positively to the function, appearance and desired character of the locality.

On balance, the dwellings are considered to achieve a cohesive streetscape as a result of the front setback, design and appearance and front yard landscaping.

Minimum setback from secondary road frontage: 2 metres

Residential Zone: PDC 6

Complies

Res. 4: 2.0m

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

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

Residential Zone: PDC 6

Complies

Each dwelling achieves a 900mm setback at ground level with the exception of Res. 4 which is setback 2.0m from the secondary street.

Upper level setback

Res. 2: 2.9m at the closest point (north)
 Res. 4: 4m at the closest point (north/secondary street)

Partially Complies

Upper level setback

Res. 1: 2.95m, 3.1m & 4.2m (south)
 Res. 3: 2.95m, 3.1m & 4.2m (south)

Although the southern side setback of Res. 1 and Res. 3 incorporate a slight shortfall of 0.05m, it is acknowledged that adequate natural light will be available to adjoining land throughout the day (this is discussed further within the Overshadowing section of this report).

	<p>It is acknowledged that the upper levels present a variety in side setbacks, which step to reduce the overall bulk of the building presenting to adjoining land. The articulation of the upper level is enhanced as the ground level design incorporates a pitched roof, which is considered to provide appropriate transition to the upper levels. Further, the separation between the upper level of Residence 2 and 3 is considered to reduce the amount of built form presenting to the street, reduces the bulk of the development viewed from the west and assists in achieving a cohesive streetscape elevation. As such, it is my view that the shortfall in side setback will not result in adverse overshadowing/visual impacts to adjacent properties.</p>
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<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>

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

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

<p>Complies</p> <p>All upper levels setback 8.0 metres</p> <p>Partially Complies</p> <p>Res. 1: 3.0 (32.6%) & 5.3 (58%)</p> <p>Res. 2: 3.0 (32.6%) & 5.3 (58%)</p> <p>Res. 3: 3.0 (32.6%) & 5.3 (58%)</p> <p>Res. 4: 3.0 (29.4%) & 5.3 (47.7%)</p> <p>Each dwelling fails to achieve a 6.0 metre setback for the relevant portion of the building by 0.7m; however, I am of the opinion that the reduced rear setback will not result in amenity impacts upon adjacent land as it has been demonstrated that an appropriate amount of natural light will be available throughout the day (discussed in the Overshadowing section of this report). Further, the dwellings have been designed to assist in reducing the bulk of the building when viewed from adjacent land. This has been achieved through the provision of a mixture of colours and materials to the rear elevation, including horizontal cladding, exposed brick and full length windows.</p>
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	<p>It is also of value to note; the western allotment boundary previously served as a side boundary for a dwelling. If a new dwelling/s were to present to Walkley Avenue, a 900mm setback could be achieved for a single storey wall and 2.0m for a two storey wall and accord with the applicable provisions of the Development Plan, which would arguably result in greater impacts to the adjacent land in relation to overshadowing and visual impacts.</p>																	
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Building Height																		
<p><i>Maximum building height (from natural ground level):</i> <i>(i) 2 storeys of not more than 9 metres</i> <i>(ii) 2 storeys with an ability to provide a 3 storey addition within the roof space of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 7.2 metres, which is less than the maximum permitted in the Policy Area.</p>																	
Garages, Carports, Verandas and Outbuildings																		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p>Complies</p>																	
<p><i>Garages, carports, verandas and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>																		
<table border="1"> <thead> <tr> <th>Parameter</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td><i>Maximum floor area</i></td> <td><i>60 square metres</i></td> </tr> <tr> <td><i>Maximum wall or post height</i></td> <td><i>3 metres</i></td> </tr> <tr> <td><i>Maximum building height</i></td> <td><i>5 metres</i></td> </tr> <tr> <td><i>Maximum height of finished floor level</i></td> <td><i>0.3 metres</i></td> </tr> <tr> <td><i>Maximum frontage width of garage or carport with an opening facing the street</i></td> <td><i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i></td> </tr> </tbody> </table>	Parameter	Value	<i>Maximum floor area</i>	<i>60 square metres</i>	<i>Maximum wall or post height</i>	<i>3 metres</i>	<i>Maximum building height</i>	<i>5 metres</i>	<i>Maximum height of finished floor level</i>	<i>0.3 metres</i>	<i>Maximum frontage width of garage or carport with an opening facing the street</i>	<i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i>	<table border="1"> <tbody> <tr> <td>Complies</td> </tr> <tr> <td>Complies</td> </tr> <tr> <td>Complies</td> </tr> <tr> <td>Complies</td> </tr> <tr> <td>Complies Res. 1: 3m (29.7%) Res. 2: 3m (29.7%) Res. 3: 3m (29.7%) Res. 4: 3m (37%)</td> </tr> </tbody> </table>	Complies	Complies	Complies	Complies	Complies Res. 1: 3m (29.7%) Res. 2: 3m (29.7%) Res. 3: 3m (29.7%) Res. 4: 3m (37%)
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<p><i>Minimum setback from a primary road frontage</i></p>	<p><i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i></p>	<p>Complies All garages setback 5.5m and 720mm behind the main façade.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 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>		<p>Complies Res. 1 and Res. 2 feature three bedrooms and therefore require two parking spaces (one covered), which is achieved.</p> <p>Does Not Comply Res. 3 and Res. 4 feature four bedrooms and therefore require three parking spaces (one covered). Each dwelling is provided with two parking spaces; however, given the excess in on-street parking spaces, I am of the view that the proposal will not result in unreasonable impacts upon the locality.</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>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>		
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>		<p>Complies 5 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>
<p>Access</p>		
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>		<p>Complies Each crossover is equal to 3.0m in width.</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>		<p>Complies The proposed crossovers require the removal and replacement of a Council owned street tree and parking sign; however, will be setback a minimum of 1 metre from other existing street infrastructure and greater than 2m from the southern street tree.</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>		<p>Complies Vehicle access points are separated by a minimum distance of 6 metres.</p>

Design & Appearance

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 horizontal 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 25.5-degree slope
- Fenestration

The dwellings incorporate a 25.5 degree Colorbond roof in Slate Grey, with rendered facades. The garage of each dwelling features Paper Bark panel lift doors. 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.

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

Each dwelling presents habitable room windows and the front entrance point, covered by a protruding porch 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.

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 entry point, portico and habitable windows to the street.

It is acknowledged that the southern upper level elevation of Res. 1 and Res. 3 presents a portion of uninterrupted wall exposed to public view. Whilst this portion of the dwelling will be in view from the primary street, I am of the opinion that the overall design of the dwellings provides appropriate articulation. The upper levels present a variety in side setbacks which appropriately step to reduce the overall bulk of the building presenting to adjoining land and the streetscape. Further, the level of separation between the upper level of Residence 2 and 3 reduces the amount of built form presenting to the street and assists in achieving a cohesive streetscape elevation.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

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

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

2 Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

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

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

The dwellings incorporate a hipped roof form set at a 25.5-degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

b) Some shadow will be cast into the western adjoining property in morning hours and to the southern adjacent properties throughout the day.

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. Although some shadow will cast to the southern adjacent properties area of POS, at least 2 hours of natural light will be available to the main area, directly accessible from internal living rooms. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

The application plans propose landscaping to the front yard of each dwelling and to the side of Res. 4.

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

Heritage Places

Objectives

1 The conservation of State and local heritage places.

Complies

3 Conservation of the setting of State and local heritage places.

Complies

The division of land adjacent to or containing a State or local heritage place should occur only where it will:

- (a) create an allotment pattern that maintains or reinforces the integrity of the heritage place and the character of the surrounding area
- (b) create an allotment or allotments of a size and dimension that can accommodate new development that will reinforce and complement the heritage place and the zone or policy area generally
- (c) be of a size and dimension that will enable the siting and setback of new buildings from allotment boundaries so that they do not overshadow, dominate, encroach on or otherwise impact on the setting of the heritage place
- (d) provide an area for landscaping of a size and dimension that complements the landscape setting of the heritage place and the landscape character of the locality
- (e) enable the State or local heritage place to have a curtilage of a size sufficient to protect its setting.

General Section: Heritage Places, PDC 8

Complies

It is acknowledged that the subject site is located adjacent a local heritage place, situated at 11 – 13 Walkley Avenue (north-west of the subject land). Despite the proposal seeking to increase the density of the land in close proximity to the local heritage place, I am of the opinion that the setting of the site will not be disrupted for the following reasons:

- The subject land is separated from and is not directly opposite the local heritage place. This level of separation is provided through the existing road reserve. As such, it is not considered that there will be significant impact to the visual prominence of the local heritage place.
- A sufficient secondary street setback has been achieved for Res. 4, with the upper level stepping to 4.0 metres from the allotment boundary.

