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AGENDA FOR MEETING TO BE HELD ON  
WEDNESDAY 3 FEBRUARY 2016**

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DEVELOPMENT ASSESSMENT PANEL  
Wednesday 3 February 2016

|                                 |  |
|---------------------------------|--|
| <b>Agenda Ref No:</b>           | <b>DAP030216 – 2.1</b>   |
| <b>Originating Officer:</b>     | <b>Rob Tokley<br/>Team Leader - Planning</b>   |
| <b>Applicant:</b>               | <b>D'Andrea &amp; Associates</b>   |
| <b>Development Description:</b> | <b>A two storey detached dwelling with associated swimming pool, earthworks and retaining walls (Lot 1) and a two storey group dwelling with associated earthworks and retaining walls (Lot 5)</b> |
| <b>Site Location:</b>           | <b>1/36 and 5/36 Trumara Road, Marino</b>  |
| <b>Zone:</b>                    | <b>Residential Zone</b>  |
| <b>Policy Area:</b>             | <b>Hills Policy Area 11</b>  |
| <b>Application Type:</b>        | <b>Category 2 / Consent</b>  |
| <b>Lodgement Date:</b>          | <b>02/10/2015</b>  |
| <b>Development Plan:</b>        | <b>Consolidated – 19 March 2015</b>  |
| <b>Application No:</b>          | <b>100/2015/1802</b>   |
| <b>Recommendation:</b>          | <b>That Development Plan Consent be GRANTED<br/>subject to conditions</b>  |

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## INTRODUCTION

For ease of reference, throughout this report, the dwelling proposed to be constructed on Lot 1 will be referred to as Dwelling 1, and the proposed dwelling on Lot 5, Dwelling 2.

## 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 buildings that incorporate a building height exceeding 9.0 metres (Dwelling 1) or buildings of two storeys on a battleaxe site (Dwelling 2) as Category 2 development.

In my view, the extent and nature of the earthworks proposed as part of the proposal can be reasonably treated as minor and will not unreasonably impact on the owners or occupiers of land in the locality for the following reasons;

- Both Lots 1 and 5 comprise a very steep grade. As such, a considerable amount of earthworks could reasonably be expected for any development on the land. However, the design of the dwellings minimise the extent of earthworks required;

- Retaining to various heights is evident on a majority of nearby properties and is commonplace throughout the locality;
- The highest extent of retaining proposed (on Lot 1 - 1.6 metres) abuts the western side boundary of the property and will have no meaningful amenity impact upon the adjoining property, as it retains cut and will be sited adjacent the neighbouring dwelling's garage and open car parking space; and
- The highest retaining wall accommodating fill incorporates a height of 1.3 metres, and will be sited on the northern boundary of Lot 1. This wall will not cause any overshadowing of the adjoining property, and is to be sited adjacent the side wall of the proposed dwelling on that land.

It is for these reasons that I am satisfied the earthworks and retaining proposed is to be considered minor in nature and will not unreasonably impact on the owners or occupiers of land in the locality, and therefore the application is appropriately categorised as a Category 2 form of 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

In October 2010, Development Approval was granted for the division of 36 Trumara Road, Marino into eight (8) allotments for residential purposes. The division also included the construction of a common driveway providing access to Lots 2 – 8, and secondary access to Lot 1.

The subject application seeks to construct two storey dwellings on Lots 1 and 5 within that division.

In June and July 2015, development applications were lodged for the construction of dwellings on Lots 1 and 5, respectively.

Due to the Council's Development Plan identifying detached and group dwellings as the only form of dwelling development as not non-complying in the Hills Policy Area, Lot 5 was deemed to be a non-complying form of development, as the dwelling did not conform to the Schedule 1 definition of a group dwelling, being "1 of a group of 2 or more detached buildings, each of which is used as a dwelling and 1 or more of which has a site without a frontage to a public road..." (my underline).

The applicant subsequently chose to withdraw both applications for Lot 1 and 5, and has since lodged the subject application, which enables the dwelling on Lot 5 to satisfy the group dwelling definition, and as such, be assessed as consent-on-merit.

During the assessment of the previous applications, Council staff requested modifications to the proposal plans to address the following concerns:

| Amendments Requested   | Amendments Made  |
|--|--|
| Provide screening to the western side of the balcony (Dwelling 1)                                      | Screening provided   |
| A reduction in the amount of fill required to accommodate the driveway and garage servicing Dwelling 1 | Garage floor level lowered by 1.0m, to reduce height of fill above ground level from 3.0m to 2.0m. |
| Side setback to western side boundary should be increased to no less than 2.0 metres (Dwelling 1).     | Side setback increased from 1.5 metres to 2.0 metres.  |

|   |                               |
|---|-------------------------------|
| Extent of filling proposed below the lower floor level of Dwelling 5 should be reduced/avoided to minimise alteration of natural landform | Filling removed from proposal |
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In addition, the following information was requested from the applicant:

| Information Requested  | Information Provided |
|--|----------------------|
| Survey plan, detailing top of kerb levels in front of the subject land to clarify the level of Dwelling 1 in relation to the street.   | Information Provided |
| Streetscape elevation detailing the height and positioning of proposed Dwelling 1 in relation to the adjacent dwelling at 34 Trumara Road to gain a better understanding regarding potential view loss | Information Provided |
| Clarification of the colours and materials of both dwellings   | Information Provided |

## SUBJECT LAND & LOCALITY

The properties subject to the application are identified as 1 (Lot 1) and 5 (Lot 5), 36 Trumara Road, Marino. The land is located on the northern (and lower) side of the street, adjacent a 60 degree bend in the road.

Lot 1 incorporates a combined frontage to Trumara Road of 17.67 metres, a depth ranging between 27.60 metres and (approximately) 37 metres, incorporating a total site area of 900 square metres.

The land incorporates an average grade in the order of 1:5.8 (17%), with a relatively steep grade at the front of the site and a flat, benched area to the rear of the property (where a dwelling once stood).

Several small shrubs/trees are located at the front of the site, none of which are classified as regulated.

Lot 5 incorporates a combined frontage to the common driveway of 20.03 metres, a depth ranging from 35.65 metres to 49.38 metres, incorporating a total site area of 1099 square metres.

The land incorporates an average grade in the order of 1:4.11 (24.33%), with a very steep fall at the front of the site, which becomes gradual towards the drainage line/'watercourse'. (The 'watercourse' would only carry water during times of heavy downpour).

The 'watercourse' snakes through Lot 5, entering the property approximately 5 metres south of the intersection with the rear and eastern side boundary, and existing the property approximately 10 metres from that same point.

Two small trees are located on the land – one in the centre of the site and the other towards the north-western corner. Neither are classified as regulated.

The locality is characterised by single and two storey detached dwellings on large, sloping allotments.

Land on the eastern side of Trumara Road differs from that which typifies the locality, as these properties range between 3,000 – 23,000 square metres in area, many of which are vacant and comprise varying densities of native and exotic vegetation.

Land on the western side of Trumara Road and in surrounding streets are typically 600 – 1,000 square metres in area and comprise older (1950s – 60s) dwellings and more recent-constructed dwellings.

More recent development is typically split level or two storeys in height, due to the topography of the land and opportunity to obtain attractive views to the north and west. The locality has a high level of amenity with well-maintained dwellings and landscaped front yards.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to construct two, two storey dwellings, one each on Lot 1 and 5, 36 Trumara Road, Marino.

Dwelling 1 (Lot 1) comprises a split-level dwelling, incorporating the following;

Ground Floor;

- Bedroom and bathroom;
- Games/theatre room and wine store;
- Double garage with access from the common driveway; and
- Laundry.

Upper Level;

- Four bedrooms (main with ensuite and walk-in-robe);
- Open plan kitchen/living/dining area;
- Balcony;
- Double garage with direct access from Trumara Road; and
- Two bathrooms.

Outside of the building footprint, it is proposed to accommodate associated earthworks and retaining walls, swimming pool and pool store, paved terrace and landscaping.

Dwelling 2 (lot 5) comprises a two storey dwelling, incorporating a pier-frame design and the following;

Ground Floor;

- Open plan kitchen/living/dining area;
- Deck/balcony;
- Two bedrooms and bathroom;
- Double garage with access from the common driveway; and
- Laundry.

Upper Level;

- Three bedrooms (main with ensuite and walk-in-robe);
- Deck/Balcony;
- Living area; and
- Bathroom.

Outside of the building footprint, it is proposed to accommodate associated earthworks, retaining walls and landscaping.

*Refer Attachment III*

## PUBLIC NOTIFICATION

|                                     |   |
|-------------------------------------|---|
| <b>Properties notified:</b>         | 18 properties were notified during the Category 2 public notification process.  |
| <b>Representations:</b>             | 2 representations were received by Council.   |
| <b>Persons wishing to be heard:</b> | Mr Geoff Alexander (33 Trumara Road, Marino);<br>Mr Ian and Mrs Carol Schedlich (31 Trumara Road, Marino)   |
| <b>Summary of representations:</b>  | <ul style="list-style-type: none"> <li>• Loss of view;</li> <li>• Visual impact, building bulk and height;</li> <li>• Side setbacks;</li> <li>• Excessive cut and fill; and</li> <li>• Overlooking/loss of privacy.</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 the representations received, which can be found in Attachment V   |

## INTERNAL DEPARTMENT COMMENTS

|                     |  |
|---------------------|--|
| <b>Engineering:</b> | <p>Council's Development Engineer has advised he is comfortable with the proposed driveway location and stormwater disposal.</p> <p>The Engineer has requested there should be a 2.5% fall from the front boundary to the kerb.</p> <p>This has been reflected as a recommended condition of consent, and will alter the driveway level at the front of the property by 200mm. The driveway grades will nonetheless remain within the maximum allowable under the Australian Standard.</p> |
|---------------------|--|

## ZONE & POLICY AREA ASSESSMENT

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

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

## Hills Policy Area 11

### Objectives

- 1 A policy area primarily comprising of detached dwellings at low densities.
- 2 Residential development sensitive to the particular topography of the area and which has minimal visual and environmental impacts.
- 3 Development that contributes to the desired character of the policy area.

### Desired Character

The desired character is of a high quality residential environment containing appropriately designed houses set in attractively landscaped, relatively large gardens. This desired character is also derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the revegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.

Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Designs include split-level to reduce visual bulk and reduce the need to cut and fill sloping sites. Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.

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

Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except that in some areas where land has been subdivided into smaller allotment sizes, any new development will be at a lower density and scale. In addition, larger allotments may be appropriate due to the natural gradient of land.

|       |   |   |
|-------|---|---|
| PDC 1 | The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> </ul>  | <b>Complies</b>                                   |
| PDC 3 | Development should be designed and sited to relate to the slope of the land, so that: <ol style="list-style-type: none"> <li>(a) the bulk and scale of the buildings do not dominate the landscape</li> <li>(b) the amount of cutting and filling of the natural ground profile is minimised.</li> </ol>  | <b>Partially Complies</b><br>See discussion below |
| PDC 4 | Wherever possible, existing vegetation should be used to screen the building and excavation or filling from view.   | <b>Partially Complies</b><br>See discussion below |
| PDC 5 | Development that would be prominently visible from the Adelaide plains should: <ol style="list-style-type: none"> <li>(a) achieve a profile that blends with the topography of the land</li> <li>(b) avoid the use of bright and highly reflective external materials and finishes</li> <li>(c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.</li> </ol> | <b>Partially Complies</b><br>See discussion below |
| PDC 6 | Development of more than one storey in height should take account of the height and bulk of the proposed building relative to adjoining dwellings by:   | <b>Partially Complies</b><br>See discussion below |



|  |   |  |
|--|---|--|
|  | <p><i>(a) incorporating stepping in the design in accordance with the slope of the land</i></p> <p><i>(b) where appropriate, setting back the upper storey of a dwelling a greater distance from front and side boundaries than the lower storey.</i></p> |  |
|--|---|--|

## Assessment

The subject proposal seeks to construct a detached dwelling and group dwelling on existing allotments, and in this regard, the proposal is consistent with the density envisaged within the Policy Area. (It is acknowledged that density is also measured by site coverage, setbacks to boundaries and the height, bulk and scale of buildings – these are discussed throughout this report).

### Earthworks

The Policy Area emphasises the importance of development to be “sensitive to the...topography of the area”, so that “the amount of cutting and filling...is minimised”, preferably via split-level dwellings. Further, important features of natural character, such as watercourses and steep gullies “warrant protection from inappropriate development and earthworks”.

The site incorporates a steep grade and is adjacent a ‘watercourse’ that is likely to carry water during heavy rain events and in the winter months.

Up to 1.6 metres of exposed cut and up to 2.0 metres of exposed fill is sought to accommodate Dwelling 1. The extent of earthworks proposed to accommodate Dwelling 2 is considerably less due to the pier-frame design.

In my view, the design of both dwellings has made a practical attempt at minimising and avoiding inappropriate earthworks and being sensitive to the topography of the land. Dwelling 1 comprises a split-level design, whilst Dwelling 2’s siting above ground level results in limited earthworks.

