

**DEVELOPMENT ASSESSMENT PANEL  
AGENDA FOR MEETING TO BE HELD ON  
WEDNESDAY 2 MARCH 2016**

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## DEVELOPMENT ASSESSMENT PANEL

Wednesday 2 March 2016

<b>Agenda Ref No:</b>	<b>DAP020316 – 2.1</b>
<b>Originating Officer:</b>	<b>Rob Tokley Team Leader - Planning</b>
<b>Applicant:</b>	<b>Student Community Living SA Pty Ltd</b>
<b>Development Description:</b>	<b>Three, two storey residential flat buildings, comprising a total of 9 dwellings for the purpose of student accommodation, with associated car parking and landscaping</b>
<b>Site Location:</b>	<b>19 Oak Avenue, Clovelly Park</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Regeneration Policy Area 16</b>
<b>Application Type:</b>	<b>Category 3 / Consent</b>
<b>Lodgement Date:</b>	<b>10/06/2014</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2014</b>
<b>Application No:</b>	<b>100/2014/1186</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Refused)</b>

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### CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development as the proposal cannot be considered minor in nature and is not defined as a Category 1 or 2 form of development in Council's Development Plan or Schedule 9 of the Development Regulations 2008. 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, and as the proposal seeks for a residential density exceeding that sought in the Policy Area, 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
Built form presents top-heavy to street with extensive shadowed areas below and should be addressed	No change to 'top-heavy' appearance. Carports enclosed with 'Scyon Matrix' cladding
Ground-level streetscape appearance of the site is dominated by car parking with limited landscaping and should be addressed	Landscaping area at front of site increased by setting back car parking areas from 600mm to 3300mm from front boundary,

Density of the proposal for 10 dwellings (average site area of 86.9 sq metres) substantially exceeds that sought for two storey residential flat dwellings (200 sq metres) and should be addressed	Number of dwellings proposed reduced from 10 to 9 to achieve average site area (including driveway and common areas) of 96.6 sq metres
Communal Open Space is not located adjacent high movement areas, and does not incorporate shelter for year-round use and should be addressed	Secondary area of Communal Open Space provided between Dwellings 4, 5, 6 and 7. Verandah provided to rear COS. Shade sail provided to central COS.
Building length, lack of articulation and proximity to side boundaries will result in an unreasonable visual impact and sense of enclosure upon adjoining land and should be addressed	Design of development altered to break up built form to three buildings. Side setbacks reduced from 2.0m – 3.7m to 2.0m – 3.0m.

## SUBJECT LAND & LOCALITY

The subject land is located at 19 (Lot 102) Oak Avenue, Clovelly Park. The land incorporates a frontage to Oak Avenue of 21.945 metres, depth of 39.62 metres, providing a total site area of 869.57 square metres.

At present, a single storey detached dwelling, in good condition, constructed in the 1950s, is situated some 9.5 metres from the front boundary of the property. A large, steel outbuilding is situated adjacent the eastern side boundary of the property. Vegetation of varying forms and height, none of which are classified as regulated, are situated throughout the property.

The locality comprises a mix of housing types. Older dwellings within this part of the locality are reflective of the low density housing constructed in the 1950s - 60s, on large allotments generally between 650 – 800 square metres in area. On other properties however, an increasing mix of single and double storey dwellings have been constructed in recent years. A majority of new dwellings are sited on allotments between 250 – 400 square metres within the Regeneration Policy Area.

A Local Centre Zone occupies one allotment, on the northern side of Sturt Road at the intersection with Maple Avenue, comprising deli, massage service, trophy shop and food outlet.

Approximately 250 metres to the west of the site, the Tonsley train line terminates. The Tonsley train station is located adjacent this point.

Further afield, to the east, the Flinders University and Flinders Medical Centre are located, providing opportunities for education and employment.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes to construct three, two-storey residential flat buildings, containing a total of nine dwellings, to be used for the purpose of student accommodation.

The maximum capacity of each dwelling is not proposed to be capped, however, via the Management Plan (refer below), a maximum of 18 persons are intended to reside on the site.

The southern building contains Dwellings 1-5, the north-eastern building contains Dwellings 7 and 9, and the north-western building contains Dwellings 6 and 8.

Dwellings 1, 2 and 3 are located closest to the street frontage, and are contained on the upper floor; elevated over the car parking areas (with access via two stairwells from ground level). All three dwellings feature two bedrooms, open plan living/kitchen area, bathroom and balcony.

All other dwellings feature two storeys, with living/kitchen/meals area on the ground floor and bedrooms on the upper floor (excepting Dwellings 8 and 9 which incorporate one bedroom each on the ground and upper floors). Dwellings 8 and 9 incorporate a screened balcony to the rear of the associated building.

Two communal open space areas are proposed; one at the rear of the site adjacent Dwellings 8 and 9, and one in the centre of the site, between Dwellings 4, 5, 6 and 7.

The communal open space to the rear of the site features fixed outdoor furniture, bike rack and storage shed, while the central courtyard contains fixed outdoor furniture with shade sail above.

Ten car parking spaces are proposed to be located at the front of the site. A new double-width driveway is proposed to be installed at the centre of the site, with landscaping featured within the front yard and along the rear boundary of the site.

The proposal plans are accompanied by a Management Plan and 'House Rules'. This document lists the manner in which the site will be operated and managed, which includes (but is not limited to) the following:

- Maximum of 18 persons residing on the site at any one time;
- A caretaker shall manage the premises to ensure “no unreasonable noise, anti-social behaviour or other nuisance is caused to residents living near the subject land”;
- Persons living on site shall be;
  - (i) a student enrolled in and undertaking secondary or tertiary educational studies; or
  - (ii) enrolled in and undertaking a course or studies as a prerequisite to admission to a secondary or tertiary educational establishment in South Australia; or
  - (iii) a recent graduate (completion of studies less than 3 months prior) of a secondary or tertiary educational establishment; or
  - (iv) an enrolled student (commencement of studies within 3 months) of a secondary or tertiary educational establishment.
- Persons shall abide by the House Rules.

*Refer Attachment III*

**PUBLIC NOTIFICATION**

<b>Properties notified:</b>	<p>Given the substantial changes made to the application during processing and the length of time between notification and receipt of changes, the Category 3 public notification of the application occurred twice.</p> <p>10 properties were notified, and the public generally through notice in the Messenger Newspaper.</p>
<b>Representations:</b>	<p>5 representations (all against) were received by Council during the first public notification.</p> <p>4 representations (all against) was received by Council during the second public notification.</p>
<b>Persons wishing to be heard:</b>	<p>Mr Guy and Mrs Christine Ansell, Mrs Mary Safralidis and Mrs Doreen George identified they wish to address the Panel.</p>
<b>Summary of representations:</b>	<ul style="list-style-type: none"> <li>• Visual impact of building;</li> <li>• Car parking and limited on-street parking;</li> </ul>

	<ul style="list-style-type: none"> <li>• Energy efficiency;</li> <li>• Overshadowing;</li> <li>• Number of persons on site;</li> <li>• Noise;</li> <li>• Privacy; and</li> <li>• Management of site.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	The applicant has provided a response to both sets of representations received – please refer Attachment V and VII

*Refer Attachment VI*

#### INTERNAL DEPARTMENT COMMENTS

<b>Engineering: Traffic</b>	Council's Development Engineer is comfortable with the proposed vehicle manoeuvring.
<b>Engineering: Infrastructure</b>	<p>The proposal requires the relocation of an existing side entry pit within the kerb.</p> <p>The side entry pit (SEP) functions as a junction box. As such, if the SEP was to be relocated, both pipe approaches would require reconstruction.</p> <p>In the event consent was granted, the applicant must have appropriately qualified engineers draft plans for infrastructure relocation, which subject to the satisfaction of Council, would be undertaken by Council and/or its contractors.</p> <p>All costs associated with the relocation of all necessary infrastructure (approximately \$7,000 - \$12,000) are to be borne by the applicant.</p>
<b>Street tree:</b>	<p>The street tree located within the road reserve is a 'Eucalyptus leucoxylon megalocarpa'. The tree incorporates a height of approximately 2.5 metres. There is no apparent arboricultural reason to remove the tree.</p> <p>This species of tree is planted in the street, however, it is not the dominant species.</p> <p>In the event removal was considered appropriate, Council has previously charged \$300 for removal and \$150 for replacement of a tree of this size.</p>

#### ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Regeneration Policy Area 16 are listed in the following table and discussed in further detail below:

## Residential Zone

### Objectives

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

## Regeneration Policy Area 16

### Objectives

- 1 Integrated re-development of poor quality housing stock and under utilised land.
- 2 Improved quality of living environments.
- 3 Improved quality of housing.
- 4 Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation.
- 5 Improved environmental outcomes.
- 6 Increased dwelling densities and population.
- 7 More efficient use of land.
- 8 Improved community services and infrastructure.
- 9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces.
- 10 A smooth transition in the character and scale of development between this and adjoining residential policy areas.
- 11 Development that contributes to the desired character of the policy area.

### Desired Character

...The desired character of the policy area is derived from high quality and distinctive living environments at a higher density compared to that typical of the original dwelling stock in the area. It will be characterised by integrated development at low-medium and medium densities, with a wide range of dwelling types to meet a variety of accommodation needs for public housing tenants and the private housing sector.

Buildings of up to two storeys in height are appropriate, with three storey buildings also being appropriate provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and neighbouring amenity.

Medium density development should predominate adjacent to public open space reserves, major transport routes, shops and community facilities, but can be dispersed throughout the area as part of major comprehensive redevelopment projects. Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. For larger areas, a comprehensive scheme for the development of a range of dwelling types is desirable.

Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or 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>▪ dwelling including a residential flat building</li> <li>▪ <b>student accommodation</b></li> <li>▪ supported accommodation.</li> </ul>	<p><b>Complies</b></p>
<p>PDC 2</p>	<p>Residential development should include higher concentrations of dwellings in suitable locations, in particular:</p> <ol style="list-style-type: none"> <li>(a) within 400 metres walking distance of a neighbourhood, district or local centre</li> <li>(b) within 800 metres walking distance of a regional centre</li> <li>(c) close to public transport or major employment nodes</li> <li>(d) adjacent to public open space.</li> </ol>	<p><b>Complies</b> The site is within 70 metres of a Local Centre Zone, 250 metres of the Tonsley train station and 250 metres from the Flinders University grounds.</p>

PDC 4	<i>Minimum Site Area:</i> <i>Two storey Residential Flat Dwelling: Average land area of 200m<sup>2</sup></i>	<b>Does Not Comply</b> Average site area for whole of site: 96.61m <sup>2</sup> . Average site area (excluding car park): 72.7m <sup>2</sup> Average site area excluding common areas: 60.7m <sup>2</sup> .
	<i>Minimum Frontage:</i> <i>Residential Flat Dwellings to an Arterial Road: 18 metres</i>	<b>Complies</b> 21.9 metres
	<i>Minimum Depth:</i> <i>Residential Flat Dwellings: 45 metres</i>	<b>Does Not Comply</b> 39.62 metres

## Assessment

The application is consistent with the Objectives and Desired Character of the Policy Area in that it will replace the existing low density dwelling with higher density housing, in close proximity to public transport and centres. Further, student accommodation is expressly desired within this locality in accordance with Principle 1.

When one is to consider the locational attributes appropriate for student accommodation, proximity to public transport options, shopping and employment facilities are paramount, as well as access to public open space and other recreational facilities.

In my view, the location of the site enables convenient access to some of these facilities.

As identified in the 'Subject Land and Locality' section of this report, the land is in close proximity to the Tonsley train line (providing access to the city). The site is also in close proximity to bus routes (on Sturt and South Roads), whilst educational and employment nodes of Flinders and Tonsley are located within convenient walking distance. However, shopping and public open space options are limited within the locality.

The proposal provides for a building and land use that differs from that typically constructed in the locality; adding to the variety of both built form and accommodation options. To this end, the proposal achieves the desire of the Residential Zone and Regeneration Policy Area for housing and architectural variety.

On a number of occasions, both staff and the Development Assessment Panel have supported undersized allotments as a result of a relatively minor shortfall in site area, locational attributes of the site and/or the general conformity of the development with Council's Development Plan. However, in this case, it is staff's view that the density proposed is excessive and not supportable given the total site area comprises 869.57 square metres; resulting in an average site area in the order of 96.6 square metres. This average site area is 103 square metres, or 51.7%, less than the minimum sought for two storey residential flat dwellings (200 square metres). For comparison, row dwellings in the Regeneration Policy Area 16 should be sited on a minimum site area of 170 square metres, whilst three storey residential flat dwellings (most likely on a larger site than the subject land) should be located on site areas of no less than 150 square metres. As such, the proposal results in a density significantly exceeding that sought for any dwelling type in this Policy Area.

Whilst it is acknowledged that student accommodation is a separately defined land use (and envisaged in the Policy Area), a minimum site area is not allocated for this use. It is therefore implied that the site area for the dwelling type proposed (residential flat dwellings) is applicable in assessing the density of the proposal. (This is not to flatly say that a greater density would not be supported for student accommodation – rather, that the subject proposal is grossly at odds



with the density sought). This approach has been informally endorsed by DPTI in response to Council’s proposed student accommodation policies in the (recently consolidated) Development Plan Amendment.

In terms of streetscape, a majority of the area forward of the building is taken up by paved driveway and car park area. This outcome is not desired by Council’s Development Plan, as opportunities for landscaping, greening the site and softening the appearance of the building are substantially reduced.

The design of the development is one of a ‘top-heavy’ front building, resulting in significant darkened areas below the ‘bird mouth’ of Dwellings 1, 2 and 3. To prevent view from the street, the applicant has sought to enclose this space with ‘Scyon Matrix Cladding’ walls, however, the design maintains the ‘bird mouth’/‘undercroft’ car parking at the front of the site; out of character with that which typifies the street and that which is sought in the Residential Zone, where garaging and car parking should be located to the side/rear of the dwellings.

In my view, the large building has not been designed to adequately reduce its visual impact upon adjoining properties, with the upper level being setback between 2.0 metres to 3.0 metres from the side boundaries. Whilst the side setbacks are generally compliant with the quantitative guidelines, in my view, the building is likely to have an unreasonable impact upon adjoining land via building bulk and setbacks, resulting in an unreasonable sense of enclosure; exacerbated by the generous length (measured north-south) of the built form (discussed further in this report).

As such, it is staff’s view that the proposed residential density and site areas are substantially at variance with that sought in the Regeneration Policy Area 16. Further to this significant shortfall, the proposal fails to achieve the high quality living environments sought by the Objectives, Principles and Desired Character of the Policy Area, due to the following detrimental attributes; (a) poor streetscape outcome; (b) poor POS provision (discussed further in this report); (c) lack of integration of the COS with the high movement areas and adjacent dwellings (and therefore a lack of interaction and sense of community (discussed further in this report)); and (d) the impact upon the amenity of neighbouring properties and that of the residents of the subject site.

**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><b>Maximum site coverage:</b></p> <p>Site area less than 220 m<sup>2</sup>: <span style="margin-left: 100px;">80 m<sup>2</sup> or 45%</span>  <span style="margin-left: 100px;">(whichever is the greater)</span></p> <p><b>(80m<sup>2</sup> is relevant in this instance)</b></p> <p><small>Regeneration Policy Area 16: PDC 5</small></p>	<p><b>Complies</b></p> <p>Dwg 1: 74m<sup>2</sup>  Dwg 2: 74m<sup>2</sup>  Dwg 3: 74m<sup>2</sup>  Dwg 4: 32m<sup>2</sup>  Dwg 5: 32m<sup>2</sup>  Dwg 6: 32m<sup>2</sup>  Dwg 7: 32m<sup>2</sup>  Dwg 8: 47.6m<sup>2</sup>  Dwg 9: 47.6m<sup>2</sup></p> <p><b>Does Not Comply</b></p> <p>Whole of site (869.57m<sup>2</sup>): 51.19%  Whole of site (excluding car park): 68.0%  Whole of site (excluding common areas): 81.49%</p>

<p><b>Maximum floor area ratio:</b></p> <p>Site area less than 270 m<sup>2</sup>: 0.7</p> <p>Regeneration Policy Area 16: PDC 5</p>	<p><b>Complies</b></p> <p>Dwg 1: 0.65  Dwg 2: 0.65  Dwg 3: 0.65  Dwg 4: 0.66  Dwg 5: 0.66  Dwg 6: 0.66  Dwg 7: 0.66  Dwg 8: 0.66  Dwg 9: 0.66</p> <p>Whole of site (869.57m<sup>2</sup>): 0.66</p>
<p>Site coverage should ensure sufficient space is provided for:</p> <p>(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>General Section: Residential Development: PDC 13</p>	<p><b>Partially Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, outdoor clothes drying, rainwater tanks and waste storage.</p> <p><b>Does Not Comply</b></p> <p>(e) The provision of private open space for all dwellings is considered poor (see POS discussion below).</p>
<p>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 14</p>	<p><b>Does Not Comply</b></p> <p>16.14%  (140.4m<sup>2</sup>/ 869.57m<sup>2</sup>)</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:</p> <p>(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>General Section: Residential Development: PDC 15</p>	<p><b>Complies</b></p> <p>(a) All POS areas are directly accessible from a habitable room of the associated dwelling.  (c) The subject land does not maintain natural features which warrant preservation.  (d) The POS areas should not be directly overlooked by adjacent buildings.  (e) POS areas are not located next to bedrooms of dwellings on adjacent sites.  (h) POS areas are capable of being shaded during summer.  (i) Traffic noise and air quality is should not compromise the amenity of the POS areas.</p> <p><b>Partially Complies</b></p> <p>(b) Most POS areas are located at ground level to the side/rear of the dwellings and capable of being screened for privacy. However, the POS areas of Dwellings 1, 2 and 3 are located forward of the dwelling and are not screened for privacy.  (f) Most POS areas (excepting Dwellings 1, 2 and 3) maintain a northerly aspect to provide for comfortable year round use.</p> <p><b>Does Not Comply</b></p> <p>(j) The POS areas of Dwellings 4-9 are not considered to have sufficient shape and area to be functional for the likely needs of the occupants.  (g) Most POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. However, the POS of Dwellings 1, 2 and 3 will receive substantial shadow for a majority of the year.</p>

**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.

**(35 m<sup>2</sup> is relevant in this instance)**

General Section: Residential Development: PDC 17

**Does Not Comply**

Dwg 1: 11m<sup>2</sup>  
 Dwg 2: 11m<sup>2</sup>  
 Dwg 3: 11m<sup>2</sup>  
 Dwg 4: 18m<sup>2</sup>  
 Dwg 5: 18m<sup>2</sup>  
 Dwg 6: 18m<sup>2</sup>  
 Dwg 7: 18m<sup>2</sup>  
 Dwg 8: 26m<sup>2</sup>  
 Dwg 9: 26m<sup>2</sup>

In the case of *Morris v City of West Torrens* (2011 SAERDC32), Commissioner Hamnett stated that:

*"I do not accept... that the provisions of the Development Plan relating to private open space should be applied less strictly in the case of student apartments, on the argument that students have different (that is to say, more limited) needs in this regard... students are entitled to the same level of amenity as anyone else and a reduction in the amount of private open space available to them can only be justified if it is traded off in some way against additional communal space."*

Accordingly, dispensation should not be permitted in relation to private open space simply due to the student status of residents.

The proposal plans have been amended to comply with Principle 17 by providing a minimum dimension of 2.5 metres to all ground-level POS, however, the balconies for Dwellings 1, 2 and 3 do not maintain the appropriate 2.0 metre dimension.

The dwellings provide POS as follows:

Dwelling	POS (square metres)	Percentage of Average Site Area
1	11	11.4%
2	11	11.4%
3	11	11.4%
4	18	18.6%
5	18	18.6%
6	18	18.6%
7	18	18.6%
8	26	26.9%
9	26	26.9%
<b>Total</b>	<b>157</b>	<b>18.05%</b>

Evidently, all dwellings fail to provide the required 35 square metres of private open space prescribed by Principle 17, whilst all fail to provide a minimum dimension of 4 metres.

The proposal fails to provide a total amount of private open space (excluding the communal open space) of 20% sought by the Development Plan. Dwellings 1 – 7 (inclusive) fail to achieve this figure (1, 2 and 3 by a substantial amount).

The POS areas of Dwellings 1, 2 and 3 equate to 11 square metres; a third of the area sought (35 square metres). These areas are fully roofed and are unlikely to receive adequate solar access as sought by Residential Development Principle 15(g) and Energy Efficiency Principle 2.

Whilst the total POS of Dwellings 8 and 9 equate to 26 square metres, well over half of this area (16.7 square metres) comprises the upper level balcony, accessed from the 'study' and screened to a height of 1.8 metres. As such, the amenity of the larger of the two POS areas is compromised by screening, whilst the ground level POS incorporates an area of 8 square metres only.

In saying this however, it could be argued that given the use for student accommodation, communal open space in these instances provide a net benefit over and above individual POS areas equating to 20% of the average site area, for reasons of socialisation and providing occupants with an outdoor area comprising dimensions much greater than would be provided in private open space areas.

