

**DEVELOPMENT ASSESSMENT PANEL  
AGENDA FOR MEETING TO BE HELD ON  
WEDNESDAY 2 DECEMBER 2015**

- 1.1 PRESENT**
- 1.2 APOLOGIES**
- 1.3 IN ATTENDANCE**
- 1.4 COMMENCEMENT**
- 2. APPLICATIONS:**
  - 2.1 319 OAKLANDS ROAD, PARK HOLME**  
Additions to existing shopping centre comprising a new retail tenancy of 157.5 square metres in area with new advertising signage, relocation of the existing free standing sign located in the south-west corner of the subject land and alteration to existing car park  
DAP021215 – 2.1.....1
  - 2.2 1 SHAKESPEARE AVENUE, PLYMPTON PARK**  
Three (3) two-storey row dwellings and Torrens Title residential land division (1 into 3 allotments)  
DAP021215 – 2.2.....57
  - 2.3 5 HAWKER AVENUE, PLYMPTON PARK**  
Three, single storey row dwellings  
DAP021215 – 2.3.....108
  - 2.4 262-264B STURT ROAD, MARION**  
To position a shipping container on site for storage purposes  
DAP021215 – 2.4.....142
  - 2.5 29 GARDINER AVENUE, WARRADALE**  
Three (3) two storey row dwellings with associated landscaping, and to undertake a Torrens Title land division (1 into 3 allotments)  
DAP021215 – 2.5.....161
  - 2.6 321-325 STURT ROAD, BEDFORD PARK**  
To erect signage for a temporary period of up to 18 months  
DAP021215 – 2.6.....193

- 3. OTHER BUSINESS:**
- 3.1 INFORMATION ONLY ITEM**  
**2/546 MARION ROAD, PLYMPTON PARK**  
**Change of use to place of worship and associated ancillary uses**  
**DAP021215 – 3.1.....204**
- 3.2 APPEALS UPDATE**
- 3.3 POLICY OBSERVATIONS**
- 4. CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL**  
**HELD ON 2 DECEMBER 2015**
- 5. CLOSURE**

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 2 December 2015

<b>Agenda Ref No:</b>	<b>DAP021215 – 2.1</b>
<b>Originating Officer:</b>	<b>Rob Tokley Team Leader - Planning</b>
<b>Applicant:</b>	<b>Mr Brenton Burman</b>
<b>Development Description:</b>	<b>Additions to existing shopping centre comprising a new retail tenancy of 157.5 square metres in area with new advertising signage, relocation of the existing free standing sign located in the south-west corner of the subject land and alteration to existing car park</b>
<b>Site Location:</b>	<b>319 Oaklands Road, Park Holme</b>
<b>Zone:</b>	<b>Neighbourhood Centre</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>10/08/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1396</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

---

### CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns any development within a Centre Zone, where the site is adjacent land to land in a zone which is different to the zone that applies to the site of the development, 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

As Panel members are likely to be aware, a substantial upgrade has occurred to the Park Holme Shopping Centre in recent years (see 'Subject Land and Locality' below for further details). As part of more recent development applications for the centre, two development applications (100/1365/2013 and 100/1399/2013) have sought for the re-configuration of the western car park, to assist in alleviating traffic congestion at this part of the site during peak periods.

The works proposed in these applications is yet to occur on site. To ensure such works are to occur in a timely manner prior to the occupation of the proposed new shop tenancy, the application was amended following public notification to include these works. (Please refer to 'Proposed Development' below for further details).

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

Amendments Requested	Amendments Made
Remove proposed pedestrian access ramp adjacent the southern corner of the building to prevent pedestrians crossing through the car park entrance to minimise conflict between vehicles and pedestrians	Pedestrian ramp deleted and 'New Guard Rail' proposed surrounding the building to the north, west and south.
The application refers to works in development applications 100/1365/2013 and 100/1399/2013 to be undertaken as part of proposed site works. To ensure such works are undertaken prior to the occupation of the tenancy, the applicant is invited to amend the application to include those works as part of the subject development application.	Whilst plans submitted detailed these works, the applicant sought Council's permission to amend the application to include the works as part of the subject application. Council permitted application to be amended to include works.

## SUBJECT LAND & LOCALITY

The subject land is situated at 319 (Lots 13 and 14) Oaklands Road, Park Holme and comprises the Park Holme Shopping Centre and associated car parking.

The land incorporates an irregular shape, with a curved northern and western frontage to Oaklands Road of (approximately) 230 metres, an eastern frontage to Marion Road of (approximately) 116 metres and a southern frontage to Chambers Street of (approximately) 182 metres, providing a total site area of 1.35 hectares.

The Shopping Centre has recently been upgraded, including an expanded Coles supermarket towards the western side of the building, a new freestanding building towards the northern boundary of the property (comprising four tenancies) and realigned car parking spaces and landscaping throughout.

The locality is dominated by the arterial roads of Marion and Oaklands, both accommodating several thousand vehicles per day.

The Seaford rail-line is located 70 metres to the south-east of the site, bridging Marion Road.

Land uses surrounding the site are generally residential in nature, comprising low to medium density development within the Residential Zone.

Non-residential uses within the locality include the Ascot Park Bowling Club and Park Holme Tennis Club, to the north and west, respectively.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to construct an additional shop tenancy to the north of the existing Coles entrance.

The proposed shop will incorporate a total floor area of 157.5 square metres, the design of which has been altered during the assessment process to maintain all pedestrian access via the existing Coles entry portico/canopy.

The applicant has advised the use of the building will be for a shop, however, a tenant is yet to be confirmed.

The shop will be sited adjacent (north-west) of the existing Coles entry portico/canopy and will be sited in the area of the established landscaping bay. Two car parking spaces in this location will be removed to accommodate the building and associated pedestrian path that follows the perimeter of the building.

As a result of the built form, and need to improve the flow of traffic through the western part of the site during peak times, the application was amended to include works previously approved in development applications 100/1365/2013 and 100/1399/2013, which included the following;

- Extending the car parking adjacent the southern boundary of the property towards the west, providing an additional 3 car park spaces;
- Realigning an internal car park aisle, providing an additional 3 car park spaces;
- Creating a new exit-only (egress) to Oaklands Road to assist in reducing the number of vehicles relying upon the sole egress currently located to the north-west of the Coles tenancy; and
- Upgrading the entrance to the site, to improve traffic flow, pedestrian movements and safety and stormwater flows on Oaklands Road.

In addition to the above, the existing freestanding tenancy sign located towards the south-western corner of the site is to be relocated, to accommodate the extended car park area and new Oaklands Road egress.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	53 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	4 representations (1 against, 1 neutral and 2 in favour) were received by Council.
<b>Persons wishing to be heard:</b>	No representors identified they wish to present to the Panel.
<b>Summary of representations:</b>	<ul style="list-style-type: none"><li>• Concern if tenancy is to sell liquor;</li><li>• Increase in car parking and impact upon road safety;</li><li>• Additional landscaping should be planted to minimise the illegal parking of motor vehicles;</li><li>• Concern with light spill from the relocation of the freestanding tenancy sign;</li><li>• Increased risk of noise and traffic accidents from new Oaklands Road egress.</li></ul> <p><i>Refer Attachment IV</i></p>

<b>Applicant's response:</b>	The applicant has provided a response to the representations – please refer <i>Attachment V</i>
------------------------------	---

## GOVERNMENT AGENCY REFERRAL

<b>Department of Planning, Transport and Infrastructure (DPTI):</b>	<p>DPTI raised no objection to the proposed development, however, have sought a number of conditions to be included to any consent. These conditions have been included in the recommended decision.</p> <p>DPTI provided previous advice regarding the proposed alterations to the car park and new egress to Oaklands Road (development application 100/1399/2013). DPTI were supportive of these works, subject to conditions. Any conditions that were sought that were not replicated in that office's correspondence regarding the subject application have been included in the recommended consent.</p>
---	---

*Refer Attachment VI*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	Council's Development Engineer agreed with staff that the pedestrian ramp south of the proposed tenancy could lead to unsafe conditions and recommended the ramp be deleted from the proposal plans. No concerns raised with proposed car park alterations.
---------------------	---

## ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Neighbourhood Centre Zone are listed in the following table and discussed in further detail below:

<b>Neighbourhood Centre Zone</b>		
<i>Objective 1</i>	<i>A centre providing a range of facilities to meet the shopping, community, business, and recreational needs of the surrounding neighbourhood</i>	<b>Complies</b>
<i>Objective 2</i>	<i>A centre that provides the main focus of business and community life outside a district centre, and provides for the more frequent and regularly recurring needs of the community.</i>	<b>Complies</b>
<i>PDC 1</i>	<p><i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>...</li> <li>▪ shop</li> <li>...</li> </ul>	<b>Complies</b>
<i>PDC 2</i>	<i>Development listed as non-complying is generally inappropriate</i>	<b>Complies</b>

<p>PDC 5</p>	<p><i>The gross leasable retail floor area in the following centres should be limited to that shown in the table below...</i></p> <p><i>Marion Road – Park Holme 4500 square metres</i></p>	<p><b>Does Not Comply</b> Total proposed leasable area of the centre equates to 5732 square metres.</p>
<p>PDC 6</p>	<p><i>Development in the following respective centres should be carried out in accordance with the concepts shown on:...</i></p> <p><i>(c) Concept Plan Map Mar/4 – Park Holme Neighbourhood Centre</i></p>	<p><b>Complies</b> The pedestrian and vehicular access points in existence and proposed as part of this application are generally consistent with Concept Plan Map Mar/4.</p>

## Assessment

The proposal complies with a majority of the applicable criteria for the Neighbourhood Centre Zone, by proposing floor area for the use of a shop, which is consistent with the intended land uses for the zone.

It is acknowledged that the gross leasable area of the centre is proposed to increase to 5732.5 square metres, exceeding the maximum of 4500 sought for this site in accordance with Zone Principle 5.

However, it is of value to note that the floor area of the shopping centre prior to the upgrade extensions granted consent (by DAP in July 2010) exceeded the figure identified in Principle 5 by 269 square metres, at 4769 square metres.

The extensions granted in 2010 increased the floor area to 5575 square metres – an increase of 806 square metres (16.9%).

The subject application seeks to further increase the floor area of the centre by 157.5 square metres (2.82%), bringing the total floor area to 5732.5 square metres.

Whilst it could be argued that no further floor area should be permitted on the site, particularly on the western side of the building, where car park numbers are limited and manoeuvring is 'tight', the additional floor area will nonetheless add to the variety of shopping options at the centre, whilst I do not envisage the minor increase in floor area to compromise the centre hierarchy within the City of Marion, nor within the wider locality.

In this regard, I note the Castle Plaza Shopping Centre is the closest District Centre Zone to the site (1.8 km to the north-east), the owners of which are intending for substantial additions to the centre as part of a current Development Plan Amendment.

In addition, the nearest Neighbourhood Centre Zones to the north and south of the site (both located on Marion Road) incorporate small-medium sized supermarkets with a wide range of other shopping options, including butchers, chemists, newsagents, food outlets and offices. These centres, in my view, provide a convenient shopping option to local residents, the viability of which is unlikely to be compromised by the proposed floor area in the subject application.

As such, whilst the floor area of the centre exceeds that sought by Principle 5, I do not expect the additional 157.5 square metres of floor area will compromise the function and viability of other Neighbourhood or District Centres within the City of Marion or bordering council areas.

## 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:

<b>Centres and Retail Development</b>	
<p>Shopping, administrative, cultural, community, entertainment, educational, religious and recreational facilities located in integrated centres and mixed use zones.</p> <p><i>General Section: Centres and Retail Development: Obj 1</i></p>	<p><b>Complies</b></p>
<p>Centres that ensure rational, economic and convenient provision of goods and services and provide:</p> <ul style="list-style-type: none"> <li>(a) a focus for community life</li> <li>(b) safe, permeable, pleasant and accessible walking and cycling environments.</li> </ul> <p><i>General Section: Centres and Retail Development: Obj 2</i></p>	<p><b>Complies</b></p>
<p>The provision of safe pedestrian and cycling environments within centres which gives high priority to pedestrians, public and community transport.</p> <p><i>General Section: Centres and Retail Development: Obj 3</i></p>	<p><b>Complies</b></p> <p>Pedestrian movements are catered for on site, by providing a covered pedestrian path along the northern, western and southern perimeter of the building, providing convenient access from the Oaklands Road pedestrian crossing.</p>
<p>Development within centres should:</p> <ul style="list-style-type: none"> <li>(a) integrate facilities within the zone</li> <li>(b) allow for the multiple use of facilities and the sharing of utility spaces</li> <li>(c) allow for the staging of development within the centre</li> <li>(d) be integrated with public and community transport</li> <li>(e) should not include service trade premises except where located on the periphery of the centre.</li> </ul> <p><i>General Section: Centres and Retail Development: PDC 1</i></p>	<p><b>Complies</b></p>
<p>Development within centres should be designed to be compatible with adjoining areas. This should be promoted through landscaping, screen walls, centre orientation, location of access ways, buffer strips and transitional use areas.</p> <p><i>General Section: Centres and Retail Development: PDC 2</i></p>	<p><b>Complies</b></p>
<p>Development within centres should provide:</p> <ul style="list-style-type: none"> <li>(a) public spaces such as malls, plazas and courtyards</li> <li>(b) street furniture, including lighting, signs, litter bins, seats and bollards, that is sited and designed to complement the desired character</li> <li>(c) unobtrusive facilities for the storage and removal of waste materials</li> <li>(d) public facilities including toilets, infant changing facilities for parents, telephones and community information boards</li> <li>(e) access for public and community transport and sheltered waiting areas for passengers</li> <li>(f) lighting for pedestrian paths, buildings and associated areas</li> <li>(g) a single landscaping theme</li> </ul>	<p><b>Complies</b></p> <p>The existing centre comprises a majority of the items listed in (a)-(h). The proposed shop building will not compromise the provision of these items.</p>



<p>(h) safe and secure bicycle parking.</p> <p><i>General Section: Centres and Retail Development: PDC 3</i></p>	
<p>A single architectural theme should be established within centres through:</p> <p>(a) constructing additions or other buildings in a style complementary to the existing shopping complex</p> <p>(b) renovating the existing shopping complex to complement new additions and other buildings within the centre</p> <p>(c) employing a signage theme.</p> <p><i>General Section: Centres and Retail Development: PDC 4</i></p>	<p><b>Complies</b></p> <p>The proposed shop building will continue the alignment of the northern façade of the Coles tenancy, and will incorporate the same building height. As such, the proposed additions will present as a coordinated extension to the existing building on the site.</p>
<h2>Design &amp; Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(a) building height, mass and proportion</p> <p>(b) external materials, patterns, colours and decorative elements</p> <p>(c) roof form and pitch</p> <p>(d) façade articulation and detailing</p> <p>(e) verandas, eaves, parapets and window screens.</p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p>	<p><b>Complies</b></p> <p>The northern façade of the proposed building maintains the alignment of the existing Coles tenancy, without encroaching upon the line-of-sight for motorists seeking to exit onto Oaklands Road.</p> <p>The tenancy will present as an integrated extension to the existing shopping centre building, and will incorporate a verandah above the pedestrian path on the perimeter of the building to provide articulation to the tenancy's façade, whilst shading visitors to the centre.</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 &amp; Appearance: PDC 3</i></p>	<p><b>Complies</b></p> <p>The exterior of the building will be made of painted tilt-up concrete panels, which will not result in unreasonable glare.</p>
<p><b>Relationship to the Street and Public Realm</b></p> <p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 15</i></p>	<p><b>Partially Complies</b></p> <p>As the entry to the shop is to be gained via the existing Coles entry portico/canopy, the main façade faces into this space and the car park to the west.</p> <p>This design is preferred over one that may face to Oaklands Road, which may lead to multiple paths taken by pedestrians, rather than the one central direction, as currently proposed.</p>
<p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 16</i></p>	<p><b>Partially Complies</b></p> <p>The proposed building is to be placed on an area that incorporates established landscaping, which over time has 'filled out' that space, providing a softening of the built form as one enters the shopping centre car park from Oaklands Road.</p> <p>Nonetheless, it has been included as a recommended condition of consent, that the area remaining outside the</p>

	<p>proposed building's footprint is appropriately re-landscaped following construction to complement the established landscaping on the site.</p>
<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p>	<p><b>Complies</b></p> <p>The facades of the building will be broken by the large verandah canopy that is to 'wrap' around the northern, western and southern facades of the building, whilst additional fenestration and signage will further break up the expanse of walling.</p>
<p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 18</i></p>	<p><b>Complies</b></p> <p>The entrance to the building is via the existing Coles entry portico/canopy, which forms the primary focus of the south-western façade of the shopping centre building.</p> <p>This entrance is easily identifiable, and is provided with a zebra crossing to assist visitors navigating the car park area.</p> <p>The proposal includes a verandah that will shelter visitors to the site when entering on foot from the Oaklands Road pedestrian crossing.</p>
<p><b>Building Setbacks from Road Boundaries</b></p> <p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p><b>Complies</b></p>
<p><b>Interface Between Land Uses</b></p>	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(c) vibration</i></p> <p><i>(d) electrical interference</i></p> <p><i>(e) light spill</i></p> <p><i>(f) glare</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p><b>Complies</b></p> <p>The proposed shop should not result in additional noise or light spill over above that occurring with the continued authorised operation of the shopping centre.</p>
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p><b>Complies</b></p>