### Dwelling 1

A majority of the proposed cutting of the land for Dwelling 1 will be concealed within the footprint of the dwelling, however, exposed retaining walls adjacent the south-west wall of the dwelling and abutting the western side boundary are proposed; up to a height of 1.4 metres and 1.6 metres, respectively.

The exposed cut will not be readily visible from adjoining land or the street, and in this regard, will have minimal amenity impacts.

The fill required to accommodate Dwelling 1 and its associated pool and yard area measures up to (approximately) 2.0 metres above ground level. The fill is located at the north-eastern corner of the paved area east of the pool, and at the south-east corner of the upper level garage and external paving.

The filling proposed will generally be located under the footprint of the building, driveway, ‘yard’ area and swimming pool. The proposal incorporates several retaining walls, the highest of which incorporates a height of up to 1.3 metres at the north-eastern corner of the land.

Some fill is proposed at the front of the site, to provide vehicle access to the upper level garage. This fill, at its highest point, measures 2.0 metres above ground level. Whilst this height does exceed that sought in Council’s Sloping Land provisions (see further in this report), in my view, the filling is not due to a poor attempt at minimising earthworks – an outcome discouraged by Council’s design guidelines – but rather is necessary to provide a stable building platform, a

safe and convenient driveway grade, and usable private open space areas to the rear of the dwelling.

When having regard to the Desired Character statement of the Hills Policy Area and Council's Sloping Land Principles, and being cognisant of the slope at the front of the property, it is my view that a reasonable attempt has been made at not only reducing the extent of earthworks required to accommodate the building, but also in treating such works. The 'Site & Drainage Plan' (see Attachment III) provides a useful indication as to the amount of cutting and filling required to accommodate the building – demonstrating that the floor levels of the dwelling result in a relatively even amount of cut and fill, whilst fill outside the dwelling footprint is treated in a manner than avoids the need for, or limits the height of, upright retaining.

## **Dwelling 2**

Dwelling 2 incorporates fill to a maximum height of 2.0 metres, measured at the north-eastern end of the driveway. This fill will not be exposed, as it will be hidden by the adjacent perimeter path and porch.

Some fill required to accommodate the driveway will be exposed to view – the benched areas flanking the eastern and western sides of the driveway – however, the height above ground level should not exceed (approximately) 1.0 metre. A retaining wall, up to 600mm in height, is proposed along the western side boundary of the property, for a length of 4.2 metres.

The perimeter path around the south-eastern corner of the dwelling is also likely to require fill, however, the path generally follows existing ground level at the front of the building, and is sited up to 1.0 metre above ground level adjacent the elevated exterior stairs. The fill is to batter to existing ground level, and does not require any retaining walls.

In conclusion, the extent of filling required to accommodate the dwelling, driveway and perimeter path is relatively minor in height. When having regard to the location of the site, the gradient of the land and the separation from adjoining properties, the impact of the fill proposed is considered acceptable.

The proposal also seeks to cut the site at the front of the property, to accommodate the perimeter path around the front of the dwelling. This cut will be graded, will not require any retaining walls and will not be readily visible from the common driveway or adjoining land. Further, the cut will be landscaped following the completion of the dwelling's construction.

In conclusion, the extent of cut and fill proposed to accommodate Dwelling 2 is considered acceptable, having regard to the extent and height of earthworks proposed, the grade of the land and the minimal impact upon adjoining land.

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## **Amenity**

The Policy Area seeks for dwellings of more than one storey to “take account of the height and bulk of the proposed building” and “incorporate stepping...in accordance with the slope of the land”, be split level “to reduce visual bulk” and “[set] back the upper storey...from...the lower storey”. Buildings should “pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development”.

The property to the west of Lot 1 (34 Trumara Road) and to the north of Lot 5 (1A Spinks Road) are the only residential properties that share boundaries with the subject allotments.

## **Dwelling 1**

Dwelling 1 incorporates a maximum height above natural ground level of 8.4 metres; 600mm below the maximum permitted in the Policy Area, pursuant to Zone Principle 7.

This height is achieved, in part, by a majority of the dwelling's lower floor level being located below ground level, and a modest roof pitch of 11 degrees.

The dwelling adjacent Lot 1 (34 Trumara Road) has been designed to take advantage of the attractive views in a north direction.

This dwelling contains a garage, entry foyer, bedroom with ensuite, home theatre, stairwell, open plan kitchen/living/dining area and large north-facing decking on the ground floor. The upper floor incorporates three bedrooms (main with ensuite and walk-in-robe), 'retreat', wet areas and study nook.

A rectangular deck, accessed from the kitchen/living/dining area on the ground floor forms the primary area of private open space for this property. A large area of relatively flat, turfed ground level space situated north of the dwelling forms the remainder of the private open space area.

Due to the siting of the proposed dwelling, the whole of the building will be located adjacent the side wall of the neighbouring dwelling. The eastern elevation of the neighbouring dwelling features one window only on the ground floor; the view out of which is predominantly obscured by the existing adjacent 1.8 metre-high 'colorbond' fence. As such, view of the proposed dwelling from within the neighbouring dwelling is limited.

The height of the western side wall of the proposed dwelling measures up to 6.3 metres, however, as the ground floor is located below ground level, the maximum height of the wall above ground level equates to 6.0 metres.

The setback of this wall, relative to its height above ground level, meets the minimum setback of 2.0 metres sought in Zone Principle 7 (discussed further in this report).

Given the limited view of the proposed dwelling from the adjoining property to the west, the relatively modest length of the western side wall of the proposed dwelling and compliant side setback, I am of the opinion that Dwelling 1 will not have an unreasonable impact upon the adjoining property to the west by way of building bulk and height, setbacks and/or visual impact.

## **Dwelling 2**

Dwelling 2 incorporates a maximum height above natural ground level in the order of 10.2 metres; measured at the north-eastern corner of the eaves overhang adjacent upper level Bedroom 1. Approximately two-thirds of the building incorporates a height exceeding 9.0 metres above existing ground level, which is discouraged by Zone Principle 7. As such, regard must be had to the impact of this height upon adjoining land and the integrity of the Policy Area.

Dwelling 2 is situated some 60 metres south-west and approximately 4 to 6 metres below the adjacent dwelling at 1A Spinks Road.

Given the significant separation, scattered vegetation on the adjoining property, and height difference between the floor levels of the dwellings, I have formed an opinion that the proposed dwelling will have minimal negative impacts upon the adjacent land and dwelling at 1A Spinks Road.

Whilst there are no dwellings currently sited on the adjoining properties of 4/36 and 6/36 Trumara Road, it is nonetheless prudent to have regard to the likely location and design of dwellings on those properties and to consider whether the proposed dwelling will have an

unreasonable impact upon those dwellings and associated private open space areas by way of bulk and scale and building height.

As can be seen from the proposal plans, Dwelling 2 incorporates a minimum setback of 4.5 metres to the eastern side boundary of the property. This setback increases to 11.95 metres, measured at the north-eastern corner of the ground floor living room. Given this, and having regard to the likely siting of a dwelling on Lot 6, it is my opinion that there will be no unreasonable impacts upon that dwelling and associated private open space. I have reached this opinion given the level of separation afforded to the eastern side boundary, and angle and dimensions of Lot 6, which is likely to result in a dwelling with a primary orientation to the north-east, as opposed to the north-west towards the subject dwelling.

It should be further noted that the kerb level at the intended driveway location of Lot 6 is some 3.85 metres above the driveway kerb for Lot 5. Given that floor levels must have regard to maximum driveway grades, I anticipate the floor levels of a dwelling on Lot 6 will be substantially higher than the proposed dwelling.

In respect to the impact upon the adjoining property to the west (Lot 4), it is noted that the western side setback does not comply with that sought in the Policy Area.

The western wall has a height of up to 9.5 metres, setback 2.0 metres from the western side boundary. In accordance with Zone Principle 7, this wall should be setback no less than 5.5 metres. This is a significant shortfall.

To consider whether the height and location of the proposed dwelling will have an unreasonable impact upon Lot 4, the following is of relevance.

- The highest section of wall is setback 1.0 metre from the lower wall; providing a break in the façade of the building, and ensuring the taller parts of the building are afforded a greater level of separation from the side boundary.
- The minimum setback of a garage to the front property boundary is 5.5 metres, to enable visitor car parking spaces within the driveway. The intended driveway location of Lot 4 is located 3.4 metres north of that of Lot 5. As such, it is anticipated a dwelling on Lot 4 will be located some 3.4 metres (or more) further north than the dwelling on Lot 5.
- Whilst it is impossible to foreshadow the size of the future dwelling on Lot 4, having regard to the attractive views available to the north-west that will be available to a dwelling on that land, it is reasonable to assume the orientation of the living rooms of that dwelling will be in that direction. As such, it is unlikely for the main living rooms or bedrooms to be facing east – in the direction of the proposed dwelling.
- Given the steep slope at the front of Lot 4, it is highly likely a future dwelling will comprise a similar height as to that proposed on Lot 5.

Therefore, it is my view that despite the shortfall in side setback to the western side boundary, this is unlikely to result in an unreasonable impact upon the amenity of the future occupants of Lot 4.

In conclusion, it is my view that both dwellings have taken reasonable steps to “take account of the height and bulk of the proposed building” and “incorporate stepping...in accordance with the slope of the land”, “reduce visual bulk” and “reduce the potential impact on, the privacy and amenity of existing development”.

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## **Impact on landscape**

The Desired Character statement of the Policy Area seeks that buildings do “not dominate the landscape” via bulk and scale.

When considering whether the dwellings “dominate the landscape” via bulk and scale, the level of articulation afforded to both buildings is acknowledged. Further, Dwelling 1 is substantially lower than the adjacent dwelling to the west, and lower in height than those dwellings on the southern and western side of Trumara Road in close proximity.

Despite the height of Dwelling 2 exceeding that sought in the Policy Area, the highest part of the skillion roof will be approximately 12.5 metres below the roof ridge of Dwelling 1. As such, Dwelling 2 will be ‘back-dropped’ by the hill to the south of the building, and will not protrude above the highest part of ground level in the locality.

The pitched roof form of Dwelling 1 complements the slope of the land, softening the built form and reducing the prominence of the dwelling within the local landscape, as sought by Policy Area Objectives 2 and 3, the Desired Character statement and Sloping Land Principle 2(c) and Siting and Visibility Principles 4(a) and 4(b).

As such, it is my view that both dwellings will not “dominate” the landscape for the reasons listed above.

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## **Environmental impacts**

The Objectives, Principles and Desired Character of the Policy Area seek for minimal environmental impacts, and encourage the revegetation of land. The Desired Character statement also seeks for the employment of natural materials and the avoidance of bright and reflective colours and materials.

At present, both properties are relatively free from substantial vegetation. The development of the site will provide an opportunity for the land to be revegetated, assisting in minimising erosion and complementing the natural setting of the site.

The density and location of plantings proposed are considered to result in an attractive greening of the site. However, a more considered landscape scheme would ensure plants chosen are suited to their location and will tolerate long periods without rainfall. Further, plantings chosen surrounding Dwelling 5, in my view, should assist in minimising soil erosion into the adjacent ‘watercourse’. To this end, it has been included as a recommended condition of consent that a revised landscape plan for both properties be provided for consideration and approval prior to Development Approval being issued.

Both dwellings comprise a mix of colours and materials that will present an attractive development, complementary to a number of more recently-constructed dwellings within the locality.

It is likely that some reflection will occur from the windows of the buildings, however the generous eave overhangs and verandah and balcony elements will provide shading to glazing for a large proportion of the day.

The use of ‘shale grey’ roofing will soften the appearance of Dwelling 1 within the landscape, however, use of off-white and cream render Dwellings 1 and 2, respectively, will appear bright in direct sunlight. The use of beige or a similar ‘earthy’ colour, in my view, would be a more appropriate selection.

Further, if the 'Scyon Matrix Cladding' to both dwellings is of a high sheen finish (rather than matte), it is likely to be reflective; failing the Desired Character.

To this end, it has been included as a recommended condition of consent that a revised colour and material schedule be provided for consideration and approval prior to Development Approval, that; provides darker colours to the render of both dwellings and that the 'Scyon Matrix Cladding' is of a matte finish.

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## **Loss of view**

Given that loss of view is an amenity consideration, it is important when assessing such a development to have regard to the potential loss of view(s) experienced by adjacent land if the proposed development is approved. In assessing the loss of views, I have not only had regard to the Marion Council Development Plan, but also relevant decisions of the Environment, Resources and Development (ERD) Court and Supreme Court.

In assessing the potential loss of views, it is my opinion, that the two properties most affected by the proposed development are those located at 33 Trumara Road, and to a lesser degree, 31 Trumara Road.

In the Supreme Court judgment of *Hutchens v City of Holdfast Bay*, Justice Debelle stated that, when determining whether to grant consent to a new building which will obstruct views enjoyed by existing developments, regard "*must be had to the nature and extent of the view, the extent to which the view will be obstructed by the proposed development, and the reasonableness of the proposal as determined by reference to planning controls*".