The ERD Court (2011 SAERDC32) has recognised that communal open space may supplement POS for student accommodation, as per the following observation:

*“There is a trade-off, in other words, between, on the one hand, the typically smaller size of student apartments, often associated with a reduced amount of private open space, and the provision, on the other, of areas of communal space within student accommodation developments which provide opportunities for increased social interaction.”*

However, the case continued to stress the importance of communal areas being accessible and in high movement areas if they were to promote student interaction and thereby a "sense of community". It is noted that the communal open space (COS) on the subject land is located in two areas; a central area of COS between Dwellings 4, 5, 6 and 7 and an area of COS to the rear of the site, adjacent Dwellings 8 and 9.

Whilst resident activity adjacent the central COS will be greater than the rear space, the design has failed to provide a relationship with the adjacent dwellings, via habitable room windows/sliding doors overlooking this space as seen in previous proposals presented to the DAP (the applicant has not provided northern elevations of Dwellings 4 and 5 and southern elevations of Dwellings 6 and 7). Further, this space will be in shadow throughout the day in both summer and winter months.

The rear COS area is sheltered for year-round comfortable use, however, it is not in a particularly high movement area, nor has a relationship been provided between the habitable rooms of Dwellings 8 and 9.

It is my opinion that the proportions of private open space serving all dwellings are insufficient for likely occupant needs, and therefore fail to comply with Principle 15, whilst the provision of COS does not offer such a superior alternative space as to compensate for the poor area and dimensions of the POS of these dwellings.

## Communal Open Space

*Private open space may be substituted for the equivalent area of communal open space where:*

- (a) at least 50 per cent of the communal open space is visually screened from public areas of the development*
- (b) ground floor communal space is overlooked by habitable rooms to facilitate passive surveillance*
- (c) it contains landscaping and facilities that are functional, attractive and encourage recreational use.*

*General Section: Residential Development: PDC 23*

### **Complies**

(a) The COS is located away from the street frontage.

### **Does Not Comply**

(b) The COS is not overlooked, as Dwellings 4, 5, 6, 7, 8, and 9 do not incorporate windows of adequate proportion that enable reasonable view of the COS area.

### **Partially Complies**

(c) Fixed outdoor furniture is available, however, the central COS areas are likely to be overshadowed throughout winter months due to the location of Dwellings 6 and 7.

*Communal open space should be shared by more than one dwelling, not be publicly accessible and exclude:*

- (a) private open space*
- (b) public rights of way*
- (c) private streets*
- (d) parking areas and driveways*
- (e) service and storage areas*
- (f) narrow or inaccessible strips of land.*

*General Section: Residential Development: PDC 24*

### **Complies**

## Street Setbacks

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

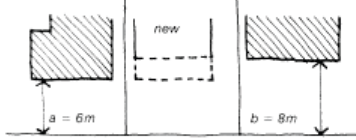
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

*General Section: Design and Appearance: PDC 23*

### **Complies**

The proposed front setback of 7.1 metres is similar to that of 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:  <small>When <math>b &gt; a \geq 2</math>, setback of new dwelling = a or b</small>
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

**Complies**  
7.1 metres

(Dwellings on adjoining land set back approximately 5 and 9 metres)

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**

## Side Setbacks

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

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

Where the wall height is greater than 6 metres:  
 (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres  
 (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.

Residential Zone: PDC 7

**Does Not Comply**  
Dwelling 8 and 9: 0.9 m

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.

**Complies**  
All walls up to 6.0m in height are setback a minimum of 2.0m from side boundaries.

**Complies**  
Walls exceeding a height of 6.0 metres (maximum 6.1 metres) are setback 3.0 metres from side boundaries.

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

General Section: Design & Appearance: PDC 2

**Partially Complies**

Whilst the side setbacks generally comply with that sought for respective wall heights, the lack of articulation provided to the side elevations, combined with the significant length of the two storey buildings may result in a sense of enclosure experienced by adjoining land, particularly that to the west.

Further, enclosed stair cases are provided adjacent the eastern and western side boundaries, incorporating a setback of 900mm. In my view, the design and location of these elements will exacerbate the visual impact upon adjoining land, particularly that to the west.

	The height and setbacks of the dwellings will ensure adequate sunlight to neighbouring buildings.
<b>Rear Setbacks</b>	
<p>6 metres for a single storey dwelling</p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b></p> <p>Dwellings 8 and 9: 3.0m</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>Dwelling 8: 6.0m Dwelling 9: 6.0m</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>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></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Partially Complies</b></p> <p>The enclosure of the balconies serving Dwellings 8 and 9, setback 4.0 metres from the rear boundary, does not “minimise” the visual impact of the development.</p> <p>The rear setback of Dwellings 8 and 9 will not result in unreasonable overshadowing of adjoining land.</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 7.0 metres, which is less than the maximum permitted in the Policy Area.</p>
<b>Car Parking</b>	
<p>Minimum number of on site car parking spaces (one of which should be covered) :</p> <p>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b></p> <p>(See comments below)</p>
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</p>	<p><b>Complies</b></p> <p>(a) Adequate on-site car parking is available for the likely needs of residents</p> <p>(b) Centre facilities and public transport are located in walking distance of the dwellings</p> <p>(c) The likely occupants are anticipated to have standard mobility and transport requirements.</p>

<p>General Section: Transportation &amp; Access: PDC 43</p>	<p><b>Does Not Comply</b> (d) (e) Two on-street parking spaces are available in front of the site, where five is sought by the Development Plan.</p>
<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area (c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation &amp; Access: PDC 44</p>	<p><b>Complies</b> (a) (b) The proposal has been reviewed by traffic engineers MFY and Council's development Engineer who are satisfied with the vehicle manoeuvring areas.</p> <p><b>Does Not Comply</b> (c) The streetscape presentation of the site is considered poor due to the domination of the car park area and lack of landscaping street-side of the building (refer Zone and Policy Area assessment)</p>
<p>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</p> <p>(a) not face the primary street frontage (b) be located to the rear of buildings with access from a shared internal laneway (c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</p> <p>General Section: Transportation &amp; Access: PDC 45</p>	<p><b>Does Not Comply</b> The car parking area is located forward of the associated dwellings</p>
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>	<p><b>Does Not Comply</b> Two on-street parking spaces are available in front of the site, where five are sought.</p>
<p>Council's Development Plan does not incorporate a minimum car parking ratio for student accommodation. Having said this, the proposal nonetheless seeks for residential flat dwellings, and as such, arguably, the proposal should be assessed against the applicable Development Plan criteria for such dwelling types.</p> <p>In previous student accommodation proposals, Council relied upon the applicant's traffic engineer to identify an appropriate on-site car parking rate. Based upon interstate surveys and assessment regarding those sites' proximity to public transport routes, a car parking ratio of 1 space for every 4 residents was identified.</p> <p>As Members are likely to be aware, in Council's experience, the rate applied was significantly less than was occurring in reality. As such, in early 2015, Council engaged the services of a traffic engineer to undertake a survey of existing student accommodation facilities to gain a greater understanding as to the likely vehicle ownership rate of students.</p> <p>From that study, it was concluded that a car ownership rate of 0.7 vehicles per person, or where student accommodation is provided in individual dwellings, a rate of 1 space per dwelling, was appropriate to apply in a suburban setting.</p> <p>The subject proposal provides a total of ten car parking spaces on site – a rate of 1.11 spaces per dwelling, or 0.55 per person.</p> <p>This figure exceeds that identified for student accommodation dwellings (1 per dwelling). Based upon the alternative method of calculating car parking per person, the proposal results in 0.55 spaces per person, 3 spaces less than that sought.</p> <p>It is of value to note the site's position within convenient walking distance to the Tonsley train line and station and adjacent educational facilities of Flinders and Tonsley. Given the proximity of the property to these facilities, reliance upon a vehicle may be reduced.</p> <p>Due to the location of the proposed driveway, two on-street parking space will be available in front of the subject land.</p>	

This is three spaces less than that sought. The student tenure, however, may reduce the demand for visitor and therefore on-street parking.

To this end, the proposal is considered to provide sufficient on-site car parking for the likely needs of the residents.

As identified earlier in the Zone and Policy Area assessment, the front of the site is dominated by the driveway and associated car parking area. This results in significant areas forward of the building being taken up by paving, in lieu of landscaping. In this regard, the balance between landscaping and paving is weighted towards paving, and the proposal therefore fails to satisfy Residential Development Principles 45(c) and 46(b). A reduction in dwelling density would enable a decrease in car parking and therefore an increase in landscaping.

## 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*

### **Does Not Comply**

6.1 metres.

*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*

### **Does Not Comply**

The proposed driveway requires relocation of an existing side entry pit, which also functions as a junction box.

The driveway also requires the removal of an existing street tree, which appears in good condition.

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

*General Section: Transportation and Access: PDC 28*

### **Complies**

Only one vehicle access point is proposed.

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### **Does Not Comply**

The buildings feature two differing roof pitches.

The building comprising Dwellings 1 - 3 (inclusive) incorporates a pitched Colorbond roof at 12 degrees pitch, with eave overhang of 400 millimetres. The façades shall be rendered.

The remaining dwellings incorporate a skillion roof, pitched at 2.5 degrees with an eave overhang of 450 millimetres

Despite the elevations suggesting a differing material to the facades of Dwellings 6 – 9 (inclusive), the facades of the buildings are noted to be rendered. In my view, the lack of variation in material, and colour, further emphasises the expanse and mass of the buildings, and offers limited relief from the built form proposed.

The balconies to Dwellings 1, 2 and 3 are integrated into the design of the buildings, face north, and support an area of 11 square metres, however, as noted in the POS assessment, these areas do not comprise the minimum 2.0 metre dimension sought.



	<p>The ground level elevation of the development is dominated by the enclosure of the car parking areas located underneath Dwellings 1, 2 and 3. The streetscape presentation of the building results in large areas of uninterrupted walling exposed to public view.</p> <p>The design of the building could be improved via increased stepping to the footprint of the buildings, setting the upper level in from the ground floor, providing a greater mix of colours and materials and addressing the streetscape appearance of the development.</p> <p>(See also Zone and Policy Area assessment earlier in this report).</p>
<p><i>Balconies should:</i></p> <p>(a) be integrated with the overall form and detail of the building</p> <p>(b) include balustrade detailing that enables line of sight to the street</p> <p>(c) be recessed where wind would otherwise make the space unusable.</p> <p>General Section: Design &amp; Appearance: PDC 5</p>	<p><b>Complies</b></p> <p>The proposed balconies are integrated into the dwelling design, with Dwellings 1, 2 and 3 incorporating clear glass balustrade that enables line of sight to the street.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p>General Section: Design &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>Partially Complies</b></p> <p>The entrances from all dwellings are oriented to the centre of the site; accessed from the walkway.</p> <p>The entry points are not 'emphasised' by way of portico/awning, nor is shelter provided to the entry areas.</p> <p>The living rooms of all dwellings comprise an external outlook.</p>
<h2>Overshadowing</h2>	
<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>(a) windows of habitable rooms</p> <p>(b) upper-level private balconies that provide the primary open space area for a dwelling</p> <p>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</p> <p>General Section: Design &amp; Appearance: PDC 9</p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <p>(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</p>	<p><b>Complies</b></p> <p>The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that:</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 21 June.</p> <p>b) Given that south forms the street boundary, a majority of winter shadow will be cast within front yard area, comprising car</p>

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

parking and landscaping. 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 10 and 11.

## 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

Screening methods to the upper level windows and rear balconies incorporate obscure glazing; addressing my previous concern regarding the limiting of natural light and resultant 'enclosing' of those rooms/spaces.

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.

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.

## Site Facilities and Storage

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

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

General Section: Residential Development: PDC 30

### Partially Complies

(See comments below)

The proposal provides a mail box facility adjacent the front boundary, within convenient reach of the main pedestrian entrance to the site.

Bicycle parking is available adjacent the rear boundary of the site, capable of accommodating approximately 4-6 bicycles.

The proposal plans detail waste bin storage within the private open space of each dwelling.

External clothes drying is anticipated to occur within the ground level POS of each dwelling.

On balance, the proposal incorporates facilities that generally comply with those prescribed by Principle 30.

The applicant has identified that internal storage options have now been provided within the roof space of each dwelling.

Whilst this may be the case, with an average height of 650mm within the roof cavity, I remain unconvinced that this space will be practical for use. Items stored would need to be relatively 'flat' to enable placement through the man hole and into the cavity space. Any item of bulk, or awkward shape or weight is highly unlikely to be stored, whilst the total area available (reliant upon a 1 metre 'reach' by the occupant), is limited.

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

### **Partially Complies**

The main activity areas of the dwellings are oriented east/west, which should nonetheless receive some northern winter sunlight.

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

The communal open space (COS) is located to the rear of the site with a northern orientation, while the central COS is obstructed from northern sunlight by the adjacent two-storey buildings. As a result, this area will receive very limited winter sunlight.

The ground level POS courtyards should receive some northern sunlight in winter months due to their eastern and western orientation.

The living areas of Dwellings 4-9 face east and west. This orientation is not optimum, and as north forms the rear boundary to the relatively deep allotment, improved access to northern light could be available. A reduction in density would further assist in the availability of northern light.

The dwellings incorporate eave overhang of 400 - 4500mm width, which will assist in shading upper floor windows and subsequently alleviating summer heat load.

*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 incorporate either a pitched or skillion roof at 12 or 2.5 degrees, respectively, which would require framing structures to accommodate solar collectors oriented for maximum efficiency.

## 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*

### **Partially Complies**

Landscaping of the property is proposed to occur throughout the front yard of the property (outside the driveway and car

<p><i>building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 2</i></p>	<p>parking areas) and adjacent the northern (rear) boundary of the property.</p> <p>The Site Plan nominates a mix of low and medium level planting throughout both the front and rear of the property.</p> <p>The proposed variety of species and projected growing heights will complement the built form, minimise water use (given a number are native species) and assist in shading the front paving.</p>
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## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to the number of persons on site, car parking and limited on-street parking, privacy, the visual impact of the building and management of site have been addressed in the body of the report.

The representors have also raised concerns over noise and fencing. While these concerns are noted, given the proposal seeks for residential development in a residential zone, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

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## ANALYSIS/CONCLUSION

The amendments to the proposal have addressed a number of outstanding concerns, including the amount of pervious area available, vehicle manoeuvring and screening to upper level windows and balconies and resultant improvement in resident amenity.

However, the fundamental failing of the proposal, in my view, is the number of dwellings proposed, which is almost double that anticipated to occur within the Regeneration Policy Area for this dwelling type.

The density results in a high percentage of the property incorporating built form. The land incorporates a depth of 39.62 metres, with the building maintaining a front setback of 7.1 metres (to front façade) and a minimum rear setback of 3.0 metres. Save for the 1.5 metre break between Dwellings 4 and 6 and 5 and 7, the proposal comprises a length of 74.5% for the eastern and western side boundaries.

These figures are telling of the extent of built form, which when combined with the significant shortfall in site area and excess in site coverage, reflect a proposal that seeks a density far exceeding that sought in the Policy Area.

In my opinion, the proposal has also failed to adequately address the visual impact the built form will have upon adjoining land, via building bulk and setback; resulting in a 'sense of enclosure'. This in my view, is in contravention of the built form sought by the Development Plan, where upper levels should incorporate a greater setback than the ground floor, to assist in reducing the visual impact of taller buildings.

The streetscape appearance results in a poor outcome and an unwelcoming entrance for residents and visitors alike.

As such, in addition to the excess in density, it is staff's view that the proposal fails to achieve the high quality living environments sought by the Objectives, Principles and Desired Character of the Policy Area, due to the following detrimental attributes; (a) poor streetscape outcome; (b) poor POS provision; (c) lack of integration of the COS with the high movement areas and adjacent dwellings (and therefore a lack of interaction and sense of community); and (d) the impact upon the amenity of neighbouring properties and that of the residents of the subject site.

As a result of the above considerations, whilst it is my view 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, the proposal fails to sufficiently satisfy a number of applicable provisions to warrant support and as such, it is recommended that Development Plan Consent is refused.

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## 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: 100/2014/1186 for three, two storey residential flat buildings, comprising a total of 9 dwellings for the purpose of student accommodation, with associated car parking and landscaping at 19 Oak Avenue, Clovelly Park be REFUSED for the following reasons:
  - 1. The proposal fails to accord with Objective 2 of the Regeneration Policy Area, as it shall not improve the quality of living environments.
  - 2. The proposal shall not contribute toward improved living conditions, and is therefore at variance with Objective 11, Principle 3 and the Desired Character of the Regeneration Policy Area 16.
  - 3. The proposal does not create a convenient and pleasant environment in which to live, and therefore fails to fulfil Orderly and Sustainable Development Objective 1.
  - 4. The number of dwellings result in an average land area substantially less than that sought for two storey residential flat dwellings, and is therefore at variance to Principle 4 of the Regeneration Policy Area 16.
  - 5. The proposed development does not accord with Orderly and Sustainable Development Objective 4, as the proposal prejudices the achievement of the provisions of the Development Plan.
  - 6. The proposal does not contribute to the provision of convenient, pleasant and healthy living environments that meet the needs and preferences of the community, and is therefore at variance to Residential Development Objective 1.
  - 7. The site coverage and floor area ratio exceeds that sought in the Regeneration Policy Area 16, and therefore fails to satisfy Policy Area Principle 5.
  - 8. The building is likely to have an unreasonable visual impact upon adjoining properties via a lack of articulation and proximity to the rear boundary; failing to satisfy Design and Appearance Principle 2(a).
  - 9. The streetscape appearance of the site is dominated by sealed surfaces and uninterrupted walling, at variance to Transportation and Access Principle 36(i) and Design and Appearance Principle 17.
  - 10. The proposal fails to satisfy Residential Development Principle 29, as the proposed private open space does not comprise 35 square metres, and does not maintain a minimum dimension of 4 metres.

11. **The proposal does not comply with Residential Development Principle 28, as the proposed private open space is not of sufficient area and shape to be functional for likely occupant needs.**

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 (first notification)*
- Attachment V: Applicant's Response to Representations (first notification)*
- Attachment VI: Statement of Representations (second notification)*
- Attachment VII: Applicant's Response to Representations (second notification)*

# DEVELOPMENT ASSESSMENT PANEL

Wednesday 2 March 2016

**Agenda Ref No:** DAP020316 – 2.2

**Originating Officer:** Dylan O'Brien  
Development Officer - Planning

**Applicant:** Mirage Homes

**Development Description:** 3 x two storey row-dwellings with garage wall located on the western side boundary.

**Site Location:** 55 Bells Road Glengowrie

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 2 / Consent

**Lodgement Date:** 23/07/2015

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

**Application No:** 100/2015/1299

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

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## CATEGORISATION & DELEGATION

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

## BACKGROUND

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

Amendments Requested	Amendments Made
The proposal will present to the street with boundary to boundary development. Greater level of separation required.	The garage associated with Dwelling 3 has been amended to a carport thereby removing the wall from the eastern side boundary. To this end, satisfaction with Residential Development Principle 38(a) has been achieved.
Increase in upper level side setbacks to	No change proposed.



achieve a minimum 2.0m setback	
Garage driveway dominance / lack of on-street parking.	No change to garage widths, although the driveways have been tapered to single width crossovers, to provide for improved on-street parking and increased landscaping through the front yards

## SUBJECT LAND & LOCALITY

The subject site is located at 55 Bells Road, Glengowrie. The land comprises a rectangular shaped allotment with a north facing rear boundary with a frontage width to Bells Road of 21.95 metres, a depth of 44.65 metres and total site area of 980.0675 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to an attached garage from Wendover Walk. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

The locality consists of a mix of redeveloped/sub-divided properties, which typically take the form of single storey and two-storey semi-detached dwellings and row dwellings, and single storey detached dwellings at low densities, which are representative of the original dwelling stock.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The applicant seeks to construct three two storey dwellings, which, when subdivided will form row-dwellings.

The dwellings have a similar floor layout, each maintaining an open plan kitchen/living dining area, lounge, bedroom, laundry downstairs, and three bedrooms (including one with ensuite) and void/living area upstairs.

The dwellings incorporate double garages albeit for Dwelling 3, which maintains a single garage and single width carport attached.

Each dwelling will have individual access off Bells Road and accommodates up to 3 on-site vehicle parking spaces.

The dwellings are to be constructed of mainly face brick to the sides and through the lower levels and combination of render/texture coated finish and vertical timber cladding through the upper level sides and front facade.

The roof design will take a skillion form with varying roof pitches of between 5 and 8 degrees

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	13 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	5 representations were received by Council.

<b>Persons wishing to be heard:</b>	4 representors have indicated that they desire to be heard
<b>Summary of representations:</b>	<ul style="list-style-type: none"> <li>• On-street parking;</li> <li>• Upper level windows/loss of privacy;</li> <li>• Traffic congestion as a result of the increased number of people living in the street;</li> <li>• Site coverage;</li> <li>• Allotment widths/depths;</li> <li>• Driveway/crossover widths;</li> <li>• Loss of on-street parking;</li> <li>• Increasing demand for on-street parking;</li> <li>• Noise</li> <li>• Design/appearance, and;</li> <li>• Concerns about fencing and damage to neighbouring property during the demolition process.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	Nil response  <p style="text-align: right;"><i>Refer Attachment V</i></p>

*Refer Attachment VI*

#### INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	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 reviewed the proposal and has raised no concern with the proposed finished floor levels and setbacks from boundaries. As such, the proposal is considered to provide sufficient flood protection in a 1-in-100 year average return interval flood event.
<b>Arborist:</b>	Street tree can be removed and the applicant has provided written confirmation that they are willing to pay removal / replacement costs.