<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 3</i></p>	<p><b>Complies</b></p>
<p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p><b>Complies</b></p>
<p><b>Transportation and Access</b></p>	
<p><b>Movement Systems</b></p> <p><i>Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport network.</i></p> <p><i>General Section: Transportation and Access: PDC 2</i></p>	<p><b>Complies</b></p> <p>The proposal includes alteration to the existing car park layout, including an additional egress to Oaklands Road. This egress is supported by DPTI and has been proposed to reduce the demand of visitors relying upon the Oaklands Road egress adjacent the pedestrian crossing to the north.</p>
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p><b>Complies</b></p>
<p><i>Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.</i></p> <p><i>General Section: Transportation and Access: PDC 9</i></p>	<p><b>Complies</b></p> <p>The northern façade of the building does not encroach within a previously-identified line-of-sight for motorists existing the property on Oaklands Road.</p> <p>The upgrades proposed to the car park include improving pedestrian movements across the Oaklands Road entry/exit.</p>
<p><i>Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.</i></p> <p><i>General Section: Transportation and Access: PDC 13</i></p>	<p><b>Complies</b></p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p>	<p><b>Complies</b></p>
<p><b>Cycling and Walking</b></p> <p><i>Development should ensure that a permeable street and path network is established that encourages walking and cycling through the provision of safe, convenient and attractive routes with connections to adjoining streets, paths, open spaces, schools, pedestrian crossing points on arterial roads, public and community transport stops and activity centres.</i></p> <p><i>General Section: Transportation and Access: PDC 15</i></p>	<p><b>Complies</b></p> <p>The proposal includes a sheltered pedestrian path adjacent the northern, western and southern perimeter of the proposed building, ensuring visitors on-foot to the centre need not rely upon the car park to access shop tenancies.</p>

<p><i>Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:</i></p> <ul style="list-style-type: none"> <li><i>(a) showers, changing facilities and secure lockers</i></li> <li><i>(b) signage indicating the location of bicycle facilities.</i></li> </ul> <p><i>General Section: Transportation and Access: PDC 19</i></p>	<p><b>Partially Complies</b></p> <p>Due to the size of the tenancy, it is unlikely for shower facilities to be provided. However, there are several bike racks at the centre that will be maintained for customer and employee use.</p>
<p><i>On-site secure bicycle parking facilities should be:</i></p> <ul style="list-style-type: none"> <li><i>(a) located in a prominent place</i></li> <li><i>(b) located at ground floor level</i></li> <li><i>(c) located undercover</i></li> <li><i>(d) located where surveillance is possible</i></li> <li><i>(e) well lit and well signed</i></li> <li><i>(f) close to well used entrances</i></li> <li><i>(g) accessible by cycling along a safe, well lit route.</i></li> </ul> <p><i>General Section: Transportation and Access: PDC 20</i></p>	<p><b>Partially Complies</b></p> <p>The existing bike racks are located adjacent the Coles entry portico and are easily visible to visitors.</p> <p>The bike racks are adjacent areas that are lit during non-daylight hours, however, these spaces are not sheltered from the elements.</p>
<p><b>Access</b></p> <p><i>Development should have direct access from an all-weather public road.</i></p> <p><i>General Section: Transportation and Access: PDC 22</i></p>	<p><b>Complies</b></p>
<p><i>Development should be provided with safe and convenient access which:</i></p> <ul style="list-style-type: none"> <li><i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i></li> <li><i>(b) provides appropriate separation distances from existing roads or level crossings</i></li> <li><i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i></li> <li><i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i></li> </ul> <p><i>General Section: Transportation and Access: PDC 23</i></p>	<p><b>Complies</b></p> <p>It is acknowledged that an additional shop on the western side of the centre may increase car park demand in the limited area west of the centre building. Whilst this is not ideal, improvements to the proposed alterations to the existing car park will improve on-site traffic flow and reduce potential conflict at ingress/egress points with Oaklands Road.</p>
<p><i>The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised and, where possible, access points should be:</i></p> <ul style="list-style-type: none"> <li><i>(a) limited to local roads (including rear lane access)</i></li> <li><i>(b) shared between developments.</i></li> </ul> <p><i>General Section: Transportation and Access: PDC 25</i></p>	<p><b>Complies</b></p> <p>The access points to the arterial roads are minimised and in general accordance with Concept Map Mar/4.</p>
<p><i>Development with access from roads with existing or projected traffic volumes exceeding 6000 vehicles per day should be sited to avoid the need for vehicles to reverse onto or from the road.</i></p> <p><i>General Section: Transportation and Access: PDC 26</i></p>	<p><b>Complies</b></p>
<p><i>Development with access from arterial roads or roads as shown on Overlay Maps – Transport should be sited to avoid the need for vehicles to reverse onto or from the road.</i></p> <p><i>General Section: Transportation and Access: PDC 27</i></p>	<p><b>Complies</b></p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p><b>Does Not Comply</b></p> <p>There are two ingress and three egress points to Oaklands Road. Whilst this does not satisfy Principle 28, no parking is permitted on this section of Oaklands Road, whilst the ingress/egress points improve the traffic flow within the site.</p>

<p><b>Access for People with Disabilities</b></p> <p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p> <p><i>Where appropriate and practical, development should provide for safe and convenient access to the coast and beaches for disabled persons.</i></p> <p><i>General Section: Transportation and Access: PDC 33</i></p>	<p><b>Complies</b></p>
<p><b>Vehicle Parking</b></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><b>Table Mar/2: (Shop: 5 per 100 square metres (where located within a centre))</b></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p><b>Does Not Comply</b></p> <p>The current shopping centre incorporates 257 car park spaces, which is not proposed to be increased via the additional floor area or alterations to the car park.</p> <p>As a result, the car park ratio on site will equate to 4.48 spaces per 100 square metres.</p> <p>(see Table Discussion below)</p>
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 35</i></p>	<p><b>Complies</b></p> <p>The realignment of the car parking has been reviewed by a traffic consultant, Council's Development Engineer and DPTI who are comfortable with the layout and proposed ingress/egress points.</p>
<p><i>Vehicle parking areas should be sited and designed to:</i></p> <ul style="list-style-type: none"> <li><i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i></li> <li><i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i></li> <li><i>(c) not inhibit safe and convenient traffic circulation</i></li> <li><i>(d) result in minimal conflict between customer and service vehicles</i></li> <li><i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i></li> <li><i>(f) minimise the number of vehicle access points onto public roads</i></li> <li><i>(g) avoid the need for vehicles to reverse onto public roads</i></li> <li><i>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</i></li> <li><i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i></li> <li><i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i></li> </ul> <p><i>General Section: Transportation and Access: PDC 36</i></p>	<p><b>Partially Complies</b></p> <p>The application was amended during processing to delete a proposed pedestrian ramp to the south of the proposed building. It was staff's view that the placement of such could lead to pedestrians walking through the car park area, in close proximity to the entrance of the site – placing at risk the pedestrians and potentially causing the queuing of vehicles on Oaklands Road as they await to enter the site.</p> <p>The applicant has amended the proposal to ensure all pedestrian access is gained via the existing Coles entry portico/canopy which ensures a majority of visitors who park on the western side of the site will utilise the existing zebra crossing.</p> <p>The proposed alterations to the car park ingress and egress have previously been granted consent under delegated authority and are considered to improve traffic flow through the site and is likely to lead to a reduced queuing time for exiting motorists.</p> <p>In this regard, the proposed alterations to the car park are considered to improve the current layout of the centre.</p>

<p><i>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</i></p> <p><i>General Section: Transportation and Access: PDC 38</i></p>	<p><b>Complies</b></p> <p>The existing lighting of the car park will remain, with minor modifications to the location of light poles to suit the realignment of the car park adjacent the western portion of the site.</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p><i>General Section: Transportation and Access: PDC 39</i></p>	<p><b>Complies</b></p>
<p><i>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</i></p> <p><i>General Section: Transportation and Access: PDC 40</i></p>	<p><b>Complies</b></p>
<p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p>	<p><b>Complies</b></p>
<p><b>Advertisements</b></p>	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p><b>Complies</b></p> <p>The proposed signage is relatively constrained in its size compared to the façade of the building.</p> <p>The signage is placed in a coordinated manner on the façade, and does not compromise the setting of any buildings or places of heritage value.</p> <p>Whilst the existing freestanding tenancy sign lacks architectural form, the relocation of this structure several metres to the south-west will not offend Principle 1.</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p><i>(a) clutter</i></p> <p><i>(b) disorder</i></p> <p><i>(c) untidiness of buildings and their surrounds</i></p> <p><i>(d) driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p><b>Complies</b></p> <p>The signage proposed on the façade of the building is placed in a neat, coordinated manner and will not result in the distraction of motorists.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p><i>(a) be completely contained within the boundaries of the subject allotment</i></p> <p><i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p><i>(c) not obscure views to vistas or objects of high amenity value.</i></p> <p><i>General Section: Advertisements: PDC 5</i></p>	<p><b>Complies</b></p>

<p><i>Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, unless the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.</i></p> <p><i>General Section: Advertisements: PDC 7</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.</i></p> <p><i>General Section: Advertisements: PDC 13</i></p>	<p><b>Complies</b></p>
<p><b>Safety</b></p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></p> <p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p><b>Complies</b></p> <p>The proposed signage attached to the building's façade is limited in area and will not compromise on-road safety.</p> <p>It has been included as a condition of consent that such signage shall be internally lit only, and shall not flash, scroll, move or change. This is consistent with the conditions of consent sought by DPTI.</p> <p>The relocation of the existing freestanding sign should not result in unreasonable impacts upon adjoining land or on-road safety, given the relatively limited external up-lighting of the sign.</p> <p>It is noted that a representor, Mr Hall raised concerns regarding the potential for light-spill into his dwelling due to the relocation of the sign. In this regard, I note the relocated sign will nonetheless be situated some 35 metres to the north-east of Mr Hall's dwelling, whilst a number of existing street lights on Oaklands Road are likely to illuminate the vicinity during non-day light hours.</p>
<p><b>Advertising along Arterial Roads</b></p> <p><i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p><i>General Section: Advertisements: PDC 24</i></p>	<p><b>Complies</b></p> <p>Oaklands Road incorporates a maximum speed limit of 60 km/h.</p>

## Waste

*Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:*

- (a) avoiding the production of waste*
- (b) minimising waste production*
- (c) reusing waste*
- (d) recycling waste*
- (e) recovering part of the waste for re-use*
- (f) treating waste to reduce the potentially degrading impacts*
- (g) disposing of waste in an environmentally sound manner.*

*General Section: Waste: PDC 1*

### **Complies**

The proposed shop tenancy does not include any separate area for the storage of waste. In this regard, it is noted the centre currently incorporates waste storage and collection points to the rear of the tenancies, within the centre of the site, which will be utilised by the proposed tenancy if/when required.

Given the floor area of the tenancy, it is not expected the use of the building will create a significant amount of waste that could not be accommodated by the existing facilities.

*The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.*

*General Section: Waste: PDC 2*

**Can Comply**  
(see above)

*Development which incorporates areas used for activities such as commercial car parking, loading and unloading, wash down of vehicles, storage of plant or equipment, or storage of waste refuse bins should be suitably paved, bunded to exclude stormwater runoff from external sources, and designed so that water that has made contact with such areas is either:*

- (a) directed to a sediment trap, separator or other appropriate treatment device and then to sewer*
- (b) directed to a wastewater holding tank.*

*General Section: Waste: PDC 4*

**Complies**

*Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.*

*General Section: Waste: PDC 6*

**Can Comply**  
(see above)

*Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are:*

- (a) screened and separated from adjoining areas*
- (b) located to avoid impacting on adjoining sensitive environments or land uses*
- (c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system*
- (d) located on an impervious sealed area graded to a collection point in order to minimise the movement of any solids or contamination of water*
- (e) protected from wind and stormwater and sealed to prevent leakage and minimise the emission of odours*
- (f) stored in such a manner that ensures that all waste is contained within the boundaries of the site until disposed of in an appropriate manner.*

*General Section: Waste: PDC 7*

**Can Comply**  
(see above)



Crime Prevention	
<p><i>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</i></p> <p><i>General Section: Crime Prevention: PDC 1</i></p>	<p><b>Complies</b></p>
<p><i>Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.</i></p> <p><i>General Section: Crime Prevention: PDC 2</i></p>	<p><b>Does Not Comply</b></p> <p>The building does not comprise any glazing facing south-west towards the car park.</p> <p>Whilst glazing would provide opportunities to overlook the space, due to the footprint of the building, it is anticipated that stock may be stored adjacent this wall/windows, preventing view out.</p> <p>Nonetheless, the car park is well frequented throughout the day and during non-daylight hours during standard shopping hours.</p> <p>As such, I do not consider the design of the building to result in any increased risk to the safety of visitors to the centre.</p>
<p><i>Development should provide a robust environment that is resistant to vandalism and graffiti.</i></p> <p><i>General Section: Crime Prevention: PDC 3</i></p>	<p><b>Complies</b></p> <p>The façade of the building is located in a prominent area that will be exposed to public view from the car park and adjacent arterial road.</p>
<p><i>Development should provide lighting in frequently used public spaces including those:</i></p> <p><i>(a) along dedicated cyclist and pedestrian pathways, laneways and access routes</i></p> <p><i>(b) around public facilities such as toilets, telephones, bus stops, seating, litter bins, automatic teller machines, taxi ranks and car parks.</i></p> <p><i>General Section: Crime Prevention: PDC 4</i></p>	<p><b>Complies</b></p>
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p><b>Complies</b></p>
<p><i>Landscaping should be used to assist in discouraging crime by:</i></p> <p><i>(a) screen planting areas susceptible to vandalism</i></p> <p><i>(b) planting trees or ground covers, rather than shrubs, alongside footpaths</i></p> <p><i>(c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.</i></p> <p><i>General Section: Crime Prevention: PDC 6</i></p>	<p><b>Complies</b></p> <p>The existing landscaping that will not be effected by the proposed building complies with Principles 6(a) and (b) and will remain in situ.</p>

*Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians).*

*General Section: Crime Prevention: PDC 10*

**Complies**

Whilst the entrance to the shop is via the existing Coles entry, it is expected that the shop will maintain the same, or similar opening hours as the Coles tenancy.

By maintaining the sole entry via the canopy, it is highly unlikely the proposed tenancy will operate earlier or later than the Coles tenancy.

The entry canopy is well lit during non-daylight hours, and as such, I do not envisage the location of the shop, or the entrance, will compromise the safety of visitors to the centre.

**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*

**Partially Complies**

The proposal seeks to place the new shop tenancy in an area where established landscaping is situated. This landscaping provides an attractive appearance of the site for visitors entering from Oaklands Road. The building will remove a majority of this landscaping.

Nonetheless, a small area south-west of the building will remain available for landscaping, whilst the existing vegetated area north of the proposed tenancy will remain in situ.

The realignment of the western car park will also require the removal of mature vegetation, including trees. This is not ideal, as this serves to provide a visual buffer to residents on the southern side of Chambers Street.

The realigned car park in this area provides little opportunity for landscaping, as the car park spaces and manoeuvring areas are to be constructed to the property boundaries.

A majority of the area identified by representor, Mr Hall, as warranting additional landscaping is located in Council's land; outside of the subject land. As such, additional plantings in this area cannot be requested as part of the application.

It has been included as a recommended condition of consent that all new landscaping shall be native, suitable for their location on the site, and shall be planted prior to the occupation of the proposed shop tenancy.

*Landscaping should:*

*(a) include the planting of locally indigenous species where appropriate*

*(b) be oriented towards the street frontage*

*General Section: Landscaping, Fences & Walls: PDC 2*

## TABLE DISCUSSION

The proposal satisfies a number of the applicable principles of development control contained within the Marion Council Development Plan. However, it is noted the proposal results in a substantial shortfall in car parking for the site.

The proposal seeks for an additional 157.5 square metres of floor area with no additional car parking. On face value, such floor area would require an additional 8 (eight) spaces.

In my view, due to the size of the tenancy, the shop is unlikely to result in an increased demand for car parking at the centre that would realise the additional car park spaces sought by the Development Plan. Given the multitude of shop uses within the centre, it is my opinion that the proposal will only add to the options available to customers/visitors, rather than attracting visitors who would attend the centre for one tenancy/shop only.

It is further noted the additional floor area proposed represents a 2.8% increase in floor area for the whole of the centre.

The proposed alterations to the ingress and egress points along Oaklands Road will substantially improve the flow of traffic within the site, which should lead to reduced queuing times for exiting motorists, as well as reduce the number of vehicles traversing the front of the Coles tenancy; improving pedestrian safety.