	In addition to the above, it is of value to note that a “Complying Development” under Schedule 4 could be accommodated on the site without any consideration to the setting of the local heritage place.
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LAND DIVISION ASSESSMENT

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

Land Division	
<p>Objectives</p> <p><i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing underutilised infrastructure and facilities.</i></p>	<p>Complies</p>
<p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>	<p>Complies</p>
<p><i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i></p>	<p>Complies</p>
<p>Principles of Development Control</p> <p><i>1 When land is divided:</i></p> <p><i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i></p> <p><i>(b) a sufficient water supply should be made available for each allotment</i></p> <p><i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i></p> <p><i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></p>	<p>Complies</p> <p>The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.</p>
<p><i>2 Land should not be divided if any of the following apply:</i></p> <p><i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i></p> <p><i>(b) any allotment will not have a frontage to one of the following:</i></p> <p style="margin-left: 20px;"><i>(i) an existing road</i></p> <p style="margin-left: 20px;"><i>(ii) a proposed public road</i></p> <p style="margin-left: 20px;"><i>(iii) access to a public road via an internal roadway in a plan of community division</i></p> <p><i>(c) the intended use of the land is likely to require excessive cut and/or fill</i></p> <p><i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i></p> <p><i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i></p> <p><i>(f) the intended use of the land would be contrary to the zone objectives</i></p> <p><i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></p>	<p>Complies</p> <p>a) It has been demonstrated that the allotments are suitable for their intended use.</p> <p>b) Each lot will have frontage to a public road.</p> <p>c) No excessive cut and/or fill is required as the subject land is relatively flat.</p> <p>d) The land division is unlikely to result in undue erosion of the subject land or locality.</p> <p>e) The site has access to existing services.</p> <p>f) Semi-detached dwellings are an envisaged built form in the Residential Zone.</p> <p>g) The land division will remain in the Medium Density Policy Area 12 within the Residential Zone.</p>

<p>Design and Layout</p> <p>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</p>	<p>Complies</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls (b) maintains natural drainage systems (c) faces abutting streets and open spaces (d) does not require the removal of existing native vegetation to facilitate that development (e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</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 western side of a street running north-south, the layout of the land division provides appropriate northern solar access to a portion of the private open space of each allotment and is likely to receive direct 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 (b) the availability and frequency of public and community transport (c) on-street parking demand likely to be generated by nearby uses.</p>	<p>Complies</p> <p>a) Adequate on-site parking available b) Public transport services are accessible in the wider locality c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate. Although the nearby school may result in an increased demand for on-street parking, the proposal maintains 5 spaces, which exceeds the minimum sought by the applicable provisions of the Development Pan.</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>

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Medium Density Policy Area 12, being an area which encourages the redevelopment of the existing housing stock at low to low-medium densities.

Despite the individual deficiencies in site area, the assessment discussion contained within this report has demonstrated that the subject land can accommodate two (2), two storey semi-detached dwellings in the form proposed. Further, despite the subject land falling short of the minimum site area for semi-detached dwellings, it has been demonstrated that there are positive outcomes to the streetscape as a result of the reduced built form when the development is viewed a whole.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical shortfalls including site coverage, floor area ratios, upper level side setbacks and front/rear setbacks. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality. When these shortfalls are considered on balance with the proposal's compliance with the Development Plan, the overall merit of the proposal is considered to outweigh any discrepancies.

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 to be granted for Stages 1 and 2 and that Development Approval be granted to Stage 1, 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 Stages 1 and 2 and that Development Approval for Stage 1 for Development Application No: 100/1789/2016 (DAC Ref. 100/C216/16) to undertake a staged development: Stage 1: Residential Community Title Land Division – 1 into 4 allotments and Stage 2: to construct two pairs of two storey semi-detached dwellings with associated car parking and landscaping at 12 Walkley Avenue, Warradale 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. 100/1789/2016 (DAC Ref. 100/C216/16) 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 CONDITIONS

1. 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.
2. 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. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
3. Payment of \$20028 into the Planning and Development Fund (3 lots @ \$6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
4. 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.
5. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0050908).
6. The internal pipe-work shall be altered to the satisfaction of the SA Water Corporation.

SA Water Corporation further advise that should this application be approved and new assessment numbers created, all internal pipe-work that cross the allotment boundaries would be retained to be severed, such that the pipe-work relating to each allotment is contained within its boundaries.
7. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division 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.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).

3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 18 January 2017

Agenda Ref No:	DAP180117 – 2.5
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	Pennino & Associates
Development Description:	To undertake a Community Title Land Division (1 into 3 allotments) and to construct a two-storey detached dwelling and a single-storey residential flat building comprising two dwellings, with associated fencing and landscaping
Site Location:	36 Norrie Avenue, Clovelly Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	16/12/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/2367
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) and (f)) of the Development Regulations 2008, which assigns the construction of 1 or more detached dwellings, 1 or more single storey dwellings and the division of land which creates not more than 4 additional allotments 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 an allotment area less than the minimum of 375 square metres required for detached dwellings, and less than the minimum of 300 square metres required 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
The proposed front setback of Dwelling 1 is not comparable to other recent development within the locality and fails to meet the average of the two buildings on the abutting allotments on either side of the subject site.	Minimum front setback increased from 5.5 to 6.1 metres.
All three proposed dwellings fail to meet the private open space minimum dimension of 5 metres. Furthermore, a majority of the private open space of dwelling 1 will be in shadow throughout the day.	POS minimum dimension increased from 4.3 to 5.7 (Dwelling 1) and 4.6 to 5.8 (Dwellings 2 and 3).
The subject land is situated within the Northern Policy Area 13, where dwellings should achieve a maximum site coverage of 40% - the proposed site coverage of dwellings 2 and 3 exceed this by 14.9%.	Overall site coverage decreased from 41.3% to 37.2%
Council's Development Plan requires one on-street parking space for every two allotments. The current proposal provides only one car parking space. Council requests provision for two on-street car parking spaces be provided (minimum length of 12 metres).	No change.
The proposed front entries for Dwellings 2 and 3 are directly abutting the visitor car parking space of each respective site; recommend the entries of Dwellings 2 and 3 are relocated to avoid any conflict with the visitor park whilst also present towards the front of the site.	Entries relocated.
Windows should be provided on the upper level side elevations of Dwelling 1 in order to avoid large blank walls adjacent to neighbouring sites.	High-level windows added.
The proposal maintains substantial shortfalls in site areas. The proposal may have greater merit if Dwellings 2 and 3 were 2-bedroom dwellings, which would reduce site coverage, increase POS, provide more diverse housing options, and better relate to the undersized site areas.	Dwellings 2 and 3 reduced in size to maintain two bedrooms only.
Upper level windows should incorporate fixed obscure glazing to 1.7 metres above floor level, or a sill height commencing at 1.7 metres above floor level.	Upper level window sill heights increased from 1.5 metres to 1.8 metres.

SUBJECT LAND & LOCALITY

The subject land comprises allotment 120 in Deposited Plan 3034 (CT 5338/312), known as 36 Norrie Avenue, Clovelly Park. The land is rectangular in shape with a width of 18.3 metres, depth of 45.3 metres and total allotment area of 828.2 square metres.

The land currently accommodates a single storey detached dwelling which was constructed circa 1952. A carport and freestanding garage are located adjacent the western boundary, which obtain vehicle access from a driveway that runs along the western side boundary.

The land maintains a slight gradient; rising approximately 860 mm from the front to the rear boundary. There are no regulated trees on the subject land.

The locality is characterised by a mixture of both original dwelling stock at low densities and new dwelling stock at low-to-medium densities. New dwellings commonly take the form of semi-

detached dwellings, although row dwellings and group dwelling developments are also evident in the locality.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct three dwellings on the subject land, and to undertake a Community Title land division to create 3 allotments for the proposed dwellings.

Dwelling 1 comprises a two-storey dwelling located at the front of the site. Given that this dwelling maintains its own driveway and vehicle access that is not reliant upon the common driveway, it is considered to be held exclusively within the site boundaries indicated in the proposed plan of division, and as such, comprises a detached dwelling.