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

## Northern Policy Area 13

### Objectives

- 1 A policy area primarily accommodating low scale, low to medium density housing.
- 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.
- 3 Development that contributes to the desired character of the policy area.

### Desired Character

The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> <li>▪ residential flat building</li> <li>▪ <b>row dwelling</b></li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
PDC 3	Minimum Site Area: 250m <sup>2</sup> (row dwellings)	<b>Complies</b> Dwelling 1: 326m <sup>2</sup> Dwelling 2: 326m <sup>2</sup> Dwelling 3: 327m <sup>2</sup>
	Minimum Frontage: 7.0m (row dwellings)	<b>Complies</b> Dwelling 1: 7.31m Dwelling 2: 7.31m Dwelling 3: 7.33m
	Minimum Depth: 20m	<b>Complies</b> 44.60m to 44.65m

### Assessment

The application proposes to replace one dwelling and construct three dwellings in its place. The Desired Character of the Policy Area seeks for the redevelopment of properties to be at greater densities than that of the original housing and for a range of dwelling types to meet a variety of accommodation needs. The three dwellings are in the form of two storey row-dwellings which will contribute to a variety of accommodation types and needs in the locality.

Whilst the site is not considered to be located within reasonable proximity to any desirable attributes where higher densities are sought, the subject land is situated within walking distance to public transport links (bus) along Morphett Road to the east and Diagonal Road to the west, where frequent bus transport is available to the City, Westfield Marion and Glenelg. A Neighbourhood Centre Zone, on the corner of Diagonal and Cliff Street, contains a supermarket

and is within 1 km of the site. The subject land is also located within 1 km to a Neighbourhood Centre Zone located at the corner of Morphett Road and Denham Street to the north/east and a small public open space reserve and tennis courts located at the corner of Livingstone and Rosslyn Street located approximately 600m to the north east of the site.

The dwellings are compliant in their site area, frontage width and depth and whilst further analysis will be undertaken against the remaining criteria of the Development Plan, the proposed density is acceptable for the locality.

To this end, the proposed development is considered to display consistency with the Objectives and Desired Character of the Northern Policy Area 13.

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b> Dwelling 1: 185m<sup>2</sup> or 56% Dwelling 2: 182m<sup>2</sup> or 55% Dwelling 3: 183m<sup>2</sup> or 56%</p> <p><b>Note:</b> including alfresco.</p>
<p>Site coverage for all three dwellings exceeds the 40% Development Plan standard by approximately 16% to 17%.</p> <p>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 requisite of row dwellings).</p> <p>Private open space for all three dwellings is generous and the ground level setbacks generally comply with the requirements of the Development Plan. 80% of the total roof area stormwater will be directed to a retention tank for capture and minimisation of water flow to the street.</p> <p>Each dwelling is also provided with an under main roof alfresco. The removal of the alfresco would reduce site coverage down to approximately 50% which would bring the figure closer to the prescribed Development Plan requirement.</p> <p>The inclusion of an alfresco is in my view beneficial to the function of the private open space and provides an undercover area which is located underneath the main roof and matches the form and materials of the associated dwelling.</p> <p>Given verandahs of the size proposed could be granted approval without requiring Planning Consent (pursuant to Schedule 1A of the Development Regulations, 2008) with up to 70% site coverage, removing the verandah to achieve greater compliance with the Development Plan, in my view, is of no benefit.</p> <p>For the reasons identified above, I am of the view that site coverage is acceptable and will not result in detrimental impacts on adjoining properties or on how the dwellings will function overall.</p>	
<p><i>Maximum floor area ratio: 0.6</i> <i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Complies</b> Dwelling 1: 0.56 Dwelling 2: 0.55 Dwelling 3: 0.56</p>

<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) rainwater tanks</i></li> <li><i>(e) private open space and landscaping</i></li> <li><i>(f) convenient storage of household waste and recycling receptacles</i></li> </ul> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Does not comply</b></p> <p>Outside of all paved and built area approximately 19% of the site will remain permeable.</p>
<p>Whilst the proposal falls short of the minimum 20% pervious land, this is only marginal (approximately 1%). Nevertheless, at least half of the land in front of the dwellings and approximately 80% of the private open space areas to the rear will remain un-paved.</p> <p>To this end, an adequate amount of land shall remain pervious to assist with drainage and allow for plantings/gardens, which over time will reduce the impact of heat loading and assist micro climate conditions around the dwellings.</p>	
<p><b>Private Open Space</b></p>	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <li><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></li> <li><i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i></li> <li><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></li> <li><i>(d) to minimise overlooking from adjacent buildings</i></li> <li><i>(e) to achieve separation from bedroom windows on adjacent sites</i></li> <li><i>(f) to have a northerly aspect to provide for comfortable year round use</i></li> <li><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></li> <li><i>(h) to be partly shaded in summer</i></li> <li><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></li> <li><i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></li> </ul> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) All POS areas are directly accessible from a habitable room of the associated dwelling.</li> <li>b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy.</li> <li>c) The subject land does not maintain natural features which warrant preservation.</li> <li>d) The POS areas are not be directly overlooked by adjacent buildings.</li> <li>e) POS areas are not located next to bedrooms of dwellings on adjacent sites.</li> <li>f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.</li> <li>g) The POS areas will not be significantly shaded during winter by the associated dwelling or adjacent development.</li> <li>h) POS areas are capable of being shaded during summer.</li> <li>i) Traffic, industry or other business activities will not affect the subject land.</li> <li>j) The POS areas are considered to have sufficient shape and area to be functional.</li> </ul>

**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**

91.68m<sup>2</sup> per dwelling or approximately 28%

**Street Setbacks**

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

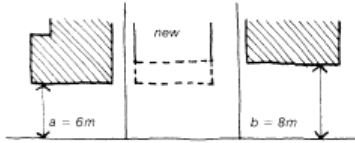
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
- (b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 23

**Complies**

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 6.71 metres to the main face and 7.0m to the garaging is similar to the adjacent neighbouring dwelling at 57 Bells Road and 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**

Each dwelling features a setback of 6.71 metres

(Dwellings on adjoining land are set back approximately 7 and 8 metres, which seeks a minimum setback of 7 metres)

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

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

General Section: Residential Development: PDC 36

**Complies**

Habitable rooms are adequately separated from pedestrian and vehicle movement.

## Side Setbacks

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

### **Does Not Comply**

Dwelling 1: 0.9 m

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.

*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.*

### **Does not comply:**

- Dwelling 1: 2.0m and 1.249m (western side)
- Dwelling 2: 1.0m (internal boundary adjacent Dwelling 3).
- Dwelling 3: 2.0m and 1.249m (eastern side boundary)

*Where the wall height is greater than 6 metres:*

*(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres*

*(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.*

*Residential Zone: PDC 7*

The majority of the upper level side setbacks accord with the minimum 2.0m standard. However, Dwelling 1 and 3 will feature a small section containing the stairwell and void measuring 2.87metres in length that will be setback as close as 1.249metres from the respective eastern and western side boundaries. Given the side orientation of the dwellings adjacent an east and west side boundary, overshadowing is only likely to occur over neighbouring land to the west in the early mornings and to the east in the late afternoon and will not affect neighbouring private open space areas or living rooms which are located to the rear. Furthermore, the variation in the upper level side setbacks is considered to contribute to the level of articulation/stepping variation in material/finishes through the side elevations.

To this end, the upper level setback shortfall is unlikely to make a notable contribution to the level of overshadowing, while it is likely to contribute to the level of articulation and visual interest / external appearance of the dwellings.

*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*

*(d) adjoining communal open space or a public reserve, not to exceed*

*(i) 50 per cent of the length of the boundary*

*(ii) 4 metres in height.*

### **Complies:**

PDC 38 (a) the proposal will result in a solid wall (garage) abutting only one side boundary of the subject land (Dwelling 1).

### **Does not comply:**

PDC 38 (c) (i) (ii) (iii) (iv): as Dwelling 1 incorporates a garage wall located on the western side boundary for a length of 6.81m and total height of 3.06m, which will be sited approximately 2.0m forward of the neighbouring dwelling at 53 Bells Road.

### **Not applicable:**

PDC 38 (b) (i) (ii) (iii) and (d): as there are no adjacent boundary walls on neighbouring land and subject site is not adjacent a communal open space area or public reserve.

*General Section: Residential Development: PDC 38*

Although it is noted that the boundary wall associated with Dwelling 1 is 810mm greater in length and .06m in height than that sought by the Development Plan, the impact is not considered unreasonable as the majority of the wall will

sit behind the neighbouring building line and so it will only be partially visible to the street. Furthermore, the wall will not be in direct view from neighbouring living room windows. Finally having regard to what can be achieved (as of right) under the Residential Development Code, where a wall height and length can be 3.0m and 8.0m, the wall height of 3.06m is deemed a minor departure only and one which will not result in an unacceptable impact on the amenity or character of the area or neighbouring land.

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

*General Section: Design & Appearance: PDC 2*

**Complies**

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

**Rear Setbacks**

*6 metres for a single storey dwelling*

*Residential Zone: PDC 7*

**Complies**

Approximately 12.5metres

*8 metres for a 2 or more storey dwelling*

*Residential Zone: PDC 7*

**Complies**

Approximately 20.5metres

*Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:*

- (a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary*
- (b) a minimum of 8 metres for two storey components of dwellings*

*General Section: Residential Development: PDC 37*

**Complies**

Approximately 12.5metres (minimum rear setback)

**Building Height**

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

*Residential Zone: PDC 7*

**Complies**

The proposed dwellings incorporate a maximum building height of approximately 7.2 metres, which is less than the maximum permitted in the Policy Area.

**Garages, Carports and Outbuildings**

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

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

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

*Residential Zone: PDC 8*

**Complies**

Garages and carport are located 6.71m and 7.21m from the road frontage and 600mm behind the main face of the dwelling (upper storey).



<p><i>Carports and garages should be setback from road and building frontages so as to:</i>  <i>(a) not adversely impact on the safety of road users</i>  <i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></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 garage/carport incorporates a roof form, materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Does Not Comply</b>  The double garages take up more than 50% of the allotment frontage width, however, each garage is provided with two entrances and varying setbacks, while the upper storey of the dwellings is considered to adequately 'draw the eyes' away from the garages. To this end, the overall design and scale of the upper level should sufficiently compensate for the extended garage widths.</p>
<p><b>Car Parking</b></p>	
<p><i>Minimum number of on-site car parking spaces (one of which should be covered) :</i>  <i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i>  <i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i>  <i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></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>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) Public transport and access to centre facilities is 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>  d) e) Each dwelling has 4 bedrooms and whilst sufficient on-site parking is provided, only 1 on street parking space will be retained.</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 has been provided for the proposed allotments when two ought to be provided.</p>

## Access

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

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

*General Section: Residential Development: PDC 39*

**Complies**  
3.0m

*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**

*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**

The proposal will result in a maximum of 3 vehicle access points or two more than currently existing. The minimum distance between access points of Dwelling 1 and 2 is approximately 4.0m which falls short of the minimum 6.0m, whereas, the distance between Dwelling 2 and 3 is approximately 7.2m. To this end, the proposal only provide for one on-street parking space.

In relation to vehicle access, the proposal will result in the driveways between Dwelling 1 and 2 between less than 6.0m apart. Nevertheless, the proposal is in keeping with the anticipated frontage width (for row dwellings) and given each driveway is tapered to minimum allowable 3.0m wide crossovers, including providing for at least 7.2m of separation between the driveway of Dwelling 2 and 3, the provision of 6.0m space between the Dwelling 1 and 2 crossovers will not be possible. To this end, it is considered that an acceptable level of driveway separation is provided and on balance the proposal accord sufficiently with the above requirements relating to 'access and car parking'.

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

**Complies**

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

The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of brick, vertical cladding and render on the front façade;
- Stepping of upper and lower storeys to minimise building height, mass and proportion;
- Protruding portico/cantilevered upper levels with appropriately proportioned fenestration/habitable windows, and
- Skillion roof pitches at an approximately 5 degree slope.

The double garage of each dwelling features dual entrances and Panel lift doors, which are unlikely to result in glare to neighbouring properties, drivers or cyclists.

The side elevations of the dwellings feature brick veneer through the lower level and a mixture of render and horizontal cladding,

	<p>including Scyon Matrix Panel cladding to the protruding stairwell voids. There is also an adequate level of fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
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<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 and habitable windows to the street.</p> <p>All living rooms are deemed to have an external outlook.</p>
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## 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>
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## Visual Privacy

<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens,</i></p>	<p><b>Complies.</b></p> <p>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.</p> <p>The dwellings have therefore been designed to minimise direct overlooking of habitable</p>
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*external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.*

*General Section: Design & Appearance: PDC 12*

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

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

### **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 proposed dwellings incorporate both a hipped and skillion form. The skillion roof form is over the upper level portion of the dwellings and the hipped gable roof form will cover the rear portion of the dwelling over the lower level only. The combination of roof forms and orientation of the allotments provide a number of roof orientations upon which solar collectors could be sited efficiently.

## 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*

### **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 as noted in this report, Council's Development Engineer has reviewed the proposal and has raised no concern with the proposed finished floor levels and setbacks from boundaries in relation to a 1-in-100 year average return interval flood event.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

### **Complies**

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

*Fences and walls, including retaining walls, should:*

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

*General Section: Landscaping, Fences & Walls: PDC 5*

### **Complies**

The application proposes retaining walls varying in height to a maximum 400 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.2metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to: on-street parking; upper level windows/loss of privacy; site coverage; allotment widths/depths; driveway/crossover widths; loss of on-street parking in competition with added demand for on-street parking and design appearance, 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 traffic. Given each dwelling is likely to result in 8-10 vehicle movements per day, an additional 16 -20 daily vehicle movements is unlikely to substantially increase traffic to jeopardise on-road safety.

The representors have also raised concerns about fencing and damage to neighbouring property during the demolition process. 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 dwellings display consistency with the Desired Character and Objectives of the Policy Area, in that they satisfy the minimum frontage width and site area and will add to the variety of accommodation needs at higher densities.

The proposal however, does display some numerical excesses, most notably site coverage, and the location / length and height of the garage wall associated with Dwelling 1. Further consideration of the potential impacts of these matters identifies that they will not jeopardise the function and liveability of the dwellings or result in severe or unreasonable impacts upon the adjacent property owners.

Whilst the proposed dwellings fail to satisfy the relevant upper level setback criteria for two storey dwellings adjacent side boundaries, this shortfall relates to a small section of the upper level wall and given the orientation of the site, is unlikely to have a detrimental impact upon the neighbouring land via overshadowing or via bulk and scale.

Despite the abovementioned variances, the proposal achieves compliance with the majority of the provisions of the Development Plan including site area, frontage widths, private open space, car parking and design and appearance.

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.

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## 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: 100/2015/1299 for the construction of 3 x two storey row-dwellings with garage wall located on the western side boundary at 55 Bells Road, Glengowrie 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. 100/2015/1299, being drawing number(s) WD 01/12, WD 02/12, WD 03/12, WD 04/12, WD 05/12 and HC01(Rev C)" (inclusive) prepared by Mirage Homes/Spectra Building Designers and FMG Engineers, being documentation titled "Site Plan, Front Elevation/Elevation A, Upper Floor Plan, Lower Floor Plan and Rear Elevation/Elevation A and Civil Plan" received by council on 3/12/2016, except when varied by the following conditions of consent.
2. The driveway/crossover of Dwellings 2 and 3 shall be separated by no less than 6.0 metres to ensure the availability of one on-street parking space.
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. The portion of the upper floor side and rear windows (except the south-facing windows presenting to the street to the front dwellings) less than 1.7 metres above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room, to the reasonable satisfaction of the Council.
5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
7. 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.
11. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

## NOTES

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

## Attachments

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



# DEVELOPMENT ASSESSMENT PANEL

Wednesday 2 March 2016

**Agenda Ref No:** DAP020316 – 2.3

**Originating Officer:** Stephen Both  
Senior Development Officer - Planning

**Applicant:** Mirage Homes

**Development Description:** To construct a pair of two storey semi-detached dwellings with Residence (B) incorporating a garage wall along the eastern side boundary.

**Site Location:** 22 Hardy Avenue, Glengowrie

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 2 / Consent

**Lodgement Date:** 17/09/2015

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

**Application No:** 100/2015/1703

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

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## CATEGORISATION & DELEGATION

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

## BACKGROUND

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

Requested Amendments	Amendments Made
The applicant was requested to set the dwellings off from each side boundary to reduce the visual impact associated with building "boundary to boundary".	The applicant has amended the application plans however, only Dwg (A) has been relocated off the side boundary with Dwg (B) to be constructed along the eastern boundary.
The floor area ratios achieved by Dwgs (A) and (B) at 0.68 and 0.75 were considered excessive and should therefore be reduced closer to 0.6 in accordance with PDC 4.	The applicant has amended the application plans with the floor area ratios for Dwgs (A) and (B) reduced down to 0.63 and 0.62 respectively.

The upper floor side setback of Dwg (A) needs to be increased from 1.2 metres to 2.0 metres in accordance with the Development Plan.	The upper floor setback of Dwg (A) has now been increased to 2.0 metres from the western side boundary as requested.
Information Requested	Information Received
The applicant was requested to provide a fully engineered site works and drainage plan for assessment purposes.	The applicant has provided information which provides site works and drainage details which are attached.
The applicant was requested to provide a detailed landscaping plan identifying particular plant species and their location on the land.	The applicant has provided the required landscaping plan which is attached.
The applicant was requested to provide plans which confirm that the proposed dwellings are to be joined by "party walls".	The applicant has provided the required plans which confirm that the proposed dwellings are to be "semi-detached" dwellings.

## SUBJECT LAND & LOCALITY

The subject land is situated on the northern side of Hardy Avenue at 22 Hardy Avenue, Glengowrie. The subject land comprises a large regular shaped allotment which has a 19.20 metre frontage to Hardy Avenue and a depth of 37.19 metres to provide a total site area of approximately 714 square metres.

The subject land is relatively flat and is developed with an existing single storey detached dwelling which is well setback from the street property boundary. An inspection to the subject land reveals that the site is devoid of any regulated trees, whilst the certificate of title confirms that the land is clear of any encumbrances or easements.

The locality is characterised by a predominance of older housing stock comprising mainly single storey detached dwellings on large regular shaped allotments, together with a small number of single storey semi-detached dwellings (circa 1990) as exhibited directly to the west of the subject land at 20/20A Hardy Avenue.

It is worthy to note that many new dwellings also exist within the locality mainly comprising recently constructed two storey semi-detached dwellings as exhibited immediately to the east of the subject land at 24/24A Hardy Avenue, and directly opposite the subject land to the south-east at 19/19A and 21/21A Hardy Avenue.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The applicant proposes to construct two, two storey semi-detached dwellings with associated car parking and landscaping. The two dwellings will project a similar streetscape appearance but will differ in respect to their internal layout. Upper storey components have been articulated to help reduce the bulk and scale of the dwellings when viewed from adjacent land.

Dwelling (A) will provide three bedrooms and a study whilst Dwelling (B) will provide a total of four bedrooms all on the upper level. Both dwellings provide open plan kitchen/dining/family areas which are to be all directly linked to north facing areas of useable private open space located to the rear of each dwelling.

In respect to on-site car parking provision, each dwelling will provide three parking spaces with two undercover and one visitor's parking space. Driveways are to be paved, whilst the front yard areas of each dwelling are to be suitably landscaped with a combination of small shrubs and ground covering vegetation.

*Refer Attachment III*

PUBLIC NOTIFICATION

<p><b>Properties notified:</b></p>	<p>14 properties were notified during the Category 2 public notification process.</p>
<p><b>Representations:</b></p>	<p>2 representations were received by Council with one representation primarily against the proposed development whilst the other provided a neutral response.</p>
<p><b>Persons wishing to be heard:</b></p>	<p>1 representor has indicated a desire to be heard;  Lynne and Robert Bruce – 20A Hardy Aveune, Glengowrie</p>
<p><b>Summary of representations:</b></p>	<ul style="list-style-type: none"> <li>- Given the height and setback of the two storey dwelling from the boundary, there will be a loss of natural light on the eastern side of our single storey dwelling.</li> <li>- Areas along the eastern side of our dwelling will remain damp due to the loss of natural sunlight - raising concerns regarding mildew, moss growth and associated odours derived from moisture.</li> <li>- Concerns regarding the loss of privacy from upper level windows of the proposed dwellings allowing a view into the private yards of adjacent properties.</li> <li>- Concerns regarding damage to existing fencing and paving along the rear of the property should the existing palm tree on the subject land be removed.</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 upper level sections of each dwelling are to be setback 2 metres from side boundaries in accordance with Council requirements.</li> <li>- There will only be some loss of natural light in the early part of the day. The proposed dwelling will not stop any natural light along the eastern side of the dwelling.</li> <li>- As there will be no garage wall to be constructed along the side boundary of the property at 20A Hardy Avenue, this neighbour will not be affected during construction of the dwellings.</li> <li>- There will be no effects from dampness on the eastern path of the property at 20 Hardy Avenue as the dwellings are to be constructed to Council requirements.</li> <li>- The upper level windows of both dwellings will be frosted up to 1.7 metres to prevent overlooking to comply with Council requirements.</li> <li>- The rear fence will be retained during the construction of the dwellings and in the future. The palm trees in question will be retained so there will be no damage to existing fencing and paving.</li> </ul> <p style="text-align: right;"><i>Refer Attachment V</i></p>

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	The subject land is not located within a flood prone area of the Council. The Council's Engineer has nonetheless assessed the drainage plan and finished floor levels for the dwellings and has raised no engineering related concerns regarding the proposed development.
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## ZONE & POLICY AREA ASSESSMENT

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

<b>Residential Zone</b>		
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.                      2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
<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.                      2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.                      3 Development that contributes to the desired character of the policy area.</p>		
<p><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>		
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</li> <li>▪ row dwelling</li> <li>▪ <b>semi-detached dwellings</b></li> <li>▪ supported accommodation.</li> </ul>	<p><b>Complies</b></p> <p>The proposed development comprises a pair of two storey semi-detached dwellings which is considered an envisaged form of housing within Northern Policy Area 13.</p>
PDC 3	<p>Minimum Site Area:</p> <p>Semi-Detached Dwellings: 320 m<sup>2</sup></p>	<p><b>Complies</b></p> <p>Dwelling (A) = 357 m<sup>2</sup>                      Dwelling (B) = 357 m<sup>2</sup></p>

	<i>Minimum Frontage:</i> <i>Semi-Detached Dwellings: 9 metres</i>	<b>Complies</b> Dwelling (A) = 9.6 metres Dwelling (B) = 9.6 metres
	<i>Minimum Depth:</i> <i>Semi-Detached Dwellings: 20 metres</i>	<b>Complies</b> Dwgs (A & B) = 37.1 metres

## Assessment

The application seeks approval to replace an existing single storey detached dwelling on the land with two, two-storey semi-detached dwellings, being a form of housing that is envisaged by Principle of Development Control 1. It is considered that the proposed development complements the Desired Character of the Policy Area which seeks for the redevelopment of existing properties at greater densities than that of the original housing stock.