To this end, despite the proposal not providing additional car parks for the additional retail floor area, I am reasonably comfortable the proposal will not lead to an increased car park demand that would result in unsafe traffic movements or compromise the flow of traffic upon the adjacent arterial roads.

---

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to car parking, light spill and increased traffic/parking have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

A representor has also raised concerns over the use of the shop for the sale of liquor and the illegal parking of vehicles. These matters are addressed separately below.

The use of the tenancy for shop purposes can encompass a number of uses, including (but not limited to) hairdresser, delicatessen and liquor outlet. In the event the sale of liquor is proposed, a licence from the Office of Business and Consumer Affairs will be required prior to such sales. Council is not the relevant authority with regard to the issuing of liquor licences.

The illegal parking of vehicles on Chambers Street and the adjacent landscaped area, and the suggested placement of landscaping within this space is outside the boundaries of the subject land. From my knowledge, this land is owned by Marion Council, whilst the monitoring of the illegal parking of vehicles is the jurisdiction of Council's Community Safety Inspectorate. As part of my review of the representations, I have issued a 'Customer Event Request' for the parking of vehicles to be investigated in this area.

In conclusion, a planning assessment under the Development Act 1993 does not allow consideration of the above matters and hence are outside the scope of this assessment.

---

## ANALYSIS/CONCLUSION

The proposal finds support in the zone provisions by seeking to provide additional retail floor area. However, the proposal does seek to increase the gross leasable retail floor area of the centre over that sought in the zone, whilst the application does not propose any additional car parking to accommodate the additional floor area.

As identified in the report above, I do not anticipate the additional floor area (which represents a 2.8% increase) will compromise the function or viability of nearby District or Neighbourhood Centre Zones within the Council area or bordering councils. Specifically, I note the Edwardstown District Centre (Castle Plaza) is currently subject to a DPA to substantially increase the retail offerings of that site, as well as provide mixed use development. In addition, the two nearby Neighbourhood Centre Zones both accommodate a supermarket and specialty shops that are unlikely to be compromised in their viability by the proposed additions.

The lack of additional car parking is unfortunate. The western part of the shopping centre is by far the busiest part of the site, with the northern and eastern car park spaces rarely, if ever, reaching capacity. However, it is my view that the additional floor area is unlikely to lead to a substantial increase in car park demand for the site. It is my opinion that the proposal will only add to the options available to customers/visitors, rather than attracting visitors who would attend the centre for one tenancy/shop only.

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

---

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1396 for additions to existing shopping centre comprising a new retail tenancy of 157.5 square metres in area with new advertising signage, relocation of the existing free standing sign located in the south-west corner of the subject land and alteration to existing car park at 319 Oaklands Road, Park Holme be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1396, except when varied by the following conditions of consent.
2. All works proposed to occur to the car park area, including alterations to the existing Oaklands Road ingress/egress, altered car park alignment in the south-western portion of the site, and new Oaklands Road egress, shall be undertaken and completed prior to the occupation of the proposed tenancy.
3. The 'New Guard Rail' to be erected to the north, west and south of the proposed new shop building shall be erected and completed prior to the occupation of the new shop building.
4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. 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.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
7. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
8. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).

9. Landscaping adjacent Oaklands Road shall incorporate a height of no greater than 1.0 metre and be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
10. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
11. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.
12. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
13. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
14. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
15. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
16. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
17. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
18. Directional signs indicating the location of car parking spaces must be provided on the subject land and maintained in a clear and legible condition at all times.
19. All deliveries to and from the site (including waste collection) shall be restricted to the following times:  
Monday to Saturday – 7.00am – 7.00pm;  
Sundays and Public Holidays – 9.00am – 5.00pm.
20. All external lighting of the site, including car parking areas and buildings, 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.
21. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of the Council.
22. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 “Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines”. Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.
23. The advertisements and supporting structures shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.

## DPTI Conditions

24. The building shall be developed in accordance with Piteo Design Site Plan, Project No. 11-2018, Drawing No. DA01, Revision A, dated 26/6/15.
25. The pedestrian infrastructure modified as part of this development shall be designed in accordance with Disability Discrimination Act and all relevant Australian Standards (AS 1428).
26. All parking shall be consistent with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2006.
27. Signage associated with the development shall not contain any element of LED or LCD display that is viewable from the adjacent/nearby roads.
28. Signage upon the site shall not contain any element that flashes, scrolls, moves or changes.
29. The signage associated with the development shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, any illuminated sign shall be limited to a maximum luminance of equal to or less than 200cd/m<sup>2</sup>.
30. Signage associated with the development shall be finished in a material of low reflectivity to minimise the risk of sun/headlamp glare that may affect motorists' perception of the road.
31. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
32. No stormwater from this development shall discharge on-surface to Oaklands Road. In addition, any existing drainage of the road shall be accommodated in the development and any alterations to road drainage infrastructure as a result of this development are to be at the expense of the applicant.
33. The new egress only access point shall be angled at 70 degrees to the road to discourage anti-directional movements and maximise ease of egress.
34. The new egress only access point shall be designed and constructed to comply with Austroads Guides and Australian Standards and to the satisfaction of DPTI, with all associated costs to be borne by the applicant. Prior to undertaking any detailed design, the applicant shall contact DPTI Metropolitan Region, Manager Traffic Solutions, Ms Rebecca Timmings on (08) 8226 8214 or via email: [rebecca.timmings@sa.gov.au](mailto:rebecca.timmings@sa.gov.au) to discuss the required works.
35. Sufficient manoeuvring area shall be provided to ensure all vehicles can exit the site in a forward direction.
36. Appropriate signage and line marking shall be installed to reinforce the desired traffic flow at the new egress only access point.

## NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.

2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
7. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.

#### Attachments

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



DEVELOPMENT ASSESSMENT PANEL  
Wednesday 2 December 2015

**Agenda Ref No:** DAP021215 – 2.2

**Originating Officer:** Rhiannon Hardy  
Development Officer - Planning

**Applicant:** Frontline Developments

**Development Description:** Three (3) two-storey row dwellings and Torrens Title residential land division (1 into 3 allotments)

**Site Location:** 1 Shakespeare Avenue, Plympton Park

**Zone:** Residential Zone

**Policy Area:** Medium Density Policy Area 12

**Application Type:** Category 2 / Consent

**Lodgement Date:** 31/08/2015

**Development Plan:** Consolidated – 19 March 2015

**Application No:** 100/2015/1567  
(DAC Reference: 100/D200/15)

**Recommendation:** That Development Plan Consent and Land Division 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 a dwelling on land located wholly or partly within 30 metres of a Commercial Zone as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

#### BACKGROUND

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

Amendments Requested	Amendments Made
The main face of the dwellings (i.e. the upper floor) should be set back a minimum 5.0 metres from the front boundary.	Upper storey front setback increased from 4.6 to 5.0 metres.
The ground floor wall height should not exceed 3 metres, and the upper floor wall height	Ground floor wall height decreased from 3.8 to 3.0 metres (excluding parapet on front of

should not exceed 6.2 metres, in order for the proposed side setbacks to comply with the Development Plan.	garage with 3.2 metre height). Upper storey wall height decreased from 6.6 to 6.35 metres.
Driveway crossovers of Residences 2 and 3 should be separated by a minimum 6 metres to provide an on-street car parking space.	Driveway crossovers of Residences 2 and 3 separated by 6 metres.
A landscaping plan is required which nominates the proposed location and variety of native ground covers, shrubs and trees to be installed throughout the development site.	Landscaping plan provided.

## SUBJECT LAND & LOCALITY

The subject land comprises 1 Shakespeare Avenue, Plympton Park (Lot: 323 DP: 3493 CT: 5362/950). The allotment is rectangular in shape with a frontage width of 21.64 metres, depth of 35.05 metres, and total site area of 758.55 square metres.

The land currently accommodates a single storey detached dwelling built in approximately 1950, which is in basic condition. An existing driveway and crossover is located adjacent to the eastern side boundary.

No regulated trees are located on the subject land. Council's Arborist has confirmed that the tree at the front of the site is a Chinese Elm, and two trees at the rear of the property are an Angophora and Corymbia species. Given that these trees are located within 10 metres of adjacent dwellings, all trees are exempt from regulated tree status pursuant to Regulation 6A of the Development Regulations 2008.

The site maintains a minor gradient, as the site rises from the front to the rear boundary by approximately 300 millimetres.

The locality west of the subject land is residential in nature, and contains a mixture of dwelling types and densities, with a combination of existing housing stock at low densities and redeveloped properties at low-to-medium densities.

The locality to the east is predominantly commercial in nature, and is dominated by the arterial road character of Marion Road. A Chiropractor and Physician adjoin the subject land to the east, while an Eye Clinic is located on the southern side of Shakespeare Avenue. The Forbes Shopping Centre is located on the eastern side of Marion Road, approximately 70 metres from the subject land.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The subject application proposes to construct three two-storey dwellings on the subject land. The applicant has confirmed that these dwellings will be joined together by party walls, and the associated plan of division illustrates party wall easements between these three dwellings, which confirm that the dwellings will form a single building. The plan of division further confirms that each dwelling will be held exclusively on their own site. Accordingly, the dwellings satisfy the definition of a "row dwelling" pursuant to Schedule 1 of the Development Regulations 2008.

All dwellings incorporate a garage, WC, laundry, and open-plan family/kitchen area and alfresco on the ground floor. The upper floor of the dwellings contains 3 bedrooms (main with WIR and ensuite), study nook, bathroom and WC.

Each dwelling is proposed to be serviced by a single-width driveway and associated vehicle crossover.

A selection of landscaping is proposed throughout the front gardens of the proposed dwellings.

The plans indicate that the existing *Corymbia maculata* tree in the north-western corner of the site is to be maintained. Given that this tree is not classified as “regulated”, its retention or otherwise does not require consent. Nonetheless, Council’s Arborist has confirmed that the proposed setback of 7.1 metres between the proposed dwelling and tree should be sufficient to preserve its health.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	14 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	5 representations were received by Council; all against the application.
<b>Persons wishing to be heard:</b>	<ul style="list-style-type: none"> <li>• David Smith of 4 Stradbroke Avenue</li> <li>• Stephen &amp; Kirsty Semmens of 2 Shakespeare Avenue</li> <li>• Bob Reid of 4 Shakespeare Avenue (also representing David Stapleton of 528 Marion Road)</li> <li>• Michelle Pallant of 3 Shakespeare Avenue</li> </ul>
<b>Summary of representations:</b>	<p><b>4 Stradbroke</b></p> <ul style="list-style-type: none"> <li>• Object to Council policy allowing 3 two-storey [dwellings] at this density.</li> <li>• Density of development is not necessary or appropriate for the area.</li> <li>• Reduction in green open spaces per residence</li> <li>• 3 crossovers reduce both on-street and off-street parking</li> <li>• Dwellings will put more pressure on infrastructure.</li> <li>• Redevelopment should be limited to 2 two-storey residences.</li> </ul> <p><b>2 Shakespeare</b></p> <ul style="list-style-type: none"> <li>• The nearby Chiropractor, Eye Doctor and bus stop currently result in utilisation of both sides of Shakespeare Avenue for on-street parking.</li> <li>• Additional on-street parking created by dwellings will result in traffic safety issues and block rubbish bin collection.</li> </ul> <p><b>4 Shakespeare &amp; 528 Marion Road</b></p> <ul style="list-style-type: none"> <li>• The proposed development reduces on-street parking from 3 to only 1 vehicle.</li> <li>• Chiropractor and Eye Specialist patients currently park on both north and south sides of the street during normal business hours.</li> <li>• Forbes Shopping Centre customers and bus users often park in front of 1 Shakespeare Avenue.</li> </ul>

	<ul style="list-style-type: none"> <li>• If future occupants of the new dwellings have more than 2 vehicles, permanent night time on-street parking may occur.</li> <li>• Undercover parking spaces are typically used for storage purposes.</li> <li>• The risk of collision with vehicles entering Shakespeare Avenue from Marion Road or when backing from driveways is increased.</li> <li>• A maximum of 2 dwellings with at least 1 additional on-street parking space should be approved for this site.</li> <li>• Upper storey windows on eastern side should be frosted glass.</li> </ul> <p><b>3 Shakespeare</b></p> <ul style="list-style-type: none"> <li>• Privacy concerns.</li> <li>• Current on-street parking issues caused by Chiropractic Centre, Eye Clinic, Beauty Clinic, nearby residences and Forbes Shopping Centre will be further congested by proposed 3 dwellings.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<p><b>Applicant's response:</b></p>	<ul style="list-style-type: none"> <li>• The Marion Council Development Plan: Off Street Vehicle Parking Requirements stipulates that 3 bedroom row dwellings require 2 car parks per dwelling (one of which is covered). The proposed development satisfactorily meets this requirement.</li> <li>• Undercover garaging for each dwelling has been specifically designed to generous proportions to encourage home owners/tenants to actively utilise garages for their intended purpose. The garages have opening widths of 2700mm and overall width of 4050mm. An additional storage area within the garage has also been proposed.</li> <li>• The proposed development conforms to the principles contained within the Residential Zone and Medium Density Policy Area 12.</li> <li>• The Medium Density Policy Area 12 stipulates that medium density development is especially suited to areas in proximity to centres and public transport. The proposed development is located within 65m of Stop 14 Marion Road. Tram stop 10 Marion Road is located 1 km from the subject land. Furthermore the proposed development is located within 75 metres of Forbes shopping complex. Other centres are well within 250 metres of the proposed development.</li> <li>• The proposed development is compliant to the desired character and accurately represents the intended use of the policy area.</li> <li>• Visual privacy onto usable private open spaces of other dwellings has been suitably addressed by the adoption of building layout, location and design of windows and screening devices. Direct views from upper level room windows are restricted by permanent fixed translucent glazing in any part of the window below 1.8 metres from floor level, or window</li> </ul>

	<p>sill heights 1.8 metres above floor level. Marion Council's customary requirement for 2 storey visual privacy is only 1.7 metres.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>
--	--

## GOVERNMENT AGENCY REFERRAL

<b>Commissioner of Highways:</b>	The proposed access points are not located within 25 metres of the arterial road, and therefore the proposal does not require referral to the Commissioner of Highways pursuant to Schedule 8 of the Development Regulations 2008.
<b>SA Water:</b>	It is necessary for the developer to satisfy SA Water's requirements [outlined in recommended Condition 1 of Land Division Consent].
<b>DAC:</b>	The Commission is of the view that there are no planning impacts of State significance associated with the application. While the Commission is making no report on the application, there may be local planning issues which Council should consider prior to making its decision on the application. 3 conditions stipulated [outlined in recommended Conditions 1-3 of Land Division Consent].

*Refer Attachment VI*

## INTERNAL DEPARTMENT COMMENTS

<b>Arborist:</b>	There are no regulated trees on the subject land. Although not regulated, the proposed 7 metre setback from the existing <i>Corymbia maculata</i> tree in the north-western corner of the allotment should be sufficient.
------------------	---

## 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:

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

**Desired Character**

*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).*

*The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development.*

*Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.*

*Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.*

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

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

<p>PDC 1</p>	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> <li>▪ residential flat building (buildings between one and three storeys)</li> <li>▪ row dwelling</li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul>	<p><b>Complies</b> Row dwellings proposed</p>
<p>PDC 4</p>	<p>Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should be in the form of 2 to 3 storey buildings.</p> <p><b>(i.e. Site areas between 149.3 and 250 m<sup>2</sup>)</b></p>	<p><b>Not applicable</b> The proposed allotments maintain an average site area of 252.9 square metres per dwelling, and therefore need not necessarily be 2 storey to satisfy PDC 4. However, two storey dwellings are still anticipated for dwellings at a lower density than that specified in PDC 4.</p>
<p>PDC 6</p>	<p>In the case of multiple dwellings on one site, access to parking and garaging areas from public streets should primarily be via a minimum number of common driveways.</p>	<p><b>Not applicable</b> No "common driveways" are proposed</p>
<p>PDC 7</p>	<p>Minimum Site Area: Row dwelling: 210 m<sup>2</sup></p>	<p><b>Complies</b> Residence 1: 264.8 m<sup>2</sup> Residence 2: 228.9 m<sup>2</sup> Residence 3: 264.8 m<sup>2</sup></p>
	<p>Minimum Frontage: Row dwelling: 7 metres</p>	<p><b>Complies</b> Residence 1: 7.6 m Residence 3: 7.6 m</p>



	<p>Density Policy Area 12. Incorporation of an alfresco area with the subject dwelling application reduces the need for owners/occupiers of the land to construct a verandah in the future, and therefore the higher proportion of site coverage proposed is reasonably justified by the benefit derived from delivering a usable all-weather area of private open space in conjunction with the dwellings.</p>
<p><b>Maximum floor area ratio:</b>  Site area less than 270 m<sup>2</sup>: 0.7  Medium Density Policy Area 12: PDC 8</p>	<p><b>Complies</b>  Residence 1: 169.6 = 0.64  Residence 2: 161.0 = 0.70  Residence 3: 169.0 = 0.64</p>
<p>Site coverage should ensure sufficient space is provided for:  (a) pedestrian and vehicle access and vehicle parking  (b) domestic storage  (c) outdoor clothes drying  (d) rainwater tanks  (e) private open space and landscaping  (f) convenient storage of household waste and recycling receptacles  General Section: Residential Development: PDC 13</p>	<p><b>Complies</b>  The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.  General Section: Residential Development: PDC 14</p>	<p><b>Complies</b></p>
<b>Private Open Space</b>	
<p>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:  (a) to be accessed directly from a habitable rooms of the dwelling  (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy  (c) to take advantage of, but not adversely affect, natural features of the site  (d) to minimise overlooking from adjacent buildings  (e) to achieve separation from bedroom windows on adjacent sites  (f) to have a northerly aspect to provide for comfortable year round use  (g) not to be significantly shaded during winter by the associated dwelling or adjacent development  (h) to be partly shaded in summer  (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality  (j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.  General Section: Residential Development: PDC 15</p>	<p><b>Complies</b>  a) All POS areas are directly accessible from a habitable room of the associated dwelling  b) All POS is located at ground level to the rear of the dwellings and capable of being screened for privacy  c) The POS of Residence 1 has been designed to take advantage of the existing mature Corymbia tree in the north-western corner of the site.  d) The POS areas should not be directly overlooked by adjacent buildings  e) POS areas are not located next to bedrooms of dwellings on adjacent sites  f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use  g) The POS areas should not be significantly shaded during winter by the associated dwellings or adjacent development.  h) POS areas are capable of being shaded during summer by the proposed alfresco to each dwelling.  i) The eastern adjoining commercial land uses (being consulting rooms) should not result in unreasonable noise or air quality impacts to the proposed POS areas.  j) The POS areas are considered to have sufficient shape and area to be functional.</p>



**Site Area 250 m<sup>2</sup> or greater:**

Minimum area of POS: 20% of the site area

One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.