Justice Debelle endorsed a four-part test for the assessment of a development which would result in the obstructing of views of existing developments. In the interests of brevity, these are;

- Step 1: Assess the views to be affected (i.e. water, land, coast etc);
- Step 2: Consider from which part of the property the views were being obtained;
- Step 3: Assess the extent of impact of the loss of views; and lastly
- Step 4: Assess the reasonableness of the development proposal.

The following assessment considers the potential loss of view experienced by those properties identified, following the four-part test.

## **Introduction**

Prior to undertaking a views assessment, I believe it is of value to recognise that the subject properties are private parcels of land, divided in 2010. The owner/s of the allotments has a right to develop the properties for a residential dwelling, in general accordance with the Council's Development Plan.

Given the fact that adjacent dwellings are designed to take advantage of views over the subject land, and that two storey dwellings are envisaged in the Policy Area, it is inevitable that any dwelling on Lot 1 will have an impact upon the views currently available to adjacent properties.

The positioning of a dwelling on Lot 5 will have minimal impact upon the views available to existing dwellings on adjoining land, and as such, a views assessment has not been undertaken for this dwelling (see photo in Attachment VI).

I believe it is also worthwhile providing context to the Debelle J decision to the City of Marion. In *Alexander & Anor v The City of Marion* [2010] SASC 86, Bleby J stated that "*[i]t should be noted that in Hutchens v City of Holdfast Bay the relevant Development Plan contained many more specific provisions relating to protection of coastal views...*" (para 19). It was further stated that

*“[the] protection of coastal views receives less attention in this [Marion Council] Development Plan than in some others” (para 23).*

This is not to say that view loss should not be considered – the Marion Development Plan nonetheless contains principles relating to the protection of amenity (Design and Appearance PDC 2(a), Siting and Visibility Obj 1, PDC 1, PDC 2, PDC 3 and PDC 4, Sloping land Obj 1 and PDC 2 and Hills Policy Area 11 Desired Character). However, it is also appropriate to conclude that the protection of views, as is now an established planning consideration, can be given less weight where the applicable Development Plan places less importance on such matters.

### **33 Trumara Road, Marino**

Views currently available from this dwelling span from the west to the east (in a clock-wise direction), and are available from the middle level comprising a kitchen/living/dining area, deck and main bedroom. Both rooms have large north-facing windows to take advantage of the view. There are other rooms to the rear of the dwelling (two bedrooms and wet areas), however, views are not available. On the upper (third) level, a lounge, deck and study all have a northern orientation to again take advantage of the views.

Views available from the middle level are to the north-west, which comprise the waters of Gulf St Vincent and to the north-east, over the subject land, comprising the Marino hills in the foreground, Adelaide metropolitan area beyond and city skyline on the horizon. Of the available view, based upon the Debelle decision, view to the north-east comprises an ‘icon’, being the city skyline. Views to the direct north are currently affected by a two storey dwelling, at 34 Trumara Road; the second storey additions of which were granted consent in 2009.

Views can be gained in a sitting and standing position, albeit when one is standing, views are ‘improved’. Further, the views available are more generous, the further north one is within the building.

Views available from the upper level of the dwelling are expansive, and range from the west to the east (in a clock-wise direction). Views are largely uninterrupted, and comprise the same features available from the middle level (although there are fewer obstructions from buildings and vegetation due to the elevated positioning of this level). View to the north is also available, and features a majority of the Adelaide metropolitan coastline, ranging from Seacliff Beach in the south, to the Port Adelaide coast in the north. View available from this level comprises ‘icons’; the metropolitan coastline (comprising landmarks such as jetties and buildings) to the north and the city skyline to the north-east.

Views can be gained in a sitting and standing position.

The information provided by the applicant, assuming as I must that it is accurate to the best of their knowledge, provides a comprehensive understanding of the height of Dwelling 1 in relation to the adjacent dwelling at 34 Trumara Road, which provides context in respect to the extent of view loss likely to be experienced from 33 Trumara Road and 31 Trumara Road.

This information identifies that the lower gutter level of the upper floor of 34 Trumara Road has an AHD (Australian Height Datum) of 84.36. Dwelling 1 has a maximum roof pitch 4.1 metres above the upper floor; providing a maximum height (to the top of the roof) of 84.13 AHD. As such, when considering the extent of view loss, one can assume that Dwelling 1 will be located no less than 230mm below the lower gutter line of the dwelling’s second storey at 34 Trumara Road.

From my calculations, when standing at the northern end of the living room and Bedroom 1 of 33 Trumara Road, Dwelling 1 will remove a majority of the Adelaide metropolitan area from view when looking in a north-easterly direction, albeit view between Dwelling 1 and the adjacent dwelling at 34 Trumara Road will remain available.

Whether the roof ridge of Dwelling 1 will sit below, align with, or eclipse the horizon (and therefore removing the city skyline from view) is difficult to state with complete certainty. However, based on the information available in my assessment, I believe the roof ridge will sit marginally below the horizon; maintaining the city view when one is standing. It is acknowledged however, that as one is further 'inside' or south within the lounge and Bedroom 1 of 33 Trumara Road, or are sitting, view of the horizon is likely to be impeded. To this end, it should also be noted that Justice Debelle identified sitting views are harder to protect than standing views.

View to the north-west and west (to the waters of Gulf St Vincent) will not be obstructed by Dwelling 1 (see Attachment VI).

In conclusion, it is my opinion that the impact of view loss from the middle level of 33 Trumara Road will be moderate. In the event that I am wrong, and the city skyline (an 'icon') is screened when one is positioned at the northern end of the building, I consider the view loss to be considerable.

Having said this, the proposed Dwelling 1 will have a negligible impact upon the view from the upper (third) level of the dwelling at 33 Trumara Road.

Given the elevated height of this level, view of the foreground (comprising existing dwellings and vegetated yards of land with a frontage to Spinks Road and Jervois Terrace) will be lost. The most attractive views (to the west over Gulf St Vincent, to the north along the coast and to the north-east over the Adelaide metropolitan area and to the city skyline), will all remain unimpeded by the proposed dwelling. As such, I consider the anticipated view loss from this level to be negligible.

Following the Debelle decision, one must also consider the reasonableness of the proposal, having regard to the relevant planning controls.

### **Building height**

Following the legal interpretation of 'building height' as contained within Schedule 1 of the Development Regulations 2008, Dwelling 1 incorporates a building height of 9.6 metres. To find 'building height', one must measure the vertical distance from the highest point of the building (excluding antennae and the like) to the lowest part, or to natural/existing ground level; whichever is the lower. These two points need not be directly above/below one another.

In terms of determining the appropriate height for buildings in the Residential Zone, Principle 7 states the "maximum building height (from natural ground level)" should not exceed 9 metres.

In my opinion, Principle 7 does not require the same measurement as is required when determining 'building height' pursuant to Schedule 1.

In my view, to consider whether a proposal satisfies Principle 7, one must identify a point 9 metres above natural (or existing) ground level. This point should run parallel with ground level over the entire building footprint. The intent of the Principle is that the building would not protrude through the 9.0 metre line.

In my view, existing ground level should be taken as the relevant measure where it is apparent the earth has been manipulated over time (and therefore 'natural' ground level would be difficult or impossible to identify).

I appreciate this position is different to the approach taken for 'Building Height' as per Schedule 1 of the Development Regulations, however, the 'Parameter' in Zone Principle 7 comprises different wording.



From my measurement, the proposed dwelling incorporates a maximum height above natural/existing ground level of 8.4 metres – measured at the eastern end of the roof ridge. If I am wrong in this regard, and Zone Principle 7 should be applied as per Schedule 1 of the Development Regulations 2008, the building height above natural ground level would not be 8.4 metres, but rather 9.6 metres.

Based upon my approach, however, the whole of the dwelling incorporates a height less than 9 metres above natural/existing ground level directly below that point, and is therefore less than the maximum height permitted in the Policy Area.

It should further be noted that Dwelling 1 incorporates a split-level design, reducing the volume of fill required to accommodate the building. The roof pitch maintains a modest 11 degrees, which together assist in lowering the building's height within the local landscape.

### **Boundary setbacks**

As can be seen in the table below, Dwelling 1 meets or exceeds the side and rear setbacks sought in the Policy Area. Whilst the front setback is forward of the average of adjacent dwellings, the setback of the dwelling at 38-40 Trumara Road is an anomaly within the locality, and in my opinion, the proposed setback of (generally) no less than 6.0 metres is entirely appropriate within the locality.

### **Building bulk/scale**

Dwelling 1 is an attractive building, with a reasonable level of articulation provided to the front and rear elevations; breaking up the bulk of the building when viewed from the south and north.

Whilst it is appreciated the side elevations offer limited articulation, the eastern façade is sited adjacent the common driveway, whilst the western elevation (11.7 metres in length) aligns with the side wall of the adjacent dwelling. As discussed earlier in this report, I do not consider the building setbacks, or lack of articulation on the eastern and western facades will have an unreasonable impact upon adjoining land.

Further, the bulk and scale of Dwelling 1 is akin to a number of new dwellings to be found within the locality.

### **Site coverage and floor area ratio**

Dwelling 1 incorporates a site coverage of 37.2% and a floor area ratio of 0.39. These figures indicate the dwelling does not extend over a large proportion of the property; reinforced by the fact that over 38% of the land is provided as private open space.

### **Conclusion**

In conclusion, it is appreciated that from the middle floor of the dwelling at 33 Trumara Road, view to the north-east will be impacted. I also appreciate that a high percentage of activity likely occurs from the middle level, given it comprises the primary living area of the dwelling. If view of the city skyline is lost whilst standing at the northern end of the room, the view loss would be considerable. View to the north-west and west, to the waters of Gulf St Vincent, will remain unimpeded by Dwelling 1.

In my opinion, given the level of compliance Dwelling 1 demonstrates with the Development Plan, the view loss is one that would be 'anticipated' by the Development Plan, given the maximum height above natural/existing ground level is not breached, and boundary setbacks are generally compliant.

In addition, view available from the upper, third level, will remain largely unimpeded. Whilst this level does not function as the primary living area, it nonetheless incorporates a generously-proportioned habitable room, providing direct access to a sizable deck/balcony, which provides the largest area of private open space with available views.

Overall, it is my opinion that in totality, the view loss likely to be experienced by the occupants of 33 Trumara Road will be moderate. The views available to this neighbouring property will not be 'obliterated', as was described by Debelle J in *Hutchens v City of Holdfast Bay*.

### **31 Trumara Road, Marino**

The dwelling at 31 Trumara Road is sited south-west of the subject site. The dwelling maintains views to the Gulf St Vincent to the west and north-west, along the Adelaide metropolitan coastline to the north and to the Adelaide Metropolitan area and city skyline on the horizon in a north-easterly direction. These views are currently enjoyed from the front porch, main bedroom, living area and upper level deck. The proposed development will have an impact on the views that are currently experienced from the site in a north-easterly direction.

Due to the 1500mm-high rendered wall on the eastern side of the upper level deck, Dwelling 1 will not be visible from a majority of the living room, and as such, will have no meaningful impact upon the view available from the primary living area within the dwelling.

When one is standing on the upper level deck, it is likely that Dwelling 1 will remove portion of the Marino hills in the foreground, screening those dwellings and yards with a frontage to Spinks Road. However, of the attractive views; Gulf St Vincent, the coastline, metropolitan area and city skyline will remain available.

When viewed from the main bedroom of 31 Trumara Road, those dwellings and yards with a frontage to Spinks Road will again be screened from view. It may be that some of the Adelaide metropolitan area will also be screened, however, the city skyline (which is partially obscured by a large tree some 150 metres to the north) is highly likely to remain available.

As such, in conclusion, given the minimal impact of views Dwelling 1 is likely to incur upon the dwelling at 31 Trumara Road, and the high level of compliance this dwelling demonstrates with the applicable design criteria, it is my opinion that the view loss likely to be experienced by 31 Trumara Road is negligible.

### **38-40 Trumara Road**

Whilst Dwelling 2 incorporates a height exceeding that sought in the Policy Area, its lowered positioning within the locality is unlikely to have a detrimental impact upon the views available to occupants of existing dwellings.

Contained in Attachment VI is a photo taken from near the upper level of the existing dwelling at 38-40 Trumara Road, which demonstrates that substantial vegetation on that land obscures some view of the ocean beyond, but that the coastline and the western parts of the Adelaide metropolitan area will remain unobstructed by Dwelling 2.

As such, the proposal will not have a detrimental impact upon the views available from this dwelling.

### **Conclusion**

In conclusion, it is apparent Dwelling 1 will have an impact upon the views currently enjoyed by adjacent properties; in particular, 33 Trumara Road. However, the dwelling 'reads' as single storey from the street, incorporates a split-level design to reduce filling required and maintains a

modest roof pitch; all contributing to minimise the height of the building within the local landscape.

The amenity of adjacent properties, whilst affected, will not be so eroded as to have a devastating impact upon the liveability and enjoyment of those properties. Further, view available from the upper level living room and large balcony/deck, will remain largely unimpeded. Certainly, the view currently enjoyed by adjacent properties will not be ‘obliterated’.

To this end, it is my opinion that the extent of view loss is not of a magnitude as to warrant amendments to the proposal or refusal of the application.