In addition to the above, it is noted that the construction of the proposed dwellings will not require the removal of any regulated or significant trees on the subject land nor compromise the health of any existing mature vegetation on adjoining land. The proposed development also essentially complies with the relevant objectives and principles set out above with each semi-detached dwelling to be accommodated on allotments of sufficient size and dimensions.

In terms of design and appearance, it is considered that the proposed dwellings will not look out of place in the locality which contains many new two storey semi-detached dwellings. In summary, it is considered that the proposed development will make a positive visual impact on the existing streetscape which is to be enhanced with the provision of additional landscaping within the front yards and driveways of the individual dwellings.

It is considered that the Objectives and Desired Character of the Northern Policy Area 13 are adequately represented by the proposed development.

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>	<b>Does Not Comply</b> Dwelling (A) = 47% Dwelling (B) = 49%
<i>Maximum floor area ratio: 0.6</i> <i>Northern Policy Area 13: PDC 4</i>	<b>Does Not Comply</b> Dwelling (A) = 0.63 Dwelling (B) = 0.62

<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) rainwater tanks</i></li> <li><i>(e) private open space and landscaping</i></li> <li><i>(f) convenient storage of household waste and recycling receptacles</i></li> </ul> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p>
<p><b>Private Open Space</b></p>	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <li><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></li> <li><i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i></li> <li><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></li> <li><i>(d) to minimise overlooking from adjacent buildings</i></li> <li><i>(e) to achieve separation from bedroom windows on adjacent sites</i></li> <li><i>(f) to have a northerly aspect to provide for comfortable year round use</i></li> <li><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></li> <li><i>(h) to be partly shaded in summer</i></li> <li><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></li> <li><i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></li> </ul> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) All POS areas are directly accessible from the habitable rooms of each semi-detached dwelling.</li> <li>b) All POS is located at ground level to the rear of each dwelling and is capable of being screened for privacy.</li> <li>c) The subject land does not maintain natural features which warrant preservation.</li> <li>d) The POS areas should not be directly overlooked by adjacent buildings.</li> <li>e) POS areas are not located next to bedrooms of dwellings on adjacent sites.</li> <li>f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.</li> <li>g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</li> <li>h) POS areas are capable of being shaded during summer.</li> <li>i) Traffic, industry or other business activities do not affect the subject land.</li> <li>j) The POS areas are considered to have sufficient shape and area to be functional.</li> </ul>
<p><b>Site Area 250 m<sup>2</sup> or greater:</b></p> <p><i>Minimum area of POS: 20% of the site area</i></p> <p><i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i></p> <p><i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p><b>Complies</b></p> <p>Dwelling (A) = 110.5 m<sup>2</sup> (30.9%)  Dwelling (B) = 110.1 m<sup>2</sup> (30.8%)</p> <p>(Minimum dimensions of 5.0 metres by 5.0 metres are provided for both dwellings)</p>

## Street Setbacks

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

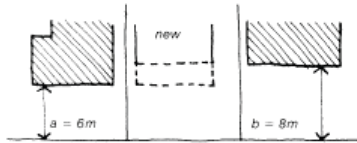
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
- (b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 23

### Complies

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 6.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

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:  <small>When b &gt; a: 2, setback of new dwelling = a or b</small>
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

### Complies

Dwellings (A) & (B) : 6.0 metres

(Dwellings on adjoining land set back approximately 5.4 and 7.2 metres, which permits a minimum setback of 5.4 metres)

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

### Complies

In respect to the front setback of the proposed dwellings, it is considered that Dwellings (A & B) will sit comfortably between the existing dwellings located either side of the subject land.

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

As semi-detached dwellings structurally joined by a central "party wall", it is noted that the habitable rooms of both dwellings are adequately separated from pedestrian and vehicle movement.

## Side Setbacks

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

### Does Not Comply

Dwelling A: 0.6 m

The proposed ground floor side setback of Dwelling (A) falls 400 millimetres 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.

**(Note:** It is worthy to note that the ground floor side setback of both dwellings increases in width as the dwellings extend down the allotment to provide a generous distance of separation).

<p><i>Where the wall height is between 3 metres and 6 metres:</i>  <i>(a) 3 metres if adjacent southern boundary</i>  <i>(b) 2 metres in all other circumstances.</i>  <i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b>  Dwellings (A &amp; B) = 2.0 metres</p> <p><b>(Note:</b> The wall height of the two storey semi-detached dwellings measures 5.5 metres in height)</p>
<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i>  <i>(a) the walls should not abut more than one side allotment boundary</i>  <i>(b) a wall from an adjacent dwelling already exists on the boundary:</i>  <i>(i) be located immediately abutting the adjacent wall</i>  <i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i>  <i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i>  <i>(c) no wall exists on the adjacent boundary:</i>  <i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i>  <i>(ii) not exceed 6 metres in length</i>  <i>(iii) not exceed 3 metres in height</i>  <i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i>  <i>(d) adjoining communal open space or a public reserve, not to exceed</i>  <i>(i) 50 per cent of the length of the boundary</i>  <i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p><b>Does Not Comply</b>  Only Dwelling (B) proposes a wall along the eastern side boundary being the garage wall which is to stand 2.7 metres in height and extend for a distance of 6.4 metres along the boundary.</p> <p><b>Note:</b>  No part of Dwelling (A) is to be constructed along on any existing side or rear boundary.</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>  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>
<h2>Rear Setbacks</h2>	
<p><i>6 metres for a single storey dwelling</i>  <i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b>  Dwelling (A) = 9.1 metres  Dwelling (B) = 11.4 metres</p>
<p><i>8 metres for a 2 or more storey dwelling</i>  <i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b>  Dwelling (A) = 16.8 metres  Dwelling (B) = 12.4 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>  <i>(b) a minimum of 8 metres for two storey components of dwellings</i>  <i>General Section: Residential Development: PDC 37</i></p>	<p><b>Complies</b>  Both dwellings provide ample rear private open space in dimensions greater than that specified opposite.</p>



<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>The dwellings have been suitably stepped and setback away from existing side and rear boundaries to help minimise the visual impact of the proposed dwellings when viewed from adjacent properties.</p> <p>Given the distances of separation achieved by the proposed development from side and rear boundaries, it is unlikely that there will be any unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<b>Building Height</b>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed two storey semi-detached dwellings incorporate a maximum building height of 7.3 metres, which is less than the maximum permitted in the Policy Area.</p>
<b>Garages, Carports and Outbuildings</b>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i><u>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</u></i></p> <p><i>Minimum setback from secondary road frontage:</i></p> <p><i>5.5 metres for a single-width structure.</i></p> <p><i>Not less than the specified setback of the associated dwelling for a double-width structure.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b></p> <p>The garages associated with each dwelling will have a staggered setback from the street ranging between 6.0 to 6.9 metres with upper storey sections of each dwelling to be set forward of the garages to reduce their visual dominance. It is considered that this should result in a positive streetscape outcome.</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, 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></p> <p>The two single width garages associated with each dwelling are to be incorporated into the design of the building being located under the main roof.</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>Does Not Comply</b></p> <p>The two single width garages associated with each dwelling measure 2.6 metres in width to provide a combined width of 5.2 metres which represents 54% of the frontage width of each individual allotment.</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.*  
*3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.*  
*1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.*

*Residential Zone: PDC 7*

### **Complies**

Both dwellings provide two undercover parks within each double garage with one visitor's space provided within each of the driveways.

As each dwelling potentially provides a maximum of four bedrooms, the proposed development provides the required allocation of six spaces. (i.e. 3 spaces per semi-detached dwelling)

*On-site vehicle parking should be provided having regard to:*  
*(a) the number, nature and size of proposed 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.  
 c) The likely occupants are anticipated to have standard mobility and transport requirements.  
 d) e) The proposed development provides one on-street car parking space which shall remain available adjacent the subject land.

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

*General Section: Land Division: PDC 22*

### **Complies**

It has been calculated that one, potentially 2 on-street car parking space is to be provided in relation to the proposed development, which satisfies PDC 22.

## Access

*The width of driveway crossovers should be minimised and have a maximum width of:*  
*(a) 3 metres wide for a single driveway*  
*(b) 5 metres wide for a double driveway.*

*General Section: Residential Development: PDC 39*

### **Partially Complies**

Whilst each dwelling proposes two undercover parking spaces, the width of the driveway crossovers have been calculated at 3.4 metres in width which is more than the required width for single width driveways and less than the 5 metre width required for a double driveway. That having been said, the driveway crossover widths proposed for each dwelling are considered satisfactory.

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

*General Section: Residential Development: PDC 40*

### **Complies**

The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and more than 2 metres from the existing street tree which is centrally located to the front of the subject land.

**(Note:** The driveway crossover which is to be utilised in respect to Dwelling (A) is an existing crossover).

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

*General Section: Transportation and Access: PDC 28*

### **Complies**

Vehicle access points are to be separated by a minimum distance of 10.0 metres which accords with the minimum 6.0 metre distance prescribed by PDC 28.

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### **Complies**

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

- Mixture of brick, horizontal cladding and render on the front façades of each dwelling
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Staggering of the single width garages of each dwelling to help reduce their visual dominance on the streetscape
- Protruding porticos and upper level balconies cantilevered over ground floor section of each dwelling
- Use of “Dutch Gables” facing the street with 600 mm eave overhang and pitched roof form set at a 25 degree slope.
- Fenestration.

The dwellings incorporate a 25 degree Colorbond roof with rendered facades. The garages of each dwelling features Off White Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

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

*Balconies should:*

- (a) be integrated with the overall form and detail of the building*
- (b) include balustrade detailing that enables line of sight to the street*
- (c) be recessed where wind would otherwise make the space unusable.*

*General Section: Design & Appearance: PDC 5*

### **Complies**

The proposed balconies are integrated into the portico design of each dwelling, with clear glass balustrades that enable an unrestricted line of sight to the street below.

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

*General Section: Design & Appearance: PDC 15*

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

*General Section: Design & Appearance: PDC 18*

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

*General Section: Residential Development: PDC 6*

### **Complies**

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

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

*General Section: Residential Development: PDC 6*

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

Whilst the applicant has not provided shadow diagrams which illustrate the projected extent of overshadowing on 21 June (winter solstice), I am of the opinion that:

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

b) 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 proposed 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 balconies on the front façade of each semi-detached dwelling are oriented to obtain views of the streetscape.

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*

### **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**

As previously mentioned, the applicant has provided a detailed landscaping plan which proposes the inclusion of vegetation to the front, side and rear yards of the proposed dwellings.

It is considered that the proposed planting species and distribution indicated on this plan should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

<p><i>Fences and walls, including retaining walls, should:</i></p> <p>(a) not result in damage to neighbouring trees</p> <p>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</p> <p>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</p> <p>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</p> <p>(e) assist in highlighting building entrances</p> <p>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</p> <p>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</p> <p>(h) be constructed of non-flammable materials.</p> <p>General Section: Landscaping, Fences &amp; Walls: PDC 5</p>	<p><b>Complies</b></p> <p>As the subject land is relatively flat in nature, it is not anticipated that there will be any need to construct retaining walls along the existing boundaries of the subject land.</p> <p>The proposed development is to include new fencing measuring 1.8 metres in height along the internal boundary separating the two dwellings and is to provide privacy for the future residents.</p> <p>As no fencing of any type is proposed along the front property boundary, this should provide clear lines of sight for future residents backing vehicles out on to Hardy Avenue from their individual driveways.</p>
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## TABLE DISCUSSION

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

- |                                  |                   |
|----------------------------------|-------------------|
| • Site Coverage/Floor Area Ratio | Dwellings (A & B) |
| • Garage Wall along the boundary | Dwelling (B)      |
| • Garage Width                   | Dwellings (A & B) |

### Site Coverage/Floor Area Ratio

As identified above, the site coverage achieved in relation to proposed Dwellings (A) and (B) both exceeded the required maximum provision of 40% within Northern Policy Area 13 with Dwelling (A) providing a site coverage of 47% and Dwelling (B) a site coverage of 49%. In addition to this, both dwellings also exceeded the maximum floor area ratio of 0.60 prescribed for two storey dwellings within Northern Policy Area 13 with Dwellings (A) and (B) achieving floor area ratios of 0.63 and 0.62 respectively.

Whilst the proposed dwellings both exceed the maximum site coverage prescribed within Policy Area 13, it is not considered that the proposed development represents an over-development of the total site area where the application might warrant refusal. As previously mentioned, it has been determined that the proposed dwellings each achieve a high level of compliance with the quantitative criteria identified above. Whilst exceeding the requirements set out within the Council's Development Plan, it is considered that the site coverage and floor area ratio achieved in respect to the proposed dwellings should not adversely impact upon the amenity of adjoining land, nor impair the design and function of these dwellings.

Further to this point, it is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. It is noted that the subject land is located within the Determined Area for the purposes of Schedule 4, which permits a maximum site coverage of 60% for semi-detached dwelling(s). This signifies that new semi-detached dwelling(s) could be constructed on the land "as of right" (i.e. without an assessment against Development Plan criteria) with a site coverage of 60%.

It is therefore considered inappropriate to enforce the maximum 40% site coverage to merit applications with such rigidity. Consequently, subject to satisfying other Development Plan criteria, the excess in site coverage is not considered to be fatal to the over merits of the subject application.

### Garage wall of Dwelling (B) along the eastern side property boundary

As identified during the assessment of this application, the garage wall of Dwelling (B) will stand 2.7 metres in height and will extend for a distance of 6.5 metres in length along the eastern side boundary of the subject land, thereby exceeding the 6.0 metre length prescribed for solid walls constructed along a side boundary. The construction of solid walls along boundaries commonly occurs where land is developed at higher densities where the total land area of development sites is maximised to make efficient use of the land.

That having been said, it is considered that the proposed garage wall of Dwelling (B) will have minimal impact on the adjacent property located to the east at 22 Hardy Avenue as this wall will be located adjacent an existing carport and driveway which runs along the western side of the adjacent dwelling. Given this, it is considered that there will be a reasonable distance of separation created between the wall of the garage and the adjacent dwelling which should help to minimise any adverse amenity impacts. To this end, it is considered that the construction of the garage wall of Dwelling (B) along this section of the boundary to be appropriate, in that it is unlikely to result in having any direct adverse impacts on the amenity of the owners of the property at 22 Hardy Avenue.

Notwithstanding the above, it is befitting to acknowledge that Schedule 4 permits the construction of dwellings "as of right" which incorporate boundary walls with a maximum length of 8.0 metres and height of 3.0 metres, with no consideration attributed to the impact on the amenity of adjoining land. As such, it is not appropriate to request amendments to proposed boundary walls simply due to their visibility from adjoining properties. Moreover, the proposed boundary wall length of 6.5 metres remains relatively modest in relation to the standard design criteria for new dwellings.

### Width of Garages (Dwellings A & B)

The last issue for discussion relates to the combined width of the garage doors of Dwellings (A & B). As previously identified, the combined width of the two single width garages proposed for each dwelling will measure 5.2 metres (2.6 metres per garage door) across the front, which equates to 54% of the frontage width of each allotment/dwelling site. This exceeds the maximum 50% prescribed by Council's Development Plan by 4% or 38 millimetres in length.

That having been said, it is considered that the offending garages will not adversely dominate the streetscape as they have been incorporated as two single doors in a staggered formation and are to be setback behind the line of second storey components of each dwelling which cantilever over to help soften the visual impact attributed to the garages below. Whilst the proposed garages fail to meet certain design principles of the Council's Development Plan, the visual streetscape impact is considered acceptable in this instance.

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## REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to overshadowing issues and the loss of privacy and natural light given the siting and height of the proposed dwellings on the land, have all been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor has also raised concerns in relation to potential damage occurring to existing fencing and paving should existing vegetation be removed from the subject land. Whilst 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.

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## ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development reflects the low-to-medium level of density that is envisaged within Northern Policy Area 13. It is considered that the proposal complies with a majority of the quantitative and qualitative provisions of the Development Plan with both semi-detached dwellings providing adequate building setbacks from adjoining properties, suitable areas of private open space and sufficient on-site car parking provision.

Where shortfalls have been identified with the proposed development, including non-compliances with site coverage and floor area ratio provisions, these shortfalls have been found to be minor in nature without having a detrimental impact on the overall function of the dwellings.

It is considered that the proposed development exhibits a similar density and form of housing to that generally exhibited on many existing allotments within the immediate locality. Given this, the proposed development will not look out of place, nor detract from the low to medium density residential character which prevails within this section of Glengowrie.

As a result of the above considerations, it is my view that the proposed development is 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.

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## 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: 100/2015/1703 to construct a pair of two storey semi-detached dwellings with Residence (B) incorporating a garage wall along the eastern side boundary at 22 Hardy Avenue Glengowrie be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the amended plans and details prepared by Mirage Homes stamped dated received 27 October 2015 submitted with and forming part of Development Application No. 100/2015/1703, except where 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. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

## NOTES

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

## Attachments

- 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 March 2016

**Agenda Ref No:** DAP020316 – 2.4

**Originating Officer:** Nicholas Timotheou  
Development Officer - Planning

**Applicant:** Craig Whitting

**Development Description:** Three single storey row dwellings, one of which incorporates a garage wall on the eastern side boundary

**Site Location:** 1 Ella Street, Dover Gardens

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 2 / Consent

**Lodgement Date:** 25/09/2015

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

**Application No:** 100/2015/1762

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

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## CATEGORISATION & DELEGATION

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

## BACKGROUND

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

Amendments Requested	Amendments Made
Floor area of each dwelling should be reduced to more closely align with Council's site coverage provisions.	Site coverage reduced from 52.4% to 52.1% for Lot 1, from 59.5% to 58.4% for Lot 2 and from 61.1% to 57.1 % for Lot 3.
Private open space of Lot 1 should achieve a 5 x 5 metre dimension.	Rear setback of Lot 1 increased to achieve 5 x 5 metre private open space area.
Proposed crossovers should be increased to 3 metres.	Crossover widths of each allotment increased to 3 metres.

Additional Information Requested	Information Provided
The provision of sectional details of party walls.	Sectional details of party wall provided.
The provision of a schedule of proposed colours/materials/finishes to the streetscape elevation.	Colour/perspective plan provided.

## SUBJECT LAND & LOCALITY

The subject land is located at 1 Ella Street, Dover Gardens. The land is irregular in shape, with a corner cut-off, achieving a frontage width of 21.5 metres to Ella Street, average depth of 28.9 metres and total site area of 830.7 square metres. The site currently accommodates a detached dwelling in relatively good condition, which is slightly angled towards Clacton Road. As a result, the dwelling is setback approximately 6 metres at the closest point, which extends to 7 metres from Clacton Road and has a secondary street setback of approximately 6.8 metres.

Vehicular access is currently available from Clacton Road. The contour of the land is relatively flat and there are no regulated or significant trees on the subject land.

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

Additionally, it is noted that opposite the subject site is the Patrilli Winery which is located within Winery Policy Area 8 of the Industry Zone. The external outlook from the subject land to the winery is dominated by standard iron fencing along with mature vegetation within the site.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes three single storey row dwellings, incorporating a garage wall along the eastern boundary and associated landscaping.

Each dwelling features three bedrooms, associated wet areas/ensuite and open plan kitchen/meals/living room.

The dwellings present to Clacton Road and incorporate single garages to the front façade. Each dwelling proposes a new crossover on Clacton Road and no access will be made via Ella Street.