The ground floor of Dwelling 1 features the main bedroom with ensuite and robe, toilet, laundry, single garage and open-plan kitchen/meals/living area. The upper storey features two bedrooms, bathroom and activities area.

Dwellings 2 and 3 are identical mirror-image single storey dwellings. Both dwellings obtain vehicle access from a common driveway which runs along the western side boundary; nominated as Common Property on the plan of proposed division. Both dwellings feature two bedrooms, single garage, bathroom, laundry and open-plan living/meals/kitchen area.

A selection of landscaping is proposed throughout the site. 1.8-metre-high tubular fencing is proposed around the front garden of Dwelling 1.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

SA Water:	No objections, subject to satisfaction of requirements.
DAC:	No objections, subject to conditions (as detailed in recommended conditions of Land Division Consent in the Recommendation of this report).

Refer Attachment IV

DEVELOPMENT ASSESSMENT

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

Development Plan provisions:

Assessment:

Residential Zone	
<p>Objectives</p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>	<p>Complies</p> <p>The application proposes increased dwelling densities in close proximity to activity centres, transport routes and open spaces.</p> <p>The Neighbourhood Centre Zone is located approximately 237 metres east of the subject land, which contains various retail and commercial land uses.</p> <p>South Road is located approximately 340 metres to the east, which contains high frequency bus routes.</p> <p>Two public reserves are located nearby the subject land – Rosslyn Street reserve approximately 138 metres (walking distance) to the north and York Avenue Reserve located approximately 442 metres (walking distance) to the south.</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>Generally Complies</p> <p>The proposed dwellings are of a low-to-medium density, with garages located to minimise visual dominance. The dwellings generally employ good residential design principles and reflect the desired character of the policy area (see below).</p>
<p>Desired Character</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</i></p>	<p>Generally Complies</p> <p>The proposed combination of single and two storey detached and residential flat dwellings are a form of development envisaged in the Policy Area. The proposed increase in densities is specifically encouraged by the Desired Character. The application proposes a combination of both two-bedroom and three-bedroom dwellings, which should contribute toward diversity in housing forms to meet a variety of accommodation needs.</p> <p>The proposal maintains cohesive streetscapes as a result of the proposed architectural style, street setbacks and front garden landscaping.</p>

<p><i>allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>	<p>The proposal will maintain the existing mature street tree in the road reserve.</p>
<p>Principles of Development Control</p> <p>1 The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	<p>Complies</p>
<p>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	<p>Complies</p>
<p>3 A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table:</p> <p>Minimum Site Area: Detached dwelling (Dwelling 1): 375 square metres Residential flat buildings (Dwellings 2 & 3): 300 square metres</p> <p>Minimum Frontage: Detached dwelling (Dwelling 1): 12 metres Battle-axe allotment (Dwellings 2 & 3): 4 metres</p> <p>Minimum Depth: Detached dwelling (Dwelling 1): 20 metres Residential flat buildings (Dwellings 2 & 3): 45 metres</p>	<p>Does Not Comply Dwelling 1: 264.3 m² Dwellings 2 & 3: 213.7 m²</p> <p>Complies Dwelling 1: 14.3 metres Dwellings 2 & 3: 4.0 metres</p> <p>Does Not Comply Dwelling 1: 18.2 metres Complies Dwellings 2 & 3: 45.3 metres</p>
Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u> Complies Dwelling 1: 91.8 m² = 34.7% Does Not Comply Dwellings 2 & 3: 50.5%</p> <p><u>Floor area ratio:</u> Complies Dwelling 1: 0.46</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The excess in site coverage of Dwellings 2 and 3 does not compromise the dwellings' ability to satisfy the relevant setback and private open space criteria, and should not result in adverse impacts to adjoining properties.</p>

<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles. <p>General Section: Residential Development: PDC 14</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>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 15</p>	<p>Complies</p> <p>Approximately 181 m² = 21.9%</p>						
<p>Private Open Space</p>							
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>	<p>Complies</p> <p>Dwelling 1: 72.0 m² = 27.2% with a minimum dimension of 5.7 metres and minor gradient Dwellings 2 & 3: 53.0 m² = 24.8% with a minimum dimension of 5.8 metres and minor gradient</p>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Site area of dwelling</th> <th style="width: 15%;">Minimum area of POS</th> <th style="width: 70%;">Provisions</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">175 square metres or greater</td> <td style="vertical-align: top;">20 per cent of site area</td> <td style="vertical-align: top;"> 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. </td> </tr> </tbody> </table>		Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly 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.
Site area of dwelling		Minimum area of POS	Provisions				
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<p>Residential Zone: PDC 7</p>							
<p>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</p> <ul style="list-style-type: none"> (a) to be accessed directly from the internal living rooms of the dwelling (b) to be generally at ground level (other than for dwellings without ground level internal living rooms) (c) to be located to the side or rear of a dwelling and screened for privacy (d) to take advantage of, but not adversely affect, natural features of the site (e) to minimise overlooking from adjacent buildings (f) to achieve separation from bedroom windows on adjacent sites (g) to have a northerly aspect to provide for comfortable year round use (h) to not be significantly shaded during winter by the associated dwelling or adjacent development (i) to be partly shaded in summer (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site. <p>General Section: Residential Development: PDC 16</p>	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from the internal living rooms of the associated dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional. <p>Does Not Comply</p> <ul style="list-style-type: none"> g) The proposed POS areas maintain a southerly aspect, which means they will have limited access to sunlight in winter months. h) The POS areas are likely to be shaded during 						

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

winter by the associated dwelling, particularly the POS of Dwelling 1 (see shadow diagrams in Attachment III).

Building Setbacks from Road Boundaries

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

General Section: Design and Appearance: PDC 21

Complies

The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 6.1 – 6.8 metres is considered to contribute positively to the function, appearance and desired character of the locality, and is compatible with other new buildings in the locality.

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

Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:
<p>The diagram shows a road frontage with two existing buildings. The first building has a setback of 'a = 6m' and the second has a setback of 'b = 8m'. A new building is shown between them with a setback of 'new'. A dashed line indicates that the new building's setback is equal to the larger of 'a' or 'b'.</p>	
Greater than 2 metres	At least the average setback of the adjoining buildings

When $b > a \geq 2$, setback of new dwelling = a or b

General Section: Design and Appearance: PDC 22

Does Not Comply

Dwelling 1: 6.1 – 6.8 metres

(Dwellings on adjoining land set back approximately 9 and 12 metres, which equals an average setback of 10.5 metres)

PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks, and therefore PDC 22 is not strictly relevant to the proposal.

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

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

Residential Zone: PDC 6

Complies

Dwelling 1 ground floor: 1.0 metre
 Dwellings 2 and 3: 0.91 metres

Dwelling 1 upper floor (5.8 metre wall height):
 2.24 metres from eastern boundary

<p><i>Maximum length and height when wall is located on side boundary:</i> <i>(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</i> <i>(b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies Dwelling 1 (garage located on common property boundary): 6.2 metre length and 2.85 metres high</p>
Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i> <i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i> <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>Generally Complies Dwelling 1 (ground floor): 4.0 metres for 27.3% of lot width, and 5.7 metres remainder Dwellings 2 and 3: 5.8 metres Does Not Comply Upper floor: 5.9 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 Although the upper storey rear setback of Dwelling 1 does not comply with quantitative criteria, the rear setback is located adjacent to the vehicle manoeuvring areas of Dwellings 2 and 3. As such, the shortfall in setback should not impact on habitable areas of nearby properties, and therefore should not result in unreasonable impacts.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i> <i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies Dwelling 1: 2 storeys of not more than 7.2 metres Dwellings 2 & 3: 1 storey of not more than 4.35 metres</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p>Complies Dwellings 2 and 3 are single storey.</p>
Garages, Carports, Verandas and Outbuildings	
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p>Complies The proposed garages are located under the main roof of the associated dwelling, with complementary colours/materials/finishes.</p>
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	
<p>Parameter</p>	<p>Value</p>
<p>Maximum floor area</p>	<p>60 square metres</p>
<p>Complies</p>	