**Site area less than 250 m<sup>2</sup>:**

20% of the site area or 35 m<sup>2</sup>, whichever is the greater

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

General Section: Residential Development: PDC 17

**Complies**

Residences 1 & 3: 86.9 m<sup>2</sup> = 32.8% with all of the space directly accessible from a living room with a minimum dimension of 7.6 metres and minor gradient

**Complies**

Residence 2: 75.1 m<sup>2</sup> = 32.8% with all of the space directly accessible from a living room with a minimum dimension of 6.5 metres and minor gradient

**Street Setbacks**

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

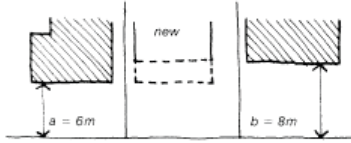
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
- (b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 23

**Complies**

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5.0 metres is considered typical of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 25

**Complies**

Dwelling 1: 5.0 metres

(Dwellings on adjoining land set back 0 and 7 metres, which equals an average setback of 3.5 metres)

Minimum setback from primary road frontage where no established streetscape exists:

...  
5 metres in all other circumstances.

Residential Zone: PDC 7

**Complies**

Minimum 5 metre front setback to the upper storey, 6 metres to the ground floor and 6.35 to the garages

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

General Section: Residential Development: PDC 36

**Complies**

Habitable rooms are adequately separated from pedestrian and vehicle movement.

## Side Setbacks

<p>Where the wall height is not greater than 3 metres: 1 metre</p> <p>Where the wall height is greater than 6 metres:            (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p><b>Note: Upper storey wall height equals 6.35 metres, therefore minimum 2.35 metre setback required</b></p> <p>Residential Zone: PDC 7</p>	<p><b>Complies</b>            All dwellings 1.0 metre minimum ground floor side setbacks (ground floor wall height of 3 metres)</p> <p><b>Does Not Comply</b>            Residence 1: 2.2 - 4.3 metres (6.35m wall height)            Residence 2: 1.15 metres (setback from proposed internal boundary)            Residence 3: 2.2 – 4.2 metres (6.35m wall height)</p>
<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:            (a) the visual impact of the building as viewed from adjacent properties            (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p>General Section: Design &amp; Appearance: PDC 2</p>	<p><b>Partially Complies</b>            Although the upper storey side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties given that:</p> <ul style="list-style-type: none"> <li>a) The adjoining property to the east is a chiropractor, and therefore any visual or overshadowing impacts created by the shortfall in setback of Residence 3 would primarily affect the commercial car park and outbuildings.</li> <li>b) The western adjoining property features its side path adjacent to Residence 1, in addition to wet area and bedroom windows. Although the subject dwelling may be visible from the bedroom windows, the 0.15 metre shortfall in upper level side setback should not be readily perceptible from these rooms.</li> </ul>
<p>Dwellings with walls located on the boundary should be designed in accordance with the following:            (a) the walls should not abut more than one side allotment boundary            (b) a wall from an adjacent dwelling already exists on the boundary:                (i) be located immediately abutting the adjacent wall                (ii) be constructed to the same or to a lesser length and height as the adjacent wall                (iii) be setback 2 or more metres behind the main face of the adjacent dwelling            (c) no wall exists on the adjacent boundary:                (i) be setback 2 or more metres behind the main face of the adjacent dwelling                (ii) not exceed 6 metres in length                (iii) not exceed 3 metres in height                (iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</p> <p>General Section: Residential Development: PDC 38</p>	<p><b>Complies</b>            Residences 1 abuts one side boundary only, which shares the common party wall with Residence 2</p> <p><b>Partially Complies</b>            Residence 2 abuts both side boundaries, but this is a necessary attribute of a centre row dwelling. Where it abuts the adjoining dwellings, the boundary wall is constructed to the same or lesser length and height as the adjoining wall.</p> <p><b>Does Not Comply</b>            Residence 3 abuts one side boundary only, but the height and length of the boundary wall is greater than that of the adjoining wall (belonging to Residence 2). The exposed wall is 8.4 metres in length and 6.2 metres in height.</p>
<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:            (a) the visual impact of the building as viewed from adjacent properties            (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p>General Section: Design &amp; Appearance: PDC 2</p>	<p><b>Partially Complies</b>            The two-storey wall of Residence 1 sited on the proposed internal boundary is not ideal, and will result in considerable visual impact to adjacent land (Residence 2). However, it is noted that Residence 2's primary activity areas are oriented north and therefore the boundary wall</p>

	will not be readily visible from these areas. Furthermore, shadow cast from the subject wall will be limited to afternoon hours, and therefore should not unreasonably restrict access to natural light. For these reasons, the proposed two-storey boundary wall is not considered to jeopardise the merit of the proposal.
<b>Rear Setbacks</b>	
<p>6 metres for a single storey dwelling</p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>11.5 metres</p>
<p>6 metres for a 2 or more storey dwelling</p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>11.5 metres</p>
<b>Building Height</b>	
<p>Maximum building height (from natural ground level):</p> <p>(i) 2 storeys of not more than 9 metres</p> <p>(ii) 2 storeys plus attic of not more than 10 metres</p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 6.35 metres, which is less than the maximum permitted in the Policy Area.</p>
<b>Garages, Carports and Outbuildings</b>	
<p>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</p> <p>Minimum setback from primary road frontage: 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b></p> <p>Garages of all dwellings set back 6.35 metres and 1.35 metres behind the main face (upper storey).</p>
<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><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></p>
<p>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</p> <p><i>General Section: Residential Development: PDC 8</i></p>	<p><b>Complies</b></p> <p>The proposed garages incorporate roof form, materials and detailing which complement the associated dwelling.</p>
<p>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>2.7 metre wide garage door equals 41.3% of the frontage width of Residence 2 and 35.8% of the frontage width of Residences 1 and 3.</p>

## Car Parking

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

*Residential Zone: PDC 7*

### **Complies**

All dwellings feature 3 bedrooms and 2 on site car parking spaces (1 of which is covered)

*On-site vehicle parking should be provided having regard to:*  
*(a) the number, nature and size of proposed dwellings*  
*(b) proximity to centre facilities, public and community transport within walking distance of the dwellings*  
*(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons*  
*(d) availability of on-street car parking*  
*(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).*

*General Section: Transportation & Access: PDC 43*

### **Complies**

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

b) 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.

### **Does Not Comply**

d) e) 2 on-street parks will be lost as a result of the proposed new driveway development. 1 on-street car parking space shall remain available adjacent the subject land.

## Access

*The width of driveway crossovers should be minimised and have a maximum width of:*

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

*General Section: Residential Development: PDC 39*

### **Complies**

All driveway crossovers are 3 metres wide.

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

*General Section: Residential Development: PDC 40*

### **Complies**

The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.

*A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.*

*General Section: Transportation and Access: PDC 28*

### **Partially Complies**

Each proposed dwelling maintains one vehicle access point. The proposed vehicle access points of Residences 2 and 3 are separated by a minimum distance of 6 metres, however the distance between Residence 1 and 2 is only 3.9 metres.

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

### **Partially Complies**

The proposed dwellings maintain a modern and contemporary appearance, with flat roofs and geometric design. This reasonably reflects the desired character of Policy Area 12, which encourages a variety of architectural styles in a manner which maintains cohesive streetscapes. Although the proposed dwelling style does not match the conventional hipped roof design of other dwellings in the street, the dwellings

	<p>nonetheless achieve appropriate streetscape presentation via large habitable windows on the upper floor presenting to the street.</p> <p>The design is quite simplistic, and does not have decorative elements to contribute to articulation. Rather, the minimisation of visual bulk and scale is achieved by fenestration, the upper storey stepping from the ground floor, relatively low building height, and different colour render to the upper and lower floors.</p>
<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p>General Section: Design &amp; Appearance: PDC 3</p>	<p><b>Complies</b></p> <p>The ground floor will be painted “Candlebark”, with the upper floor painted “Harold” (both shades of beige/tan). The garage panel lift door is also “Candlebark” with front door “Olive”. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p>
<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p>General Section: Design &amp; Appearance: PDC 17</p>	<p><b>Partially Complies</b></p> <p>The side elevations of the dwellings feature sections of uninterrupted walling, as only several small windows are provided on the upper level. The lack of articulation is not considered to result in an unreasonable design/appearance outcome given that:</p> <ol style="list-style-type: none"> <li>a) The walls do not present directly to the public realm, but are sited adjacent the side boundaries and existing buildings on adjoining land. The two-storey wall sited on the internal boundary should not be readily visible from the streetscape, as it is set behind the main face of the dwellings.</li> <li>b) The visual bulk and scale of the side elevations is minimised by stepping the upper level inward from the ground floor, and by the modest wall height and simplistic design.</li> </ol>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p>General Section: Design &amp; Appearance: PDC 15</p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p>General Section: Design &amp; Appearance: PDC 18</p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p>General Section: Residential Development: PDC 6</p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p>General Section: Residential Development: PDC 6</p>	<p><b>Complies</b></p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door and habitable window to the street.</p>

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

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 residential property in morning hours. (the property to the east is commercial.)

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. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

## Visual Privacy

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

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

*General Section: Design & Appearance: PDC 12*

### **Complies**

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

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

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

### **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.

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

*General Section: Energy Efficiency: PDC 4*

*Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.*

*General Section: Energy Efficiency: PDC 5*

### **Partially Complies**

The dwellings feature a flat roof design at 1 degree pitch on a north-facing slope. Although the north-facing slope is desired, as a result of the flat roof design, in order to achieve efficient orientation, solar panels would be required to be constructed on a tilt frame above the roof surface. Although this outcome is not ideal, it is a common consequence of a contemporary flat roof dwelling designs.

The side walls feature a parapet design which rises above the roof surface from 0 to 400mm at the rear of the upper storey. As such, future solar panels could be partially screened by the side parapets.

## 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*

### **Complies**

The proposed landscaping plan illustrates a selection of trees, shrubs and ground covers throughout the front yard of the proposed dwellings, including Japanese Maple trees, Yucca, Twiggy Daisy Bush, Bluebell and Burgundy Cordyline shrubs, and Black Anther Flax Lily and Nodding Club Rush groundcovers. The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

## Land Division

<p><i>When land is divided:</i></p> <p><i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i></p> <p><i>(b) a sufficient water supply should be made available for each allotment</i></p> <p><i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i></p> <p><i>General Section: Land Division: PDC 1</i></p>	<p><b>Complies</b></p> <p>a) Recommended conditions of consent ensure that stormwater will be drained safely and efficiently from each proposed allotment.</p> <p>b) SA Water have confirmed that water supply is available (subject to conditions).</p> <p>c) SA Water have confirmed that sewerage connection is available (subject to conditions).</p>
<p><i>Land should not be divided if any of the following apply:</i></p> <p><i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i></p> <p><i>(b) any allotment will not have a frontage to one of the following:</i></p> <p style="padding-left: 20px;"><i>(i) an existing road</i></p> <p style="padding-left: 20px;"><i>(ii) a proposed public road</i></p> <p style="padding-left: 20px;"><i>(iii) access to a public road via an internal roadway in a plan of community division</i></p> <p><i>(c) the intended use of the land is likely to require excessive cut and/or fill</i></p> <p><i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i></p> <p><i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i></p> <p><i>(f) the intended use of the land would be contrary to the zone objectives</i></p> <p><i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></p> <p><i>General Section: Land Division: PDC 2</i></p>	<p><b>Complies</b></p> <p>a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use.</p> <p>b) Each allotment will have a frontage to the public road.</p> <p>c) Due to the relatively flat topography only minor cut/fill is required</p> <p>d) Erosion is unlikely</p> <p>e) The locality is contacted to the SA Water sewerage system.</p> <p>f) The intended use of the allotments is consistent with the zone objectives.</p> <p>g) The allotments are located wholly within the zone and policy area.</p>
<p><i>Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p> <p><i>General Section: Land Division: PDC 3</i></p>	<p><b>Does not Comply</b></p> <p>Whilst the proposed allotments are more than four times the width of the frontage, this is considered a minor non-compliance given the dwellings have been designed in accordance with a majority of design criteria, and thereby demonstrates that the allotments are suitable for their intended use.</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><b>Complies</b></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><b>Complies</b></p> <p>The orientation of the allotments provides for north-facing POS and living areas.</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><b>Complies</b></p> <p>b) Access to frequent bus services is readily available nearby on Marion Road, while tram services are accessible in the wider locality.</p> <p><b>Does Not Comply</b></p> <p>a) The size of the allotments will reduce opportunities for on-street car parking.</p> <p>c) Nearby land uses (dwellings and consulting rooms on Marion Road) have a high demand for on-street parking, but only 1 on-street car parking space shall remain available adjacent the subject 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><b>Does Not Comply</b></p> <p>1 on-street car parking space is provided for the proposed allotments, were PDC 22 suggests that 2 spaces (rounded up) should be provided for 3 dwellings.</p>

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to density (number of dwellings proposed), privacy and private open space ("green space") have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors' concerns regarding increased on-street parking is noted, and it is acknowledged that the proposal maintains a shortfall of one (1) on-street car parking space. However, it has been identified that the overall width of the allotment, number of proposed dwellings (density) and driveway width/siting satisfies the Development Plan. As such, it would be contradictory to request a reduction in density due to a shortfall of an on-street car parking space. The shortfall in on-street parking has been taken into consideration in the overall assessment of the application, but it must also be acknowledged that the proposal provides sufficient on-site car parking and is located close to public transport and centres, which may reduce demand for on-site and on-street car parking.

The representor's concern regarding pressure on existing infrastructure is not a relevant consideration under the Development Plan. However, it is noted that SA Water have confirmed that water and sewer connection is available, subject to meeting requirements.

---

## ANALYSIS/CONCLUSION

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

- 0.47 metre shortfall in frontage width of Residence 2
- Site coverage excess of 4.7% (Residences 1 and 3) and 16.6 m<sup>2</sup> (Residence 2)
- 0.15 metre shortfall in upper storey side setbacks
- Residence 1 two-storey wall sited on proposed internal boundary
- Shortfall of 1 on-street car parking space
- Design/appearance; limited articulation and expanse of blank walling
- Roof design compatibility for solar collectors

The assessment discussion in the above table has considered the implications of each of these shortfalls. In each case, the impact of the discrepancy with Development Plan guidelines is not considered to be of such severity to outweigh the merit of the proposal. As such, on balance, these shortfalls are not considered to warrant refusal of the proposed development.

The proposed dwellings fundamentally accord with a majority of applicable Development Plan principles, as they achieve the desired residential densities and comprise a form of development envisaged within the Medium Density Policy Area 12. The dwellings are limited in size to provide ample private open space and rear setbacks, and provide sufficient on-site car parking. The dwellings present a contemporary design which should contribute to the desired range of architectural styles in the locality.

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

---

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2015/1567 for three (3) two-storey row dwellings and Torrens Title residential land division (1 into 3 allotments) at 1 Shakespeare Avenue, Plympton Park, be GRANTED subject to the following conditions:

## DEVELOPMENT PLAN CONSENT

### Conditions

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1567 (DAC reference 100/D200/15), being Page 1 of 7 to 7 of 7 (inclusive) prepared by Goostrey Smith Design and Plan of Proposed Division prepared by State Surveys, 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.