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

*Refer Attachment III*

PUBLIC NOTIFICATION

<p><b>Properties notified:</b></p>	<p>12 properties were notified during the Category 2 public notification process.</p>
<p><b>Representations:</b></p>	<p>2 representations were received by Council. Both representations were against the application.</p> <p style="text-align: right;"><i>Refer Attachment III</i></p>
<p><b>Persons wishing to be heard:</b></p>	<p>Ms Anne Mills Mr Malcolm Puckridge</p>
<p><b>Summary of representations:</b></p>	<ul style="list-style-type: none"> <li>• Concerns regarding on-street parking.</li> <li>• Concerns regarding the visual impact of side fencing.</li> <li>• Concerns regarding development in close proximity to Council's street tree.</li> <li>• Concerns regarding the outlook of future occupants to the rear of winery.</li> <li>• Concerns regarding impact on property value.</li> </ul> <p style="text-align: right;"><i>Refer Attachment III</i></p>
<p><b>Applicant's response:</b></p>	<ul style="list-style-type: none"> <li>• The secondary street fencing along Ella Street has been relocated and additional 2 metres north than originally proposed.</li> <li>• Adequate on-site parking has been provided as sought by Council's Development Plan.</li> <li>• One (1) on-street parking space will remain available on Clacton Road and no changes will be made to the Ella Street parks.</li> <li>• Each site maintains a density sought by Council's Development Plan.</li> <li>• Dwellings facing Clacton Road assists in achieving north facing private open space areas.</li> <li>• The external outlook from the site is similar to that of a standard residential area, being Colorbond fencing and street trees.</li> </ul> <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

<p><b>Engineering:</b></p>	<p>Requested finished paving levels at the driveway be set a minimum 150mm below finished floor levels.</p> <p>Council's Engineer has advised that they are satisfied with the amendments made to the plans and raises no further flooding concerns.</p>
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<b>Arborist:</b>	<p>Council's Arborist has advised that the street tree on Clacton Road is in poor condition and can be removed. A fee of \$150 is required for replacement.</p> <p>The street tree located on Ella Street has been identified as a <i>Celtis australis</i>, with a trunk circumference of 1.98 metres. A tree protection zone of 2 metres should be achieved.</p> <p>- Applicant has confirmed that they are willing to pay the associated street tree removal/replacement fees.</p>
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## ZONE & POLICY AREA ASSESSMENT

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

<b>Residential Zone</b>		
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
<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. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p><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> ▪ row dwelling	<b>Complies</b> Lot 1: 282.1m <sup>2</sup> Lot 2: 252.5m <sup>2</sup> Lot 3: 296.1m <sup>2</sup>
<i>PDC 3</i>	<i>Minimum Site Area: 250m<sup>2</sup></i>	
	<i>Row dwellings</i> <i>Minimum Frontage: 7m</i>	<b>Complies</b> Lot 1: 8.0m Lot 2: 8.8m Lot 3: 7.0m

	<p><i>Row dwellings</i> <i>Minimum Depth:20m</i></p>	<p><b>Complies</b> Lot 1: 24.3m average Lot 2: 28.3m average Lot 3: 30.1m average</p>
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The application proposes three single storey row dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the number of dwellings on the land by two. It is acknowledged that the construction of the dwellings will be in-keeping with other recent and similar development in the locality, which is encouraged by Desired Character Statement, Objectives 1 and 3 and Principles of Development Control of the Northern Policy Area 13.

It is noted that the design of each dwelling seeks to locate the main private open space area to the north of the subject land and furthest away from the near industrial use in the locality. In my view, this will limit any potential impacts from the industrial use, in terms of noise and odour, which is welcomed by Objective 2 of the Northern Policy Area 13.

The proposal maintains a coherent streetscape as a result of the street setback, front yard landscaping and design to reduce the bulk and scale of each dwelling. The dwellings' appearance will be modern in terms of design and use of materials and will provide a positive contribution to the existing streetscape.

The application proposes the removal of a Council street tree which is in poor condition. The tree is not considered to significantly contribute to the amenity of the local area and Council's Arborist has determined that removal and replacement of the tree is suitable at a cost of \$150.

The proposal complements the applicable Objectives, Principles of Development Control and Desired Character statement of the Residential Zone and Northern Policy Area 13.

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

<b>Site Coverage</b>	
<p><i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b> Lot 1: 147.1m<sup>2</sup> (52.1%) Lot 2: 147.5m<sup>2</sup> (58.4%) Lot 3: 169.1m<sup>2</sup> (57.1%)</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i>  <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>  <i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b> 35.6%</p>

## Private Open Space

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

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

General Section: Residential Development: PDC 15

### Complies

- a) All POS areas are directly accessible from a habitable room / habitable rooms of the associated dwelling.
- b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy.
- c) The subject land does not maintain natural features which warrant preservation.
- d) The POS areas should not be directly overlooked by adjacent buildings.
- e) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- 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 or industry activities should not affect the subject land.
- j) The POS areas are considered to have sufficient shape and area to be functional.

### Site Area 250m<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.*

General Section: Residential Development: PDC 17

### Complies

Lot 1: 74m<sup>2</sup> (26.2%)  
Lot 2: 53.4m<sup>2</sup> (21.1%)  
Lot 3: 76.6m<sup>2</sup> (25.8%)

## 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

4.5m

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless it is acknowledged that the dwellings at 2A Ella Street and 43 Vinall Street present a reduced setback to Clacton Street, serving as the secondary street. Accordingly, it is my view sufficient transition is proposed between the dwellings along Clacton Road. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

*Minimum setback from secondary road frontage: 3 metres*

Residential Zone: PDC 7

### Does Not Comply

2.5m and 5.5m

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

General Section: Residential Development: PDC 36

### Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.



## Side Setbacks

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

Where the wall height is between 3 metres and 6 metres:

- (a) 3 metres if adjacent southern boundary
- (b) 2 metres in all other circumstances.

Where the wall height is greater than 6 metres:

- (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres
- (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.

Residential Zone: PDC 7

### Does Not Comply

**Lot 1:** dwelling wall located along the eastern internal boundary

**Lot 2:** 0.9m

**Lot 3:** 0.9m which increases to 2.7 metres. Garage wall located along the eastern boundary

Whilst the eastern wall of Lot 1 will be located along the internal boundary, for a length of 10.7 metres, the wall will not be visible from the primary living room or private open space area of Dwelling 2. As such, it is my view that any visual/overshadowing impacts will be of a minor nature.

The proposed side setback of Dwelling 2 and 3 fall 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.

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

General Section: Residential Development: PDC 38

### Complies

(a) separation is provided from the western side boundary of the allotment

(b) The garage wall of Lot 3 will abut the carport of the adjacent dwelling at 16 Clacton Road and extend 0.9 metres forward. The garage wall height will be less than that of the adjacent carport.

Although the garage of Lot 3 will extend forward of the adjacent carport, it is acknowledged that any visual/overshadowing impacts will be of a minor nature given the land directly adjacent is used for the parking and manoeuvring of vehicles.

Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:

- (a) the visual impact of the building as viewed from adjacent properties
- (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.

General Section: Design & Appearance: PDC 2

### Complies

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

## Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:

- (a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary

General Section: Residential Development: PDC 37

### Partially Complies

Lot 1: 3m, 4.4m and 5.6m

Lot 2: 5m, 6m and 7.2m

Lot 3: 4.7m, 6m and 7.2m

Given the rear setback of each dwelling steps, will be reduced for a minor portion and adjacent the side path of the neighbouring dwelling, it is my view that any visual impacts will be negligible.

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 5 metres, which is less than the maximum permitted in the Policy Area.</p>
<h2>Garages, Carports and Outbuildings</h2>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b></p> <p>Garages setback 5.5 metres and 1 metre behind the main face of each 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, 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></p> <p>The proposed garage of each dwelling incorporates a roof form, materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>Lot 1: 3.2m (40%)  Lot 2: 3.2m (36.4%)  Lot 3: 3.4m (48.5%)</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><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></p> <p>2 parking spaces made available for each dwelling, one of which will be covered.</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>Complies</b></p> <p>Despite new access points being located along Clacton Road, it is acknowledged that adequate on-street parking will remain available. A combined total of four on-street parking spaces will remain available, one on Clacton Road and three along Ella Street.</p>

## Access

*The width of driveway crossovers should be minimised and have a maximum width of:*  
*(a) 3 metres wide for a single driveway*  
*(b) 5 metres wide for a double driveway.*

*General Section: Residential Development: PDC 39*

**Complies**

*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. It is acknowledged that the crossover of Lot 1 interferes with a street tree; however, Council's Arborist is comfortable with its removal, subject to payment.

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

*General Section: Transportation and Access: PDC 28*

**Complies**

The vehicle access points Lot 2 and Lot 3 are separated by a minimum distance of 6 metres.

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

**Complies**

The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. Each dwelling will comprise similar design features including exposed brickwork, render and panel lift doors. The dwellings incorporate a 25 degree Colorbond roof.

The above materials are considered appropriate within the locality and will not result in glare to neighbouring properties. Further, habitable room windows and the front entrance point will present to the street, which will enhance the streetscape elevation and passive surveillance.

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

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

*General Section: Design & Appearance: PDC 15*

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

*General Section: Design & Appearance: PDC 18*

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

*General Section: Residential Development: PDC 6*

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

*General Section: Residential Development: PDC 6*

**Complies**

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

## Overshadowing

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

*(a) windows of habitable rooms*

*General Section: Design & Appearance: PDC 9*

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

*(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June*

*(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:*

*(i) half of the existing ground level open space*

*(ii) 35 square metres of the existing ground level open space*

*(with at least one of the area's dimensions measuring 2.5 metres)*

*(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.*

*General Section: Design & Appearance: PDC 10*

### **Complies**

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

b) Given that south and west forms the street boundaries, a majority of winter shadow will be cast within the front yard of the proposed dwellings. However, some shadow will be cast into the eastern adjoining property in afternoon hours. Nonetheless, this property will maintain no less than three hours of direct sunlight.

## 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 proposed setbacks to the side and rear boundaries have been deemed appropriate as identified above. Further, given the subject land is relatively flat along with the single storey nature of the dwellings, I raise no concerns in relation to overlooking.

## Noise

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

*General Section: Residential Development: PDC 26*

### **Complies**

The dwellings have been designed to locate the main private open space areas and living areas to the north of the site, which should minimise any potential noise impacts from the industrial use opposite the subject land.

## 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 secondary private open space area for Lot 1 located to the west should nonetheless receive some northern winter sunlight.

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

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

*General Section: Energy Efficiency: PDC 4*

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

*General Section: Energy Efficiency: PDC 5*

### **Complies**

The roof design will allow for potential future use of solar panels, which will be north facing.

## 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*

### **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 the proposed finished floor level of 100.25, finished paving level of 100.1 and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

## 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 application plans propose landscaping to the front yard of each dwelling and to the side of Lot 1. Further, landscaping will be provided either side of the proposed driveways, which will soften the appearance of driveway paving to the street.

Standard 1.8 metre high Colorbond fencing is proposed to the secondary street, which is 14.6 metres in length. Given the fencing is not proposed to the full length of Ella Street, landscaping will be viewed along the side and front yard of Lot 1.

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
- Secondary street setback.

### **Site coverage**

It is acknowledged that the site coverage of each allotment exceeds Council's Development Plan provision of 40% by 12.1% for Lot 1, 18.4% for Lot 2 and 17.1% for Lot 3. However, it is noted that the site coverage calculation includes the under main roof verandahs, which also serves as private open space. When the floor area of each verandah is excluded from the site coverage calculation, Lot 1 exceeds the 40% provision by 8.2%, Lot 2 by 15% and Lot 3 14.1%. It is also of value to note that the overall site coverage equates to 52.3% excluding verandahs. In addition, adequate private open space areas have been provided which exceed the minimum 20% provision, all of which are north facing. Given the above and the fact that a number of recent developments in the locality achieve similar site coverage, it is my view that the site coverage proposed will not compromise the amenity or function of the subject or adjoining land.

### **Secondary street setback**

The secondary street setback of Lot 1 equates to 2.5 metres (82%) increasing to 5.5 metres (18%), where a 3 metre setback is required. It is my opinion that sufficient articulation has been provided to the secondary street through the provision of habitable room windows and an increased setback to the Sitting room. Given the variation in setbacks, it is my view that suitable transition will be provided to the dwellings along Ella Street. It should also be acknowledged that as of right, a standard 2.1 metre high fence could be erected along the secondary street to an extent, which would limit the dwelling's presentation.

Whilst fencing is proposed, it is noted that amendments to the plans have reduced the length of fencing, which will enable landscaping to the side and front yard to be viewed from Ella Street. Further, having reviewed other recent developments in the locality, it is apparent that reduced secondary street setbacks have been achieved and have not had significant visual impacts to the streetscape. Accordingly, it is my view that any visual impacts of the reduced secondary setback will not be detrimental to the streetscape.

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## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to density, on-street parking, visual appearance and the proximity of the building to Council's street tree 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 property values. 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.

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## ANALYSIS/CONCLUSION

It is my opinion that the proposed development appropriately satisfies the Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages the redevelopment of old housing stock at low-medium densities.

It is acknowledged that the proposal fails to achieve some of the quantitative provisions, in particular site coverage and boundary wall length. When these shortfalls are considered on balance with the overall compliance with Council's Development Plan, the merit of the application is considered to outweigh any discrepancies. Further, the excess in site coverage and boundary wall length of Dwelling 1 have been demonstrated to not result in any detrimental impacts upon adjoining land or the streetscape. Further, assessment against the relevant qualitative provisions has shown that the proposed design and layout is compatible with that anticipated by Council's Development Plan and Policy Area.

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

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## 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 / 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: 100/2015/1762 for three single storey row dwellings, one of which incorporates a garage wall on the eastern side boundary at 1 Ella Street, Dover Gardens be subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1762, being drawing numbers 1-4 of 15-550 (inclusive) prepared by Daring Digital Architecture and Contour and Drainage Plan 79085 prepared by Dennis Sandery Consulting Engineers, received by Council 22 January and 2016 and 2 February 2016 respectively, except when varied by the following conditions of consent.
2. An amended contour and drainage plan shall be submitted to Council prior to Development Approval being issued, identifying the location of driveways and crossovers, for further consideration.
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. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
6. All new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.



9. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

## NOTES

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

## Attachments

- 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 March 2016

**Agenda Ref No:** DAP020316 – 2.5

**Originating Officer:** Emily Nankivell  
Senior Development Officer - Planning

**Applicant:** Zybek Consulting & Management

**Development Description:** Three single storey row dwellings, one of which incorporates a garage wall on the western side boundary

**Site Location:** 18 Sutton Avenue Seacombe Gardens

**Zone:** Residential Zone

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

**Application Type:** Category 2 / Consent

**Lodgement Date:** 07/10/2015

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

**Application No:** 100/2015/1821

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

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### CATEGORISATION & DELEGATION

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

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

Amendments Requested	Amendments Made
Increase in front setback from 4.6 metres and 4.8 metres to a minimum 5 metres.	The front setback has remained the same. Applicant has provided justification for the front setback in letter dated 29/01/2016.
Increase to the POS area provided to each dwelling.	Increased from 14.5% to 20% for each dwelling site.
Reduction in site coverage demonstrated at around 60%.	All dwellings have been reduced with site coverage around 55%.

## SUBJECT LAND & LOCALITY

The subject land is located on the southern side of Sutton Avenue and is identified as allotment 17 of Certificate of Title Volume 5668 Folio 375. The subject land is a slightly irregular rectangular shape with an angled western side boundary with the allotment tapering towards the rear. The subject land has a north to south orientation. The land has a front boundary length of 22.25 metres, an average site depth of 37.08 metres and a total site area of 730 square metres.

The land contains an existing single storey timber frame dwelling with associated structures and outbuildings. The existing dwelling is in poor condition.

The land is generally flat with a moderate fall of 600mm over the site (from front to rear / north to south). The land has also been identified within Council's flood risk area.

There are no existing significant or regulated trees on the site.

There is an existing access point located towards the eastern side of the subject land. There are no street trees in front of the site. There is a stobie pole approximately three quarters of the way towards the west in front of the land.

The locality is characterised by a range of original dwellings and redevelopment of both single and two storey in scale. A large proportion of the existing housing stock in the area is or was housing trust properties. The redevelopment that has occurred throughout the area has generally been at higher densities than what was originally on the land in detached, semi-detached and row dwelling forms. The redevelopment throughout the area is anticipated in the Policy Area and is encouraged given the proximity of this area to the Marion Shopping Centre and transport routes along Diagonal and Sturt Roads.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

This application proposes the construction of three single storey row dwellings with associated carports to Dwellings 1 and 3 and a garage to Dwelling 2. Each of the dwellings comprises two bedrooms (main with ensuite), study, kitchen/living/dining area and laundry.

Each of the dwellings have been designed to have the front door, and study window facing Sutton Avenue with a single width carport/garage opening comprising a panel lift door. Portico features have also been included over the front doors to add visual interest to the façade of the dwellings.

Dwelling 1 will utilise the existing vehicle access point with some alteration. Dwellings 2 & 3 will require new vehicle access points. The existing street tree indicated on the site plan has already been removed. To date the tree appears to have regrown and is forming a small shrub on the verge. It is considered that the shrub is suitable for removal.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	12 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	2 representations were received by Council. One in favour of the application subject to certain amendments or provisions being met. One Primarily against the application although my objection would

	be lessened if certain amendments or provisions are met.
<b>Persons wishing to be heard:</b>	None of the representors requested to be heard.
<b>Summary of representations:</b>	<ul style="list-style-type: none"> <li>• Security fencing to be put up between no 16 and no 18.</li> <li>• Asbestos removal to be safeguarded for no 16.</li> <li>• Primarily disagrees with high density housing.</li> <li>• Infrastructure already being challenged.</li> <li>• The dwellings should provide more living space per occupier.</li> <li>• Two dwelling maximum.</li> <li>• Car parking on the street is becoming a problem.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	<ul style="list-style-type: none"> <li>• The proposed dwellings are sited on allotments that exceed the site area requirement for row dwellings in the Medium Density Policy Area 12.</li> <li>• The dwellings are an acceptable size and provide open plan living areas.</li> <li>• The proposal includes two on site car parking spaces per dwelling satisfying the Development Plan requirement.</li> </ul> <p style="text-align: right;"><i>Refer Attachment V</i></p>

#### INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	<p>The application was referred to Council's Development Engineer who requested the following:</p> <ul style="list-style-type: none"> <li>• Plumbing of rainwater tanks to the toilet and laundry.</li> <li>• Change to external paving level and clear pathways around the dwellings to address flood risk.</li> </ul> <p>The applicant has amended the site works plan to include:</p> <ul style="list-style-type: none"> <li>• Note stating that RWTs will be plumbed to the toilet and laundry of each dwelling.</li> <li>• External paving levels demonstrated at 150mm below internal FFLs.</li> <li>• The garages to Dwellings 1 &amp; 3 have been amended to carports and set down 150mm below the FFLs of the dwellings to allow flow through.</li> </ul>
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#### ZONE & POLICY AREA ASSESSMENT

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

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

## Medium Density Policy Area 12

### Objectives

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

### Desired Character

The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.

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

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

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

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <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> The application proposes three single storey row dwellings which is an envisaged form of development in the policy area.</p>
PDC 4	<p>Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should be in the form of 2 to 3 storey buildings.</p> <p><b>(i.e. Site areas between 149.3 and 250 m<sup>2</sup>)</b></p>	<p><b>Complies</b> The proposed site areas achieve these gross densities.</p>
PDC 7	<p>Minimum Site Area: Row Dwellings 210m</p>	<p><b>Complies</b> Dwelling 1: 242m<sup>2</sup> Dwelling 2: 246m<sup>2</sup> Dwelling 3: 241m<sup>2</sup></p>
	<p>Minimum Frontage: Row Dwellings 7 metres</p>	<p><b>Complies</b> Dwelling 1: 7.35m Dwelling 2: 7.389m Dwelling 3: 7.511m</p>

	<p><i>Minimum Depth:</i></p> <p><i>Row Dwellings 20 metres</i></p>	<p><b>Complies</b></p> <p>Dwelling 1: 37.85m</p> <p>Dwelling 2: 37.85m</p> <p>Dwelling 3: 38m</p>
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## Assessment

The application proposes the construction of three single storey row dwellings replacing the existing single storey detached dwelling on the site. This is a net increase in density of two dwellings. In terms of the appropriateness of the density, the dwellings are proposed on allotments that achieve the minimum site area and frontage requirements. This indicates that the density proposed for the site is appropriate within the Policy Area and the locality. The density is also consistent with the Desired Character which calls for 'medium density development at higher density compared to that typical of the original dwelling stock'.

The form of the development (row dwellings) is an envisaged dwelling form in the Policy Area. The overall appearance of the built form is considered to result in a positive streetscape outcome and contribute and enhance the streetscape and residential environment.

The Policy Area encourages and promotes the redevelopment of existing poor quality housing with higher density development in a range of styles. In this regard it is considered that the proposed development achieves the intended outcome of the Desired Character and Principles of the Medium Density Policy Area 12.