Maximum wall or post height	3 metres	Complies
Maximum building height	5 metres	Complies
Maximum height of finished floor level	0.3 metres	Complies
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street.	Complies Dwelling 1: garage set back 6.8 metres and 0.7 metres behind the main face of the dwelling
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies Dwelling 1: 6.2 metre length along boundary
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies Dwelling 1: 3.2 metres wide = 24.2% of façade width
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		Complies
Vehicle Parking		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		<p>Complies</p> <p>Dwelling 1 (3 beds): 2 spaces, 1 of which is covered</p> <p>Dwellings 2 & 3: 2 resident spaces and 2 visitor spaces</p> <p>(1.5 x 2 dwellings = 3 spaces + 1 visitor = 4 spaces required)</p>
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered	
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
<p>On-site visitor parking spaces should be sited and designed to:</p> <p>(a) not dominate internal site layout</p> <p>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</p> <p>(c) be accessible to visitors at all times.</p> <p>General Section: Transportation & Access: PDC 42</p>		<p>Partially Complies</p> <p>The proposed visitor spaces do not dominate the site layout. However, they are not clearly defined as visitor spaces and are located forward of each dwelling's garage.</p>
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>		<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p>

	<p>Does Not Comply d) e) The development shall result in a loss of on-street parking, as only 1 on-street car parking space shall remain available adjacent the subject land, where 2 spaces are currently available.</p>														
<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to: (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area (c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation & Access: PDC 44</p>	<p>Complies (a) (b) The development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner. (c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>														
<p>The provision of ground level vehicle parking areas, including 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.</p> <p>General Section: Transportation & Access: PDC 45</p>	<p>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.</p>														
<p>Access</p>															
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of: (a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>	<p>Does Not Comply The width of the proposed crossover varies between 6.8 and 7.9 metres, however the crossover provides access to all 3 dwellings. The proposed width is considered necessary to provide safe and convenient access.</p>														
<p>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.).</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies The proposed crossover is set back a minimum of 3.1 metres from the existing street tree.</p>														
<p>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p> <table border="1" data-bbox="172 1563 930 1792"> <thead> <tr> <th rowspan="3">Dwellings served</th> <th colspan="2">Trafficable width (metres)</th> <th rowspan="3">Width beyond first 6 metres</th> <th rowspan="3">Minimum landscape strips on both sides of driveway (metres)</th> </tr> <tr> <th colspan="2">Intersection with public road and first 6 metres</th> </tr> <tr> <th>Arterial roads</th> <th>Other roads</th> </tr> </thead> <tbody> <tr> <td>1 – 3</td> <td>6</td> <td>3</td> <td>3</td> <td>0.5</td> </tr> </tbody> </table> <p>General Section: Residential Development: PDC 41</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	<p>Complies Driveway width of 3.0 metres with 0.5 metre landscaping strips along both sides</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											
<p>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.</p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Complies The proposed driveway crossovers are grouped together.</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, and incorporate a relatively contemporary design.

Dwelling 1 incorporates a feature portico of brown face brickwork and Surfmist cladding. The remainder of the façade is finished in Off-white render. The dwelling's upper and lower storeys are stepped to minimise building height, mass and proportion, while the eave overhang minimises the bulk and scale of two storey walls.

Dwelling 2 and 3 also incorporate an Off-white render finish with feature brown face brickwork and Surfmist cladding underneath the fascia.

All dwellings have Shale Grey roof decking at 20-degree pitch and Surfmist garage doors.

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

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

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

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

Dwelling 1 features a 1.8-metre-high black powder-coated tubular front fence, which should provide a sense of security for residents, while also enabling visibility of the proposed front garden landscaping. The front entry door and portico of Dwelling 1 presents to the street.

Dwellings 2 and 3 also feature an entrance door on their front elevation and a selection of landscaping forward of the dwelling. However, being on a hammerhead allotment, visibility from the street is limited.

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

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.

Its elevations feature a mixture of render, cladding, brickwork, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

a) North-facing windows of living rooms of existing dwellings should not be overshadowed between 9 am and 3pm in winter solstice.

b) Given that south forms the rear boundary of the subject land, a majority of winter shadow will be cast within the rear yards of the proposed dwellings. Some shadow will also be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

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

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

Dwelling 1's upper level windows on its side and rear elevations incorporate a sill height 1.8 metres above floor level. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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

Noise

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

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

General Section: Residential Development: PDC 30

Complies

Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1.3 metres and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 30.

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

Site Facilities and Storage

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

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

General Section: Residential Development: PDC 31

Partially Complies

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Partially Complies

The site's orientation (with the front boundary oriented north) makes it difficult to provide energy efficient dwelling orientation with typical modern dwelling layouts (living areas located at the rear of the dwellings, opening out onto the POS area). A southern orientation means that these living/POS areas will receive limited sunlight in winter months.

That being said, the proposal has been designed to utilise the northern aspect as best as possible. Dwelling 1 incorporates its living area and glass sliding doors on its front northern elevation, which open out onto the front garden area. The dwelling also features north-facing windows to all 3 bedrooms for maximum exposure to winter sunlight.

Dwellings 2 and 3 have limited opportunity to maximise northern living areas, as this would result in living areas facing the common driveway.

On balance, the energy efficiency of the proposed dwellings is considered adequate.

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

Landscaping is proposed throughout the development site, including Manchurian Pear and Silver Birch trees in the front garden of Dwelling 1. A selection of English Box Hedge, Screen Master and Lavender bushes are proposed throughout the remainder of the site, including adjacent the common driveway and vehicle manoeuvring areas.

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 indicative floor levels suggest that minimal earthworks and retaining walls will be required. Recommended Condition of Consent 2 requires that an engineered siteworks and drainage plan be provided to Council for consideration and approval prior to the issue of Development Approval.

Land Division

When land is divided:

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

General Section: Land Division: PDC 1

Complies

- a) Stormwater is capable of being drained safely and efficiently from the allotment, subject to recommended conditions of consent 2, 3, 4 and 5.
- b) SA Water have confirmed that water supply is available (subject to conditions).
- c) SA Water have confirmed that sewerage connection is available (subject to conditions).
- d) N/A

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

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

General Section: Land Division: PDC 2

Complies

- a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use.
- b) All allotments will have a frontage to the public road (when including the common driveway).
- c) Minor cut/fill is required
- d) Erosion is unlikely
- e) The area is sewerd
- f) The intended use of the allotments is consistent with the zone objectives
- g) The allotments are located wholly within the zone and policy area.

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

General Section: Land Division: PDC 3

Complies

The design of a land division should incorporate:

- (a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities*
- (b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare*
- (c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones*
- (d) suitable land set aside for useable local open space*
- (e) public utility services within road reserves and where necessary within dedicated easements*
- (f) the preservation of significant natural, cultural or landscape features including State and local heritage places*
- (g) protection for existing vegetation and drainage lines*
- (h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development*
- (i) the preservation of significant trees.*

General Section: Land Division: PDC 7

Complies

<p><i>Allotments in the form of a battleaxe configuration should:</i></p> <p><i>(a) 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)</i></p> <p><i>(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction</i></p> <p><i>(c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape</i></p> <p><i>(d) be avoided where their creation would be incompatible with the prevailing pattern of development.</i></p> <p><i>General Section: Land Division: PDC 8</i></p>	<p>Does Not Comply</p> <p>a) The area of the allotments does not satisfy the minimum allotment sizes for the proposed form of dwelling</p> <p>Complies</p> <p>b) Complies</p> <p>c) Complies</p> <p>d) Complies; other battleaxe developments are evident in the locality.</p>
<p><i>Access ways serving allotments in the form of a battleaxe configuration should:</i></p> <p><i>(a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:</i></p> <p><i>(i) 4 metres for an allotment that accommodates no more than 3 dwellings</i></p> <p><i>...</i></p> <p><i>General Section: Land Division: PDC 9</i></p>	<p>Complies</p>
<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p><i>(a) minimises the need for earthworks and retaining walls</i></p> <p><i>(b) maintains natural drainage systems</i></p> <p><i>(c) faces abutting streets and open spaces</i></p> <p><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></p> <p><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p> <p><i>General Section: Land Division: PDC 10</i></p>	<p>Complies</p>
<p><i>The layout of a land division should provide for efficient solar access.</i></p> <p><i>General Section: Land Division: PDC 11</i></p>	<p>Does Not Comply</p> <p>Solar access is poor due to the north-south orientation of the allotment. However, this cannot be practically addressed via the proposed land division.</p>
<p><i>The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p> <p><i>General Section: Land Division: PDC 21</i></p>	<p>Complies</p> <p>a) The allotments provide opportunities for adequate on-site car parking.</p> <p>b) High frequency bus routes run along South Road, which are located within walking distance of the dwellings.</p> <p>Does Not Comply</p> <p>c) 1 on-street car parking space shall remain available adjacent the subject land. It is anticipated that on-street parking demand will increase as a result of the increased dwelling density on the land.</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>1 on-street car parking space is available within the 10.8 metre distance of upright kerb forward of the subject land. This does not satisfy PDC 22, which suggest that 1.5 on-street car parking spaces should be provided for the proposed 3 dwellings.</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, where relevant, discussed in further detail below:

Shortfall	Development Plan criteria	Proposed	Extent of Shortfall
Site areas	375 m ² (detached dwelling)	264.3 m ²	110.7 m ²
	300 m ² (residential flat building)	213.7 m ²	86.3 m ²
Site depth	20 m (detached)	18.2 metres	1.8 metres
Site coverage	40%	50.5%	10.5% excess
POS orientation	To have a northerly aspect to provide for comfortable year round use; to not be significantly shaded during winter by the associated dwelling	POS areas face south	-
Front setback	Average of adjoining dwellings (in this case, 10.5 metres)	6.1 – 6.8 metres	4.4 metres
Upper level rear setback	8 metres	5.9 metres	2.1 metres
Visitor park layout	Visitor parks not associated with a particular dwelling	Visitor parks located forward of the associated dwelling	-
On-street car parking	1 space per 2 dwellings (in this case, 2 spaces)	1 space	1 space
Crossover width	5 metres	6.8 - 7.9 metres	1.8 – 2.9 metres excess

Site Areas

The site area of Dwelling 1 equals 264.3 square metres, where a minimum site area of 375 square metres should be provided for a detached dwelling. This represents a considerable shortfall of 111 square metres; 29.5% below the minimum requirement.

The site areas of Dwellings 2 and 3 also fall short of minimum criteria at 213.7 square metres, where a minimum site area of 300 square metres is prescribed. This equates to a shortfall of 86.3 square metres per dwelling, or 28.8%. It is noted that this figure excludes the common driveway, visitor car parks 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 size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. The subject land maintains an overall site area of 828.2 square metres; resulting in an average site area of 276.1 square metres per dwelling. This average site area still falls short of the minimum 300 square metres required for group and residential flat buildings in the Northern Policy Area 13, but would satisfy the minimum required for 3 row dwellings.

It is noted that two row dwelling developments with similar site areas to that proposed are located nearby at the corner of Hendon and Norrie Avenue. However, it is acknowledged that row dwellings provide a more efficient use of land, as each dwelling has an exclusive frontage

to the public road with its own driveway, whereas a considerable portion of the subject land is used for the common driveway and vehicle manoeuvring areas. Hence row dwellings are permitted a smaller site area than detached and group dwellings.

Developments with the same dwelling types and layout as that proposed (comprising a two storey detached dwelling and two single-storey dwellings behind) have been constructed in the locality at 15 Hendon Street, 4 Hendon Street and 23 Finchley Street. However, these sites maintained total site areas varying between 850 and 906 square metres - larger than the subject land.

As such, development of similar density to that proposed exist in the locality, but only in the form of row dwellings. The proposed site areas would be the smallest in the locality for the subject dwelling types/layout.

That being said, development case law in South Australia has established that failure to meet site area does not necessarily warrant refusal of an application. In the case of *Dottore and Rocca v City of Burnside [2004] SAERDC 48*, Commission Hodgson made the following observations:

"In many instances, a deficiency in site area is likely to manifest itself in a failure to meet other important quantitative requirements, such as setbacks, site frontage, and site coverage. In this instance, that is not the case, the shortfall in side setback and the exceeding of site coverage limits being so small as to be inconsequential. That is not to say that minimum site area restrictions can be ignored with impunity, but rather, to say that the significance of any site area deficiency should be assessed in the context of a proposal's capacity to satisfy other relevant quantitative and qualitative provisions of the Development Plan."

Accordingly, the significant extent of the shortfall in site areas is acknowledged and considered on balance with the proposal's merits.

Site Depth

Dwelling 1 maintains a depth of 18.3 metres where 20 metres is prescribed. This 1.7 metre shortfall is relatively minor, and the depth of the allotment is still deemed sufficient to provide a usable site for the proposed dwelling. Further, it is noted that if Dwelling 1 were to share the common land of the other two dwellings, it would be akin to a group dwelling, and the overall site depth of 45.3 metres would exceed the recommended 45 metres. The fact that the site of Dwelling 1 is held exclusively by the dwelling is not considered to create a need for additional site depth.

Site coverage

The building footprint of Dwellings 2 and 3 covers 50.5% of their respective site areas, which exceeds the applicable maximum of 40%. The overall coverage of the entire site, however, equals only 37.2%, which is below that anticipated in Policy Area 13. Further, sufficient open area is provided for private open space, landscaping and setbacks, and therefore the discrepancy in site coverage should not detrimentally impact the development site or adjacent land.

Dwelling 1 front setback

The proposed front setback of Dwelling 1 does not meet the average of adjoining properties, however the setback is typical of new dwellings in the locality. It is not considered necessary to meet the average of adjoining properties in this instance given that the Desired Character of the Northern Policy Area 13 anticipates that new dwellings will be set back a lesser distance from the front boundary than original dwelling stock.

Dwelling 1 rear setback

The shortfall in upper level rear setback of Dwelling 1 should not result in adverse impacts to adjoining land given that:

- a) it relates to the proposed internal rear boundary; and
- b) the proposed rear boundary is adjacent to vehicle manoeuvring areas of Dwellings 2 and 3.

On street parking

The proposal maintains a shortfall of one on-street parking space. A distance of 10.8 metres exists between the proposed driveway and neighbour driveway, which falls short of the 12 metres that ought to be provided for 2 parking spaces. That being said, the distance may be sufficient for 2 small cars.

ANALYSIS/CONCLUSION

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

It is acknowledged that the proposal maintains a number of numerical shortfalls, the most significant involving site areas. Whilst the shortfall in site areas is significant, it does not appear to unreasonably constrain the development site given that setbacks, private open space and site coverage are generally appropriate. Further, the limited site area for Dwellings 2 and 3 has resulted in the provision of 2-bedroom dwellings, whereas typical residential flat dwellings on 300 square metre allotments commonly maintain 3 bedrooms. As such, the lesser site areas contribute to housing diversity and different accommodation options in the locality, which is encouraged in the Desired Character of the Northern Policy Area 13.

The proposal also maintains several other non-compliances such as site coverage, site depth of Dwelling 1, POS orientation, front setback and on-street parking spaces. Further assessment and consideration of the potential impacts of these shortfalls suggests that they do not unreasonably jeopardise the functionality of the proposed development, nor do they result in undue impacts to adjacent land or the locality.

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

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/2367 to undertake a Community Title Land Division (1 into 3 allotments) and to construct a two-storey detached dwelling and a single-storey residential flat building comprising two dwellings, with associated fencing and landscaping at 36 Norrie Avenue, Clovelly Park, be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/2367, being drawing prepared by Frank Perrone Building Design & Construction titled "amended planning 17.11.16" and Proposal Plan Community Division prepared by Pennino & Associates referenced "NorrAve-PP Rev-01 30/11/2016", except when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor 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. 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. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.

7. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
8. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

Land Division Consent

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

For SA Water to further assess this application, the developer must advise SA Water their preferred servicing option. Information can be found at: <http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information> For queries call SA Water Land Developments on 7424 1119. An investigation will be carried out to determine if the connections to the development will be costed as standard or non-standard.

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

2. Payment of \$13352 into the Planning and Development Fund (2 allotment(s) @ \$6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

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

4. **Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).**
5. **Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
6. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 18 January 2017

Agenda Ref No: DAP180117 – 2.6

Originating Officer: Alex Wright
Development Officer - Planning

Applicant: SKS Surveys Pty Ltd

Development Description: Residential Land Division - Community Title 1 into 3 allotments and subsequent construction of a two (2) storey detached dwelling and a single storey residential flat building comprising two (2) dwellings and associated landscaping.

Site Location: 87 Bells Road, Glengowrie

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1/ Consent

Lodgement Date: 11/05/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/842

DAC Reference No: 100/D095/16

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

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed dwellings supporting allotment areas less than the minimum sought within the Northern Policy Area 13. Dwelling 1 supports an allotment area less than the minimum 375 square metres required for a detached dwelling, whilst Dwellings 2 and 3 support allotments areas less than the minimum 300 square metres required for residential flat buildings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

The application originally sought approval for three two storey row dwellings, however, upon referral to Council's Coordinator Arboriculture it was determined an existing Council street tree located within Council's Road reserve must be retained due to its health, size and contribution

to the existing streetscape. As such, an alternative design which retained the street tree was sought and subsequently the proposal was amended to the current scheme.