*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](http://www.marion.sa.gov.au/page.aspx?u=181)*

4. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
6. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

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

## LAND DIVISION CONSENT

### Conditions

1. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0036392). An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non standard.  
  
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.  
  
The internal drains shall be altered to the satisfaction of the SA Water Corporation.
2. Payment of \$12976 into the Planning and Development fund (2 allotments @ \$6488/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

## NOTES

- 1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.**
- 2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**
- 3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**
- 4. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.**
- 5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- 6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

## Attachments

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

DEVELOPMENT ASSESSMENT PANEL  
Wednesday 2 December 2015

**Agenda Ref No:** DAP021215 – 2.3

**Originating Officer:** Rob Tokley  
Team Leader - Planning

**Applicant:** 365 Studio

**Development Description:** Three, single storey row dwellings

**Site Location:** 5 Hawker Avenue, Plympton Park

**Zone:** Residential Zone

**Policy Area:** Medium Density Policy Area 12

**Application Type:** Category 2 / Consent

**Lodgement Date:** 03/08/2015

**Development Plan:** Consolidated – 19 March 2015

**Application No:** 100/2015/1363

**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 dwelling/s on land within 30 metres of a Commercial Zone as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

#### BACKGROUND

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

Amendments Requested	Amendments Made
Site coverage should be reduced to more closely align with Council's Development Plan	Site coverage of Dwellings 1 and 3 reduced from 60.6% to 52.78% and Dwelling 2 from 59.6% to 56.75%
The energy efficiency of the dwellings should be increased via eaves overhang	Eaves overhang provided
Information Requested	Information Received
Confirmation of payment for removal of street tree	Acceptance of payment confirmed

## SUBJECT LAND & LOCALITY

The subject land is situated at 5 (Lot 391) Hawker Avenue, Plympton Park.

The land incorporates a frontage width of 21.64 metres, a depth of 35.38 metres, providing a total site area of approximately 766.18 square metres.

A single storey detached dwelling, in good condition and constructed in the 1960's, is situated on the land with various vegetation and turf. There are no Regulated Trees on the land.

The locality comprises a mix of the original low density (typically single storey) housing stock situated on allotments between 650 – 800 square metres and more recently constructed dwellings, typically comprising detached, semi-detached and row dwellings on allotments between 200 – 400 square metres.

The Commercial Zone is situated 25 metres to the east, with the 'Comfort Inn' Hotel/Motel situated on the corner of Hawker Street and Marion Road. Further afield, within the Neighbourhood Centre Zone, the Forbes Shopping Centre is located, comprising a mix of shops, including supermarket, bakery, chemist, newsagency and hairdresser.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The subject application proposes to construct three, single storey row dwellings on the subject land, as each dwelling will be held exclusively on their own site, with frontage to a public road and will be joined together by a party wall. The associated plan of division (for land division DA 100/2015/1491) illustrates party wall easements between the three dwellings; which demonstrates that the dwellings form a single building. Accordingly, the dwellings satisfy the definition of a "row dwelling" pursuant to Schedule 1 of the Development Regulations 2008.

The application proposes to construct Dwellings 1 and 3 incorporating carports abutting the western and eastern side boundaries, respectively.

The floor plan of each dwelling comprises three bedrooms, single garage/carport, typical wet areas and open plan kitchen/living/dining area.

The dwellings incorporate a combination of render and exposed brick to the street façade, with brick to the remainder. Roofs are set at 25 degrees, of colorbond construction.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	13 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	4 representations (3 against and 1 neutral) were received by Council.
<b>Persons wishing to be heard:</b>	One representor, Mr and Mrs Reid identified they wish to address the Panel.

<b>Summary of representations:</b>	<ul style="list-style-type: none"> <li>• Reduced on-street parking;</li> <li>• Carport proximity to bedroom;</li> <li>• Increased on-site car parking required;</li> <li>• Out of character;</li> <li>• Appearance of carport on boundary;</li> <li>• Potential overshadowing of solar panels</li> <li>• Potential damage to pool during construction;</li> <li>• Impact upon property values</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	A response to the representations has been received – please refer Attachment V.

## ZONE & POLICY AREA ASSESSMENT

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

<b>Residential Zone</b>
<p><b>Objectives</b></p> <p><i>1 A 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 transport routes and public open spaces.</i></p>
<b>Medium Density Policy Area 12</b>
<p><b>Objectives</b></p> <p><i>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.</i></p> <p><i>2 Development that minimises the potential impact of garaging of vehicles on the character of the area.</i></p> <p><i>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</i></p> <p><i>4 Development that contributes to the desired character of the policy area.</i></p>
<p><b>Desired Character</b></p> <p><i>The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.</i></p> <p><i>Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p> <p><i>Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.</i></p>



PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> <li>▪ residential flat building (buildings between one and three storeys)</li> <li>▪ <b>row dwelling</b></li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
PDC 7	<p>Minimum Site Area: Row Dwellings: 210 square metres</p>	<p><b>Complies</b> Dwelling 1: 262.5 sq metres Dwelling 2: 240.5 sq metres Dwelling 3: 262.5 sq metres</p>
	<p>Minimum Frontage: Row Dwellings: 7.0 metres</p>	<p><b>Complies</b> Dwelling 1: 7.42 metres Dwelling 3: 7.42 metres</p> <p><b>Does Not Comply</b> Dwelling 6.8 metres</p>
	<p>Minimum Depth: Row Dwellings: 20 metres</p>	<p><b>Complies</b> All dwellings: 35.38 metres</p>

## Assessment

The proposal complies with the form of development sought in the policy area, replacing an existing low density dwelling with three, single storey row dwellings.

The dwellings shall contribute to the desired variety in architectural styles, whilst also contributing to the delivery of a range of dwelling types in the locality.

No regulated trees require removal to facilitate the proposed development. Whilst a small street tree is sought to be removed, this tree was planted in the last 18 months and does not contribute to the streetscape character of the locality. Council's Arborist has advised it is acceptable for the tree to be removed, subject to payment for the removal and replacement of the tree.

On balance, the proposed development is considered to appropriately accord with the relevant Objectives, Principles and Desired Character of the Residential Zone and Medium Density Policy Area 12.

## DEVELOPMENT ASSESSMENT

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

<b>Site Coverage</b>	
<p><b>Maximum site coverage:</b>  <i>Site area less than 270 m<sup>2</sup>: 100 m<sup>2</sup> or 40%            (whichever is the greater)</i></p> <p><i>(40% is applicable for Dwellings 1 and 3)            (100 sq metres is applicable for Dwelling 2)</i></p> <p><i>Medium Density Policy Area 12: PDC 8</i></p>	<p><b>Does Not Comply</b>            Dwelling 1: 52.78% (138.55 sq metres)            Dwelling 2: 56.75% (136.20 sq metres)            Dwelling 3: 52.78% (138.55 sq metres)</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i>            (a) pedestrian and vehicle access and vehicle parking            (b) domestic storage            (c) outdoor clothes drying            (d) rainwater tanks            (e) private open space and landscaping            (f) convenient storage of household waste and recycling receptacles</p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b>            The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p>
<b>Private Open Space</b>	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i>            (a) to be accessed directly from a habitable rooms of the dwelling            (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy            (c) to take advantage of, but not adversely affect, natural features of the site            (d) to minimise overlooking from adjacent buildings            (e) to achieve separation from bedroom windows on adjacent sites            (f) to have a northerly aspect to provide for comfortable year round use            (g) not to be significantly shaded during winter by the associated dwelling or adjacent development            (h) to be partly shaded in summer            (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality            (j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b>            a) All POS areas are directly accessible from a habitable room of the associated dwelling            b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy            c) The subject land does not maintain natural features which warrant preservation            d) The POS areas should not be directly overlooked by adjacent buildings            e) POS areas are not located next to bedrooms of dwellings on adjacent sites            f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use            g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development            h) POS areas are capable of being shaded during summer            i) Traffic, industry or other business activities should not affect the subject land            j) The POS areas are considered to have sufficient shape and area to be functional.</p>

**Site Area 250 m<sup>2</sup> or greater:**

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

**Site area less than 250 m<sup>2</sup>:**

20% of the site area or 35 m<sup>2</sup>, whichever is the greater  
Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.  
One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.

General Section: Residential Development: PDC 17

**Complies**

Dwelling 1: 28.35% (74.43 sq metres)  
Dwelling 3: 28.35% (74.43 sq metres)

**Complies**

Dwelling 2: 23.75% (57.13 sq metres)

**Street Setbacks**

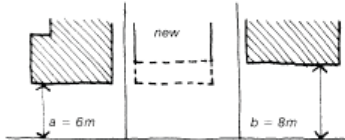
Except in areas where a new character is desired, the setback of buildings from public roads should:  
(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality  
(b) contribute positively to the function, appearance and/or desired character of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

General Section: Design and Appearance: PDC 23

**Partially Complies**

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed minimum front setback of 4.5 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 25

**Partially Complies**

Dwelling 2: 4.5 metres

(Dwellings on adjoining land set back approximately 7.5 and 8.5 metres, which enables a minimum setback of 7.5 metres)

However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Medium Density Policy Area 12 encourages redevelopment of existing dwelling stock at higher densities, PDC 25 has limited weight.

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

General Section: Residential Development: PDC 36

**Complies**

Habitable rooms are adequately separated from pedestrian and vehicle movement.

## Side Setbacks

<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p>	<p><b>Does Not Comply</b> All dwellings: 0.9 m</p> <p>The proposed side setback falls 0.1 metres short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>Although the side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>

## Rear Setbacks

<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Dwelling 1: 10.03 metres Dwelling 2: 8.4 metres Dwelling 3: 10.03 metres</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i> <i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Complies</b></p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b></p>

## Building Height

<p><i>Maximum building height (from natural ground level):</i> <i>(i) 2 storeys of not more than 9 metres</i> <i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 4.2 metres, which is less than the maximum permitted in the Policy Area.</p>
---	--

## Garages, Carports and Outbuildings

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

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

*Residential Zone: PDC 8*

**Complies**

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

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

*General Section: Residential Development: PDC 12*

**Complies**

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

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

*General Section: Residential Development: PDC11*

**Complies**

- i) Carport on boundary is not located within 6 metres of an existing structure on the same site and same boundary
- ii) Open structure length of 6.2 metres on the boundary

**Does Not Comply**

- iii) Wall height of 2.7 metres

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

*General Section: Residential Development: PDC8*

**Complies**

The proposed carports incorporate a roof form, materials and detailing which complement the associated dwelling.

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

*Residential Zone: PDC 6*

**Complies**

Max 44.1% (Dwelling 2)

## Car Parking

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

*Residential Zone: PDC 7*

**Complies**

Each dwelling is provided with two on-site car parking spaces, one of which is undercover.

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p>(a) <i>the number, nature and size of proposed dwellings</i>  (b) <i>proximity to centre facilities, public and community transport within walking distance of the dwellings</i>  (c) <i>the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i>  (d) <i>availability of on-street car parking</i>  (e) <i>any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>	<p><b>Complies</b></p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.  b) Centre facilities and public transport are located in walking distance of the dwellings.  c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p><b>Does Not Comply</b></p> <p>d) e) 1 on-street car parking space shall remain available adjacent the subject 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><b>Does Not Comply</b></p> <p>One on-street car parking space is provided where two is sought by the Development Plan.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p>(a) <i>3 metres wide for a single driveway</i>  (b) <i>5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b></p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p><b>Partially Complies</b></p> <p>The submitted plan demonstrates the driveway of Dwelling 1 is to meet the kerb without any deviation. A Stobie Pole and Telstra Pit are situated within the road reserve, adjacent the western side boundary of the site, which will require deviation for the driveway, by approximately 1.5 metres.</p> <p>A recommended condition of consent seeks for the driveway to be located no closer than 1.0 metre from both the Stobie Pole and Telstra Pit, in accordance with Principle 40.</p>
<h2>Design &amp; Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(a) <i>building height, mass and proportion</i>  (b) <i>external materials, patterns, colours and decorative elements</i>  (c) <i>roof form and pitch</i>  (d) <i>façade articulation and detailing</i>  (e) <i>verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design &amp; 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 &amp; Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p>	<p><b>Complies</b></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"> <li>• Mixture of brick and render on the front façade and portico</li> <li>• Protruding portico</li> <li>• Eave overhang and pitched roof form at 25 degree slope</li> <li>• Fenestration</li> </ul> <p>The dwellings incorporate a 25 degree Colorbond roof in Shale Grey, with brick and rendered facades. The garage of each dwelling features 'Shale Grey' Colorbond Panel lift door. These materials should not result in glare to</p>

	<p>neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p><b>Partially Complies</b></p> <p>Dwellings 1 and 3 are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>It is acknowledged that Dwelling 2 does not incorporate a protruding portico and front door entry presenting to the street. Whilst this is not ideal, Dwelling 1 and 3 provide a generic and desired streetscape presentation, which in my view, adequately dilutes the missing features from Dwelling 2.</p>

## Overshadowing

<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design &amp; Appearance: PDC 9</i></p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level open space</i></p> <p><i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 10</i></p>	<p><b>Complies</b></p> <p>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</p> <p>b) Given that 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.</p> <p>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.</p> <p>A representor (3 Hawker Avenue) has raised concerns with the potential for Dwelling 3 to cast shadow upon the west-facing solar panels attached to the roof of their dwelling. From my calculations, the single storey nature of the dwellings are likely to have a minimal impact upon these panels, which may receive some shadow from approximately 4.30pm in winter months, where the sun would set between 5:15pm – 6:00pm.</p>
--	--

## Noise

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

*General Section: Residential Development: PDC 29*

### **Partially Complies**

The garage of Dwelling 2 abuts the bedroom of Dwelling 3.

It has been included as a recommended condition of consent that "any walls shared with a garage shall be treated with an appropriate noise acoustic treatment to minimise noise transfer between dwellings".

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

### **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.

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

*General Section: Energy Efficiency: PDC 4*

*Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.*

*General Section: Energy Efficiency: PDC 5*

### **Complies**

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

## Landscaping, Fences and Walls

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

*General Section: Landscaping, Fences & Walls: PDC 1*

*Landscaping should:*

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

*General Section: Landscaping, Fences & Walls: PDC 2*

### **Complies**

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



## TABLE DISCUSSION

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

- Site coverage; and
- On-street parking.

### **Site coverage**

Each dwelling exceeds the maximum site coverage provision of 40%, with Dwellings 1 and 3 at 52.78% and Dwelling 2, 56.75%.

During the assessment process, administration sought a reduction in site coverage to more closely align with that sought by Council's Development Plan.

In my opinion, the site coverage excess will not detrimentally impact the function of each dwelling, or impact upon the streetscape or adjoining land, as a sufficient amount of private open space will be made available to the rear of each dwelling, whilst the setbacks to property boundaries generally meet, or exceed that sought by Council's Development Plan.

The dwellings will not unreasonably overshadow adjoining properties, whilst the single storey nature of the buildings will limit the visual bulk when viewed from adjoining land.

### **On-street parking**

Council's Development Plan seeks for one on-street parking space to be provided for every two allotments. Rounded up, two spaces are required; the proposal provides one less on-street parking space than sought.

In my view, this is unlikely to result in any detrimental impacts upon the street, given there remains ample on-street parking within the immediate locality, whilst the site's proximity to public transport and centre facilities may reduce on-site and on-street car parking demand for the site.

---

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to car parking, overshadowing and appearance of carports on the side boundaries have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors have also raised concerns over the proximity of the car parking space to a bedroom. Whilst it is appreciated the carports will be visible from adjoining properties, due to the reduced front setback proposed for the dwellings, carport structures are anticipated forms of development to occur on property boundaries. Given vehicle noise will be attributed to residential development only, it is not anticipated the movement of vehicles should have a detrimental impact upon the amenity/privacy of adjoining land.

The representors have also raised property values and potential damage to property during construction. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

---

## ANALYSIS/CONCLUSION

The proposed single storey row dwellings fulfil the desired built form and residential densities envisaged within the Medium Policy Area 12.

Assessment of the proposal against the quantitative Development Plan criteria has identified excess in site coverage and a shortfall in on-street parking. However, further consideration of these shortfalls has demonstrated that their potential consequence is relatively minor in nature.

Assessment of the proposal against the qualitative criteria has illustrated that the design, appearance and layout of the proposal achieves an adequate level of compliance with Development Plan provisions.

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

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1363 for three, single storey row dwellings at 5 Hawker Avenue, Plympton Park be **GRANTED** subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1363, 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. The driveway servicing Dwelling 1 shall be located no closer than 1.0 metre from the existing stobie pole and Telstra Pit within the road reserve. Amended plans detailing the above, shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
4. Any walls shared with a garage shall be treated with an appropriate noise acoustic treatment to minimise noise transfer between dwellings.
5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

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

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

## NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

## Attachments

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

DEVELOPMENT ASSESSMENT PANEL  
Wednesday 2 December 2015

<b>Agenda Ref No:</b>	<b>DAP021215 – 2.4</b>
<b>Originating Officer:</b>	<b>Rhiannon Hardy Development Officer - Planning</b>
<b>Applicant:</b>	<b>Marion Bowling Club</b>
<b>Development Description:</b>	<b>To position a shipping container on site for storage purposes</b>
<b>Site Location:</b>	<b>262-264B Sturt Road, Marion</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Non-Complying</b>
<b>Lodgement Date:</b>	<b>29/10/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/2005</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED, subject to concurrence from the Development Assessment Commission (DAC)</b>

---

#### CATEGORISATION & DELEGATION

The proposed shipping container falls within the definition of a “store” pursuant to Schedule 1 of the Development Regulations 2008 (being a building or enclosed land used for the storage of goods, and within or upon which no trade (whether wholesale or retail) or industry is carried on).