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

<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>100m<sup>2</sup> is the relevant site coverage standard for these allotments.</i></p> <p><i>Medium Density Policy Area 12: PDC 8</i></p>	<p><b>Does Not Comply</b></p> <p>Dwelling 1: 135.19m<sup>2</sup> (55.79%)            Dwelling 2: 135.19m<sup>2</sup> (55.5%)            Dwelling 3: 136.15m<sup>2</sup> (55.84%)</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) rainwater tanks</i></li> <li><i>(e) private open space and landscaping</i></li> <li><i>(f) convenient storage of household waste and recycling receptacles</i></li> </ul> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Does Not Comply</b></p> <p>15.3% of the site will remain undeveloped and pervious.</p>

## Private Open Space

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

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

General Section: Residential Development: PDC 15

### Complies

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

### Does Not Comply

f) The proposed POS areas maintain a southerly aspect. While this is not the optimum orientation is it considered that given the location of the site on the southern side of the street and that the associated dwellings are single storey and maintain a reasonable setback from the rear boundary this shortfall is considered acceptable in this instance.

### 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.*

*20% is the applicable standard in this instance.*

General Section: Residential Development: PDC 17

### Complies

Dwelling 1: 20.3% (49.38m<sup>2</sup>)  
Dwelling 2: 20.2% (49.38m<sup>2</sup>)

### Does Not Comply

Dwelling 3: 19.7% (48.11m<sup>2</sup>)

## Street Setbacks

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

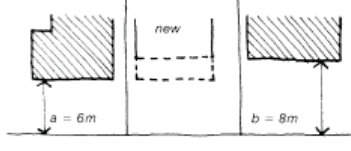
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

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 4.6 metres (at its closest point) 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 $b - a \leq 2$ , setback of new dwelling = $a$ or $b$
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

**Partially Complies**

Dwelling 1: 4.6 metres  
 Dwelling 2: 4.8 metres  
 Dwelling 3: 4.6 metres

(Dwellings on adjoining land set back approximately 4.6 metres and 8 metres, which equals an average setback of 6.3 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**

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

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

Residential Zone: PDC 7

**Does Not Comply**

Dwelling 1: 0.964 m  
 Dwelling 2: 0.964 m  
 Dwelling 3: 0.878 m

The proposed side setbacks fall between 0.036 and 0.122 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 the proposed setbacks comply with the Building Code of Australia.

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

General Section: Design & Appearance: PDC 2

**Complies**

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

**Rear Setbacks**

6 metres for a single storey dwelling

Residential Zone: PDC 7

**Complies**

Dwelling 1: 8.668 metres  
 Dwelling 2: 8.41 metres  
 Dwelling 3: 8.617 metres



<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Complies</b></p> <p>All dwellings achieve the rear setback requirements.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the setback will not result in unreasonable overshadowing of adjacent properties.</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>(i) 2 storeys of not more than 9 metres</i></p> <p><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 are single storey incorporate a maximum building height of 4.4 metres, which is less than the maximum permitted in the Policy Area.</p>
<h2>Garages, Carports and Outbuildings</h2>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b></p> <p>Dwelling 1: Carport is setback 5.592 metres from the primary frontage and is 0.992 metres behind the main face of the dwelling.</p> <p>Dwelling 2: The garage is setback 6 metres from the primary frontage and 1.2 metres behind the main face of the dwelling.</p> <p>Dwelling 3: 6 metres from the primary frontage and 1.2 metres behind the main face of the 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>The proposed setbacks of the carports and garage are not considered to adversely impact on the safety of road users and will allow for safe entry and exit from the site.</p>
<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><i>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p><b>Complies</b></p> <p>i) Carport on boundary is not located within 6 metres of any existing structure on the same site and same boundary</p> <p>ii) Open structure length of 6.2 metres on the boundary</p> <p><b>Does Not Comply</b></p> <p>iii) Carport height of 2.9 metres for the posts and 3.2 metres for the parapet.</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></p> <p>The proposed garage and carports incorporates a roof form, materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>Dwelling 1: Carport 3m in width and 40.8% of the site frontage.  Dwelling 2: Garage 3m in width and 40.6% of the site frontage.  Dwelling 3: Carport is 3m in width and 39.9% of the site frontage.</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i>  <i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Each dwelling is provided with 2 on site car parking spaces, one of which is undercover.</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>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 spaces 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 for the proposed allotments, where two ought to be provided. Given the dwellings comprise two bedrooms, and when combined with the on site car parking spaces on the site it is considered that adequate car parking is available for the development.</p>
<h2>Access</h2>	
<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>Partially Complies</b></p> <p>Each dwelling is provided with a single width driveway crossover that has a maximum width of between 3.3 metres (for Dwelling 2) and 3.4 metres for Dwellings 1 and 3. Although exceeding the driveway width requirement, it is considered a minor departure from the Development Plan and not to result in excessive driveways to the street.</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></p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.</p>

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

*General Section: Transportation and Access: PDC 28*

**Partially Complies**

The vehicle access points for Dwellings 1 and 2 are separated by a minimum distance of 6 metres. The vehicle access points between Dwellings 2 and 3 are only separated by 4 metres.

**Design & Appearance**

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

**Complies**

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

- Mixture of render and selected features in the front façade
- Stepping of the setback.
- Protruding portico and aluminium awning window
- Pitched roof form at 25 degree slope

The dwellings incorporate a 25 degree Colorbond roof, with rendered facades. The garage of each dwelling features Panel lift doors. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

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

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

*General Section: Design & Appearance: PDC 15*

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

*General Section: Design & Appearance: PDC 18*

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

*General Section: Residential Development: PDC 6*

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

*General Section: Residential Development: PDC 6*

**Complies**

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

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

### **Partially Complies**

The dwellings are oriented so that their open spaces and main activity areas face south. This is largely due to the orientation of the existing allotment. Although not achieving optimum solar orientation it is considered that the dwellings and their associated POS areas will be provided with sufficient access to natural light.

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.

## 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*

### **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 100.55 finished paving level of 100.375, setbacks from boundaries and carports to the external boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

### **Complies**

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

*Fences and walls, including retaining walls, should:*

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

*General Section: Landscaping, Fences & Walls: PDC 5*

### **Complies**

The application proposes retaining walls varying in height to a maximum 200 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

## 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:

- The proposed front setback does not achieve the average setback demonstrated by the adjacent dwellings.
- Site Coverage exceeds the maximum amount allowable under the Development Plan.
- Pervious surfaces only comprise 15.3% of the subject land and not the required minimum of 20%.
- The private open space area for Dwelling 3 does not achieve the minimum 20%.

The average setback of the adjacent dwellings has been calculated at approximately 6.3 metres. The dwellings demonstrate setbacks, at their closest points, of between 4.6 metres and

4.8 metres. Although this does not strictly meet the average setback of the adjacent dwellings it is considered an acceptable setback in the locality given the extent of redevelopment that has occurred throughout the area that demonstrates similar setbacks to those demonstrated by the proposed development. Furthermore, the setbacks proposed by the dwellings vary from the closest point of the front wall, being 4.6 metres to 4.8 metres, increasing to 5.59 metres, 6.26 metres and 6.54 metres to the carports and garages of each dwelling. With the closest setbacks being limited to a small portion of the front wall of each dwelling. The stepping in the setbacks of the front façades and the location of the carports being adjacent the external boundaries of the site is considered to provide an appropriate transition between the setback of the adjoining properties and the subject site. The setback is also considered to respond to the Desired Character of the Policy Area that encourages redevelopment and envisages a changing streetscape with reduced setbacks. The proposal is considered to satisfy the intent of the Development Plan in regard to front setback.

Due to the size of the proposed allotment areas the relevant site coverage maximum for the dwellings is 100m<sup>2</sup> of built area for each site. The site coverage proposed by each dwelling is 135.19m<sup>2</sup> for Dwellings 1 and 2 and 136.15m<sup>2</sup> for Dwelling 3. The results in an excess built area of 35.19m<sup>2</sup> to 36.15m<sup>2</sup> for each site which exceeds the relevant site coverage provision by approximately 35.5%. Although the site coverage exceeds the Development Plan standard the proposal does achieve appropriate setbacks and provide adequate open space for each dwelling. It is considered that the excess site coverage is not detrimental to the function and future enjoyment of the proposed dwellings.

The pervious surfaces of the site have been calculated to be equivalent to 15.3% of the land, falling short of the required 20% in the Development Plan. Although falling short of the 20% requirement, an area of pervious surface is provided in both the front and rear yard of each dwelling site. Furthermore, the driveway widths are not excessive. Although not achieving the required amount of pervious surfaces for the site, the shortfall is not considered fatal to the application.

The private open space provided for Dwelling 3 equates to 19.7% of the total site area and falls short of the required amount by 0.3% or half a metre of the required Private Open Space area. It is considered that this shortfall is inconsequential to the function of the dwelling and development with the area of POS provided to this dwelling comprising one area located directly at the rear of the allotment.

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## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to high density housing, provision of living spaces, car parking and impacts on infrastructure 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 fencing and asbestos removal. 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.

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## ANALYSIS/CONCLUSION

The proposed development will result in a housing type, form and density that is encouraged by the Medium Density Policy Area 12. The proposed development is also considered to reflect the Desired Character of the Policy Area by replacing old housing stock with a new development at a higher density. The proposal demonstrates allotment sizes and frontages consistent with the density requirements for row dwellings. Furthermore, the proposal demonstrates very little departure from the provisions of the Development Plan and where it does demonstrate shortfalls these are not considered to detrimentally impact on the function of the development or its contribution to the amenity of the locality and the streetscape.

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.

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## 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: 100/2015/1821 for Three single storey row dwellings, one of which incorporates a garage wall on the western side boundary at 18 Sutton Avenue Seacombe Gardens 5047 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. 100/2015/1821, being drawing number(s) ZYB.032 Pages 01 to 07 and 151001 C2 Issue C (inclusive) prepared by Verrocchi Building Design and K P Squared Engineering, except when varied by the following conditions of consent.
2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

3. 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.
4. 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.
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 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.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.



9. 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.

## 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 March 2016

**Agenda Ref No:** DAP020316 – 2.6

**Originating Officer:** Dylan O'Brien  
Development Officer - Planning

**Applicant:** Design Tech

**Development Description:** Two storey detached dwelling with associated earthworks and retaining walls

**Site Location:** 4 Historic Close Sheidow Park

**Zone:** Residential Zone

**Policy Area:** Worthing Mine Policy Area 20

**Application Type:** Category 2 / Consent

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

**Application No:** 100/2015/1871

**Recommendation:** Development Plan Consent (Granted)

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#### CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan which assigns development that will result in a building height exceeding 9.0 metres to Category 2. As the proposal received representations during the public notification, that cannot be resolved by amendments to the plans, or conditions of consent, the application is delegated to the Development Assessment Panel.

#### SUBJECT LAND & LOCALITY

The subject site is a regular shaped, vacant allotment. The site is approximately 666 square metres in total area with an 18 metre frontage to Historic Close. The topography of the site is generally steep, falling by approximately 8.0m from the rear to front boundaries. The average gradient of the land from east to west is approximately 21 degrees or 1 in 5.

There are no easements or regulated/significant trees located on the subject land or on adjoining land that would be affected.

The pattern of development in the locality is residential in character with a mix of single, split level and double storey detached dwellings on similar sized sloping allotments of varying degree.

Due to the steep topography of the area, most dwellings in the locality are either split level and/or incorporate substantial earthworks (retaining walls) with landscaped open front gardens.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The proposal is for the construction of a contemporary style split-level two storey detached dwelling, incorporating a hipped/gabled roof form, well proportion fenestrations and a small Juliet balcony facing historic close.

The dwelling will be two storey through the front presenting to the street, and single storey through the rear section to reflect the rising slope of the land at the rear and provide for improved driveway grades/transition levels.

The dwelling includes a double garage under the main roof, and vehicle access is provided via a proposed driveway/crossover to Historic Close.

The majority of earthworks proposed will be located under and between the upper and lower level which will be, in most parts, concealed within the building footprint.

External earthworks/retaining are proposed along each side boundary and through the rear yard of the site for the purpose of creating usable areas. A series of moss rocks are proposed through the front yard, to assist with softening the appearance of the earthworks from the street while providing improved landscaping options surrounding the driveway and throughout the front yard.

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	7 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	1 representation has been received by Council. <i>Refer Attachment III</i>
<b>Persons wishing to be heard:</b>	The representor has identified that they wish to be heard by the Panel.
<b>Summary of representations:</b>	Increase setback from southern side of property, although main concern relates to overlooking and noise. <i>Refer Attachment III</i>
<b>Applicant's response:</b>	Nil <i>Refer Attachment IV</i>

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering</b>	Satisfied with proposal including driveway grades
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## ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Worthing Mine Policy Area 20 are listed in the following table and discussed in further detail below:

Residential Zone		
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Worthing Mine Policy Area 20		
<p><b>Objectives</b></p> <p>1 A policy area primarily accommodating a range of dwelling types with medium density housing in close proximity to the District Centre Zone at Hallett Cove. 2 Preservation of the natural environment and watercourse features of the policy area.</p>		
<p><b>Desired Character</b></p> <p>... The desired character of the policy area is of an attractive residential environment containing predominantly detached dwellings of a variety of architectural styles, and reflecting the varied topography and natural features within or adjoining the policy area.</p> <p>Dwelling densities and allotment sizes will be varied to reflect the natural land gradient. Towards the coast and on steeper sites, dwellings will be commonly split-level or two-storey. In Hallett Cove especially, dwelling sites in elevated locations have good views of the coast. Buildings will be designed to minimise alteration of the natural or existing landform. To reduce the need to cut and fill sloping sites, designs should include split levels to reduce bulk.</p> <p>Attaining the desired character requires that new buildings maintain the existing pattern and scale of existing buildings. It is important when designing new buildings (and associated finished levels and decks) on sloping sites to pay considerable attention to the potential impact on the privacy and amenity of existing development, and to the appearance of the proposed development if it is in a prominent location.</p> <p>The relatively flat land in that part of the policy area in close proximity to Hallett Cove District Centre is suited to medium-density accommodation for older persons. A more intense form of development than prevalent elsewhere in the policy area is appropriate in this location to take advantage of the better access to District Centre facilities.</p> <p>Special attention to the design and location of development is required at interfaces with the Metropolitan Open Space System Zone in order to protect the significant natural and cultural features and the open space character of that zone. In addition, the design of development adjacent Lonsdale Highway will need to have regard to the high volume and speed of traffic on that road. It is important that development in these locations avoids creating or contributing to any undesirable environmental or traffic impacts, or hazards.</p> <p>Land division providing for:</p> <p>(a) a range of allotment sizes suitable for different kinds of dwellings (b) safe and convenient vehicle (including public transport) and pedestrian linkages (c) adequate buffers to the coast and watercourses (d) accessible and useable public open space which can be efficiently maintained.</p>		
<p><b>PDC 1</b></p>	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ detached dwelling</li> <li>▪ medium density housing and supported accommodation within 200 metres of the District Centre Zone at Hallett Cove</li> <li>▪ row dwelling</li> <li>▪ semi-detached dwelling.</li> </ul>	<p><b>Complies</b> Detached dwelling</p>

## Assessment

The proposal is for a two storey split-level detached dwelling which is a form of development envisaged in the Policy Area.

The dwelling is on an existing allotment, deemed low density and in keeping with the established average allotment sizes in the locality.

The proposed dwelling will be nestled into the slope of the site to provide a profile that sufficiently blends with the topography of the land, while the split level floor plan will minimise cut / fill and help reduce the total bulk of the building.

In my opinion, the contemporary design characteristics of the dwelling, which include a hip roof design with eave over-hangs and a protruding balcony, plus main entrance and well-proportioned upper and lower level windows facing the street, provide a high level of visual interest which will complement the setting of the dwelling and is in-keeping with the general pattern and scale of development in the locality.

For these reasons, the proposal is considered to accord sufficiently with the Objectives/Principles and Desired Character of the Worthing Mine Policy Area 20.

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## 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>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"><li><i>(a) pedestrian and vehicle access and vehicle parking</i></li><li><i>(b) domestic storage</i></li><li><i>(c) outdoor clothes drying</i></li><li><i>(d) rainwater tanks</i></li><li><i>(e) private open space and landscaping</i></li><li><i>(f) convenient storage of household waste and recycling receptacles</i></li></ul> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies:</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies:</b></p> <p>&gt;20%</p>

## Private Open Space

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

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

General Section: Residential Development: PDC 15

### Complies

- a) All POS areas are directly accessible from a habitable room of the associated dwelling.
- b) All POS is located at ground level to the side/rear of the dwelling and capable of being screened for privacy.
- c) The subject land does not maintain natural features which warrant preservation.
- d) The POS areas should not be directly overlooked by adjacent buildings.
- e) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- 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.

### 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.*

General Section: Residential Development: PDC 17

### Complies:

191.92m<sup>2</sup> or 28.8%.

The private open space is located in one area to the rear of the dwelling at ground level with direct connection via the open alfresco to the main living areas within the dwelling

## Street Setbacks

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

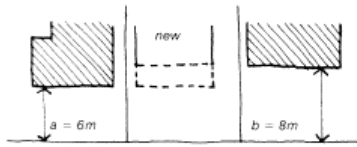
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

General Section: Design and Appearance: PDC 23

### Complies

The proposed front setback is considered to be compatible with and similar to the setbacks of buildings on adjoining land and other buildings in the locality, and therefore should 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 $b > a \times 2$ , 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

**Does not comply:**  
Neighbouring front setbacks:

- 9.0m (No. 6)
- 8.3m (No. 2)
- 8.65m (Average)
- 8.3m setback sought by the Development Plan.
- 7.0m (proposed)

Proposed minimum front setback of 7.0m falls shy of the closest adjoining neighbour at No. 2, which features a front setback of 8.3m. However, due to the oblique angle of the front property boundary, the front setback of the proposed dwelling increases to 8.02m towards the southern side of the site.

This setback is considered to sufficiently reflect the front setback of the adjoining building, which features a large balcony / verandah as close as 5.8m from the front property boundary. To this end, the proposed front setback albeit less than the closest adjoining neighbour, sufficiently reflects the average between adjoining neighbours particularly when including the upper level balcony / verandah associated with the adjoining dwelling at No. 2.

For these reasons, failure to comply with PDC 25 is not considered fatal.

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

General Section: Residential Development: PDC 36

**Complies**

Habitable rooms are adequately separated from pedestrian and vehicle movement.

## Side Setbacks

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

Where the wall height is between 3 metres and 6 metres:

- (a) 3 metres if adjacent southern boundary  
(b) 2 metres in all other circumstances.

Where the wall height is greater than 6 metres:

- (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres  
(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.

Residential Zone: PDC 7

**Complies**

2.6m (northern side)  
1.2m (southern side)

**Does Not Comply**

1.2m setback, wall height approximately 6.5m adjacent southern side boundary.

The proposal fails to comply with the minimum upper level southern side setback standard. Specifically, the total wall height proposed adjacent the southern side boundary is approximately 6.5m. To this end, the minimum setback should be approximately 3.5m. However, in this instance the majority of the lower level will be cut into the land to approximately 1.8m below natural ground level, while the floor level of the neighbouring dwelling is set approximately 1.0 above ground level. To this end, the overall wall height and visual / overshadowing towards the south will be significantly reduced, and in my opinion insignificant, particularly given the inclusion of boundary fencing that will conceal a majority of the southern elevation. For these reasons, the impact of the upper level southern side setback upon the amenity of the nearest neighbours should be relatively minor.

<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</p> <p>(a) the visual impact of the building as viewed from adjacent properties</p> <p>(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></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>
<h2>Rear Setbacks</h2>	
<p>6 metres for a single storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p><b>Complies</b></p> <p>Minimum rear setback approximately 6.7m</p>
<p>8 metres for a 2 or more storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p><b>Complies</b></p> <p>6.7m (note, rear portion of the dwelling is single storey)</p>
<p>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:</p> <p>(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</p> <p>(b) a minimum of 8 metres for two storey components of dwellings</p> <p>General Section: Residential Development: PDC 37</p>	<p><b>Complies</b></p> <p>Minimum rear setback approximately 6.7m</p>
<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</p> <p>(a) the visual impact of the building as viewed from adjacent properties</p> <p>(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></p> <p>The level of separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<h2>Building Height</h2>	
<p>Maximum building height (from natural ground level):</p> <p>2 storeys of not more than 9 metres</p> <p>Residential Zone: PDC 7</p>	<p><b>Does Not Comply</b></p> <p>The proposed dwelling incorporates a maximum building height of 10 metres, which is above the maximum permitted in the Policy Area.</p>
<p>Whilst the overall building height is above 9.0m (when using the Schedule 1 definition), given the steep slope of the land and level of cut proposed, it is worth noting that in relation to natural ground level the total height does not exceed 9.0 metres. Moreover, by using this method, the maximum height is closer to 8.0m. Nevertheless, regardless of which method is used, the proposed dwelling has been designed to reduce building height by nestling into the natural slope of the land and whilst it is two storey at the front, the scale / height of the dwelling is in keeping with the neighbouring two storey dwelling at No. 6 and typical of many dwellings in the area. For these reasons, the proposed building height is acceptable for the locality.</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:  
8 metres for a freestanding structure.  
5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.*

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

*Residential Zone: PDC 8*

### **Partially Complies**

Whilst the front setback of the garage is over 5.0m from the front property boundary it is in line with the main face of the building.

*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**

7.0m

*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*

### **Does not comply**

6.3m wide, although given the garage is only 32% of the total frontage width and integrated into the building façade, it shall not dominate the appearance of the dwelling from the street.