## 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:

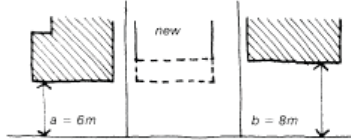
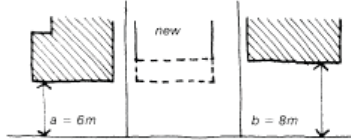
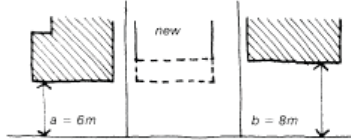
| Site Coverage  |  |
|--|--|
| <p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) 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>   |
| 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 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 proposal avoids excessive earthworks to accommodate the dwelling and associated POS areas.</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 should not affect the subject land.</li> </ul> |

|  |  |
|--|--|
|  | <p><b>Partially Complies</b></p> <p>j) The POS area of Dwelling 2, comprising a total area of 89.9 square metres is considered usable and functional for occupant needs, however, ground level comprises a grade considered unusable for most passive recreation activities.</p> |
|--|--|

|   |  |
|---|--|
| <p><b>Site Area 250 m<sup>2</sup> or greater:</b><br/> <i>Minimum area of POS: 20% of the site area<br/> Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.<br/> 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 1: &gt;350m<sup>2</sup> (&gt;38%)<br/> Dwelling 2: &gt;600m<sup>2</sup> (&gt;55%)</p> |
|---|--|

**Street Setbacks**

|  |  |
|--|--|
| <p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p> | <p><b>Partially Complies</b></p> <p>See comments below</p> |
|--|--|

| <p><i>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments</th> <th>Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjacent buildings, as illustrated below:<br/> <br/> When b &gt; a: 2, setback of new dwelling = a or b</td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjacent buildings</td> </tr> </tbody> </table> <p><i>General Section: Design and Appearance: PDC 25</i></p> | Setback difference between buildings on adjacent allotments  | Setback of new building | Up to 2 metres | The same setback as one of the adjacent buildings, as illustrated below:<br><br>When b > a: 2, setback of new dwelling = a or b | Greater than 2 metres | At least the average setback of the adjacent buildings | <p><b>Does Not Comply</b></p> <p>See comments below</p> |
|---|--|-------------------------|----------------|--|-----------------------|--|---|
| Setback difference between buildings on adjacent allotments   | Setback of new building  |                         |                |  |                       |  |   |
| Up to 2 metres  | The same setback as one of the adjacent buildings, as illustrated below:<br><br>When b > a: 2, setback of new dwelling = a or b |                         |                |  |                       |  |   |
| Greater than 2 metres   | At least the average setback of the adjacent buildings   |                         |                |  |                       |  |   |

The garage of the adjacent dwelling at 34 Trumara Road is set back 5.5 metres from the front boundary of the property. The dwelling sited at 38-40 Trumara Road is set back some 60 metres. As such, when applying Principle 25, the front setback should be no less than 32.75 metres.

In my view, given the location of the dwelling at 38-40 Trumara Road is an anomaly within the locality, it is appropriate to place less weight to Principle 25, and consider, as is sought by Principle 23, the location of other dwellings within the locality.

Most dwellings within the locality incorporate setbacks in the order of 5 – 10 metres. The proposed dwelling, setback at its closest point of 5.7 metres, but is generally setback more than 7.0 metres to the main face of the building, is complementary to the siting of other dwellings within the locality.

Further, the upper floor of Dwelling 1 will be sited marginally below street level, and will be screened by the existing boundary fencing.

As such, it is my view that the front setback proposed for Dwelling 1 is entirely acceptable given the above.

|   |  |
|---|--|
| <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><br/> Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>   |
| <b>Side Setbacks</b>  |  |
| <p><i>Where the wall height is not greater than 3 metres: 2 metres</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:<br/> (a) 3 metres if adjacent southern boundary<br/> (b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres:<br/> (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres<br/> (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>Not Applicable</b><br/> (Neither dwelling has a wall height less than 3.0 metres above ground level)</p> <p><b>Complies</b><br/> Dwelling 1: Min setback 2.0 metres</p> <p><b>Does Not Comply</b><br/> Dwelling 2: Min setback 1.0 metre</p> <p><b>Complies</b><br/> Dwelling 1: Min setback 4.6 metres</p> <p><b>Does Not Comply</b><br/> Dwelling 2: Min setback 1.0 metre<br/> (Maximum wall height of 9.5 metres should be setback 5.5 metres from western side boundary)</p> <p>(Please also refer to Zone and Policy Area discussion earlier in this report)</p> |
| <p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:<br/> (a) the visual impact of the building as viewed from adjacent properties<br/> (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><br/> 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> <p>(Please also refer to Zone and Policy Area discussion earlier in this report)</p>  |
| <b>Rear Setbacks</b>  |  |
| <p><i>8 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>   | <p><b>Complies</b><br/> Dwelling 1: Min 9.3 metres<br/> Dwelling 2: Min 20.3 metres</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><br/> Dwelling 1: Min 9.3 metres<br/> Dwelling 2: Min 20.3 metres</p>  |
| <b>Building Height</b>  |  |
| <p><i>Maximum building height (from natural ground level):<br/> 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>   | <p><b>Complies</b><br/> Dwelling 1: Min 8.4 metres</p> <p><b>Does Not Comply</b><br/> Dwelling 2: Min 10.2 metres</p> <p>(Please also refer to Zone and Policy Area discussion earlier in this report)</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.*

*Residential Zone: PDC 8*

### **Does Not Comply**

Dwelling 1: 3.9 metres forward of main face of dwelling

### **Complies**

Dwelling 2: Min 4.0 metres behind main face of dwelling (This dwelling does not have a primary road frontage and as such, Principle 8 is not applicable)

Whilst the garage of Dwelling 1 is located forward of the main face by 3.9 metres, the floor level is set down 1.056 metres below the upper floor level. As the garage is also approximately 1.0 metre below kerb level, this element of the building will be less apparent, and in my view will not dominate or severely detract from the presentation of the dwelling.

Further to this point, it is also of note that the front boundary adjacent the garage is angled, such that the setback of the eastern end of the front façade of the garage is setback some 11 metres from the front property boundary.

*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**

Council's Development Engineer has confirmed he is comfortable with the location of the driveway servicing Dwelling 1.

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

*General Section: Residential Development: PDC8*

### **Complies**

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

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

*Residential Zone: PDC 6*

### **Complies**

## Car Parking

*Minimum number of on site car parking spaces (one of which should be covered) :*  
*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**

Dwelling 1: Six on-site car parking spaces, four of which are undercover.

Dwelling 2: Four on-site car parking spaces, two of which are undercover.

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

*General Section: Transportation & Access: PDC 43*

### **Complies**

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

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

d) e) One on-street car parking spaces shall remain available adjacent Dwelling 1. Visitor parking spaces are also available within the common driveway.

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|  | <p><b>Partially Complies</b><br/> b) Centre facilities and public transport are not located in walking distance of the dwellings, however, ample parking spaces are available for residents and visitors.</p>  |
| <p><b>Access</b></p>   |  |
| <p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i><br/> (a) 3 metres wide for a single driveway<br/> (b) 5 metres wide for a double driveway.</p> <p><i>General Section: Residential Development: PDC 39</i></p>  | <p><b>Complies</b></p>   |
| <p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>  | <p><b>Complies</b></p>   |
| <p><b>Design &amp; Appearance</b></p>  |  |
| <p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i><br/> (a) building height, mass and proportion<br/> (b) external materials, patterns, colours and decorative elements<br/> (c) roof form and pitch<br/> (d) façade articulation and detailing<br/> (e) verandas, eaves, parapets and window screens.</p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p> | <p><b>Complies</b></p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> <li>• Mixture cladding and render on the front façade;</li> <li>• Stepping of upper and lower storeys to minimise building height, mass and proportion</li> <li>• Protruding portico and balconies</li> <li>• Eave overhang and pitched or skillion roof form</li> <li>• Fenestration</li> </ul> <p>These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The side elevations of the dwellings feature a mixture of render and cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p> |

The dwelling is a well-articulated building, with substantial stepping and a mix of materials on all facades. Throughout the day, the mass of the building will be reduced via shaded and stepped walls. This is further assisted by the eaves overhang and verandah and balcony elements.

The shallow roof form of Dwelling 1 complements the local topography and assists in softening the appearance of the building from adjacent land and the street. It is acknowledged however, that the skillion roof of Dwelling 2 is at odds with the prevailing local topography, however, given the siting of this building, it will not be silhouetted above, but rather 'back-dropped' by the hills.

The balconies, accessed from the dining/living areas are integrated into the design of the dwellings and have a northern orientation to maximise solar access and comprises usable dimensions; functional for the likely needs of the occupants.

Both dwellings incorporate an attractive entry point to the building, and Dwelling 1 enables surveillance of the street via the bedroom windows.

The proposal is considered to adequately satisfy the provisions above.

**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 dwelling design.

*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**

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

Both dwellings incorporate easily identifiable entries from the public street (Dwelling 1) or common driveway (Dwelling 2).



## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

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

b) Given that south forms the street or common driveway 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*

### **Partially Complies**

See Comments below

Dwelling 1 incorporates high level windows on the western façade, whilst during the processing of the application, the western side of the upper level balcony was amended to incorporate a 1700mm-high screen, to prevent direct view into the adjacent dwelling's rear yard.

Whilst the eastern façade of Dwelling 1 incorporates a vertical window servicing Bedroom 1, this window overlooks the common driveway; providing casual surveillance. Whilst view could be gained of a (future) dwelling on the adjacent Lots 7 and 8, this view would be to the front façade of those dwellings, and separated by an approximate distance of 15 metres.

It is acknowledged the rear balcony of Dwelling 1 will gain unimpeded view into the adjoining (vacant) allotment (Lot 2), and on face value, this highly offends Principle 12. Having said this, it is arguable that this Principle has 'no work to do' as there is currently no "habitable rooms and private open spaces of dwellings" on this land. However, in my opinion, it would be inappropriate to have no regard to the likely placement of a dwelling and associated private open space of adjoining properties when considering a dwelling/s that incorporate elevated decks and floor levels.

For Member's reference, Lot 2 is owned by the same party as Lot 1, and a recently-lodged development application (100/2015/2213) demonstrates the design of the dwelling on Lot 2 has maximised its orientation to the north, with the main bedroom and open plan kitchen/living/dining area gaining solar access and opportunities for attractive views, whilst the southern and western sides of the property (the area most visible from proposed Dwelling 1) are utility areas, for the keeping of hot water services, clothes drying and waste bin storage.

Whilst it is not standard practice for administration to accept such overlooking of an adjoining property, whereby the privacy of that property is not demonstrated (and therefore 'committed to') in the same application, I am comfortable that a high level of privacy can be maintained for Lot 2, given Council's Development Plan would encourage a design whereby the living and private open space areas are located on the northern side of the dwelling/allotment.

Whilst not a relevant consideration for the Development Assessment Panel, Members are advised that Lots 1 – 8 incorporate a 'Scheme Description', which dictates the maximum height of a dwelling on each Lot, to provide a reasonable level of northern view to each property. As such, persons purchasing land within the division will be fully aware of the intent for each higher property to gain some view over their land, as they would seek over the land below.

As such, it is considered that whilst Dwelling 1 will overlook Lot 2, reasonable measures can, and are likely to be taken for the design of a dwelling on that land to protect the privacy of the future occupants.

Proposed Dwelling 2 does not incorporate any treatments to the balcony or upper level windows to protect the privacy of adjoining land. Whilst this is the case, no unreasonable overlooking will occur to the adjoining property to the north, given the scattered vegetation, separation distance of some 60 metres and height difference, whereby the dwelling at 1A Spinks Road is several metres above Dwelling 2.

Dwelling 2 does incorporate two balconies in close proximity to its western side boundary, whilst a number of windows and the two open balconies afford view to the east; towards Lot 6.

Both adjoining properties are vacant, and Council has not received development applications for the construction of dwellings on those Lots.

However, due to the boundary orientation of both Lots 4 and 6, I am satisfied that appropriate privacy can be maintained for both properties.

The front façade of the dwelling on Lot 4 is likely to be sited several metres north of the front façade of Dwelling 2, due to the angled front boundary of that land. As such, the balconies of Dwelling 2 are likely to be oriented to the eastern side of that dwelling, and will gain view of the steep rear yard area; which, due to its topography, is highly unlikely to be used as the primary area of private open space. Further, it is highly likely that given the northern orientation and opportunity for view, the habitable rooms of a dwelling on Lot 4 will be oriented to the north/north-west and hidden from view from Dwelling 2.

A dwelling on Lot 6 is likely to have an orientation to the north-east, due to the boundary alignment of that property. The living room window and balconies of Dwelling 2 are sited no closer than 10.5 and 12.0 metres, respectively, from the eastern boundary of the land. As such, there is reasonable separation provided to Lot 6, such that direct overlooking is unlikely. This, coupled with the likely orientation of the living and private open space areas of a future dwelling on Lot 6, will, in my view, provide adequate privacy for that land.