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

Amendments Requested	Amendments Made
Alternative dwelling design /proposal required in order to retain the existing Council Street Tree.	Proposed amended from three two storey row dwellings to a two storey detached dwelling and a single storey residential flat building comprising two dwellings.
Vehicle manoeuvrability spaces for allotments containing Dwellings 2 and Lot 3 must be amended to enable the provision of safe and convenient movements.	Vehicle turning spaces increased.

SUBJECT LAND & LOCALITY

The subject allotment is located to the northern side of 87 Bells Road, Glengowrie. The allotment is rectangular and supports a frontage width of 20.42 metres, a depth of 44.96 metres and an overall allotment area of 918 square metres. The site currently accommodates a 1960's era dwelling in reasonable condition and multiple outbuildings to the rear. A large non-regulated gum tree (circumference is less than 2 metres) is located within the existing front yard in addition to low to medium vegetation. Vehicular access is currently available from Bells Road, adjacent the western boundary of the allotment and is proposed to be reused as part of the proposed development. The contour of the land is relatively flat.

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 within the immediate locality displays a presence of two storey detached and semi-detached dwellings.

The subject site is located within close proximity to Adelaide Metro bus services (Bells and Morphett Road) which provides access to Marion Regional Centre and the Adelaide CBD, is within 300m of the Denham Avenue Neighbourhood Centre Zone and 300-500m of Kellett Reserve and Hazelmere Reserves respectfully.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes a Community Titled residential sub-division to create two additional allotments (three in total) and the construction of a two (2) storey detached dwelling facing Bells Road, and a single storey residential flat-building comprising two (2) dwellings to the rear.

Dwelling 1 is two storey in nature and incorporates a study, bathroom and three bedrooms with a single en-suite on the upper level whilst the ground level incorporates a laundry, bathroom and open plan kitchen/living/meals area with direct access to the main area of private open space. A double width carport is situated along the eastern boundary, which seeks to gain access via a new crossover located adjacent the western side boundary.

Dwellings 2 and 3 (residential flat dwellings) are single story in nature and incorporate three bedrooms, an en-suite, laundry area with garage, water closet and an open plan kitchen/living/meals area with direct access to the associated area of private open space. Both dwellings are provided with single width garages and an associated visitor space. Vehicular

access is achieved through an internal common driveway running the length of the western boundary.

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

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

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

Refer Attachment VI

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>

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

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

PDC 1	<p><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> 	Complies
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	Complies
PDC 3	<p><i>Minimum Site Area:</i> <i>Dwelling 1: 375 square metres</i> <i>Dwelling 2 & 3: 300 Square metres</i></p>	<p>Does Not Comply Dwelling 1: 269.9m² Dwelling 2 & 3: 228.5m²</p>
	<p><i>Minimum Frontage:</i> <i>Dwelling 1: 12 metres</i> <i>Dwelling 2 & 3: 4 metres (hammerhead handle width)</i></p>	<p>Complies Dwelling 1: 14.21m Dwelling 2 & 3: 6.11m</p>
	<p><i>Minimum Depth:</i> <i>Dwelling 1: 20 metres</i> <i>Dwelling 2 & 3: 45 metres</i></p>	<p>Does Not Comply Dwelling 1: 17.58m Dwelling 2 & 3: 44.96m</p>

Assessment

The applicant proposes to replace one dwelling and construct three dwellings in its place. Objective 1 of the Residential Zone seeks a range of dwellings densities, whilst Principle 1 of the Northern Policy Area 13 envisages the construction of detached and residential flat-buildings. The proposal is considered to reflect the Objectives and Desired Character of the Residential Zone and Northern Policy Area 13 by replacing the existing housing stock with greater density development, whilst contributing positively to the area with the establishment of modern dwelling types at a higher density that differs to that typically found within the immediate locality. Furthermore, the development proposes a cohesive streetscape through the dwelling's design, as the height and bulk of the proposed two storey dwelling is not considered to adversely impact upon the amenity of neighbouring development.

Furthermore, the site is located within relatively close proximity to a number of desirable attributes where higher densities are sought. Future occupants will be within walking distance of Adelaide Metro Bus services, the Denham Avenue Neighbourhood Centre Zone and Kellett and Hazelmere Reserves.

Site Area

The site area of each proposed allotment fails to meet the minimum prescribed for detached and residential flat buildings within the Northern Policy Area 13. Detached dwellings require a minimum 375 square metres whereas residential flat buildings require an average site area of 300 square metres.

Dwelling 1 achieves an allotment area of 269.9 square metres, which equates to a shortfall of 105.1 square metres (28%). Although the undersized nature of the allotment is significant, the two storey design of the dwelling has demonstrated that the lack of site area has not adversely compromised the provision of appropriate area of private open space or setbacks to boundaries (as discussed within this report). Furthermore, the allotment maintains a frontage width of 14.31 metres, 2.31 metres greater than the required 12 metres within this policy area. As such, in my opinion, the undersized nature of the allotment will not be as apparent from the street as the predominant pattern of wider frontages for detached dwellings will be maintained.

Dwellings 2 and 3 incorporate an average site area of 228.5 square metres, which equates to a shortfall of 71.5 square metres (23.83%).

It is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with General Section: land Division Principle of Development Control 8, which stipulates

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

If the driveway and manoeuvring areas were to be included within site area calculations, the combined allotment and driveway area of allotments 2 and 3 would equate to 648.1 square metres, or 324.05 square metres per allotment – well above the minimum 300 square metres sought.

The above notwithstanding, given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area.

Although all proposed site areas are significantly less than that sought for their respective dwelling type, the land, with a total site area of 918 square metres is of adequate size to yield 3 dwellings in a row dwelling configuration, or 3 dwellings in a group/residential flat building configuration (when including the common driveway in site area calculations). As such, in my view, subject to achieving appropriate compliance with Council's Development Plan, the subject land could be developed to accommodate three dwellings.

In my opinion, the shortfall in site areas is not fatal to the merit of the subject application. This is further demonstrated by the ability of the dwellings to satisfy a majority of other design criteria (illustrated in the below table, and discussed further below).

Site Depth

Dwelling 1 proposes an allotment depth of 17.58 metres, 2.42 metres short of that sought for detached dwellings within the Northern Policy Area 13. Whilst the site depth does not comply with the quantitative provisions of the Policy Area, it is not considered fatal to the functionality of the dwelling, provision of acceptable area and dimensions of private open space or compromise the streetscape or amenity of adjoining land.

The 40mm shortfall in overall allotment depth to accommodate residential flat buildings is considered inconsequential given each dwelling is afforded with appropriate setbacks to boundaries, vehicular manoeuvrability and functional dimensions/area of private open space.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Site coverage: Does Not Comply Dwelling 1: 119.46m² / 44.26% Dwelling 2 & 3: 136.94m² / 59.92%</p> <p>(Site Coverage for whole of land: 393.34m² / 42.8%)</p> <p>Floor area ratio: Complies Dwelling 1: 0.52</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p>

The Northern Policy Area 13 prescribes a maximum site coverage of 40% where Dwelling 1 proposes site coverage of 44.26% and Dwellings 2 and 3 site coverage of 59.92%.

The excess in site coverage of Dwelling 1 is considered minor in nature and will not result in unreasonable impacts on the future occupants or adjacent allotments.

Although the proposed site coverage of Dwellings 2 and 3 is considerably high, each dwelling has been afforded with adequate side and rear setbacks, vehicle turning areas that enable the provision of safe, efficient and convenient manoeuvring and adequate dimensions/area of private open space. Additionally, given the single storey nature of the proposal the excess in site coverage is unlikely to result in overshadowing of the areas of private open space or create adverse visual impacts on adjoining properties. Furthermore, site coverage for the whole of the

land is approximately 42.8% indicating the overall extent of site coverage proposed is not excessive.