The garage component is set at the same setback as the main face of the dwelling and wider than 6.0 metres. However, given the total width of the garage is only 32% of the total frontage, and the main face of the dwelling incorporates a number of elements through the upper and lower level, such as well-proportioned windows, main entrance / portico and balcony that protrude forward of the main building line, the design and siting of the garage should not dominate the presentation of the associated dwelling as viewed from Historic Close.

## Car Parking

*Minimum number of on site car parking spaces (one of which should be covered) :*  
*2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.*  
*3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.*  
*1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.*

*Residential Zone: PDC 7*

### **Complies**

3 on-site spaces provided two of which will be undercover

## 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*

*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.*

### **Partially Complies**

Single crossover approximately 5.0m wide to the street. Cross over is sufficiently clear of all street infrastructures.

General Section: Residential Development: PDC 40

The proposal will result in a single crossover approximately 5.0m wide to the street. The 5.0m wide crossover is required as a result of the curved driveway to enable efficient and safe vehicle movement to and from the designated garage and visitor parking spaces.

The driveway/cross over will not interfere with any street infrastructure including street trees, and at least two on-street parking spaces directly in front of the site will be retained

For these reason the proposal is considered accord sufficiently with the afore mentioned provisions relating to access.

## Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

**Complies**  
See below

As discussed earlier in this report, the proposed dwelling has been designed so that it is nestled into the steep slope of the site to provide a profile that blends with the topography of the land, while the split level floor plan will result in mainly concealed cut and minimal fill and help reduce the total bulk of the building.

In my opinion, the contemporary design characteristics of the dwelling which include a hip roof design with eave overhangs and a protruding balcony, plus main entrance and well-proportioned upper and lower level windows facing the street, provide a high level of visual interest to complement the setting of the dwelling, in-keeping with the general pattern and scale of development in the locality and to provide a sufficient level of articulation and visual interest. Furthermore, the materials/finishes proposed, including brick face, rendered brick through the front facade and quoin work through the corners complement the setting of the dwelling and comply with that part of the Desired Character statement and Principle 3(a) and (b) above.

The dwelling also provides a main entrance door, portico and both lower and upper level habitable windows as well as upper level balconies presenting to the street frontage, which provide opportunity for improved surveillance and reinforce the residential presence of the building within the streetscape.

The two storey aspect of dwelling will only be visible from Historic Close, and as such, the level of uninterrupted walling exposed to public view is considered to be minimal and the impact is therefore considered negligible.

For these reasons the proposal is deemed to accord with the General Section: Design & Appearance: PDC 1, 3 and 17.

*Balconies should:*

- (a) be integrated with the overall form and detail of the building*
- (b) include balustrade detailing that enables line of sight to the street*
- (c) be recessed where wind would otherwise make the space unusable.*

General Section: Design & Appearance: PDC 5

**Complies**

The proposed balcony is integrated into the portico design, with open balustrade that enables line of sight to the street.

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

*General Section: Design & Appearance: PDC 15*

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

*General Section: Design & Appearance: PDC 18*

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

*General Section: Residential Development: PDC 6*

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

*General Section: Residential Development: PDC 6*

### **Complies**

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

## **Overshadowing**

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

As noted in this report, the lower level of the dwelling will be substantially cut into the site, thereby reducing the visible height of the building, particularly in relation to the southern side boundary. To this end, overshadowing to the south is also reduced and only likely to occur over a small portion to the front of the neighbouring site (to the lower level of the neighbouring dwelling only), which will be marginally greater than the amount of overshadowing likely to be produced by the anticipated boundary fencing. For these reasons, I do not anticipate any significant loss of available sunlight to neighbouring windows of habitable rooms (particularly living areas), ground-level private open space (which is located to the east away from the two storey component of the proposed dwelling), or the upper-level private balconies or access to solar energy on the northern face of the roof. For these reasons the proposal is considered to accords sufficiently 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:**

Apart from the upper level windows facing Historic Close, all upper level windows will either include obscure glass to 1.7m above internal floor level or high level window sills no lower than 1.7m above the internal floor level. To this end, the protection of the neighbouring privacy is achieved.

## 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*

*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 dwelling provides northerly facing private open space areas and habitable room windows to take advantage of available solar access all year round.

Having regard to the design of the dwelling, level of separation and orientation of the subject allotment in relation to neighbouring properties, it is unlikely that the existing level of natural sunlight currently available to main activity areas of adjacent buildings will be materially affected.

The proposed dwelling incorporates a hipped roof form with northern pitches upon which upon which solar collectors could be sited efficiently.

In my opinion, the proposal sufficiently accords with PDC 1, 2, 3, 4 and 5.

## 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.*

Detailed landscaping plans are not generally requested for detached dwellings. However, the siteworks plan does indicate a series of moss rock retainings through the front yard that will go some way to soften the appearance of any cut/fill surrounding the driveway and provide improved areas to accommodate future landscaping by the occupants, should they choose to undertake it.

The rear yard of the dwelling incorporates a series of terraced areas to provide for a more functional private open space and the fence and retaining wall plan indicates a maximum retaining height along the northern boundary

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

*Fences and walls, including retaining walls, should:*

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

General Section: Landscaping, Fences & Walls: PDC 5

of 1.5m although in most parts the level of retaining throughout the remainder of the site boundaries is below 1.0m.

The proposed fencing is a 1.8m high good neighbour Colorbond fence considered to be in keeping with standard practice for residential fencing and of adequate height to provide and maintain privacy between neighbours.

For these reasons the proposal is considered to accord sufficiently with the relevant provisions.

## Sloping Land

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

- (a) minimises their visual impact*
- (b) reduces the bulk of the buildings and structures*
- (c) incorporate roof lines which complement the natural slope of the land*
- (d) minimises the extent of cut and/or fill*
- (e) provide a stable and readily accessible building site*
- (f) minimises the need for, and the height of, retaining walls*
- (g) does not cause or contribute to instability of any embankment or cutting*
- (h) avoids the silting of watercourses*
- (i) protects development and its surrounds from erosion caused by water run-off.*

General Section: Sloping Land: PDC 2

*The cutting and/or filling of land should:*

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

General Section: Sloping Land: PDC 7

*Retaining walls should:*

- (a) not exceed 1 metre in height*
- (b) be stepped in a series of low walls*
- (c) be landscaped to enhance their appearance.*

General Section: Sloping Land: PDC 8

**Partially complies:**

The proposal will result in cut/fill levels and retaining walls to a maximum height of 1.5m, which is above the 1.0m limit desired by the Development Plan. However, given the steep slope of the site and many sites in the area, I am reasonably comfortable with the amount of earthworks proposed, particularly given the majority of the earthworks will be hidden from street view and concealed within the dwelling foundations.

Apart from a small section of retaining to the northern side boundary which will reach a maximum height of 1.5m, much of the retaining along the side boundaries is well below 1.0m.

From Historic Close, where the dwelling will be most apparent, some fill and retaining is proposed, however, this includes low level walls only in the form of moss rocks that should sufficiently soften the impact of the driveway and create opportunity for future landscaping that will enhance / soften the appearance of the dwellings from the street.

For these reasons it is my opinion that the proposal accords sufficiently with Principles of Development Control 2, 7 and 8.

## Siting and Visibility

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

*(a) the profile of buildings should be low and the rooflines should complement the natural form of the land*

*(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land*

*(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.*

*General Section: Siting and Visibility: PDC 4*

### **Complies:**

Whilst the proposed dwelling can be described as a generously proportioned building, the design does employ a mix of materials/finishes, well-proportioned upper and lower level windows and an open portico/verandah and eave overhangs, to provide further articulation to the front façade of the dwelling and a high level of presentation and materials in the overall finish.

The overall design and appearance of the split level two storey dwelling is in my opinion in keeping with other contemporary new dwellings in the locality and sufficiently reflective of the above provisions.

Furthermore, the subject land is steeply sloping, and so it is anticipated that any dwelling on this land will result in a level of earthworks likely to exceed that generally sought. Nevertheless, the architect has attempted to address the slope of the land via a split-level design incorporating a generous 3.31m split and although the level of cut is close to 2.0m it will be concealed within the dwelling, whereas, exposed cut / retaining walls generally incorporate a height of less than one metre.

For these the proposal is considered to accords sufficiently with the requirement pertaining to design and appearance.

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

*General Section: Siting and Visibility: PDC 5*

### **Complies**

## REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to setbacks and overlooking/privacy have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

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## ANALYSIS/CONCLUSION

The preceding assessment has illustrated that the proposed development maintains a number of non-compliances against the applicable Development Plan provisions, specifically, in relation to the upper level southern side setback, front setback, garage width and the extent of earth works and retaining.

Each of these shortfalls has been considered in relation to the Development Plan, and potential impact on adjoining land and the locality.

Whilst the proposed dwelling is a reasonably substantial building, a number of these shortfalls are relatively minor in their scope and not of any negative consequence.

In my opinion, the proposed development has been designed with reasonable consideration for the landscape in which it is to be situated, by offering acceptable and typical treatment of earthworks and retaining walls for the locality, and an acceptable level of articulation and mix of materials. Further, the privacy and amenity of adjoining land has been considered via the appropriate inclusion of screening devices in upper level windows where applicable.

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.

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## 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: 100/2015/1871 for a two storey detached dwelling with associated earthworks and retaining walls at 4 Historic Close, Sheidow 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. 100/2015/1871, being plans titled "Site Plan, Ground Floor Plan, Front / Rear Elevation, Left / Right Elevation, Locality Plan" (inclusive) prepared by Design tech (Architectural Services) and plan titled "Site Plan (site works plan) prepared by FYFE Pty Ltd, received by Council on 13/10/2015, and fencing/retaining detail title "Left / Right Elevation" prepared by Design tech (Architectural Services), received by Council on 8/2/2016, except when varied by the following conditions of consent.
2. Stormwater from all structures approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's Information Sheet "Stormwater Detention" to the reasonable satisfaction of the Council (copies of relevant documents are attached).
3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

## NOTES

1. 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: Aerial Photograph/Site Locality Plan*  
*Attachment II: Proposal Plan and supporting documentation*  
*Attachment III: Statement of Representations*

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 2 March 2016

<b>Agenda Ref No:</b>	<b>DAP020316 – 2.7</b>
<b>Originating Officer:</b>	<b>Rob Tokley Team Leader - Planning</b>
<b>Applicant:</b>	<b>Oakford Homes</b>
<b>Development Description:</b>	<b>Two, two-storey residential flat buildings each comprising six dwellings (12 dwellings in total), with associated freestanding garages, common driveway, earthworks and retaining walls.</b>
<b>Site Location:</b>	<b>3 Casey Street, Hallett Cove</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Worthing Mine Policy Area 20</b>
<b>Application Type:</b>	<b>Category 3 / Consent</b>
<b>Lodgement Date:</b>	<b>16/07/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1261</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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### CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development by virtue of SAERDC 59 [2012] Cheesman and Anor v City of Walkerville and Anor, which, in part, determined that an application for more than one residential flat building was not defined as a Category 1 or 2 form of development. As the proposal could not be considered a minor form of development, the application was processed as a Category 3 form of development.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 300 square metres required for dwellings within the Worthing Mine Policy Area 20. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

### BACKGROUND

In processing the land division application that created the subject and surrounding allotments, public roads and reserve, the subject land, together with a second large parcel of land adjacent the intersection of Patpa Drive and Lonsdale Highway, were kept as 'superlots', intended to be developed for a differing form of housing than which typified the locality.

The applicant/developer of the subject application was the owner/developer of the original subdivision.

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

Amendments Requested	Amendments Made
Increase verandah/balcony areas of Dwellings 1 – 6 to provide functional undercover space and to minimise opportunity for future owners to seek lesser-value additions, which may compromise the consistent built form presenting to the reserve.	Verandah/balconies of Dwellings 1 – 6 increased in dimension from 2.0 metres to 3.0 metres.
An improved relationship between the living rooms of Dwellings 7 – 12 should be provided to the private open space, via increased door width/altered floor plan	No change
The retaining wall proposed abutting the reserve (western boundary) should incorporate a moulded/textured design to improve appearance and minimise graffiti	Retaining wall proposed to incorporate 'McLaren' moulded sleeper to western and southern boundaries
Upper level setback of Dwellings 6 and 7 should be increased to no less than 3.0 metres to minimise overshadowing of adjoining properties to the south-east	Upper level setback increased to 3.0 metres
Letter boxes and water meters should be relocated to improve landscape provision at the front of the site, given there is limited opportunity for landscaping along common driveway	Letter boxes and water meters relocated and 3.0m-deep landscape bay provided at front of site, street-side of fencing. Additional landscaping provided at 'head' of common driveway.
The roof pitch results in substantial building height and bulk, which should be addressed to minimise bulk and provide for an attractive streetscape presentation	Roof pitch reduced from 12 to 7 degrees
Western façade of Dwelling 1 and eastern façade of Dwelling 12 should be improved via provision of an additional window presenting to the street	Provided.
Direct pedestrian access to Dwellings 1 – 6 will be available through the adjacent reserve, whilst foot access will be available from Casey Street for Dwellings 7 – 12. As such, pedestrian access should be made available via gates, paths and altered retaining wall layouts to enable foot access.	Retaining wall design at front of all sites altered to include steps. Gates and paths also provided.
Information Requested	Information Provided
Schedule of colours and materials	Provided
Shadow plans demonstrating the extent of shadow at 10am, 12midday and 2pm on 21 June	Provided
Traffic engineers report confirming all vehicle movements satisfy the Australian Standard	Provided
Landscape plan	Provided

## SUBJECT LAND & LOCALITY

The subject land is situated at 3 (Lot 502) Casey Street, Hallett Cove. The land incorporates a frontage width (excluding the corner cut-off) to Casey Street of 52 metres, a secondary frontage to Seaway Road of 47.89 metres, providing a total site area of 2,798.8 square metres.

The land is currently vacant, and incorporates a gentle slope in a southerly direction in the order of 1:18 (5.55%).

Directly adjacent the site is a large (yet to be landscaped/developed) Council reserve of some 3,800 square metres.

The residential allotments within the locality have been recently divided as part of land division application 100/D233/2004, which created an additional 85 lots – which except for the subject land and a second ‘superlot’ adjacent Patpa Drive, all range in area between 300 – 550 square metres.

The Hallett Cove Shopping Centre (situated within the District Centre Zone) is located 300 metres to the north, as the crow flies. The Hallett Cove Sports Club, comprising cricket, soccer, football, netball and BMX facilities is situated 750 metres to the south-west.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to construct two, two storey residential flat buildings, each comprising six dwellings. Detached, double-width garages will be provided with direct access from the common driveway for all dwellings.

All vehicular access will be gained from Seaway Road, via a double-width common driveway.

Each dwelling will incorporate an open plan kitchen/living/dining area, study, laundry and bathroom on the ground floor.

The upper floor of each dwelling will comprise three bedrooms, an open retreat area and a shared bathroom. Balconies, accessible from the main bedroom will be provided to all dwellings; Dwellings 1 – 6 incorporating a depth of 3.0 metres, whilst Dwellings 7 – 12, 2.0 metres.

Due to the slope of the land, retaining walls of varying heights are to be constructed on the eastern, southern and western boundaries of the property.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	29 properties were notified during the Category 3 public notification process.
<b>Representations:</b>	1 representation (from Council's Property Department) was received.
<b>Persons wishing to be heard:</b>	The representor did not identify they wish to be heard by the Panel.
<b>Summary of representations:</b>	Ensure that retaining walls do not encroach upon adjacent Council reserve.

	Stormwater management plan to be submitted for assessment <i>Refer Attachment IV</i>
<b>Applicant's response:</b>	No response received <i>Refer Attachment V</i>

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	Satisfied with vehicle movements and method of stormwater disposal.
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## ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Worthing Mine Policy Area 20 are listed in the following table and discussed in further detail below:

<b>Residential Zone</b>
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>
<b>Worthing Mine Policy Area 20</b>
<p><b>Objectives</b></p> <p>1 A policy area primarily accommodating a range of dwelling types with medium density housing in close proximity to the District Centre Zone at Hallett Cove. 2 Preservation of the natural environment and watercourse features of the policy area.</p>
<p><b>Desired Character</b></p> <p>... The desired character of the policy area is of an attractive residential environment containing predominantly detached dwellings of a variety of architectural styles, and reflecting the varied topography and natural features within or adjoining the policy area.</p> <p>Dwelling densities and allotment sizes will be varied to reflect the natural land gradient. Towards the coast and on steeper sites, dwellings will be commonly split-level or two-storey. In Hallett Cove especially, dwelling sites in elevated locations have good views of the coast. Buildings will be designed to minimise alteration of the natural or existing landform. To reduce the need to cut and fill sloping sites, designs should include split levels to reduce bulk.</p> <p>Attaining the desired character requires that new buildings maintain the existing pattern and scale of existing buildings. It is important when designing new buildings (and associated finished levels and decks) on sloping sites to pay considerable attention to the potential impact on the privacy and amenity of existing development, and to the appearance of the proposed development if it is in a prominent location.</p> <p>The relatively flat land in that part of the policy area in close proximity to Hallett Cove District Centre is suited to medium-density accommodation for older persons. A more intense form of development than prevalent elsewhere in the policy area is appropriate in this location to take advantage of the better access to District Centre facilities.</p> <p>Special attention to the design and location of development is required at interfaces with the Metropolitan Open Space System Zone in order to protect the significant natural and cultural features and the open space character of that zone. In addition, the design of development adjacent Lonsdale Highway will need to have regard to the high volume and speed of traffic on that road. It is important that development in these locations avoids creating or contributing to any undesirable environmental or traffic impacts, or hazards.</p> <p>Land division providing for: (a) a range of allotment sizes suitable for different kinds of dwellings</p>

<i>(b) safe and convenient vehicle (including public transport) and pedestrian linkages</i> <i>(c) adequate buffers to the coast and watercourses</i> <i>(d) accessible and useable public open space which can be efficiently maintained.</i>		
<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>detached dwelling</i></li> <li>▪ <b><i>medium density housing and supported accommodation within 200 metres of the District Centre Zone at Hallett Cove</i></b></li> <li>▪ <i>row dwelling</i></li> <li>▪ <i>semi-detached dwelling.</i></li> </ul>	<b>Partially Complies</b> Proposal represents medium density housing, in a row dwelling 'format', however, are defined as residential flat dwellings.
<i>PDC 5</i>	<i>Minimum Site Area:</i> <i>Residential Flat dwellings: No minimum site area stated</i>	<b>N/A</b>
	<i>Minimum Frontage:</i> <i>Residential Flat dwellings: No minimum frontage stated</i>	<b>N/A</b>
	<i>Minimum Depth:</i> <i>Residential Flat dwellings: No minimum depth stated</i>	<b>N/A</b>

## Assessment

The proposal satisfies parts of the Desired Character statement, which identifies “a more intense form of development than prevalent elsewhere in the Policy Area” is appropriate for sites in close proximity to the Hallett Cove District Centre.

It is acknowledged that Principle 1 ‘qualifies’ the close proximity, by seeking for sites within 200 metres of the District Centre Zone (DCZ) to accommodate medium density housing. The subject site is located 300 metres, as the crow flies, from the southern corner of the DCZ.

Nonetheless, when processing the land division application that created the subject and adjacent allotments, Council staff specifically sought for the applicant to provide the subject land as a ‘superlot’ to be developed in a more intense manner, for the following reasons;

- The site abuts a large swathe of public open space, and a considered design (such as the one demonstrated in this application) can allow for passive surveillance over the reserve, whilst providing a pleasing outlook for residents;
- The site is situated on relatively flat land, which is more suited to increased densities, but separated a reasonable distance from Lonsdale Highway to minimise noise impacts;
- The site is in close proximity to the DCZ of Hallett Cove and provided with convenient foot access; a pedestrian path is to be provided south of the intersection of Patpa Drive and Lonsdale Highway for pedestrian access to the DCZ; and
- The land would be suited to two storey terrace-style dwellings, which would attract a differing demographic (compared to the dwellings typically constructed in the locality), and would provide housing variety and choice within the locality which is dominated by single storey detached dwellings.

In terms of density, inclusive of the common driveway, the dwellings result in an average site area of 233 square metres for per dwelling. When excluding the common driveway from calculations, the average site area equates to 203.5 square metres per dwelling.

The state government's guide to residential densities identifies site areas between 149 and 294 square metres as representing medium density development. For comparison, Council's Medium Density Policy Area seeks for two storey residential flat dwellings to incorporate an average land area per dwelling of 200 square metres. As such, the proposal, in my view, appropriately satisfies the intent of the Policy Area to accommodate medium density development in close proximity to the Hallett Cove District Centre Zone.

In conclusion, the proposal will add to the variety of housing stock within the locality, which at present, is dominated by single storey detached dwellings on allotments between 300 – 500 square metres, will provide opportunities for passive surveillance over the adjacent reserve and provide for convenient access to the adjacent District Centre Zone.