“Store” is listed as a Non-Complying form of development in the Residential Zone.

The proposed shipping container is deemed to be form of development that is minor in nature given that:

- The shipping container is of a modest size of 14.7 m<sup>2</sup> (6.05 x 2.44) and 2.6 metres high.
- The container shall not be readily visible from the streetscape or adjoining land, as it is located behind the Bowling Club building, and next to larger sheds on the land.
- The shipping container is proposed to be used in a manner which is ancillary to, or in association with, the use of the existing building and which would facilitate the better enjoyment of the existing use of the existing building.

As such, Council staff have categorised the application as a Category 1 form of development pursuant to Schedule 9 – 3 of the Development Regulations 2008.

Given that the development is a non-complying form of development, Council has delegated authority to the Development Assessment Panel.

## SUBJECT LAND & LOCALITY

The subject land is located at 262-264B Marion Road, Marion (Lot: 2 FP: 7883 CT: 6063/665). The subject allotment is 5.501 hectares, with a frontage width of 150.06 metres to Sturt Road to the south, and a frontage of 99.97 metres to Norfolk Road to the north.

The subject land encompasses the Marion Bowling Club on the southern portion of the site, with a frontage to Sturt Road. The land also includes the Marion Sports and Community Club and sporting oval located centrally within the site, and a Basketball Stadium and tennis club adjacent to Norfolk Road. The Marion Croquet Club adjoins the subject land to the west. All of these facilities are owned by the City of Marion.

The subject land is surrounded by residential dwellings, which reflects the locality's zoning in the Northern Policy Area 13 of the Residential Zone.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes to place a shipping container on the subject land. The shipping container is to be positioned east of the Marion Bowling Club clubrooms, and north of the existing sheds in this area. The opening of the container will face west towards the clubrooms.

The structure maintains a length of 6.05 metres, width of 2.44 metres, and height of 2.59 metres.

The applicant has confirmed that the shipping container will be used for storage purposes associated with the Marion Bowling Club, and will be used predominantly to store equipment and empty bottles before they are sorted for recycling.

*Refer Attachment III*

## GOVERNMENT AGENCY REFERRAL

<b>Commissioner of Highways:</b>	The proposed shipping contained is unlikely to— (a) alter an existing access; or (b) change the nature of movement through an existing access; or (c) create a new access; or (d) encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972, in relation to the arterial road, and therefore does not require referral to the Commissioner of Highways pursuant to Schedule 8 of the Development Regulations 2008.
----------------------------------	--

*Refer Attachment VI*

## INTERNAL DEPARTMENT COMMENTS

<b>Land and Property:</b>	The Landlord Consent application has been lodged with Council's Land and Property Department. This application will remain on hold pending approval of the subject development application.
---------------------------	---

## 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:

<b>Residential Zone</b>	
<p><b>Principles of Development Control</b></p> <p><i>1 The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ domestic outbuilding in association with a dwelling</li> <li>▪ domestic structure</li> <li>▪ dwelling</li> <li>▪ dwelling addition</li> <li>▪ small scale non-residential uses that serve the local community, for example:                             <ul style="list-style-type: none"> <li>- child care facilities</li> <li>- health and welfare services</li> <li>- open space</li> <li>- primary and secondary schools</li> <li>- recreation areas</li> <li>- shops, offices or consulting rooms</li> </ul> </li> <li>▪ supported accommodation.</li> </ul>	<p><b>Partially Complies</b></p> <p>The proposed shipping container relates to the existing use of the land for the Marion Bowling Club, which falls within the scope of “recreation area” and “open space” envisaged uses.</p>
<p><i>2 Development listed as non-complying is generally inappropriate.</i></p>	<p><b>Does Not Comply</b></p> <p>The proposed shipping container is classified as a “store”, which is listed as non-complying.</p>
<p><i>4 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:</i></p> <p><i>(a) serves the needs of the local community</i></p> <p><i>(b) is consistent with the character of the locality</i></p> <p><i>(c) does not detrimentally impact on the amenity of nearby residents.</i></p>	<p><b>Complies</b></p> <p>a) The proposed shipping container, and the related Marion Bowling Club, should continue to serve the needs of the local community.</p> <p>b) The size and location of the shipping container is consistent with the character of the locality, as it is sited near other larger sheds.</p> <p>c) Given that the shipping container is not located in proximity to residential properties, it should not detrimentally impact on the amenity of nearby residents.</p>
<p><i>5 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.</i></p>	<p><b>Partially Complies</b></p> <p>The shipping container (although arguably not an “outbuilding”) is not ancillary to a dwelling, but is ancillary to the Marion Bowling Club clubrooms.</p>
<p><i>8 Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i>Maximum floor area:</i></p> <p><i>60 square metres for a site greater than 600 square metres.</i></p> <p><i>Maximum building height (from natural ground level):</i></p> <p><i>4.5 metres.</i></p>	<p><b>Complies</b></p> <p>Minimum setback from primary road frontage (Sturt Road): approximately 60 metres</p> <p><b>Complies</b></p> <p>Floor area: 14.7 m<sup>2</sup></p> <p><b>Complies</b></p> <p>Building/wall height: 2.6 metres</p>

<p><i>Maximum wall height (from natural ground level)</i> 2.4 metres if sited on the boundary. 3 metres in all other circumstances.</p> <p><i>Maximum height of finished floor level (from natural ground level)</i> 300 millimetres.</p> <p><i>Minimum setback from side and rear boundaries</i> 1 metre for a solid or enclosed wall.</p>	<p><b>Complies</b> Finished floor level: as per existing ground level</p> <p><b>Complies</b> Minimum setback from side boundaries: 45 – 95 metres</p>
<b>Northern Policy Area 13</b>	
<p><b>Objectives</b></p> <p>1 A policy area primarily accommodating low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that contributes to the desired character of the policy area.</p>	<p><b>Not applicable</b> The proposed shipping container neither complies nor fails to comply with the provisions of the Northern Policy Area 13.</p>
<p><b>Desired Character</b></p> <p><i>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>	

## DEVELOPMENT ASSESSMENT

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

<b>Design &amp; Appearance</b>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(a) 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><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p>	<p><b>Complies</b> Although the shipping container does not feature any articulation or design elements, its minor size ensures that it would not result in excessive visual bulk/scale, and should not result in extensive areas of uninterrupted walling facing areas exposed to public view.</p> <p>The shipping container should only be readily visible from the adjacent sporting oval and track. However, the view of the shipping container will remain similar to view of sheds currently in this area.</p>



## Landscaping, Fences and Walls

*Development should incorporate open space and landscaping in order to:*

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

*General Section: Landscaping, Fences & Walls: PDC 1*

### **Complies**

The area where the shipping container is proposed to be placed does not feature any vegetation or landscaping. Sufficient open space and landscaping is featured throughout the subject land.

## Interface Between Land Uses

*Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
- (b) noise*
- (c) vibration*
- (d) electrical interference*
- (e) light spill*
- (f) glare*
- (g) hours of operation*
- (h) traffic impacts.*

*General Section: Interface Between Land Uses: PDC 1*

### **Complies**

The shipping container is proposed to be located approximately 100 metres from the closest residential property. As such, impacts to residential amenity should be negligible.

## Waste

*The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.*

*General Section: Waste: PDC 2*

*Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.*

*General Section: Waste: PDC 6*

### **Complies**

The applicant has advised that the proposed shipping container will be predominantly used to store equipment and empty bottles before they are sorted for recycling. As such, the proposed container directly satisfies PDC 6 by providing an appropriately sized area to facilitate the storage of waste for recycling.

## Transportation and Access

### **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 and Access: PDC 34*

### **Complies**

The proposed shipping container will not result in a loss of on-site car parking, and will not generate demand for additional on-site car parking.

The container is to be positioned away from the internal dirt roadway, so that it should not interfere with existing vehicle access throughout the site.

## ANALYSIS/CONCLUSION

The proposal accords with a number of principles contained within the Marion Council Development Plan. The Zone and Policy Area table in this report has demonstrated that there are limited principles and objectives relevant to the proposed form of development because it is located in a Residential Zone, which primarily anticipates residential dwellings and small-scale non-residential development to serve the local community. Even so, the proposed shipping container is ancillary to the Marion Bowling Club, which is a legitimate and anticipated land use, as it serves the local community by providing open space and recreational facilities.

The proposed container should enhance the use and function of the Bowling Club operations by providing a dedicated space for storage of equipment and recycling materials. Although a “store” is listed as a non-complying form of development in the Residential Zone, this categorisation is not considered to reflect the true merits of the proposal, as the proposed “store” essentially comprises a small scale storage area in association with an existing and legitimate land use.

The shipping container should not result in detrimental impacts to the locality as a result of the following attributes:

- a) appropriate siting in a vacant area of land near existing sheds;
- b) substantial separation from nearby residential properties; and
- c) minor floor area of 14.7 square metres and height of 2.6 metres (such that it would not require Development Plan Consent if it were constructed in association with a dwelling).

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.

---

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2015/2005 for To position a shipping container on site for storage purposes at 262-264B Sturt Road, Marion, be GRANTED, subject to concurrence from the Development Assessment Commission (DAC) and the following condition:**

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/2005.**

## Attachments

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

# DEVELOPMENT ASSESSMENT PANEL

Wednesday 2 December 2015

<b>Agenda Ref No:</b>	<b>DAP021215 – 2.5</b>
<b>Originating Officer:</b>	<b>Alex Wright Development Officer - Planning</b>
<b>Applicant:</b>	<b>SKS Surveys</b>
<b>Development Description:</b>	<b>Three (3) two storey row dwellings with associated landscaping, and to undertake a Torrens Title land division (1 into 3 allotments)</b>
<b>Site Location:</b>	<b>29 Gardiner Avenue Warradale</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>13/10/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1854</b>
<b>Recommendation:</b>	<b>Development Plan Consent &amp; Land Division Consent (Granted)</b>

---

## CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(iv) of the Development Regulations 2008, which assigns the construction of 3 or more row dwellings or 1 or more additional row dwellings, provided that no such dwelling is more than 2 storeys high as Category 1 development. Furthermore, Schedule 9 2(f) prescribes 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 allotment areas less than the minimum of 250 square metres required for row 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
Increase the Finished Floor Levels to a minimum 17.2 and set down the Finished Paving Levels surrounding the dwelling to a minimum 16.95.	Amended engineered site-works and drainage plan provided.

## SUBJECT LAND & LOCALITY

The subject land is located on the northern side of Gardiner Avenue, Warradale. The allotment is rectangular in shape and supports a frontage width of 21.22 metres, a depth of 32 metres and an overall allotment of 679 square metres.

The subject site is relatively flat and contains a 1950's South Australian Housing Trust era dwelling in ordinary condition and a small outbuilding to the north-western side of the allotment. The Certificate of Title confirms that the land is clear of any encumbrances or easements. Vehicular access to the site is currently achieved through a crossover located to the western side of the allotment. This crossover is proposed to be reused as part of the proposed development.

The locality is typically defined by a mixture of single storey detached dwellings on large allotments and recently sub-divided allotments incorporating a variety of modern style single and double storey dwellings at a range of densities. The subject allotment is within 300 metres of the Warradale Park Reserve, 600 metres of the Seaford Rail line (which provides direct access to the Adelaide CBD) and 700 metres of the Marion Shopping Centre and associated Regional Centre Zone.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The applicant proposes the demolition of the existing dwelling and associated outbuildings and the construction of three (3) two storey row dwellings with associated landscaping, and to undertake a Torrens Title land division (1 into 3 allotments).

The upper level of each dwelling incorporates three bedrooms, en-suite, bathroom and a front facing balcony. The ground floor incorporates a living room, powder room, laundry and a combined kitchen/meals/family room with direct access to the associated area of private open space. Each dwelling is afforded a single width carport, which has direct access to Gardiner Avenue. Dwelling 1 proposes to gain access through the existing crossover whilst new crossovers are proposed for Dwellings 2 and 3.

A detailed landscape schedule nominating the location and species of plantings throughout the front and rear yards of the dwellings has been provided.

*Refer Attachment III*

## GOVERNMENT AGENCY REFERRAL

<b>SA Water:</b>	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. An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
<b>DAC:</b>	Payment of \$12976 into the Planning and Development Fund (2 allotment(s) @ \$6488/allotment). Payment may be made by credit card via the internet at <a href="http://www.edala.sa.gov.au">www.edala.sa.gov.au</a> 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.

	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.
--	--

*Refer Attachment IV*

#### INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	Council's Development Engineer has advised the Finished Floor Levels should be 17.2 whilst the Finished Paving levels must be set down a minimum 250mm below these finished floor levels.
<b>Arborist:</b>	Council's Planning Officer – Arboriculture has advised the subject street trees can be removed and later replaced to ensure safe and convenient access can be achieved. A cost of \$333 is required per tree and a condition of consent will be recommended to this effect.

#### 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:

<b>Residential Zone</b>
<p><b>Objectives</b></p> <p><i>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i></p>
<b>Northern Policy Area 13</b>
<p><b>Objectives</b></p> <p><i>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</i></p>
<p><b>Desired Character</b></p> <p><i>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>detached dwelling</i></li> <li>▪ <i>group dwelling</i></li> <li>▪ <i>residential flat building</i></li> <li>▪ <i>row dwelling</i></li> <li>▪ <i>semi-detached dwelling</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<b>Complies</b>
<i>PDC 3</i>	<i>Minimum Site Area:250m<sup>2</sup></i>	<b>Does Not Comply</b> Dwelling 1: 227.61m <sup>2</sup> Dwelling 2: 227.61m <sup>2</sup> Dwelling 3: 227.61m <sup>2</sup>
	<i>Minimum Frontage:7m</i>	<b>Complies</b> Dwelling 1: 7.1m Dwelling 2: 7.1m Dwelling 3: 7.1m
	<i>Minimum Depth:20m</i>	<b>Complies</b> Dwelling 1: 32m Dwelling 2: 32m Dwelling 3: 32m

## Assessment

The application proposes to replace one dwelling and construct three dwellings in its place. Objective 1 of both the Residential Zone and Northern Policy Area 13 seek to accommodate low-to-medium development, whilst Objective 2 of the Zone encourages development of an increased density close to public open space. 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 and contemporary dwelling types that differ to that typically found within the locality.

The site is located in relatively close proximity to a number of desirable attributes where high densities are sought. Occupants would be within walking distance of the Warradale Reserve, frequent bus transportation is available on Sturt Road and Morphett Road with services to the city and Flinders University/Hospital complex, whilst train transportation is available via the Seaford rail line. Additionally, a Regional Centre which contains Westfield Marion and other services is within 700 metres.

The proposal does display some numerical shortfalls with respect to the minimum site area of each dwelling.

### Site Area

The site areas of each dwelling falls 22.39 square metres (8.9%) short of the minimum requirement of 250 square metres.

Although undersized, the allotments each maintain a frontage width greater than the minimum 7 metre requirement and as such, the undersized nature of each allotment will not be apparent when viewed from the street. The undersize nature of the allotments do not, in my opinion, compromise the functionality of the development.

In my opinion, whilst the application proposes a density greater than what is anticipated within the Policy Area, I do not consider this to be fatal to the application. In my opinion the proposal

does not result in adverse amenity impacts on adjoining properties with respect to overshadowing, bulk or scale, and (as discussed further within the report) the level of articulation and visual interest afforded to the dwellings results in an attractive residential development. Furthermore, the development is considered to provide a positive contribution to the streetscape by virtue of the modern design, appropriate colours and finishes and landscaping forward of the dwellings.

It will be shown throughout this report that each of the dwellings achieves relative compliance when assessed against the remaining provisions of the Development Plan and will not adversely affect the amenity of existing neighbouring properties.

Despite the shortfall in area of each allotment, the development results in a form of housing consistent with a majority of the Policy Area Objectives. In my opinion, the proposed development will not have a detrimental impact on adjoining land and will contribute to the positive residential environment sought within the Policy Area.

**DEVELOPMENT ASSESSMENT**

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b>                      Dwelling 1: 115.6m<sup>2</sup> / 50.7%                      Dwelling 2: 115.6m<sup>2</sup> / 50.7%                      Dwelling 3: 115.6m<sup>2</sup> / 50.7%</p>
<p><i>Maximum floor area ratio: 0.6</i> <i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b>                      Dwelling 1: 0.74                      Dwelling 2: 0.74                      Dwelling 3: 0.74</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i>                      (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   <i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b>                      The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>

**Site Coverage**

Site coverage for the proposed development is high, with each dwelling attaining site coverage of approximately 50.7%, which exceeds the Council’s desired 40% maximum.