Private Open Space		
<i>Dwellings should include POS that conforms to the requirements identified in the following table:</i>		
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.
<i>Residential Zone: PDC 7</i>		
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from the internal living rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i> <i>(c) to be located to the side or rear of a dwelling and screened for privacy</i> <i>(d) to take advantage of, but not adversely affect, natural features of the site</i> <i>(e) to minimise overlooking from adjacent buildings</i> <i>(f) to achieve separation from bedroom windows on adjacent sites</i> <i>(g) to have a northerly aspect to provide for comfortable year round use</i> <i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(i) to be partly shaded in summer</i> <i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <ul style="list-style-type: none"> <i>(a) any area covered by a dwelling, carport, garage or outbuildings</i> <i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i> <i>(c) common areas such as parking areas and communal open spaces</i> <i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i> <i>(e) any area at ground level with a dimension less than 2.5 metres</i> <p><i>General Section: Residential Development: PDC 17</i></p>		
<p>Complies</p> <p>Dwelling 1: 59.7m² / 22.1% Dwelling 2 & 3: 45.8m² / 20%</p> <p>Each dwelling achieves one part that is equal to or greater than the site area and includes minimum 5m by 5m dimensions.</p>		
<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwellings and is capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional. 		

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

General Section: Residential Development: PDC 22

Complies

Building Setbacks from Road Boundaries

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

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

General Section: Design and Appearance: PDC 21

Complies

The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 5.0 metres is considered to contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 22

Partially Complies

Dwelling 1: 5 metres

(Dwelling to the east on adjoining land is set back approximately 7.5 metres, the adjacent dwelling to the west presents to Wilkins Street).

PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks. The proposed front setback provides transition between the side setback of the adjacent dwelling to the west (21 Wilkins Street) and front setback of the dwelling to the west (89 Bells Road). Furthermore, it is my view that the stepping back of the garage assists in providing additional transition to the dwelling on adjacent land.

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

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

Residential Zone: PDC 6

Complies

Dwelling 1
Ground Floor: 1.75m (eastern) & 5.51m (western)
Upper Floor: 6.5m (eastern) & 5.51m (western)

Dwelling 2 & 3: 1.44m (eastern and western boundaries)

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<p>Rear Setbacks</p>	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply</p> <p>Dwellings 2 & 3: 2.5m (48.2%), increasing to 6.34m (35.6%)</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear setbacks of Dwellings 2 and 3 do not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are 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>
<p>Building Height</p>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Dwelling 1: 8.06m</p> <p>Dwelling 2 & 3: 4.45m</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p>Complies</p>

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

The carport associated with dwelling 1 incorporates a hip-end roof which is considered to complement the associated dwelling.

Dwelling's 2 & 3 feature an under main roof garage.

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
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Maximum floor area	60 square metres
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Complies

Dwelling 1: 37.2m²
Dwelling 2 & 3: 20.8m²

Maximum wall or post height	3 metres
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Complies

Dwelling 1: 3m

Maximum building height	5 metres
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Complies

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

Carport of Dwelling 1 is setback a minimum 500mm behind the main face of the dwelling.

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

6.45m

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)
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Complies

Dwelling 1: 45.4%

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

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

General Section: Residential Development: PDC 13

Complies

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

Complies

Dwelling 1 (3 bedrooms): 3 parking spaces provided, 2 of which are covered.

Dwelling 2 & 3 (3 bedrooms): 2 parking spaces per dwelling, 1 of each covered.

Detached	2 per dwelling containing up to 3 bedrooms one of which is to be covered.
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<p>Group <i>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>Table Mar/2 - Off-street Vehicle Parking Requirements.</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 a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply d) e) 1 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 (a) (b) Sufficient space has been provided that will enable 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.</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> <i>(a) not face the primary street frontage</i> <i>(b) be located to the rear of buildings with access from a shared internal laneway</i> <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 The parking areas for Dwellings 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>Access</p>		
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies The driveway of Dwelling 1 achieves a maximum width of 3.25 metres. Given this driveway services a double width carport, the proposed width is considered acceptable.</p> <p>The common driveway servicing Dwellings 2 and 3 achieves a maximum width of 3 metres.</p>	

<p>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.).</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and at least 4.8 metres from the existing street tree.</p>
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<p>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p>	<p>Complies</p>
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Dwellings served	Trafficable width (metres)			Minimum landscape strips on both sides of driveway (metres)
	Intersection with public road and first 6 metres		Width beyond first 6 metres	
	Arterial roads	Other roads		
1 – 3	6	3	3	0.5

General Section: Residential Development: PDC 41

<p>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.</p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Complies Vehicle access points are separated by a minimum distance of 6 metres.</p>
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Design & Appearance

<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 (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.</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>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 render colours on the front façade • Stepping of upper and lower storeys to provide articulation and to minimise building height, mass and proportion • The upper level of Dwelling 1 has been cantilevered over the ground level to provide further articulation • Eave overhang and pitched roof form at 20 degree slope • Fenestration <p>The dwellings incorporate a 20 degree Colorbond roof in Wallaby (grey), with rendered facades. The garage of Dwellings 2 and 3 feature Grey Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
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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

Dwelling 1 has been designed so that its main façade faces the primary street, presenting an entrance door, portico and habitable windows to the street. Additional landscaping has been provided forward of Dwelling 1.

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.

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

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

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

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

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

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

Noise

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

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

General Section: Residential Development: PDC 30

Complies

Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 500mm and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

Site Facilities and Storage

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

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

General Section: Residential Development: PDC 31

Partially Complies

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

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

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

The dwellings 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

The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas. Higher level plantings are proposed forward of Dwelling 1 and within the common driveway adjacent the western façade to further aid in reducing and softening the visual bulk/scale posed by the two storey nature of the dwelling.

Land Division	
Objectives	Complies
<i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing underutilised infrastructure and facilities.</i>	Complies
<i>2 Land division that creates allotments appropriate for the intended use.</i>	Complies
<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>	Complies
Principles of Development Control	Complies
<p><i>1 When land is divided:</i></p> <p><i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i></p> <p><i>(b) a sufficient water supply should be made available for each allotment</i></p> <p><i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i></p> <p><i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></p>	<p>The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.</p>
<p><i>2 Land should not be divided if any of the following apply:</i></p> <p><i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i></p> <p><i>(b) any allotment will not have a frontage to one of the following:</i></p> <p style="padding-left: 20px;"><i>(i) an existing road</i></p> <p style="padding-left: 20px;"><i>(ii) a proposed public road</i></p> <p style="padding-left: 20px;"><i>(iii) access to a public road via an internal roadway in a plan of community division</i></p> <p><i>(c) the intended use of the land is likely to require excessive cut and/or fill</i></p> <p><i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i></p> <p><i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i></p> <p><i>(f) the intended use of the land would be contrary to the zone objectives</i></p> <p><i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></p>	<p>Complies</p> <p>a) It has been demonstrated that the allotments are suitable for their intended use.</p> <p>b) The allotment for Dwelling 1 will have frontage to a public road. Access to the Allotments for Dwellings 2 and 3 is via a shared driveway with access to a public road.</p> <p>c) No excessive cut and/or fill is required as the subject land is relatively flat.</p> <p>d) Boundary realignment is unlikely to result in undue erosion of the subject land or locality.</p> <p>e) The site has access to existing services.</p> <p>f) Detached dwellings and residential flat dwellings and are an envisaged built form in the Residential Zone</p> <p>g) Boundary realignment will remain in the Northern Policy Area 13 within the Residential Zone.</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>	Complies
<p><i>10 Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p><i>(a) minimises the need for earthworks and retaining walls</i></p> <p><i>(b) maintains natural drainage systems</i></p> <p><i>(c) faces abutting streets and open spaces</i></p> <p><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></p> <p><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p>	Complies

<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Complies</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: (a) the size of proposed allotments and sites and opportunities for on-site parking (b) the availability and frequency of public and community transport (c) on-street parking demand likely to be generated by nearby uses.</p>	<p>Complies a) Adequate on-site parking available b) Public transport services are accessible in the wider locality 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>

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, greater than that of the original housing stock and is located within close proximity to public transportation routes, a neighbourhood centre and large areas of open space.

Assessment of the proposal against the quantitative and qualitative Development Plan provisions has demonstrated that the proposal complies with a significant number of applicable criteria and achieves appropriate design outcomes envisioned for residential development. It is acknowledged however the proposal maintains significant shortfalls relating to the site area of each allotment and high site coverage for Dwellings 2 and 3. Whilst each allotment is undersized, the design and layout of the dwellings demonstrates that the sites areas are of sufficient size to accommodate a detached dwelling and residential flat building comprising two dwellings in the form proposed. Furthermore, the excess in the dwelling footprints has not come at the expense of the amount of POS provided for each dwelling, nor the achievement of appropriate setbacks to boundaries.