## 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>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) rainwater tanks</i></li> <li><i>(e) private open space and landscaping</i></li> <li><i>(f) convenient storage of household waste and recycling receptacles</i></li> </ul> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Does Not Comply</b></p> <p>Approx 470 square metres (16.8%)</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <li><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></li> <li><i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i></li> <li><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></li> <li><i>(d) to minimise overlooking from adjacent buildings</i></li> <li><i>(e) to achieve separation from bedroom windows on adjacent sites</i></li> <li><i>(f) to have a northerly aspect to provide for comfortable year round use</i></li> <li><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></li> <li><i>(h) to be partly shaded in summer</i></li> <li><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></li> <li><i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></li> </ul> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) All POS areas are directly accessible from habitable rooms of the associated dwelling.</li> <li>b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy.</li> <li>c) The subject land does not maintain natural features which warrant preservation.</li> <li>d) The POS areas should not be directly overlooked by adjacent buildings.</li> <li>e) POS areas are not located next to bedrooms of dwellings on adjacent sites.</li> <li>h) POS areas are capable of being shaded during summer.</li> <li>i) Traffic, industry or other business activities should not affect the subject land.</li> <li>j) The POS areas are considered to have sufficient shape and area to be functional.</li> </ul> <p><b>Does Not Comply</b></p> <p>f) g) As demonstrated by the applicant's shadow diagrams, a majority of the private open space areas to the rear of the dwellings will be shadow for most of the day during winter months.</p>

**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

**Partially Complies**

Dwelling	Area	%age (whole of land)	%age (excl. common driveway)
Dwg 1	69.6m <sup>2</sup>	29.8%	34.2%
Dwg 2	71.0m <sup>2</sup>	30.4%	34.9%
Dwg 3	69.2m <sup>2</sup>	29.6%	34.0%
Dwg 4	71.0m <sup>2</sup>	30.4%	34.9%
Dwg 5	69.2m <sup>2</sup>	29.6%	34.0%
Dwg 6	90.5m <sup>2</sup>	38.8%	44.4%
Dwg 7	58.0m <sup>2</sup>	24.8%	28.5%
Dwg 8	43.1m <sup>2</sup>	18.5%	21.1%
Dwg 9	43.1m <sup>2</sup>	18.5%	21.1%
Dwg 10	43.1m <sup>2</sup>	18.5%	21.1%
Dwg 11	43.1m <sup>2</sup>	18.5%	21.1%
Dwg 12	42.2m <sup>2</sup>	18.1%	20.7%

(Area to west of Dwellings 1 – 6 has been included as POS).

(Area east of Dwellings 7 – 12 has not been included as POS).

(All balconies have been included as POS).

**Street Setbacks**

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

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

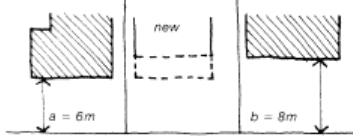
General Section: Design and Appearance: PDC 23

**Partially Complies**

The proposed front setback (3.0 metres) is closer than other buildings within the locality (5.0 metres). However, within the immediate streetscape, one dwelling will be located on this side of Casey Street, and will incorporate a secondary street setback in the order of 3.0 metres.

It is my view that given the dwelling form differs substantially from that which typifies the locality, and is of an intensity/density greater than that seen within the locality, a closer relationship to the public realm is considered acceptable.

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:  <small>When b &gt; a: 2, setback of new dwelling = a or b</small>
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

**Partially Complies**

Adjacent (future) dwelling located at 89 Brooklyn Drive is likely to incorporate a secondary street setback of 3.0 metres. Dwellings 7 – 12 will be the only other dwellings presenting to Casey Street on the western side of the road. Given there will be no driveways/garages presenting to the street, a lesser setback is considered acceptable.

**Does Not Comply**

The front setback of Dwellings 1 and 12, at a minimum of 1.5 metres, is substantially less than the minimum sought in the Policy Area. However, these dwellings will be the most westerly dwellings on the southern side of Seaway Road, and adjacent the reserve. As such, the lesser setback should not disrupt the streetscape to any detrimental degree.



<p><i>Minimum setback from primary road frontage where no established streetscape exists: 5.5 metres within Worthing Mine Policy Area 20 except where located on an arterial road. 8 metres from arterial roads shown on Overlay Map – Transport</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b></p>
<p><i>Minimum setback from secondary road frontage: 2 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Partially Complies</b> Dwelling 12: Min setback 1.5 metres, increasing to 3.0 metres.</p>
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p><b>Complies</b> Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<p><b>Side Setbacks</b></p>	
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres: (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b> Dwelling 6 and 7: min 2.0m</p> <p><b>Complies</b> Dwelling 6 and 7: min 3.0m (adjacent southern side boundary)</p>
<p><i>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.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b> The separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties.</p>
<p><b>Rear Setbacks</b></p>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b> 11.5 metres (all dwellings)</p> <p>(Rear setback considered from rear wall of dwelling to common driveway boundary)</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> 11.5 metres (all dwellings)</p> <p>(Rear setback considered from rear wall of dwelling to common driveway boundary)</p>

<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Complies</b></p>
<p><b>Building Height</b></p>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 8.0 metres, which is less than the maximum permitted in the Policy Area.</p>
<p><b>Garages, Carports and Outbuildings</b></p>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Minimum setback from secondary road frontage:</i></p> <p><i>5.5 metres for a single-width structure.</i></p> <p><i>Not less than the specified setback of the associated dwelling for a double-width structure.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Does Not Comply</b></p> <p>Garages of Dwellings 1 and 12 setback 4.5 metres from primary road frontage.</p> <p>However, access to these structures is via the common driveway and as such, the shortfall in setback will not encourage vehicles to park between the garage and front boundary (to overhang the footpath), nor does the location of the garage dominate the presentation of the dwellings or the streetscape.</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>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><i>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p><b>Partially Complies</b></p> <p>i) Garages on internal boundary are located within 6 metres of an existing structure (associated dwelling) on the same site and same boundary (however, this relates to the common wall of the dwelling – adjoining the neighbouring dwelling)</p> <p>ii) Enclosed structure length of 6.4 metres on the boundary</p> <p><b>Does Not Comply</b></p> <p>iii) Maximum wall height of 3.1 metres (to highest point of skillion roof).</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></p> <p>The proposed garages incorporate a roof form, materials and detailing which complement the associated dwellings.</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Partially Complies</b></p> <p>Each dwelling is provided with two, undercover parking spaces. However, there are no individually defined visitor parking spaces (although ample on-street parking exists – see below).</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><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>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.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 12 on-street car parking spaces shall remain available adjacent the subject land.</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <p><i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i></p> <p><i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i></p> <p><i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 44</i></p>	<p><b>Complies</b></p> <p>(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p><b>Does Not Comply</b></p> <p>(c) The proposed vehicle parking areas are visible from the street, do not incorporate side landscaping and as such, will not form a particularly attractive outlook when viewed from the street.</p>
<p><i>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</i></p> <p><i>(a) not face the primary street frontage</i></p> <p><i>(b) be located to the rear of buildings with access from a shared internal laneway</i></p> <p><i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 45</i></p>	<p><b>Complies</b></p> <p>The parking areas are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.</p>
<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>Complies</b></p> <p>12 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>

## Access

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

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

*General Section: Residential Development: PDC 39*

### Does Not Comply

The proposed driveway incorporates a width of 7.0 metres. Whilst this is not desirable, it will be the only form of vehicular access for the dwellings, and as such, ample on-street parking will be maintained.

*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*

### Complies

One vehicle access point is proposed.

*Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:*

<b>No. of dwellings served by driveway</b>	<b>Width at front property boundary &amp; for first 6 metres</b>	<b>Width beyond first 6 metres</b>	<b>Widening required for passing</b>	<b>Minimum landscaped strip either side of driveway (metres)</b>
8+	6	5	-	1.0

*General Section: Residential Development: PDC 41*

### Partially Complies

The driveway incorporates appropriate width for vehicle passing and manoeuvring. However, due to the driveway providing dual access, opportunities for a landscape strip is lost, due to the need for vehicle and pedestrian access.

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### Partially Complies

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

- Mixture of brick, horizontal cladding and render on the building façades;
- Stepping of upper and lower storeys to minimise building height, mass and proportion;
- Protruding portico/balconies;
- Eave overhang and skillion roof form at 7 degree slope; and
- Fenestration

The dwellings incorporate a 7 degree Colorbond roof in 'Woodland Grey' or 'Wallaby'. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

	<p>It is acknowledged, however, that the skillion roof form accentuates the height of the buildings, particularly as viewed from Casey Street (east). In my view, the opposing skillion pitch of Dwellings 3 and 4 and Dwellings 9 and 10, do not contribute positively to the overall built form; the lack of eave overhang (due to avoidance of boundary encroachment) detracts from the streetscape outcome of the development.</p> <p>On balance however, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria, albeit a hipped roof form is likely to assist in reducing the overall building height.</p>
<p><i>Balconies should:</i>  <i>(a) be integrated with the overall form and detail of the building</i>  <i>(b) include balustrade detailing that enables line of sight to the street</i>  <i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 5</i></p>	<p><b>Complies</b></p> <p>The proposed balconies are integrated into the portico design, with clear glass balustrade that enables line of sight to the street.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><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>During the assessment process, the design of Dwellings 1 and 12 were altered to ensure appropriate design elements were included into the facade that faces Seaway Road. These dwellings present an entrance door, portico and habitable windows to the street, whilst Dwellings 7 – 11 incorporate appropriate detailing to present to Casey 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**

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

Whilst there are currently no dwellings on the adjoining properties of 85 – 89 Brooklyn Drive, staff have been cognisant to ensure the future dwellings on those properties are afforded appropriate solar access.

In this regard, the setback for the upper level of Dwellings 6 and 7 has been increased from 2.0 metres to 3.0 metres. Furthermore, a majority (79%) of the retaining along the southern boundary required to accommodate the development incorporates a height of 1.0 metre or less.

In relation to the design of the dwellings on adjoining land, Council has recently received applications for split-level dwellings. Staff have requested an increase in the split between the lower and upper levels, to raise the floor level of the upper level to assist in reducing the extent of shadow cast upon the dwellings and associated rear yards from the dwellings, retaining and fencing proposed in this application.

In conclusion, whilst the proposal satisfies Principle 9 and 10, as the adjoining properties are free from dwellings. Further, Council staff are nonetheless satisfied that future dwellings on adjoining properties at 85 – 89 Brooklyn Drive will receive an appropriate amount of winter sunlight.

## 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**

Dwellings 6 and 7 incorporate a small, obscured bathroom window only on the upper floor.

Whilst some view of adjoining properties 85 and 89 Brooklyn Drive is likely to be gained from the upper level balconies of Dwellings 6 and 7, this view is oblique, rather than direct, and in my opinion, will not unreasonable compromise the amenity and privacy of adjoining land.

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.

## Site Facilities and Storage

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

General Section: Residential Development: PDC 30

### Partially Complies

a) Common letterboxes are featured at the entrance to the common driveway.  
 c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to the rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.

### Does Not Comply

b) The development does not provide for bicycle parking for residents and visitors

## Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

### Partially Complies

Dwellings 7 – 12 are oriented so that their main activity areas face north for exposure to winter sun. However, the living areas of Dwellings 1 – 6 are unlikely to receive meaningful northern winter sunlight, although, solar access will be available to the study of Dwelling 1 and kitchen of Dwellings 2 – 6 (inclusive).

All private open space areas are to experience shadow for a majority of winter months.

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 future adjacent buildings.

All dwellings incorporate an eave overhang (excepting Dwellings 3,4, 9 and 10) that will assist in reducing summer heatloads.

*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 and garages incorporate a skillion roof form set at a 7 degree pitch, whereby solar collectors could be sited to achieve solar access for renewable energy.

## 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

### Partially Complies

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

Ideally, additional landscaping would be provided along the common driveway, to soften the appearance of the sealed areas, provide shade to minimise refracted heat and

<p>(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.</p> <p>General Section: Landscaping, Fences &amp; Walls: PDC 1</p> <p>Landscaping should:  (a) include the planting of locally indigenous species where appropriate  (b) be oriented towards the street frontage</p> <p>General Section: Landscaping, Fences &amp; Walls: PDC 2</p>	<p>enable stormwater reuse.</p>
<p>Fences and walls, including retaining walls, should:  (a) not result in damage to neighbouring trees  (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality  (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance  (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street  (e) assist in highlighting building entrances  (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites  (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land  (h) be constructed of non-flammable materials.</p> <p>General Section: Landscaping, Fences &amp; Walls: PDC 5</p>	<p><b>Complies</b>  The application proposes retaining walls varying in height to a maximum 1.9 metres.</p> <p>This retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>
<h2>Sloping Land</h2>	
<p>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:  (a) minimises their visual impact  (b) reduces the bulk of the buildings and structures  (c) incorporate roof lines which complement the natural slope of the land  (d) minimises the extent of cut and/or fill  (e) provide a stable and readily accessible building site  (f) minimises the need for, and the height of, retaining walls  (g) does not cause or contribute to instability of any embankment or cutting  (h) avoids the silting of watercourses  (i) protects development and its surrounds from erosion caused by water run-off.</p> <p>General Section: Sloping Land: PDC 2</p>	<p><b>Complies</b>  A majority of retaining required to accommodate the development is less than 1.0 metre in height.</p> <p>Where retaining walls do exceed 1.0 metre, these are located adjacent the south-eastern and south-western corners of the site, where the slope of the land increases.</p>
<p>The cutting and/or filling of land should:  (a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation  (b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment  (c) only be undertaken if the resultant slope can be stabilised to prevent erosion  (d) result in stable scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</p> <p>General Section: Sloping Land: PDC 7</p>	<p><b>Partially Complies</b>  Whilst the maximum height of fill equates to 1.9 metres, this is measured at the south-eastern corner of the site, where the land incorporates a steep grade.</p> <p>A majority (75%) of the retaining wall along the southern boundary does not exceed 1.0 metre in height, whilst 95% of this wall does not exceed 1.5 metres in height.</p>



<p><i>Retaining walls should:</i>  (a) not exceed 1 metre in height  (b) be stepped in a series of low walls  (c) be landscaped to enhance their appearance.</p> <p><i>General Section: Sloping Land: PDC 8</i></p>	<p><b>Does Not Comply</b>  (See above)</p>
<b>Siting and Visibility</b>	
<p><i>Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:</i>  (a) the profile of buildings should be low and the rooflines should complement the natural form of the land  (b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land  (c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</p> <p><i>General Section: Siting and Visibility: PDC 4</i></p>	<p><b>Partially Complies</b>  Comments</p>
<p><i>The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.</i></p> <p><i>General Section: Siting and Visibility: PDC 5</i></p>	<p><b>Complies</b></p>

## TABLE DISCUSSION

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

- Front and secondary street setbacks;
- Private open space – Dwellings 8 – 12 (inclusive)
- Pervious land area is less than 20%; and
- Poor landscaping provision throughout the common driveway.

### Front and secondary street setbacks

The front setback of Dwellings 1 and 7 – 12 (inclusive) is less than the minimum 5.5 metres sought for new dwellings where there is no established streetscape.

Whilst the front setback of Dwellings 1 and 12, at a minimum of 1.5 metres (increasing to 3.0 metres), is substantially less than that sought, no dwellings on the southern side of Seaway Road will incorporate their primary frontage to this street. As such, on the southern side of Seaway Road, most dwellings will be setback between 900mm – 3.0 metres. In this regard, the setbacks of Dwellings 1 and 12 are complementary with the likely setback of future dwellings on the southern side of Seaway Road. Furthermore, the dwellings incorporate an appropriate presentation to the street, with fenestration, entry door and portico and balcony facing Seaway Road.

The primary street setback of Dwellings 7 – 11, at 3.0 metres, in my view, is acceptable, given the location of these dwellings will be consistent with the secondary street setback of the existing dwelling at 89 Brooklyn Drive, whilst the absence of garaging and driveways facing Casey Street maximises landscaping forward of the dwellings, improving the perceived separation from the street.

### **Private open space – Dwellings 8 – 12 (inclusive)**

The private open space of Dwellings 8 – 12, between 18.1 – 18.5% of the average site area is less than that sought (20%).

Despite the shortfall, the dimensions provided exceed the minimum required for allotments of this size, whilst the area is directly accessible from habitable rooms (albeit, an improved relationship/access is desirable).

In my view, the shortfall in private open space does not compromise the overall merit of the proposal, given the dwelling types proposed are likely to appeal to a differing demographic, who may require less private open space, whilst the location of the site, abutting a large swathe of public open space will provide a functional, attractive alternative, providing dimensions and facilities not able to be provided in private open space.

### **Pervious land area is less than 20%**

Due to the extent of driveway, dwellings, balconies and perimeter paths, the proposal provides only 16.8% of the land unsealed.

This is not ideal and will result in excess stormwater being directed from the site.

### **Poor landscaping provision throughout the common driveway**

Due to the dual access provided on both sides of the common driveway, opportunity for landscaping is minimal. The application was amended during assessment to increase landscaping at the front of the site and at the 'head' of the driveway, which will assist in reducing the appearance of the sealed areas, however, not to a great degree.

One alternative to the current design would be to abut one garage with another. This would allow the pedestrian paths to abut one another also. This may allow a small (maximum 1.5m wide, 500mm deep) landscape bay between the garage roller doors to provide additional landscaping (and therefore increase the available pervious land surface).

## **REPRESENTOR'S CONCERNS**

Council's Property Department has raised concerns regarding boundary encroachment, damage to property and legal matters. 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.

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## **ANALYSIS/CONCLUSION**

The proposed development displays consistency with the Objectives and Desired Character Statement of the Policy Area, particularly as it explicitly encourages an increase in the availability of housing types and higher densities in close proximity to the Hallett Cove District Centre Zone.

The proposed development does incorporate minimal setbacks to street boundaries. However, given the positioning of the site, and likely setbacks of dwellings within the locality, I am comfortable that the proposed development will not result in a detrimental impact to the streetscape.

Having said this, the skillion roof form results in a tall building presenting to Casey Street, which could be softened by a pitched roof design. Nonetheless, the level of articulation provided to the

eastern façade, and the stepping of the floor levels with the slope of the land offer a reasonable level of visual interest to assist diluting the bulk of the building.

The two storey nature of the development provides smaller footprints for each building, whilst potentially supporting household sizes and demographics that vary to that which typify the locality. The built form also lends itself to opportunities for passive surveillance over the adjacent public open space, providing both actual and perceived security over this area.

Landscaping along the common driveway is limited, whilst the amount of pervious area on site is less than that sought. These elements are an unfortunate outcome of the proposal.

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.

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## 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: 100/2015/1261 for two, two-storey residential flat buildings each comprising six dwellings (12 dwellings in total), with associated freestanding garages, common driveway, earthworks and retaining walls at 3 Casey Street, Hallett Cove 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. 100/2015/1261, being drawing numbers 1 of 36 to 36 of 36 (inclusive) prepared by MCA Design (SA) Pty Ltd, and Siteworks and Drainage Plan prepared by Herriot Consulting, except when varied by the following conditions of consent.
2. 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.
3. 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.
4. 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.
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 car parking, driveways and vehicle manoeuvring areas shall be constructed of paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

## NOTES

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

## Attachments

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

# DEVELOPMENT ASSESSMENT PANEL

Wednesday 2 March 2016

<b>Agenda Ref No:</b>	<b>DAP020316 – 3.1</b>
<b>Originating Officer:</b>	<b>Kristen Schutte Development Officer - Planning</b>
<b>Applicant:</b>	<b>Reuben Paul Vanderzalm</b>
<b>Development Description:</b>	<b>Change of use to Consulting Rooms including associated alterations and additions</b>
<b>Site Location:</b>	<b>74 Daws Road, Edwardstown</b>
<b>Zone:</b>	<b>Industry Zone</b>
<b>Policy Area:</b>	<b>Industry/Commerce Edwardstown Policy Area 5</b>
<b>Application Type:</b>	<b>Category 3 / Non-Complying</b>
<b>Lodgement Date:</b>	<b>17/12/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 03 December 2015</b>
<b>Application No:</b>	<b>100/2015/2375</b>
<b>Recommendation:</b>	<b>The report be noted</b>

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## INTRODUCTION

The subject application is a Category 3 / Non-complying form of development by virtue of the Procedural Matters section of the Industry Zone, where consulting rooms (except where located within Precinct 4 Industry Interface) are listed as non-complying.

The applicant seeks to develop the land for a change of use from bulky goods outlet to consulting rooms including associated alterations and additions.

The proposed development is consistent with a majority of Policy Area objectives in that the development is to be located and designed to have minimal adverse impacts on surrounding uses and will not result in environmental nuisance or harm, especially given the subject land is located directly adjacent the Residential Zone. The proposal is also considered to enhance the visual qualities and amenity of the streetscape adjacent an arterial road corridor, and will contribute to creating an attractive entrance to the Policy Area.

The Desired Character of the Industry/Commerce Edwardstown Policy Area 5 outlines that *'there has been considerable conflict, in terms of external impacts of traffic, noise, air pollution and other factors, between industrial activities in the Policy Area and the use and enjoyment of nearby residential areas, with the latter areas afforded only minimal, if any buffering in many instances'*, and that *'the Policy Area's extensive interface with residential areas calls for special attention to the avoidance of future land-use conflicts'*. The proposed land use is considered to avoid future land-use conflict as it will not result in external impacts of traffic, noise or air

pollution, but will instead incorporate measures to improve amenity, particularly the amenity of (in terms of visual impacts upon) adjacent residential properties.

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 is currently occurring.

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

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## 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: 100/2015/2375 for a change of use to Consulting Rooms including associated alterations and additions at 74 Daws Road, Edwardstown, be NOTED.**

### Attachments

*Attachment I: Certificate of Title*

*Attachment II: Aerial Photograph & Site Locality Plan*

*Attachment III: Proposal Plan and supporting documentation*