In conclusion, whilst it is accepted that both dwellings do not incorporate treatments to provide privacy to adjoining allotments (within the division), for the reasons above, I do not consider the proposal will result in the unreasonable loss of privacy for those properties.

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

*General Section: Design & Appearance: PDC 14*

**Does Not Comply**

Dwelling 2 is located on a battleaxe allotment and is two storeys in height. Whilst this offends Principle 14, the intent is to avoid bulky buildings placed 'in the backyard' of adjoining land, in more conventional patterns of division; typically on the Adelaide Plains part of the Council area.

Given the substantial separation to adjoining properties, and for the reasons above, acceptable visual and privacy impacts, I do not consider the two storey nature of Dwelling 2 to be of such consequence as to warrant refusal of the application.

## 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.

Both dwellings incorporate generous eave overhang to assist in minimising summer heat-loads.

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**

Dwelling 1 incorporates a hipped roof form set at a 11 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

### **Partially Complies**

Dwelling 2 incorporates a skillion roof pitch set at a 7 degree pitch, oriented to the east. This pitch and orientation is not ideal, albeit that solar collectors could nonetheless be sited and perform with reasonable efficiency, without the need for framing.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

### **Partially Complies**

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

However, as discussed earlier, it is considered that an improved selection of planting species will greatly assist in the longevity of the plants selected, and assist in soil erosion.

As such, it has been included as a recommended condition of consent that a revised landscape plan be provided, prior to Development Approval being issued.

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| <p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not result in damage to neighbouring trees</i></li> <li><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></li> <li><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></li> <li><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></li> <li><i>(e) assist in highlighting building entrances</i></li> <li><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></li> <li><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></li> <li><i>(h) be constructed of non-flammable materials.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 5</i></p> | <p><b>Complies</b></p> <p>The application proposes retaining walls varying in height to a maximum 1.6 metres, most of which is in cut.</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><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <ul style="list-style-type: none"> <li><i>(a) minimises their visual impact</i></li> <li><i>(b) reduces the bulk of the buildings and structures</i></li> <li><i>(c) incorporate roof lines which complement the natural slope of the land</i></li> <li><i>(d) minimises the extent of cut and/or fill</i></li> <li><i>(e) provide a stable and readily accessible building site</i></li> <li><i>(f) minimises the need for, and the height of, retaining walls</i></li> <li><i>(g) does not cause or contribute to instability of any embankment or cutting</i></li> <li><i>(h) avoids the silting of watercourses</i></li> <li><i>(i) protects development and its surrounds from erosion caused by water run-off.</i></li> </ul> <p><i>General Section: Sloping Land: PDC 2</i></p>  | <p><b>Partially Complies</b></p> <p>See comments below</p>  |
| <p><i>The cutting and/or filling of land should:</i></p> <ul style="list-style-type: none"> <li><i>(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</i></li> <li><i>(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</i></li> <li><i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i></li> <li><i>(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.</i></li> </ul> <p><i>General Section: Sloping Land: PDC 7</i></p>   | <p><b>Partially Complies</b></p> <p>See comments below</p>  |
| <p><i>Retaining walls should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not exceed 1 metre in height</i></li> <li><i>(b) be stepped in a series of low walls</i></li> <li><i>(c) be landscaped to enhance their appearance.</i></li> </ul> <p><i>General Section: Sloping Land: PDC 8</i></p>  | <p><b>Partially Complies</b></p> <p>See comments below</p>  |

## Siting and Visibility

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

*General Section: Siting and Visibility: PDC 4*

**Partially Complies**  
 See comments below

*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**  
 See comments below

Throughout this report, I have discussed the building's relationship with ground level and the extent of earthworks proposed and have concluded that given the steep slope of both properties, the concealed nature of a majority of the cut and the treatment to exposed fill, the proposal is considered acceptable in context to the Objectives, Principles and Desired Character of the Hills Policy Area.

It is acknowledged that more could be done to reduce the height of Dwelling 2, and it does exceed the maximum height sought in the Policy Area. However, as the building is set well down in the local topography, the height of the building will not be overly apparent from the street or existing dwellings. It is acknowledged the height of this building will be prominent from adjoining Lots 4 and 6, however, given the slope of those properties, a similar design ethos is likely to be employed.

As such, I am of the view that whilst the height of retaining exceeds that sought in Principle 8 above, the resultant impact upon the integrity of the Policy Area, streetscape and amenity of adjoining land is acceptable.

I have previously commented on the roof form of both dwellings. Whilst Dwelling 2 does not follow the slope of the land, it is set well below the high point of the local topography, and will not be a prominent feature within the locality. The roof pitch of Dwelling 1, will soften the appearance of the building, as well as imitating the slope of the land. The proposal finds compliance with Sloping Land Principle 2(c) and Siting and Visibility Principles 4(a) and 4(b).

It is acknowledged that the colours and materials of the dwellings could be revised to minimise any reflection/brightness of the buildings, particularly Dwelling 1, which is sited much higher than Dwelling 2. To this end, it has been included as a recommended condition of consent that a revised colour and material schedule be provided for consideration and approval, prior to Development Approval that; provides darker colours to the render of both dwellings and that the 'Scyon Matrix Cladding' is of a matte finish. As such, Siting and Visibility Principle 5 can be satisfied.

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to loss of view, visual impact and building bulk, side setback, excessive cut and fill, overlooking/loss of privacy, building height and front setback have been addressed in the body of the report, and I have concluded that whilst marginal in places, the proposal is satisfactory in relation to these matters.

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## ANALYSIS/CONCLUSION

Both dwellings demonstrate a high level of compliance with Council's Development Plan.

It is acknowledged that both dwellings provide little treatments to protect the privacy of future occupants of adjoining (vacant) allotments. However, as I consider future dwellings will be designed with the primary living areas and associated private open spaces areas away from the 'overlooked' area (for reasons stated in this report), I do not consider the privacy impacts of the development to be unreasonable.

The design of both dwellings have attempted to address the slope of the land – Dwelling 1 with a split-level design, which masks the largest extent of cutting under the footprint of the building, whilst the extent and height of fill is reasonable having regard to the applicable Development Plan criteria. Dwelling 2 has employed a pier-frame design, minimising earthworks to accommodate the building.

Whilst the height of Dwelling 2 exceeds the maximum 9 metres sought in the Policy Area, I do not consider the additional height to have a detrimental impact upon the amenity of the adjoining land, nor compromise the integrity of the Policy Area. This dwelling is nestled towards the lower part of the immediate topography, and will not be readily visible from the street.

The proposal will disrupt views currently enjoyed from the dwelling and associated balcony of 33 Trumara Road. The preceding assessment has identified that whilst view of the Adelaide metropolitan area will be lost from the middle floor, the city skyline (an 'icon') is likely to be preserved whilst standing towards the northern end of the building. Views from the upper level will be largely unaffected.

Further to this point, the openness and vista available to this dwelling will generally remain intact. The extent of view loss likely to be experienced by this dwelling is considered to be moderate. There will not be an 'obliteration' of views, as was the case in *Hutchens v City of Holdfast Bay*.

In conclusion, having regard to the nature of the impacts associated with the development, the restrictive nature of the slope of the land and the compliance of the proposal with a number of design criteria, I am of the view that the proposed development is not seriously at variance to the Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

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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: 100/2015/1802 for a two storey detached dwelling with associated swimming pool, earthworks and retaining walls (Lot 1) and a two storey group dwelling with associated earthworks and retaining walls (Lot 5) at 1/36 Trumara Road, Marino 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. 100/2015/1802, except when varied by the following conditions of consent.
2. The driveway grade of Dwelling 1 shall be altered to ensure that a 2.5% fall shall be provided between the front boundary and the kerb.
3. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
4. A revised landscape plan shall be provided for consideration and approval, prior to Development Approval being issued, detailing a range of native plantings for both properties, suitable to their position on the site, the local topography and climate and to assist in minimising erosion.
5. The colour scheme of both dwellings shall be revised to incorporate darker/earthier colours/tones, to assist in minimising the opportunity for glare/reflection. Details shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
6. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
7. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
8. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
9. 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.

## 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: Certificates of Title*  
*Attachment II: Aerial Photograph & Site Locality Plan*  
*Attachment III: Proposal Plan and supporting documentation*  
*Attachment IV: Statement of Representations*  
*Attachment V: Applicant's Response to Representations*  
*Attachment VI: Photographs – anticipated view loss*



# DEVELOPMENT ASSESSMENT PANEL

Wednesday 3 February 2016

|                                 |  |
|---------------------------------|--|
| <b>Agenda Ref No:</b>           | <b>DAP030216 – 2.2</b>   |
| <b>Originating Officer:</b>     | <b>Dylan O'Brien<br/>Development Officer - Planning</b>  |
| <b>Applicant:</b>               | <b>Distinctive Homes Pty Ltd</b>   |
| <b>Development Description:</b> | <b>A two storey Detached Dwelling with garage located on the eastern side boundary and a single storey Residential Flat Building comprising two dwellings in a hammerhead configuration.</b> |
| <b>Site Location:</b>           | <b>1 Third Avenue Ascot Park</b>   |
| <b>Zone:</b>                    | <b>Residential Zone</b>  |
| <b>Policy Area:</b>             | <b>Northern Policy Area 13</b>   |
| <b>Application Type:</b>        | <b>Category 2 / Consent</b>  |
| <b>Lodgement Date:</b>          | <b>01/04/2015</b>  |
| <b>Development Plan:</b>        | <b>Consolidated – 19 March 2015</b>  |
| <b>Application No:</b>          | <b>100/2015/559</b>  |
| <b>Recommendation:</b>          | <b>Development Plan Consent (Granted)</b>  |

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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.

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

## BACKGROUND

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

| Amendments Requested   | Amendments Made  |
|--|--|
| Finished Floor Levels and retaining considered too high                  | Finished floor levels have been reduced, resulting in a maximum height of approximately 300mm above natural ground level and retaining is no longer required.  |
| Front / rear setback (Dwelling 1) fail to accord with Council provisions | Front setback has been increased from approximately 5.0m to 6.1m with the garage increasing to 7.0m to better reflect the established neighbouring setbacks and provide improved articulation/setback transition. The rear setback has also increased from a minimum 2.52m to 4.0m |
| Driveway dominance/crossovers too wide                                   | Both driveway crossovers have been reduced in width to approximately 3.0m each.  |

## SUBJECT LAND & LOCALITY

The subject land is located at 1 Third Avenue, Ascot Park; situated on the northern side of the street. The subject land comprises a large regular shaped allotment which has an 18.29 metre frontage to Third Avenue and a depth of 55.32 metres to provide a total site area of 1011.8 square metres.

The subject land is virtually flat and is developed with an existing single storey detached dwelling which is set well back from the street property boundary.

The subject land is devoid of any significant or regulated trees, whilst the certificate of title confirms that the land is clear of any easements or encumbrances.

The locality is characterised by a diverse range of housing stock comprising mainly single storey detached dwellings and some semi-detached dwellings at low to medium densities. The locality also contains a number “hammer-head” allotments as well as Group/Residential Flat buildings as exhibited immediately to the south of the subject land at 5, 7 and 9 Third Avenue, and abutting the site to the North at 2 and 4, Fourth Avenue, Ascot Park.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The applicant proposes to demolish the existing detached dwelling and other associated structures on the land and construct a double storey dwelling (Dwelling 1) to the front of the site and two single storey dwellings (Dwellings 2 & 3) to the rear of the land, in a “hammerhead” configuration with associated driveways, parking and landscaping.

Dwelling 1 which will face Third Avenue is to be constructed on a rectangular shaped allotment providing a total site area of 297 square metres, whilst Dwellings 2 and 3 are to be constructed on a “hammerhead” shaped allotment, which is to provide a combined building envelope of approximately 549 square metres (excluding the proposed driveway area) to the rear.

In respect to vehicular access, a new double width crossover and common driveway is to be constructed on the western side of the subject land to service Dwellings 2 and 3, whilst vehicular access to Dwelling 1 will be provided via the existing crossover (single width) and driveway on the eastern side of the property.

The new driveway servicing Dwellings 2 and 3 will extend along the western boundary of the subject land to the rear. The driveway will be 4 metre wide and includes extended turning areas to the rear and strip landscaping measuring 500 millimetres in width along both sides and

landscaping is proposed throughout the front yard of Dwelling 1 and surrounding the associated driveway.

Dwellings 2 and 3 incorporate three bedrooms each, including a master bedroom with en-suite together with bath/shower, laundry and open plan kitchen/dining/living areas, directly accessible to/from private yard areas located to the rear of each dwelling.

Dwelling 1 incorporates 4 bedrooms through the upper level with a separate bathroom and an en-suite associated with Bedroom 1. The lower level incorporates the main living/dining/kitchen areas with connection to private open space at the rear and a separate lounge room to the front of the dwelling facing the street.

In respect to on-site car parking provision, dwellings 2 and 3 will be provided with a single width carport under the main roof as the only undercover parking space, whilst visitor parking is to be provided to the front of each dwelling within the individual driveways. Dwelling 1 will be provided with a double width garage for under cover parking and room in the driveway for visitor parking.