The proposal also maintains several other quantitative shortfalls; however, these shortcomings have not resulted in a poor layout and design of the dwellings, nor do they adversely impact the amenity of adjacent properties, the streetscape or the locality. These shortfalls, in my opinion, are relatively minor in nature and consideration of their potential impacts and consequences demonstrates that they do not adversely jeopardise the layout and function of the proposed development, nor do they result in unreasonable impacts on the amenity of adjacent land, the streetscape or the immediate locality.

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) Development Plan Consent and Land Division Consent pursuant to section 33(1)(d) of the Development Act 1993 is hereby granted to Development Application No: 100/842/2016 (issued with Development Assessment Commission land division application number 100/D095/16) for Land Division - Community Title 1 into 3 allotments and further development of those allotments for the construction of a two (2) storey detached dwelling and a single storey residential flat building comprising two (2) dwellings and associated landscaping at 87 Bells Road, Glengowrie, 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. 100/2016/842 & 100/D095/16, being drawings:
 - SK01.B, SK01.C, SK03.B prepared by Alexander Brown Architects, received by Council 12 December 2016
 - 'Plan of Proposed Division' prepared by SKS Surveys Pty Ltdexcept when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
3. 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 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.

LAND DIVISION CONDITIONS

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

The alteration of internal drains to the satisfaction of SA Water is required.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

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

2. Payment of \$12976 into the Planning and Development Fund (2 lots @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).

3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 January 2017

Agenda Ref No:	DAP180117 – 2.7 <i>Previously deferred at DAP211216</i>
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	City Of Marion
Development Description:	To erect six (6) light towers, incorporating a maximum height of 12 metres (excluding light fixture atop)
Site Location:	2-6 York Avenue, Clovelly Park
Zone:	Residential
Policy Area:	Northern Policy Area 13
Application Type:	Consent / Category 3
Lodgement Date:	21/09/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1752
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

BACKGROUND

As members will recall, the subject application was considered by the Panel at its meeting of 21 December 2016, whereby a decision upon the application was deferred for the following reasons;

- 1. To invite the applicant to consider reducing the hours and/or days in which the lights are to be operational;**
- 2. To consider a reduction in the height of the tower structures;**
- 3. To review the design of the proposal, with a view to reducing the light spill impact upon adjacent residential properties by way of shielding or other methods;**
- 4. To provide a greater level of information regarding car park and traffic management during times of high visitation (for the sporting Club).**

The applicant has revisited the proposal in light of the Panel's position, and amended the proposal where practicable and provided additional information for the benefit of the Panel.

For all other relevant plans for this proposal, please refer to the Agenda of 21 December 2016, or contact the author of this report.

DISCUSSION

The applicant has amended the proposal and provided additional information as shown in the table below;

Original Proposal	Amended proposal
Lights to be operational Monday – Thursday (inclusive) 5.00pm – 10.00pm	Lights to be operational Monday, Tuesday and Wednesday only from 5.00pm – 9.30pm
	Use of the lights until 9.00pm for up to 6 (six) times per year for Club events, such as coaching clinics, fundraising events and the like (for days other than Monday, Tuesday or Wednesday)
	Confirmation that when the lights are operational, netball activities will conclude by 9.00pm, with use of the lights up to 9.30pm for the collection of sporting equipment
	A 15 minute break is to be scheduled between netball training groups to minimise chance of ‘doubling up’ of change-over vehicles
	Provision of a traffic management policy provided to all Club members

For clarity, the comments below relate to each of the Panel’s reasons for deferral.

1. To invite the applicant to consider reducing the hours and/or days in which the lights are to be operational

The amended proposal seeks to reduce the number of days in which the lights are operational from four to three, being; Monday – Wednesday (previously Monday – Thursday).

Furthermore, the applicant has amended the hours in which the lights will operate, being from 5.00pm – 9.30pm (previously 5.00pm – 10.00pm). The applicant has also advised that when the lights are operational, sports training will be completed by 9.00pm, and use of the lights until 9.30pm will be used to collect sporting equipment if required.

As indicated at the Panel’s last meeting, there may be many occasions when use of the lights will cease prior to the identified end time, however, this will depend upon day-to-day demand.

The applicant has identified the Club may wish to use the lights up to an additional 6 (six) times per year for Club events. Given the limited number, and infrequent nature of the proposed additional times of use, I do not consider such will have a severe impact upon the amenity of adjacent properties. (Recommended condition 4 seeks to control the additional use of the lights outside the standard training nights of Monday – Wednesday. For consistency, the hours of use in this condition are sought be consistent with the hours of use other evenings).

In summary, it is considered the amended proposal addresses the Panel’s reason for deferral 1.

2. To consider a reduction in the height of the tower structures;

The applicant has made contact with the light supplier, Sports Lighting SA, who has advised that the proposed height of 12.0 metres provides the optimum playing/training conditions.

The supplier advises that lowering the lights, whilst possible, will result in greater glare/light spill experienced by users of the playing surface and adjacent residents, and as such, will not result in improved amenity outcomes as desired by the Panel.

Please refer to Attachment I for correspondence between applicant and light supplier.

In this respect, whilst a reduced height of the lighting towers has not been proposed, the applicant has provided justification for the height proposed.

3. To review the design of the proposal, with a view to reducing the light spill impact upon adjacent residential properties by way of shielding or other methods;

The light supplier has advised the light design “uses the standard rear shield provided with photo metric data and comes from the manufacturer...we would suggest waiting for the install to be put in and then assess any concerns if they arise”.

Whilst the proposal has not been amended to reduce light spill to adjacent properties, proposed condition of consent 2 provides Council the opportunity to review the impact of the lights post-construction, with an avenue for additional treatments to be incorporated if deemed necessary. From the applicant’s correspondence, the light supplier is comfortable with a post-construction review being undertaken.

In this regard, Panel Members are respectfully reminded the light spill in the submitted lux plan (please refer to previous Agenda documentation) identifies anticipated levels well below the accepted standard of 10 lux for a residential property (maximum lux reading of 5, received at the front boundary of 4 Cavan Terrace). As such, it should be considered that the light spill resulting from the proposed light towers does not offend the applicable Development Plan criteria.

Please refer to Attachment I for correspondence between applicant and light supplier.

4. To provide a greater level of information regarding car park and traffic management during times of high visitation (for the sporting Club).

The Club has advised that training schedules will provide a 15-minute break between sessions, which should minimise the traffic impacts of ‘change-over’ (as persons pick-up and drop-off participants). Whilst it is unknown whether there is currently a break between sessions, and if there is not, whether this contributes to residents’ concerns regarding on-street parking and traffic in local streets, it is anticipated the proposed 15-minute break should nonetheless assist in reducing the demand for on-street parking and peak traffic flows.

The Club has also advised of the following;

- Maintenance of a traffic management policy, handed to all members in their annual player handbook;
- Communication of this to members through their website and Facebook page;
- Verbal communication by all committee members/coaches on a team-by-team basis to parents at the season’s launch.

It is acknowledged that details of the traffic management proposed have not been provided by the Club at this stage.

Given the adjacent streets are owned by Council, there is limited influence the Club can have with respect to parking controls and the like, whilst the parking habits/behaviour of attendees will generally be out of the control of the Club. However, the additional provisions proposed by the Club are considered to going some way to reducing the impact of on-street parking and peak traffic flows.

Please refer to Attachment I for correspondence from the Club.

ANALYSIS/CONCLUSION

The applicant and Club has sought to address the Panel's reasons for deferral where practicable. This has resulted in reducing the days and hours the lights are to be operational, whilst the spacing of training times (with a break of 15 minutes between sessions) and education of attendees regarding minimising the impact of the parking of vehicles, will assist in reducing the demand for on-street parking and peak traffic flows, and therefore reduce the impact upon adjacent residents.

Therefore, it is my opinion that the revised proposal adequately satisfies the Panel's reasons for deferral.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2016/1752 to erect six (6) light towers, incorporating a maximum height of 12 metres (excluding light fixture atop) at 2-6 York Avenue, Clovelly Park be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1752, except when varied by the following conditions of consent.**
- 2. All external lighting shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.**
- 3. With the exception of condition 4, the maximum operable days and times the lights herein approved shall be limited to Monday to Wednesday (inclusive): 5:00pm to 9:30pm.**
- 4. Outside of the days and times in which the lights can be operational pursuant to condition 3, the lights can be operated up to a maximum additional 6 (six) times per calendar year, between the hours of 5.00pm – 9.30pm.**

Attachments

Attachment 1: Supporting documentation