Due to the nature of row dwellings being boundary to boundary, site coverage is generally higher than detached or semi-detached dwellings as the dwellings do not provide separation to at least one side boundary (this being a prerequisite of row dwellings). Nevertheless, the absence of side setbacks or separation will not result in visual impacts to the adjoining properties on either side of the subject site.



The extent of site coverage is considerable, especially given the dwellings do not incorporate a rear verandah or under main roof alfresco, and the likely inclusion of these structures would result in additional site coverage. Further, the single storey rear setbacks afforded to each dwelling all fall (marginally) short of the minimum requirements. Nevertheless, in my opinion, the two storey nature of the proposal results in an appropriate and functional use of land and enables the provision of appropriate setbacks and private open space.

Notwithstanding the above, the high site coverage is unlikely to create an adverse visual impact on adjoining properties. It should be noted, a dwelling 'as of right' can achieve site coverage of up to 60% under the Residential Code and whilst not applicable for a dwelling of this type, this does indicate a degree of flexibility should the dwelling adequately function and meet the likely needs of the occupants. Furthermore, a row dwelling 'as of right' can incorporate site coverage of up to 70% with the subsequent construction of a verandah or outbuilding under Schedule 1A or 4 of the Development Regulations 2008 (once the dwellings have been completed).

**Floor Area Ratio**

The excess floor area of each dwelling is approximately 33.18 square metres. Despite the excess in floor area ratio, the additional floor area of each dwelling is not considered significant or unreasonable, and does not contribute to the dwellings being excessively bulky when viewed from the allotments adjacent. In my opinion, the proposed floor area ratio does not result in a bulk and scale that would unreasonably impact on existing neighbouring properties or on future occupants of the site of development.

**Private Open Space**

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

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

General Section: Residential Development: PDC 15

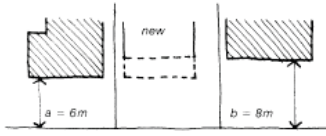
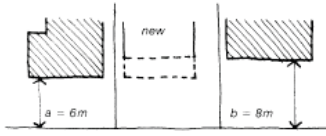
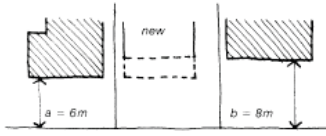
**Complies**

- a) A majority of POS areas for each dwelling are directly accessible from a habitable room .
- b) All POS is located at ground level to the rear and side (small service yard) of the dwellings and capable of being screened for privacy.
- c) The subject land does not maintain natural features which warrant preservation.
- d) The POS areas should not be directly overlooked by adjacent buildings .
- e) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.
- g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- h) POS areas are capable of being shaded during summer.
- j) The POS areas are considered to have sufficient shape and area to be functional.

<p><b>Site area less than 250 m<sup>2</sup>:</b>  20% of the site area or 35 m<sup>2</sup>, whichever is the greater  Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>General Section: Residential Development: PDC 17</p>	<p><b>Complies</b>  Dwelling 1: 51m<sup>2</sup> / 22.4%  Dwelling 2: 51m<sup>2</sup> / 22.4%  Dwelling 3: 51m<sup>2</sup> / 22.4%</p> <p>Each dwelling is afforded an area of private open space with a minimum dimension of 7.113m by 5.79m and a negligible gradient.</p>
---	---

## Street Setbacks

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i>  (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality  (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 23</p>	<p><b>Partially Complies</b>  The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 6.9 metres is similar to that of new dwellings in the wider 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>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1" data-bbox="188 1182 863 1489"> <thead> <tr> <th style="background-color: #cccccc;">Setback difference between buildings on adjacent allotments</th> <th style="background-color: #cccccc;">Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjacent buildings, as illustrated below:    When b &gt; a: 2, setback of new dwelling = a or b</td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjacent buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 25</p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:  When b > a: 2, setback of new dwelling = a or b	Greater than 2 metres	At least the average setback of the adjacent buildings	<p><b>Partially Complies</b>  The proposed 6.9 metre setback to the main face of each dwelling is significantly less than the 8.15 metre average of the dwellings on adjacent allotments. The adjacent dwellings to the east and west are 1950's South Australian Housing trust era dwellings and form part of the localities original housing stock. These dwellings maintain the original front setbacks sought of approximately 8.15 metres.</p> <p>Notwithstanding the above, PDC 23 suggests that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, PDC 25 has limited weight in this instance.</p>
Setback difference between buildings on adjacent allotments	Setback of new building						
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:  When b > a: 2, setback of new dwelling = a or b						
Greater than 2 metres	At least the average setback of the adjacent buildings						

<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p>General Section: Residential Development: PDC 36</p>	<p><b>Complies</b>  Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
--	--

## Side Setbacks

<p>Where the wall height is between 3 metres and 6 metres:            (a) 3 metres if adjacent southern boundary            (b) 2 metres in all other circumstances.</p> <p>Where the wall height is greater than 6 metres:            (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</p> <p>Residential Zone: PDC 7</p>	<p><b>Does Not Comply</b>            Dwelling 1: 1.4m (wall height 3.15m)            Dwelling 3: 1.4m (wall height 3.15m)</p> <p><b>Does Not Comply</b>            Dwelling 1: 2.735m (wall height 2.75m)            Dwelling 3: 2.735m (wall height 2.75m)</p>
<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:            (a) the visual impact of the building as viewed from adjacent properties            (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p>General Section: Design &amp; Appearance: PDC 2</p>	<p><b>Complies</b>            Although the side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties.</p>

### Ground Level Side Setback

The proposed dwellings achieve a ground level wall height of 3.15 metres. As the wall height exceeds 3 metres, the dwellings should achieve a minimum side setback of 2 metres.

The 150mm excess in wall height is not considered to result in unreasonable impacts on adjacent land in terms of bulk and scale, especially considering a ground level setback of 1.4 metres has been provided. The setback afforded is considered to provide sufficient separation to appropriately minimise the discrepancy in side setbacks.

### Upper Level Side Setback

The proposed dwellings achieve an upper level wall height of 6.75 metres (taken from the top of the parapet to the proposed finished floor level). As the wall heights are greater than 6 metres, a minimum upper level side setback of 2.75 metres should be achieved.

In my opinion, the discrepancy in upper level side setbacks (15mm) is considerably minor and will not result in unreasonable visual or amenity impacts on adjacent allotments. The setbacks afforded to the upper level are considered appropriate and provide sufficient separation to the respective side boundaries.

The neighbouring dwelling to the east (27 Gardiner Avenue) incorporates a carport on the boundary. A majority of the private open space is located to the rear of the allotment. As a result of the carport on the boundary and lack of west facing habitable rooms, potential visual and amenity impacts associated with the height and bulk of the proposed dwellings are primarily limited to the front yard of the adjacent allotment. The dwelling to the west (31 Gardiner Avenue) incorporates a minor dwelling addition and large outbuilding on the boundary. A majority of private open space of the dwelling to is located to the north and west of the allotment and therefore sufficient separation from the proposed development is provided. Potential visual and amenity impacts associated with the height and bulk of the proposed dwellings are primarily limited to the front yard of the allotment. In my opinion, the boundary structures are likely to adequately screen the proposed dwellings from the primary area of P.O.S.

## Rear Setbacks

<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b>            Dwelling 1: 5.79m            Dwelling 2: 5.79m            Dwelling 3: 5.79m</p> <p>Although the proposed rear setbacks do not meet the minimum 6 metres required for the ground level of a dwelling, an acceptable and compliant area of POS with appropriate dimensions has been provided to the rear.</p> <p>Given the single storey nature of the rear section of dwelling, the provision of adequate dimensions of private open space and reasonable separation to the rear boundary, the shortfall in rear setbacks of 210mm is not considered unreasonable.</p>
<p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b>            Dwelling 1: 8.11m            Dwelling 2: 8.11m            Dwelling 3: 8.11m</p>

## Building Height

<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b>            The proposed dwellings incorporate a maximum building height of 6.75 metres, which is less than the maximum permitted in the Policy Area.</p>
--	---

## Garages, Carports and Outbuildings

<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 8 metres for a freestanding structure. 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Partially Complies</b></p> <p>Whilst the carport of each dwelling is setback a minimum 6.9 metres from the boundary, no separation from the dwellings' front façade has been provided.</p> <p>The upper level balcony is cantilevered forward by approximately 900mm, and this setback is considered to provide sufficient articulation to minimise the lack of a minimum 500mm setback. Furthermore, as proposed carports are of a lightweight nature and do not incorporate roller doors, the lack of setbacks will not as apparent.</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p><b>Complies</b>            The proposed carports incorporate a roof form and materials that complement the associated dwelling.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></p>

<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b>  Dwelling 1: 2.9m / 40.7%  Dwelling 2: 2.9m / 40.7%  Dwelling 3: 2.9m / 40.7%</p>
<b>Car Parking</b>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i>  <i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b>  Each dwelling is provided with 2 on-site parking spaces, one of which is covered.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i>  <i>(a) the number, nature and size of proposed dwellings</i>  <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i>  <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i>  <i>(d) availability of on-street car parking</i>  <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>	<p><b>Partially Complies</b>  a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.  b) Centre facilities and public transport are located in walking distance of the dwellings  c) The likely occupants are anticipated to have standard mobility and transport requirements.  d) e) 1 on-street car parking spaces shall remain available adjacent the subject land. The provision of 1 on-street park does not meet Council's Development Plan requirements.</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><b>Does Not Comply</b>  1 on-street car parking space is provided for the proposed allotments, where 2 spaces should be required.</p> <p>Nevertheless sufficient on-site parking has been provided in accordance with PDC 7 and I am satisfied that as transportation and Access Principle 43 has been achieved, the number of on-street spaces is considered acceptable.</p>
<b>Access</b>	
<p><i>The width of driveway crossovers 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><b>Complies</b>  Each driveway is a maximum 3 metres in width.</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p><b>Complies</b>  Council's Planning Officer – Arboriculture has confirmed the 2 existing street trees can be removed and later replaced (at a cost) to provide safe and convenient access.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p><b>Partially Complies</b>  The vehicle access points of Dwellings 2 and 3 are separated by a minimum distance of 8.1 metres.</p> <p>Less than 6 metres separates the driveways of Dwellings 2 and 3, this is somewhat unavoidable given the redevelopment of the site to accommodate three dwellings and the overall frontage width of 21.22 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, modern and unique presentation to the streetscape.

Each dwelling provides a front door facing the primary street frontage and upper and lower level habitable room windows. The front façade has incorporated significant design elements and articulation. The upper level balcony is cantilevered 1 metre forward of ground floor and the entire façade is 'framed' by the scyon matrix panel cladding. The wall behind incorporates a different material and colour to provide greater visual interest and contrast. Perforated sliding metal screens have been incorporated to provide sufficient privacy to occupants and provide additional visual interest. Large horizontal framed windows to the lower level front façade provide appropriate glazing and visual interest.

The upper level of each dwelling incorporates 'off-white' James Hardie Scyon Matrix Panel Cladding whilst the lower level of each dwelling incorporates 'Medium grey' rendered CFC cladding. The change in colour and materials provides an appropriate visual contrast.

Appropriate articulation is provided through differing side setbacks to the upper and lower level of the dwelling. The level of articulation afforded through these differing setbacks, and the use of different colours and materials is considered to appropriately aid in reducing the potential visual bulk and scale impacts associated with the dwelling's two storey nature. Rebated window head panels, coloured dark grey, will be incorporated above the rectangular vertical side façade windows to provide further visual interest.

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

<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p>	<p><b>Partially Complies</b></p> <p>The upper level side elevations of the Dwellings 1 &amp; 3, which face the adjacent allotments to the east and west, feature a moderate area of uninterrupted and unarticulated walling. The only design element incorporate into these facades are by high level windows to the middle section of the respective façade.</p> <p>The lack of articulation is not considered to result in an unreasonable design/appearance outcome given that:</p> <ul style="list-style-type: none"> <li>a) The walls do not present directly to the public realm, but are sited adjacent the side boundaries and existing buildings on adjoining land.</li> <li>b) The visual bulk and scale of the side elevations is appropriately minimised though the modern and contemporary design and the use of different colours/materials for the upper and lower levels.</li> </ul> <p>The two-storey wall of Dwelling 1 sited on the internal boundary will only be readily visible from the streetscape when viewed looking to the north and northwest.</p> <p>Whilst no windows and articulation have been afforded to this wall, it forms part of the architectural style of the dwelling and results in minimal visual impacts as it does not present directly to the public realm.</p> <p>Whilst this wall does not comply with PDC 17, it is considered appropriate in this instance.</p>
<p><i>Balconies should:</i></p> <ul style="list-style-type: none"> <li><i>(a) be integrated with the overall form and detail of the building</i></li> <li><i>(b) include balustrade detailing that enables line of sight to the street</i></li> <li><i>(c) be recessed where wind would otherwise make the space unusable.</i></li> </ul> <p><i>General Section: Design &amp; Appearance: PDC 5</i></p>	<p><b>Complies</b></p> <p>The proposed balconies are integrated into the overall dwelling design, with clear glass balustrading that enables line of sight to the street.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p><b>Complies</b></p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico/balcony and habitable windows to the street.</p>

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

### **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 building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms*
- (c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.*

*General Section: Design & Appearance: PDC 12*

### **Complies**

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

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

In my opinion, the dwellings have been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing an external outlook and passive surveillance to the public realm.



## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

### **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.

The dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings through the provision of sufficient setbacks.

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

*General Section: Energy Efficiency: PDC 4*

*Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.*

*General Section: Energy Efficiency: PDC 5*

### **Does Not Comply**

The dwellings have not been provided with a pitched roof. This notwithstanding, the provision of a flat roof does not prevent future applicants from installing solar hot water and photovoltaic cell services flush against the roof or installing mounted services.

## Flooding

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

*General Section: Hazards: PDC 4*

*Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:*  
*(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event*  
*(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.*

*General Section: Hazards: PDC 5*

### **Partially Complies**

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor level of 17.2 and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

Whilst a finished paving level of 16.95 has not been nominated on the engineered siteworks and drainage plan, the applicant has acknowledged a condition will be recommended, requiring this level of information.

## Landscaping, Fences and Walls

*Development should incorporate open space and landscaping in order to:*

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

*General Section: Landscaping, Fences & Walls: PDC 1*

*Landscaping should:*

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

*General Section: Landscaping, Fences & Walls: PDC 2*

### **Complies**

The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas. The provision of larger plantings forward of each dwelling will further aid in reducing and softening the visual bulk/scale posed by the two storey nature of the dwellings.

## Land Division

*When land is divided:*

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

*General Section: Land Division: PDC 1*

### **Complies**

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

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

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

*General Section: Land Division: PDC 2*

### **Complies**

- a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use.
- b) Each allotment will have a frontage to the public road.
- c) Due to the relatively flat topography only minor cut/fill is required
- d) Erosion is unlikely
- e) The locality is contacted to the SA Water sewerage system
- f) The intended use of the allotments is consistent with the zone objectives
- g) The allotments are located wholly within the zone and policy area.

<p><i>Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p> <p><i>General Section: Land Division: PDC 3</i></p>	<p><b>Does not Comply</b>          Whilst the depth of the proposed allotments are more than four times the width of the frontage, this is considered a minor non-compliance given the dwellings have been designed in accordance with a majority of design criteria, and thereby demonstrates that the allotments are suitable for their intended use.</p>
<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <ul style="list-style-type: none"> <li><i>(a) minimises the need for earthworks and retaining walls</i></li> <li><i>(b) maintains natural drainage systems</i></li> <li><i>(c) faces abutting streets and open spaces</i></li> <li><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></li> <li><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></li> </ul> <p><i>General Section: Land Division: PDC 10</i></p>	<p><b>Complies</b></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><b>Complies</b></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> <ul style="list-style-type: none"> <li><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></li> <li><i>(b) the availability and frequency of public and community transport</i></li> <li><i>(c) on-street parking demand likely to be generated by nearby uses.</i></li> </ul> <p><i>General Section: Land Division: PDC 21</i></p>	<p><b>Partially Complies</b></p> <ul style="list-style-type: none"> <li>a) The allotments provide opportunities for adequate on-site car parking.</li> <li>b) Access to frequent bus and train services is readily available within the wider locality</li> <li>c) 1 on-street car parking spaces shall be available adjacent the subject land. Whilst this does not comply with Development Plan requirements as discussed earlier in the report, I am of the opinion the number of on-street spaces is considered acceptable.</li> </ul>
<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><b>Does Not Comply</b></p> <p>1 on-street car parking space is provided for the proposed allotments, where 2 spaces should be required.</p> <p>As discussed earlier in the report, I am of the opinion the number of on-street spaces is considered acceptable.</p>

## ANALYSIS/CONCLUSION

Assessment of the proposal identifies shortfalls in site area, front, side and ground floor rear setbacks and excess in site coverage and floor area ratio.