All dwellings will feature a combination of face brick and rendered finished (comprising a combination of colours) in the external appearance. Dwelling 1 which is two storey will have a total building height of approximately 7.0 metres, whereas, Dwellings 2 and 3 are single storey each having a total building height of approximately 4.5 metres.

All dwellings will include Colorbond roofs set at a pitch of approximately 22.5 degrees.

*Refer Attachment III*

## PUBLIC NOTIFICATION

|                                     |  |
|-------------------------------------|--|
| <b>Properties notified:</b>         | 19 properties were notified during the Category 2 public notification process.   |
| <b>Representations:</b>             | 2 representations were received by Council.  |
| <b>Persons wishing to be heard:</b> | Nil  |
| <b>Summary of representations:</b>  | <p>1 x against the application. Issues include:</p> <ul style="list-style-type: none"> <li>• Density too high;</li> <li>• Two storey not in keeping with the single storey character of the area;</li> <li>• Changing whole atmosphere of the street;</li> <li>• The dwellings becoming rental properties resulting in fractured relationships and loss of continuance between neighbours;</li> <li>• The impact on elderly residents; and,</li> <li>• Loss of privacy</li> </ul> <p>1 x in favour of the application.</p> <p><i>Refer Attachment IV</i></p> |
| <b>Applicant's response:</b>        | <ul style="list-style-type: none"> <li>• Nature of the two storey dwelling is not imposing due to the variety of materials used and colours proposed;</li> <li>• The two storey portion represents only part of the footprint;</li> </ul>  |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• There are sufficient design elements to break up the elevation;</li> <li>• There are numerous allotment in the street and surrounding area with multiple dwellings on them;</li> <li>• Each dwelling complies with private open space area and dimension standards;</li> <li>• To reconcile overlooking, the upper level windows on the western side are either elevated or incorporate obscure glazing.</li> </ul> <p style="text-align: right;"><i>Refer Attachment V</i></p> |
|--|--|

## INTERNAL DEPARTMENT COMMENTS

|                     |                                    |
|---------------------|------------------------------------|
| <b>Engineering:</b> | Vehicle movements are satisfactory |
|---------------------|------------------------------------|

## ZONE & POLICY AREA ASSESSMENT

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

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

|       |  |  |
|-------|--|--|
| 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>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul> | <p><b>Complies</b><br/>Application proposes a detached dwelling and residential flat building comprising two dwellings.</p>                        |
| PDC 3 | <p>Minimum Site Area:<br/>Detached (Dwg 1): 375 m<sup>2</sup><br/>Residential flats (Dwg 2 and 3): 300 m<sup>2</sup></p>   | <p><b>Does Not Comply</b><br/>Dwelling 1: 297 m<sup>2</sup><br/>Dwelling 2 &amp; 3: 274m<sup>2</sup> and 275m<sup>2</sup> (excluding driveway)</p> |
|       | <p>Minimum Frontage:<br/>Detached (Dwg 1): 12 metres<br/>Battleaxe allotment (Dwg 2 and 3): 4 metres</p>   | <p><b>Complies</b><br/>Dwelling 1: 13.29 m<br/>Dwelling 2 &amp; 3: 5.0 m</p>   |
|       | <p>Minimum Depth:<br/>Detached (Dwg 1): 20 metres<br/>Res Flat dwellings (Dwg 2 and 3): 45 metres</p>  | <p><b>Complies</b><br/>Dwelling 1: 21.22 m<br/>Dwelling 2 &amp; 3: 55.32 m</p>   |

## Assessment

The site area of Dwelling 1 equals 297 square metres, where a minimum site area of 375 square metres should be provided for a detached dwelling. This represents a considerable shortfall of 78 square metres; 20.8% below the minimum requirement.

The site areas of Dwelling 2 and 3 fall short of minimum criteria at 274 and 275 square metres (respectively), where a minimum site area of 300 square metres is prescribed. This equates to a respective shortfall of 25 and 26 square metres per dwelling, or approximately 8.3 to 8.4%.

It is noted that this figure excludes the common driveway, visitor car parks and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that: *“Allotments in the form of a battleaxe configuration should... have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the ‘handle’ of such an allotment)”*.

Whilst the average site area (excluding the area of the handle) does not meet the minimum 300 square metres required for group or residential flat buildings (albeit marginally shy), or the minimum 375 square metres for detached dwellings in the Northern Policy Area 13, the subject land maintains an overall site area of 1011.8 square metres; so if one includes the whole allotment, and all dwellings were to achieve access via the common driveway, an average site area of 337.26 square metres per dwelling would be achieved, which is greater than the minimum 300 square metres required for group and residential flat buildings in the Northern Policy Area 13. Furthermore, in this locality, there are a number of existing group and residential flat building developments which display similar and higher densities to that proposed.

Therefore, whilst the individual site areas for each of the proposed Dwellings do not accord with the requirements prescribed by Council’s Development Plan, the density as whole is in keeping with a number of existing infill developments in the immediate locality and will not result in a density greater than that which is envisaged within Policy Area 13 for group or residential flat buildings.

Whether the proposed site layout unreasonably detracts from the merit of the proposal will be considered further in the design criteria outlined below.

## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

| Site Coverage   |  |
|---|--|
| <p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>   | <p><b>Does Not Comply</b></p> <p>Dwelling 1: 140.6m<sup>2</sup> = 47.34%</p> <p>Dwelling 2 &amp; 3: 123.2m<sup>2</sup> = 44.8% (excluding common driveway)</p>   |
| <p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>  | <p><b>Complies</b></p> <p>Dwelling1: 173.86m<sup>2</sup> = 0.585</p>   |
| <p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 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>   |
| 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> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></p> <p><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></p> <p><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(d) to minimise overlooking from adjacent buildings</i></p> <p><i>(e) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(f) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(h) to be partly shaded in summer</i></p> <p><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p> | <p><b>Complies</b></p> <p>a) All POS areas are directly accessible from a habitable room / habitable rooms of the associated dwelling.</p> <p>b) All POS is located at ground level to the side/rear of the dwelling/dwellings and capable of being screened for privacy.</p> <p>c) The subject land does not maintain natural features which warrant preservation.</p> <p>d) The POS areas will not be directly overlooked by adjacent buildings.</p> <p>e) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.</p> <p>g) The POS areas will not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>h) POS areas are capable of being shaded during summer.</p> <p>i) The proximity of the site is such that traffic, industry or other business activities will not affect the subject land.</p> <p>j) The POS areas are considered to have sufficient shape and area to be functional.</p> |

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

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

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

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

General Section: Residential Development: PDC 17

**Complies**

Dwelling 1: 65.19m<sup>2</sup> = 21.94%

**Partially Complies**

Whilst all POS is directly accessible from the living area with negligible gradient, the minimum dimension is 4.0m.

**Complies**

Dwelling 2 & 3: 57m<sup>2</sup> = 20.72% and all POS is directly accessible from a living area with negligible gradient and a minimum dimension of 5.2m.

**Street Setbacks**

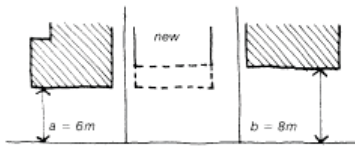
Except in areas where a new character is desired, the setback of buildings from public roads should:  
(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality  
(b) contribute positively to the function, appearance and/or desired character of 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 6.1m from the main face and 7.0m from the garage is similar to that of newer 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:<br><br>When b > a > 2, setback of new dwelling = a or b |
| Greater than 2 metres                                       | At least the average setback of the adjacent buildings  |

General Section: Design and Appearance: PDC 25

**Partially Complies**

Dwelling 1: 6.1m (upper and lower floor) and 7.0m to the garage.

(Dwellings on adjoining land are set back approximately 8.8m and 7.4m, whereby a minimum setback of 7.4m applies)

The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities; PDC 25 has limited weight in this instance. 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 both adjoining properties comprise the original dwelling stock with a reasonably generous front setback that result in an average of 8.1m, and 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

### Complies

Dwelling 1: 2.5m

### Does Not Comply

Dwelling 2 & 3: 0.945m

The proposed side setback falls 0.55 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 0.9m 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.

### Complies

Dwelling 1: 3.28m from eastern side boundary and 5.5m from the western side boundary (wall height 5.4m)

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

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.

### Partially Complies

Dwelling 1:

a) Wall abuts western side boundary only

b) N/A

c) 6.3m wall length and 2.7m wall height, not adjacent habitable room windows.

General Section: Residential Development: PDC 38

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.

### Complies

General Section: Design & Appearance: PDC 2

## Rear Setbacks

6 metres for a single storey dwelling

### Does Not Comply

Dwelling 1: 4.0m for approximately 65% of the allotment width.

Residential Zone: PDC 7

Dwelling 2 and 3: 5.2m



|  |   |
|--|---|
| <p>8 metres for a 2 or more storey dwelling</p> <p>Residential Zone: PDC 7</p>   | <p><b>Does Not Comply</b></p> <p>Dwelling 1: 4.0m upper storey setback</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>Does Not Comply</b></p> <p>Although the rear setback of Dwelling 1 does not comply with quantitative criteria, it is noted that the rear boundary is sited south of the adjacent the common driveway/manoeuvring areas of Dwelling 2 and 3. As such, the visual impact and overshadowing induced by the shortfall in setback should not affect habitable areas of nearby dwellings.</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>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>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>Complies</b></p> <p>Dwelling 1: 7.0m</p> <p>Dwelling 2 and 3: 4.5m</p>  |
| <h2>Garages, Carports and Outbuildings</h2>  |   |
| <p>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</p> <p>Minimum setback from primary road frontage:</p> <p>8 metres for a freestanding structure.</p> <p>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</p> <p>Minimum setback from secondary road frontage:</p> <p>5.5 metres for a single-width structure.</p> <p>Not less than the specified setback of the associated dwelling for a double-width structure.</p> <p>Residential Zone: PDC 8</p> | <p><b>Complies</b></p> <p>Garage for Dwelling 1 setbacks 7.0m and .900m behind the main face of the dwelling.</p>   |
| <p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 12</p>   | <p><b>Complies</b></p> <p>The proposed garages incorporate a roof form, materials and detailing which complement the associated dwelling.</p>   |
| <p>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</p> <p>(a) when located on side or rear allotment boundaries:</p> <p>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</p>  | <p><b>Partially Complies</b></p> <p>The garage wall associated with Dwelling 1 on boundary is not located within 6 metres of any existing structures on the same site and same boundary and the total length of the garage wall does not exceed 7.0m. However, the wall</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><br/> <i>(B) 8 metres for structures with open side walls</i><br/> <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>height at approximately 2.8m is above the 2.4m stipulated.</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/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>Complies</b></p> <p>Dwelling 1 garage features a maximum width of 5.82m which equals 43.79% of the site frontage width (excluding width of the proposed common driveway associated with Dwelling 2 and 3)</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>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</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>Complies</b></p> <p>Dwelling 1: (3 bedrooms): 3 parking spaces, 2 of which is covered.</p> <p>Dwelling 2 &amp; 3: 1 resident spaces and 1 visitor space per dwelling.</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><br/> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i><br/> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i><br/> <i>(d) availability of on-street car parking</i><br/> <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) Bus routes run along Marion Road, and 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><b>Does Not Comply</b></p> <p>d) e) 1 on-street car parking space shall remain available directly in front of the subject site, where 2 spaces are required. Nevertheless, there is also ample on-street parking in close proximity to 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><br/> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i><br/> <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>(c) The proposal will maintain an attractive streetscape as Dwelling 1 features a typical garage/driveway set-up facing the street with room for vehicle parking in the driveway, whereas, the vehicle parking areas for Dwelling 2 and 3 are located discreetly to the rear of the site.</p>   |

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| <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>Dwelling 2 and 3 (Residential Flats) feature parking areas located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.</p> |
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| <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>Only 1 on-street car parking spaces will remain for the proposed 3 allotments, which fail to satisfy PDC 22. However, each dwelling is provided with sufficient on-site parking and given there is ample on street parking in the immediate locality, the shortfall of 1 on-street parking space is considered negligible.</p> |
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## Access

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| <p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p> | <p><b>Partially Complies</b></p> <p>A 4.0m wide crossover is proposed for Dwellings 2 and 3. This width is considered necessary to access the common driveway as it must deviate by approximately 1.0m in order to provide the required clearance from an existing Stobie Pole that is in line with the western side boundary. Whilst Dwelling 1 features a double width garage the driveway has been designed to taper so as to utilise the existing single width crossover approximately 3.0m wide.</p> |
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| <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> |
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| <p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p> | <p><b>Complies</b></p> <p>Vehicle access points are separated by no less than 6m.</p> |
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| <p><i>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:</i></p> |   |   |   |   | <p><b>Complies</b></p> <p>3.0m wide common driveway with 0.5 landscaping strips along both sides.</p> |
| <p><b>No. of dwellings served by driveway</b></p>  | <p><b>Width at front property boundary &amp; for first 6 metres</b></p> | <p><b>Width beyond first 6 metres</b></p> | <p><b>Widening required for passing</b></p> | <p><b>Minimum landscaped strip either side of driveway (metres)</b></p> |   |
| <p>1-2</p>   | <p>3</p>  | <p>3</p>                                  | <p>-</p>                                    | <p>0.5</p>  |   |
| <p><i>General Section: Residential Development: PDC 41</i></p>   |   |   |   |   |   |

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

*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**

Dwelling 1 (two storey) incorporates a mix of render and face brick through the lower level front facade with Hardie Scyon Stria panel through the upper level, stepping between the upper and lower levels, a brick face portico which projects forward of the main building line and Colorbond roof (monument) set at a 22.5 degree pitch.

Dwelling 2 and 3 also incorporate a 22.5 degree Colorbond roof (monument) and rendered brick through the front facades

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

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

*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**

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

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

a) Due to the north/south orientation of the allotment, 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**

Dwelling 1 incorporates fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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

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

*General Section: Design & Appearance: PDC 14*

### **Complies**

The dwellings located on the battleaxe allotment are single storey and designed to maintain the privacy of adjoining residential properties.

## Noise

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

*General Section: Residential Development: PDC 29*

### **Partially Complies**

A majority of the bedroom windows are completely separated from proposed driveways. However, Dwelling 2 and 3 feature a bedroom window sited directly adjacent the common driveway manoeuvring areas with minimal separation albeit from some sporadic landscaping between. Whilst the bedroom windows are unlikely to be completely shielded from external noise and light intrusion as envisaged by PDC 29, window shutter devices, external screening or alternative additional preventative measures could be constructed / installed by future occupants, if desired.

## Site Facilities and Storage

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

*General Section: Residential Development: PDC 30*

### **Partially Complies**

a) Common letterboxes are featured at the entrance to the common driveway for Dwelling 2 and 3.  
b) Not applicable, as the development does not contain more than 6 dwellings.  
c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains sufficient side boundary separation for access to rear gardens. As such, bins could be efficiently stored in the private utility areas of each dwelling.

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

### **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.

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| <p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>   | <p><b>Complies</b></p> <p>The dwellings incorporate a hipped roof form set at a 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>  |
| <p><b>Landscaping, Fences and Walls</b></p>  |  |
| <p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <li><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></li> <li><i>(b) enhance the appearance of road frontages</i></li> <li><i>(c) screen service yards, loading areas and outdoor storage areas</i></li> <li><i>(d) minimise maintenance and watering requirements</i></li> <li><i>(e) enhance and define outdoor spaces, including car parking areas</i></li> <li><i>(f) provide shade and shelter</i></li> <li><i>(g) assist in climate control within buildings</i></li> <li><i>(h) maintain privacy</i></li> <li><i>(i) maximise stormwater re-use</i></li> <li><i>(j) complement existing native vegetation</i></li> <li><i>(k) contribute to the viability of ecosystems and species</i></li> <li><i>(l) promote water and biodiversity conservation.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <li><i>(a) include the planting of locally indigenous species where appropriate</i></li> <li><i>(b) be oriented towards the street frontage</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 2</i></p> | <p><b>Complies</b></p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>   |
| <p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not result in damage to neighbouring trees</i></li> <li><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></li> <li><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></li> <li><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></li> <li><i>(e) assist in highlighting building entrances</i></li> <li><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></li> <li><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></li> <li><i>(h) be constructed of non-flammable materials.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 5</i></p>   | <p><b>Complies</b></p> <p>The subject land is virtually flat and the finished floor levels are no more than 300mm above natural ground level at the highest point. Whilst no retaining is proposed, it is anticipated that a single sleeper height retaining wall or low concrete plinth may be required. To this end if a standard 1.8 metre high fence is constructed atop, this will result in a maximum structure height of 2.0 metres. This fencing/retaining height would not constitute development, although it is considered necessary to maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p> |

## TABLE DISCUSSION

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

- Site coverage
- Dwelling 1 POS minimum dimension
- Dwelling 1 rear setback

**Site coverage:** Site coverage of Dwelling 1 equals 47.34% of the allotment area, while Dwelling 2 and 3 equals 44.8% of the proposed site area, whereas, the Policy Area prescribes maximum site coverage of 40%. However, it is noted that for the whole of the land, site coverage is approximately 38.2%, which is below the recommended level. Further, the proposed dwellings provide areas of private open space (POS) which sufficiently accords with Council's criteria, and are deemed suitable for likely occupant needs (discussed further below). Additionally, the dwellings achieve adequate setbacks from boundaries. Consequently, the excess in built form should not detract from the functionality of the development or adversely impact upon the amenity of adjoining land.

**Dwelling 1 POS minimum dimension:** The POS of Dwelling 1 maintains a minimum dimension of 4.0 metres where the Development Plan recommends 5.0 metres. The 1.0 metre shortfall is considered relatively minor in nature, and should not unreasonably restrict the usability of this area; particularly given that this area maintains dimensions of 4.0 by approximately 14.0 metres. Furthermore, the area of POS provided exceeds 20% of the site area and features a northern orientation for maximum winter sun exposure. Accordingly, the configuration of POS is nonetheless considered to satisfy the intention of Principle 17, and is deemed appropriate for likely occupant needs.

**Dwelling 1 rear setback:** The upper storey of Dwelling 1 is set back 4.0 metres from the rear boundary, where 8 metres is prescribed by the Development Plan. However, Dwelling 1's rear boundary is sited adjacent to the common driveway of Dwelling 2 and 3, and therefore the shortfall in setback will not directly impact on habitable areas of adjacent land. Further, it is noted that that the upper storey of Dwelling 1 is set back 10.02 metres from the Bed 1 window of Dwelling 2 and 3. This extent of separation is considered to appropriately minimise visual impacts, whilst any overshadowing will be directed to the south, away from Dwelling 2 and 3.

**On-Street car parking:** Only 1 on-street car parking space will remain for the proposed 3 allotments, which fails to satisfy PDC 22. However, each dwelling is provided with sufficient on-site parking and given there is ample on street parking in the immediate locality, the shortfall of 1 on-street parking space is considered negligible.

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## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to density, two storey development and loss of privacy have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors have also raised concerns over the proposal leading to increase population density, the dwellings becoming rental properties resulting in fractured relationships and loss of continuance between neighbours and the impact on elderly residents. 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 preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it proposes one and two storey dwellings at greater a density than that of the original housing. However, the proposal maintains a number of shortfalls against applicable quantitative Development Plan criteria, including site areas (Dwelling 1, 2 and 3), site coverage (Dwelling 1, 2 and 3), rear setback and the POS minimum dimension (Dwelling 1).

The most significant shortfall relates to the proposed site areas of the dwellings with Dwelling 1 (detached) falling substantially short of the minimum site area prescribed. Whilst this deficiency is acknowledged, the average site area per dwelling equates to 337 square metres, whilst the allotments nevertheless maintain functional dimensions, and to this end, the shortfall in site area does not compromise the ability of the proposed dwellings to comply sufficiently with a majority of other design criteria. Additionally, the proposed site areas are nonetheless classified as medium density, which accords with the low-to-medium density envisaged to occur within the Northern Policy Area 13.

As discussed above, the shortfalls in site coverage, rear setback and POS dimensions are relatively minor in nature as it should not result in unreasonable impacts to the subject land, adjacent land or the locality.

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

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: 100/2015/559 for a two storey Detached Dwelling with garage located on the eastern side boundary and a single storey Residential Flat Building comprising two dwellings in a hammerhead configuration at 1 Third Avenue Ascot 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. 100/2015/559, being plans titled "Ground Floor Plan (community title), First Floor Plan, Front/Rear/West/East Elevation (Dwelling 1), House 2 Floor Plan and Front/Rear/Side Elevation, House 3, Floor Plan and Front/Rear/Side Elevation, Site Plan and proposed Landscaping" (inclusive) prepared by Distinctive Homes, received by Council on 27/11/2015, and plans titled "Site and Drainage Plan" prepared by Ginos Engineers, received by Council on 27/11/2015, 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 devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
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 3 February 2016

|                                 |   |
|---------------------------------|---|
| <b>Agenda Ref No:</b>           | <b>DAP030216 – 2.3</b>  |
| <b>Originating Officer:</b>     | <b>Alex Wright<br/>Development Officer - Planning</b>   |
| <b>Applicant:</b>               | <b>Brightspace Homes</b>  |
| <b>Development Description:</b> | <b>A single storey dwelling, incorporating walls on the eastern and western side boundaries</b> |
| <b>Site Location:</b>           | <b>51A Angus Avenue, Edwardstown</b>  |
| <b>Zone:</b>                    | <b>Residential Zone</b>   |
| <b>Policy Area:</b>             | <b>Medium Density Policy Area 12</b>  |
| <b>Application Type:</b>        | <b>Category 2 / Consent</b>   |
| <b>Lodgement Date:</b>          | <b>06/11/2015</b>   |
| <b>Development Plan:</b>        | <b>Consolidated – 19 March 2015</b>   |
| <b>Application No:</b>          | <b>100/2015/2067</b>  |
| <b>Recommendation:</b>          | <b>That Development Plan Consent be GRANTED</b>   |

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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

As some members may recall, the Development Assessment Panel granted Development Plan Consent in 2014 for a carport to the existing dwelling (now 51 Angus Avenue) and two, single storey group dwellings to the rear of the site, incorporating walls on the eastern and western boundaries, with associated car parking and landscaping (100/299/2014). This application lapsed in July 2015.

Prior to the original application lapsing, two subsequent land division applications (100/1118/2014 & 100/1120/2014) formalising the allotments proposed within the land use application were granted Development Approval. Section 51 clearance was issued and two subsequent allotments were formally created (51A and 51B Angus Avenue).

In June 2015 a single storey dwelling, incorporating walls on the eastern and western side boundaries at 51B Angus Avenue (100/645/2015 – located on the allotment adjacent the

subject site) was granted Development Plan Consent under delegated authority by Council staff.

In October 2015 a second application for a single storey group dwelling, incorporating walls on the eastern and western side boundaries was lodged at 51B Angus Avenue (100/1809/2015). As that application proposes the same design as the subject application, it has been placed on hold pending the outcome of the Development Assessment Panel meeting.

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

| Amendments Requested  | Amendments Made         |
|---|-------------------------|
| Amend plans to ensure the proposed dwelling is located entirely within the allotment (during assessment it was identified the north-western corner of Bedroom 1 encroached onto common land). | Amended plans provided. |
| Amend plans to ensure the width between the front of the dwelling and the front boundary is a minimum 4.3 metres. This is to ensure a parked vehicle can manoeuvre into the reversing bay.    |                         |
| Amend plans to ensure the internal width of the garage is a minimum 3 metres.   |                         |
| Provide amended engineered siteworks and drainage plan.   | Amended plan provided.  |

SUBJECT LAND & LOCALITY

The subject land is located at 51A Angus Avenue, Edwardstown and forms one of two allotments within a 'hammerhead configuration'. The allotment is predominantly rectangular in shape and supports an allotment area of 201 square metres, a width of 7.77 metres and a depth ranging from 22.06 metres to 29.03 metres.

The allotment is currently devoid of any structures or vegetation of note. The allotment shares access with 51B Angus Avenue via a common driveway.

The locality comprises a mix of the original housing stock (detached dwellings on large allotments) generally constructed in the 1950s-60s, older (1970s) and more recently constructed single and double storey residential flat dwellings at medium densities and single storey detached dwellings on recently-divided land.

Further afield, the Adelaide-Seaford train line is located some 350 metres east of the land. The Edwardstown train station is situated a 550 metre walk from the land.

Commercial and industrial properties are located east of the train line.

*Refer Attachments I & II*

PROPOSED DEVELOPMENT

The proposed dwelling comprises two bedrooms, an en-suite, study, laundry, dedicated storage space, bathroom, open plan kitchen/living/dining area, and an under main roof garage and open visitor park. An under main roof alfresco has also been incorporated into the dwelling's design to provide the occupants with undercover POS. Walls are proposed to be located on both the eastern and western boundaries.