Whilst each dwelling does not achieve the required allotment size for row dwellings within the Northern Policy Area 13, as discussed within the report, the proposed allotments are considered to be of an acceptable density for the Policy Area. Despite the shortfall in site area, the proposal attains reasonable setbacks to boundaries and acceptable area and dimensions of private open space. Furthermore, the proposal does not result in adverse amenity impacts on adjoining properties with respect to overshadowing, bulk or scale, and provides a positive contribution to the streetscape. As such, in my opinion, the shortfall in site area does not result in an over development of the site nor does it compromise the intent of the Policy Area.

The high site coverage of each dwelling is significant considering the dwellings do not incorporate a rear verandah or under main roof alfresco, and the inclusions of these structures would result in increased site coverage. This notwithstanding, the proposal does achieve acceptable side boundary setbacks, and dimensions, area and orientation of private open space. Likewise, the excess in floor area ratio whilst considerable does not result in a bulk and scale that would unreasonably impact on existing neighbouring properties or on future occupants of the site. As such, the excess in site coverage and floor area ratio is not considered to adversely affect the functionality of each dwelling, nor compromise the amenity of adjacent properties.

Whilst the front setbacks of the dwellings do not meet the quantitative requirements of the Development Plan, they do not result in detrimental impacts upon the adjacent dwellings or adversely affect the streetscape. The setbacks, whilst not the average of adjoining dwellings, are considered to be consistent with more recently constructed dwellings within the locality and are likely to be replicated as more properties are developed in the future. Furthermore, sufficient design, articulation and visual interest has been incorporated into the dwelling facades to appropriately reduce potential visual and bulk/scale impacts. Whilst the ground and upper level side setbacks do not meet the minimum requirements, the discrepancy is inconsequential and sufficient separation has been provided to appropriately reduce the potential bulk and scale impacts caused by the building's two-storey nature.

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

---

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2015/1854 for three (3) two storey row dwellings with associated landscaping, and to undertake a Torrens Title land division (1 into 3 allotments) at 29 Gardiner Avenue, Warradale 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. 100/2015/1854, being;
  - PL01.C, PL02.C, PL03.C prepared by Alexander Brown Architects, received by Council 8/11/2015;
  - 'Siteworks and Drainage Plan' prepared by P & G Structures Pty Ltd, received by Council 19/11/2015
  - 'Plan of Proposed Division' prepared by SKS Surveys Pty Ltdexcept when varied by the following conditions of consent.
2. A fully engineered siteworks and drainage plan shall be provided to Council for consideration and approval prior to the submission of building rules documentation. The engineered siteworks and drainage plan must nominate the Finished Floor Levels at 17.2 and the paving levels surrounding the dwellings a minimum 250mm below this level.
3. The applicant must bear all the cost associated with the removal of the existing Council Street Trees and the installation and replacement street trees. An invoice for \$666 (\$333 per tree) will be issued by Council should Development Plan prior to the issuing of Development Approval.
4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.  
  
*Note: A copy of the information guide can be viewed at the City of Marion webpage [www.marion.sa.gov.au/page.aspx?u=181](http://www.marion.sa.gov.au/page.aspx?u=181)*
5. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises 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. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
8. 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.
9. 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.
10. 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
11. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
12. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
13. Any habitable room walls shared with the garage of another dwelling shall be treated with an appropriate noise acoustic treatment to minimise noise transfer between dwellings.

#### **Land Division Consent**

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.

An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

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

## NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
7. The applicant is reminded that Development Approval from the Council is required for any retaining wall over one metre in height, any masonry fence over one metre in height, any non-masonry fence (eg colorbond, wood paling, brush etc) over 2.1 metres in height, and any retaining wall with a fence on top with a total height over 2.1 metres in height (measured from the lower of the two adjacent ground levels).
8. Demolition of the existing dwelling and/or other structures on the land cannot occur until a separate application has been lodged, assessed by and approved by the Council.
9. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.
10. The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

## Attachments

- 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 2 December 2015

**Agenda Ref No:** DAP021215 – 2.6

**Originating Officer:** Rob Tokley  
Team Leader - Planning

**Applicant:** Mr Nick Rowett

**Development Description:** To erect signage for a temporary period of up to 18 months

**Site Location:** 321-325 Sturt Road, Bedford Park

**Zone:** Caravan and Tourist Park

**Application Type:** Category 1 / Consent

**Lodgement Date:** 15/10/2015

**Development Plan:** Consolidated – 19 March 2015

**Application No:** 100/2015/1880

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

---

#### CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, as the proposed signage is considered to be of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

The subject application requires determination by the Development Assessment Panel pursuant to the City of Marion Schedule of Delegations, as the proposal comprises an outdoor advertising sign attached to a building or structure where the face of the advertising structure exceeds 10 square metres.

#### BACKGROUND

No amendments were requested by administration during the processing of the application, however, additional information was sought regarding the length of time it is intended for the signage to remain on the land.

#### SUBJECT LAND & LOCALITY

The subject land is situated at 321-325 Sturt Road, Bedford Park, and incorporates the Marion Holiday Park.



The Holiday Park has been in existence on 321 Sturt Road for many years. In approximately 2009, the Holiday Park purchased the adjacent Roselands Tennis Centre (325 Sturt Road) and has since expanded its operations onto that site, to include additional accommodation, swimming pool and recreation facilities.

The locality comprises low to medium residential development to the north of Sturt Road. A single storey detached dwelling is situated at 327 Sturt Road, located between the subject land and the Department for Transport's depot site, 50 metres to the east.

Land further south and to the west incorporates the Sturt Creek and Warriparinga wetlands.

*Refer Attachment I & II*

## PROPOSED DEVELOPMENT

The application seeks to erect (for a temporary period of up to 18 months) signage printed on 'shade-cloth' like material, affixed to temporary 'cyclone' fencing at 2.1 metres in height.

The signage and fencing is to be erected adjacent the front boundary of the property, and will incorporate a length of 45 metres – commencing from approximately 7.6 metres from the eastern boundary and concluding adjacent the main entrance to the Holiday Park.

The signage proposed will incorporate alternating square sections, featuring the Marion Holiday Park corporate logo (white text on red background) and various photo images of the Holiday Park facilities.

*Refer Attachment III*

## ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Caravan and Tourist Park Zone are listed in the following table and discussed in further detail below:

Caravan and Tourist Park Zone		
<i>Objective 1</i>	<i>A zone primarily for short-term tourist accommodation and associated facilities.</i>	<b>Not applicable</b>
<i>Objective 2</i>	<i>A zone accommodating a range of short-term tourist accommodation predominantly in the form of caravan and camping sites, cabins, and transportable dwellings surrounded by open landscaped areas.</i>	<b>Not applicable</b>
<i>Objective 3</i>	<i>Development that is designed to enhance the natural features of the local environment, including visual amenity, landforms, fauna and flora.</i>	<b>Partially complies</b>
<i>Objective 4</i>	<i>Development that contributes to the desired character of the zone.</i>	<b>Partially complies</b>
<i>Desired Character</i>	<i>This zone primarily accommodates a range of tourist accommodation uses, including camping sites, caravans and cabins. Dwellings and long-term accommodation will not lead to the displacement of existing tourist accommodation in high demand locations.</i>  <i>Buildings will be single storey and blend in with the natural environment. In rural and natural landscapes, the visual impact of the park will be minimal from scenic vantage points, public lookouts and tourist routes.</i>	<b>Partially complies</b>

	<p><i>Vegetation buffers and landscaping will be important in integrating the park into the landscape and providing screening from surrounding land uses, as well as reducing visual and noise impacts and providing privacy for park users.</i></p> <p><i>Circulation and movement within the park will be pedestrian friendly and promote low speed vehicle movement.</i></p>	
PDC 1	<p><i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>▪ <i>amenity block, including shower toilet, laundry and kitchen facilities</i></li> <li>▪ <i>cabin</i></li> <li>▪ <i>camping ground</i></li> <li>▪ <i>caravan park</i></li> <li>▪ <i>caravan permanently fixed to land</i></li> <li>▪ <i>recreation area including tennis court, basketball court, playground</i></li> <li>▪ <i>swimming pool/spa</i></li> <li>▪ <i>tourist park and other forms of tourist accommodation.</i></li> </ul>	<b>Does Not Comply</b>

## Assessment

The provisions of the Zone do not encourage nor discourage signage and therefore provide little guidance in the assessment of the application.

The desired character seeks for development to “reduc[e] visual...impacts”, whilst Objective 3 seeks for development to “enhance the natural features of the local environment”. It is acknowledged the signage will be a prominent feature at the front of the site, partly restricting view of the large River Red Gum beyond.

However, it is acknowledged that a solid fence (such as ‘colorbond’) can be erected at the front of the site, at a height of up to 2.1 metres without Council consent. In this regard, the signage, which will feature images of the park facilities, will be visually permeable (albeit vision through the shade-cloth material will be limited), and will be erected for a limited time period, will not have such an abrupt impact upon the appearance of the site, or the streetscape compared to other structures that can be erected without Council consent.

Further, it is noted the area directly adjacent the proposed signage is currently being used to accommodate concrete and spoil from construction of facilities within the Holiday Park, and screening this area from public view provides some benefit.

The proposed sign will not inhibit the achievement of the objectives, desired character or principles of the Zone.

Given the limited Zone provisions relative to the proposal, consideration of the application is more appropriately undertaken against the Council-wide Principles relating to Advertisements.

---

## 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:

<b>Advertisements</b>	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p><b>Partially Complies</b></p> <p>(a) The signage incorporates a length significantly greater than other signs within the locality.</p> <p>(b) There are no heritage-listed buildings on the site, however, a River Red Gum tree, considered to have been in existence prior to European settlement will be partially screened from view by the proposed sign.</p> <p>(c) Not applicable</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p><i>(a) clutter</i></p> <p><i>(b) disorder</i></p> <p><i>(c) untidiness of buildings and their surrounds</i></p> <p><i>(d) driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p><b>Complies</b></p> <p>The site currently incorporates a freestanding sign west of the proposed signage. Whilst the proposal will result in a second, additional sign on the site, the proposal is not considered to clutter the front of the property.</p> <p>The appearance of the signage will reflect the intended temporary erection of the structure; being a 'shade-cloth' like material, attached to temporary 'cyclone' fencing.</p> <p>By its very nature, the fencing may be placed somewhat unevenly, whilst the shade-cloth material may flap and flicker in the breeze. To this end, the sign may appear somewhat untidy.</p> <p>However, the imagery of the sign will be arranged in a neat, coordinated fashion, whilst the limited time the advertisement will be erected will ensure the structure will not remain in perpetuity.</p> <p>The sign is not illuminated, and will not move, flash or scroll, and as such, is unlikely to lead to driver distraction</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p><i>(a) be completely contained within the boundaries of the subject allotment</i></p> <p><i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p><i>(c) not obscure views to vistas or objects of high amenity value.</i></p> <p><i>General Section: Advertisements: PDC 5</i></p>	<p><b>Partially Complies</b></p> <p>The signage will be sited on the boundary of the property, and will not result in the pruning or removal of substantial vegetation – satisfying Principle 5(a) and (b).</p> <p>The signage will restrict view of an attractive River Red Gum tree, likely to</p>

	<p>have been in existence prior to European settlement. Having said this, view of the upper canopy will be maintained, whilst the area at ground level adjacent the tree is used for the piling of concrete and spoil from the construction of buildings in the Holiday Park. In this regard, the signage will limit view of an area of the site which is less attractive.</p> <p>Given the limited time period the signage will be erected, the proposal is considered acceptable.</p>
<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p><i>(a) a public footpath or veranda post</i>  <i>(b) a road, median strip or traffic island</i>  <i>(c) a vehicle adapted and exhibited primarily as an advertisement</i>  <i>(d) residential land.</i></p> <p><i>General Section: Advertisements: PDC 6</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p><b>Partially Complies</b></p> <p>The signage will be printed on a 'shade-cloth' like material and attached to temporary 'cyclone' fencing, at 2.1 metres in height.</p> <p>The 'feet' of the fencing is likely to be visible from below the signage, however, such fencing can be erected without the prior consent of Council.</p>
<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p><i>General Section: Advertisements: PDC 11</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.</i></p> <p><i>General Section: Advertisements: PDC 13</i></p>	<p><b>Complies</b></p> <p>The signage proposed is only likely to be readable within reasonable proximity of the site</p>
<p><b>Safety</b></p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i>  <i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i>  <i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i>  <i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p><b>Complies</b></p>

<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p><i>General Section: Advertisements: PDC 16</i></p>	<p><b>Complies</b></p>
<p><b>Freestanding Advertisements</b></p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i>  <i>(a) limited to only one primary advertisement per site or complex</i>  <i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i></p> <p><i>General Section: Advertisements: PDC 18</i></p>	<p><b>Partially Complies</b></p> <p>The site comprises an existing freestanding sign adjacent the main entrance to the site. Whilst the proposed sign will result in a second, additional sign, the property incorporates an expansive 116 metre frontage, whilst the placement of the proposed sign, parallel with the road frontage limits its view to the immediate locality.</p>
<p><b>Flags, Bunting and Streamers</b></p> <p><i>Advertisements and/or advertising hoardings should not comprise bunting, streamers or attached floating objects.</i></p> <p><i>General Section: Advertisements: PDC 23</i></p>	<p><b>Complies</b></p>
<p><b>Advertising along Arterial Roads</b></p> <p><i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p><i>General Section: Advertisements: PDC 24</i></p>	<p><b>Complies</b></p> <p>Sturt Road has a maximum speed limit of 60 km/h</p>

## ANALYSIS/CONCLUSION

The proposed signage is sought to be erected for a maximum 18 months, to screen the existing area that is being used to place excess concrete and spoil from current construction work occurring on the site, and proposed future construction work adjacent the signage.

The sign incorporates the corporate logo of the Marion Holiday Park and images of facilities within the Park. The signage will not be illuminated, nor will be readily visible outside the immediate locality.

The appearance of the signage will reflect the intended temporary erection of the structure; being a 'shade-cloth' like material, attached to temporary 'cyclone' fencing. This, in my view, is not ideal as the fencing, by its very nature, is likely to be placed somewhat unevenly, whilst the shade-cloth material may flap and flicker in the breeze. Having said this, the imagery of the sign will be arranged in a neat, coordinated fashion, whilst the limited time the advertisement will be erected will ensure the structure will not remain in perpetuity. Further, the sign prevents view of an area of the property that is not landscaped and is being used for the storage of concrete and spoil from developments on the site.

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 Development Approval 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 Development Approval for Development Application No: 100/2015/1880 to erect signage for a temporary period of up to 18 months at 321-325 Sturt Road, Bedford Park be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1880, except when varied by the following conditions of consent.
2. In accordance with the correspondence dated as received 4 November 2015, the sign shall hereby be removed from the site within 18 (eighteen) months from the date of Development Approval.
3. The advertisement and supporting fencing shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
4. The proposed sign and supporting fencing shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.

---

## Attachments

- Attachment I: Aerial Photograph*  
*Attachment II: Proposal Plan and supporting documentation*

DEVELOPMENT ASSESSMENT PANEL  
Wednesday 2 December 2015

<b>Agenda Ref No:</b>	<b>DAP021215 – 3.1</b>
<b>Originating Officer:</b>	<b>Alex Wright Development Officer - Planning</b>
<b>Applicant:</b>	<b>Mr Darren Prosser</b>
<b>Development Description:</b>	<b>Change of use to place of worship and associated ancillary uses</b>
<b>Site Location:</b>	<b>2/546 Marion Road, Plympton Park</b>
<b>Zone:</b>	<b>Commercial Zone</b>
<b>Policy Area:</b>	<b>Marion Road Policy Area 1</b>
<b>Application Type:</b>	<b>Category 3/ Non-Complying</b>
<b>Lodgement Date:</b>	<b>24/08/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1503</b>
<b>Recommendation:</b>	<b>The report be noted</b>

---

## INTRODUCTION

The subject application is a Category 3/ Non-complying form of development by virtue of the Procedural Matters section of the Commercial Zone, where a place of worship is listed as non-complying.

The applicant seeks a change in the use of land to place of worship. The application encompasses both level one and two of the existing building; the proposed change in the use of land to a place of worship relates to level two of the building whilst level one will be used primarily for administrative and ancillary uses.

A place of worship has operated from the level one of the existing building for a number of years without a lawful approval from Council.

A place of worship has operated from the site for a significant period and the proposed change in land use will enable the consolidation and expansion of ancillary on-site community uses and programs. The existing building incorporates attributes that may aid the proposed land use in terms of location, floor area and car parking.

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

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

Category 3/Non-Complying public notification of the proposal will occur once the applicable fees have been received.

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

---

## RECOMMENDATION

**The Panel note this report and resolve that the determination of the Manager – Development Services to proceed with the further assessment of Non-complying Development Application No: 100/2015/1503 for Change of use to place of worship, at 2/546 Marion Road, Plympton Park be NOTED.**

## Attachments

*Attachment I: Certificate of Title*

*Attachment II: Aerial Photograph & Site Locality Plan*

*Attachment III: Proposal Plan and supporting documentation*