## Internal Referrals

|                      |  |
|----------------------|--|
| Development Engineer | <ul style="list-style-type: none"> <li>To ensure a parked vehicle can manoeuvre into the reversing bay, the width between the front of the dwelling and the front boundary must be a minimum 4.3 metres (currently 3.69m). This level of separation may not be required should a corner cut-off to the dwelling be provided.</li> <li>The internal garage width must be a minimum 3 metres to meet the applicable Australian Standards.</li> </ul> |
|----------------------|--|

## PUBLIC NOTIFICATION

|                                     |  |
|-------------------------------------|--|
| <b>Properties notified:</b>         | 12 properties were notified during the Category 2 public notification process.   |
| <b>Representations:</b>             | 2 representations against the proposal were received by Council.   |
| <b>Persons wishing to be heard:</b> | <ul style="list-style-type: none"> <li>Mrs Michelle Carter</li> <li>Mr Garth Hefferan</li> </ul>   |
| <b>Summary of representations:</b>  | <ul style="list-style-type: none"> <li>The boundary wall length and location does not comply with Council's Development Plan requirements and will result in overshadowing.</li> <li>The wall is not setback a minimum 2.5 metres from the unit's windows.</li> <li>Building on the boundary will result in extra noise, be unsightly and reduce resale value.</li> <li>Boundary fence was recently replaced at great expense to the residents and owners of 49 Angus Avenue.</li> <li>Stormwater details were not provided.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p> |
| <b>Applicant's response:</b>        | The applicants response to the concerns raised by the representors has been attached to this report.<br><i>Refer Attachment V</i>  |

## ZONE &amp; 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.</p> <p>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><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>detached dwelling</i></li> <li>▪ <i>group dwelling</i></li> <li>▪ <i>residential flat building (buildings between one and three storeys)</i></li> <li>▪ <i>row dwelling</i></li> <li>▪ <i>semi-detached dwelling</i></li> <li>▪ <i>supported accommodation.</i></li> </ul> | <b>Complies</b> |
|-------|--|-----------------|

### Assessment

Objective 1 of both the Residential Zone and Medium Density Policy Area 12 seek to accommodate medium density residential development. The proposal is considered to reflect the Objectives and Desired Character of the Residential Zone and Medium Density Policy Area 12 by proposing a modern dwelling that contributes positively to the area and differs to that typically found within the locality.

Overall the proposed development is considered to compliment the Objectives and Desired Character of the Residential Zone and Medium Density Policy Area 12.

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

| Site Coverage  |   |
|--|---|
| <p><b>Maximum site coverage:</b></p> <p>Site area less than 270 m<sup>2</sup>: <b>100 m<sup>2</sup> or 40%</b><br/>(100m<sup>2</sup> is applicable)</p> <p>Medium Density Policy Area 12: PDC 8</p>  | <p><b>Does Not Comply</b></p> <p>151.96m<sup>2</sup> / 74.8%</p>  |
| <p>Site area less than 270 m<sup>2</sup>: <b>0.7</b></p> <p>Medium Density Policy Area 12: PDC 8</p>   | <p><b>Complies</b></p> <p>0.61</p>  |
| <p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> <li>(a) pedestrian and vehicle access and vehicle parking</li> <li>(b) domestic storage</li> <li>(c) outdoor clothes drying</li> <li>(d) rainwater tanks</li> <li>(e) private open space and landscaping</li> <li>(f) convenient storage of household waste and recycling receptacles</li> </ul> <p>General Section: Residential Development: PDC 13</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>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>Complies</b></p>  |

The Medium Density Policy Area 12 prescribes a maximum site coverage of 100 square metres in this instance, whereas the dwelling proposes a total floor area of 151.96m<sup>2</sup>. Boundary to boundary development is proposed, and as a result of the lack of separation, the overall floor area of the proposed dwelling considerably exceeds the maximum permitted for an allotment of this size. The extent of floor area is substantial, especially as the rear setback falls short of the minimum requirements and boundary to boundary development is proposed.

In my opinion, the excess in floor area is questionable given the dwelling proposes three rooms that can function as bedrooms and separate en-suite, laundry, store and bathroom. This in my view is the largest failure of the proposal. A lesser site coverage could increase private open space area and dimensions, increase rear and side setbacks and result in a less cramped development. The applicant has sought to maximise the dwelling footprint at the expense of a dwelling that enables foot access between the common driveway and rear yard without entering the dwellings and provides limited (albeit compliant) private open space.



The dwelling previously issued Development Plan Consent (100/299/2014) achieved a total footprint of 134.48 square metres whilst this proposal seeks an increased floor area of 151.96 square metres, which is an increase of 12.9%.

|                      | <b>Previous Application</b>  | <b>Proposed Application</b>  |
|----------------------|------------------------------|------------------------------|
| Floor Area           | 134.48m <sup>2</sup> / 59.5% | 151.96m <sup>2</sup> / 74.8% |
| (excluding alfresco) | 128.82m <sup>2</sup> / 57%   | 144.41m <sup>2</sup> / 71.5% |

The increase in building footprint to boundaries result in non-compliant rear setbacks, a lack of side setbacks and overall separation to boundaries. In my opinion, whilst the merits in the excess floor area are finely balanced, the extent of non-compliance is not of an unacceptable nature to the extent where a refusal of the application is warranted. As discussed further within this report, appropriate dimensions and area of private open space have been provided and the lack of setbacks will not adversely affect the functionality of the subject dwelling or adjacent dwellings. Additionally, when including the common driveway the site coverage equates to approximately 36.61%.

Notwithstanding the above, as further discussed within this report, the high site coverage is unlikely to increase or create adverse visual or overshadowing impacts on adjoining properties. It should be noted, a dwelling 'as of right' can achieve site coverage of up to 60% under the Residential Code and whilst not applicable for a dwelling of this type, this does indicate a degree of flexibility should the dwelling adequately function and meet the likely needs of the occupants. Furthermore, a 'group dwelling' can incorporate site coverage of up to 70% with the subsequent construction of a verandah or outbuilding under Schedule 1A or 4 of the Development Regulations 2008 (once the dwellings have been completed). In this situation, an under main roof alfresco has been incorporated into the dwelling design meaning site coverage is unlikely to increase further.

| <b>Private Open Space</b>   |  |
|---|--|
| <p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></p> <p><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></p> <p><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(d) to minimise overlooking from adjacent buildings</i></p> <p><i>(e) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(f) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(h) to be partly shaded in summer</i></p> <p><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><small>General Section: Residential Development: PDC 15</small></p> | <p><b>Complies</b></p> <p>a) The area of POS is directly accessible from a habitable room.</p> <p>b) All POS is located at ground level to the rear of the dwelling and capable of being screened for privacy</p> <p>c) The subject land does not maintain natural features which warrant preservation</p> <p>d) The POS areas should not be directly overlooked by adjacent buildings</p> <p>e) POS areas are not located next to bedrooms of dwellings on adjacent sites</p> <p>f) The proposed POS area maintains a northerly aspect to provide for comfortable year round use.</p> <p>g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>h) POS areas are capable of being shaded during summer.</p> <p>i) Traffic, industry or other business activities should not affect the subject land.</p> <p>j) The POS areas are considered to have sufficient shape and area to be functional.</p> |

|  |  |
|--|--|
| <p><b>Site area less than 250 m<sup>2</sup>:</b><br/> 20% of the site area or 35 m<sup>2</sup>, whichever is the greater<br/> Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.<br/> One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>General Section: Residential Development: PDC 1</p>  | <p><b>Complies</b><br/> 42.48m<sup>2</sup> / 20.92%</p> <p>Minimum 4.19m by 7.78m dimensions provided.</p>   |
| <b>Side Setbacks</b>   |  |
| <p>Where the wall height is not greater than 3 metres: 1 metre</p> <p>Residential Zone: PDC 7</p>  | <p><b>Does Not Comply</b><br/> Dwelling 1: 0.9 m</p> <p>The proposed side setback falls 100mm short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.</p>   |
| <p>Dwellings with walls located on the boundary should be designed in accordance with the following:</p> <p>(a) the walls should not abut more than one side allotment boundary</p> <p>(c) no wall exists on the adjacent boundary:</p> <p>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</p> <p>(ii) not exceed 6 metres in length</p> <p>(iii) not exceed 3 metres in height</p> <p>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</p> <p>General Section: Residential Development: PDC 38</p> | <p><b>Does Not Comply</b></p> <p>(a) The eastern and western walls of the proposed dwelling are constructed on their respective side boundaries.</p> <p>(c) (ii) The dwelling incorporates a wall 6.62 metres in length on the eastern boundary, and a wall 17.28 metres in length on the western boundary.</p> <p>(iv) The wall is sited approximately 2.35 metres from a habitable room window.</p> <p><b>Complies</b></p> <p>(c) (iii) Each wall achieves a maximum height of 2.4 metres.</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 likely visual impact of the proposed walls upon the adjacent units is minimal given the yard areas are primarily used for clothes drying and waste bin storage only.</p> <p>Overshadowing to the adjacent units will occur during the late afternoon hours. Shadow will fall upon areas that do not comprise primary areas of POS.</p>   |

Whilst the proposal complies with Residential Development Principle 38, it does not comply with part (a) and (c)(ii)(iv), in that the proposed boundary walls are greater than 6 metres in length.

Two separate walls, 5.52 metres and 6.62 metres in length respectfully, are proposed along the eastern boundary. The 6.62 metre wall (northern wall) is greater than 6 metres in length and therefore does not comply with Council's Development Plan. The adjacent residential flat building to the west of the subject site has several windows located approximately 2.35 metres from the proposed wall (at its closest point) whilst the space itself is used as a service yard for clothes drying and waste bin storage. Whilst one of these windows is likely to be a habitable

room window, a majority are wet area type windows (toilet/laundry etc) and given the level of separation, the potential visual impact of the wall upon these units is considered minimal.

Although not applicable in this situation, consideration should be given to the maximum wall length permitted for Complying Development pursuant to Schedule 4 of the Development Regulations 2008. Schedule 4 permits the construction of an outbuilding or dwelling “as of right” which incorporates a boundary wall 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, the additional 600mm length (when assessed against Council’s Development Plan) is not considered to create undue overshadowing or additional amenity issues.

The proposed western boundary wall length of 17.38 metres significantly exceeds the maximum 6 metres permitted by Council’s Development Plan. The individual allotments at 51A & 51B were originally created with the intention that a group dwelling was to be constructed on each allotment, and would abut along the western boundary. Given the location and dimensions of the allotment, in my opinion, it is not unreasonable for a wall of this length to be constructed along the western boundary and make efficient use of the land. Furthermore, although the wall length is significant, consideration should be given that the entire length of this wall is to likely to abut a wall of a similar length on the adjacent allotment at 51B Angus Avenue. In these circumstances, I am of the opinion the proposed wall length is considered acceptable.

| <b>Rear Setbacks</b>   |  |
|--|--|
| <p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>  | <p><b>Does Not Comply</b></p> <p>4.19m (61.51% of allotment width), increasing to 7.47m</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>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, given the orientation of the allotment to face north, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties.</p> |

The dwelling achieves a rear setback of 4.19 metres for approximately 61.5%, before increasing to a minimum 7.47 metres. This setback does not strictly accord with the setback requirements of the Development Plan in so far as a portion of the dwelling closer than 6 metres to the rear boundary achieves a width greater than 50% of the allotment.

Although the rear setback does not comply with quantitative criteria, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties given the rear boundary maintains a northern orientation. The single storey nature of the building (2.4 metre wall height and lower finished floor level) should result in a minor visual impact, which is not of such a severity to warrant refusal. Additionally, the rear setback exceed the minimum dimensions required for private open space (4 metres by 4 metres) and further, the minimum amount of private open space required has been achieved. It is noted that dwellings on adjoining land to the north and east achieve setbacks of under 6 metres and as a result, the proposed rear setback remains similar with the pattern of development within the locality.

The proposed setbacks are considered to be adequate given the excess in the building footprint does not adversely affect the provision of appropriate private open space (20.1%) or create unreasonable visual amenity or bulk/scale impacts on adjacent allotments.

## Building Height

*Maximum building height (from natural ground level):*  
*(i) 2 storeys of not more than 9 metres*  
*(ii) 2 storeys plus attic of not more than 10 metres*

*Residential Zone: PDC 7*

### **Complies**

The proposed dwelling achieves a maximum building height of 4 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.*

*Residential Zone: PDC 8*

### **Complies**

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

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

*General Section: Residential Development: PDC 12*

### **Complies**

## Car Parking

*Minimum number of on site car parking spaces (one of which should be covered) :*  
*1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.*

*Residential Zone: PDC 7*

### **Complies**

The dwelling is provided with two parking spaces, one of which is covered.

*On-site vehicle parking should be provided having regard to:*  
*(a) the number, nature and size of proposed dwellings*  
*(b) proximity to centre facilities, public and community transport within walking distance of the dwellings*  
*(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons*

*General Section: Transportation & Access: PDC 43*

### **Complies**

- a) Sufficient car parking is provided for the number, nature and size of the proposed dwelling, as demonstrated by compliance with PDC 7.
- b) Public transport is located within walking distance of the dwelling.
- c) The likely occupants are anticipated to have standard mobility and transport requirements.

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

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

*General Section: Transportation & Access: PDC 44*

### **Complies**

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

## 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**

Access to the allotment already complies.

## 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 incorporate colours and materials typical of new dwellings found within the locality and will not have an unreasonable impact upon adjoining land.

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

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

*Except where 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 proposed eastern wall is adjacent the rear yard of the adjacent two storey units.

Whilst there is very limited yard area servicing these units, as previously discussed, these spaces are not used as an area of private open space, rather for the drying of clothing and storage of waste bins only. A majority of windows that face towards the boundary walls are wet areas.

## Visual Privacy

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

*General Section: Design & Appearance: PDC 14*

### **Complies**

The dwelling located on a battleaxe allotment is single storey and designed to maintain the privacy of adjoining residential properties.

## Noise

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

*General Section: Residential Development: PDC 29*

### **Does Not Comply**

The dwelling features a bedroom window sited adjacent the common driveway. This window is separated from the common driveway by a distance of 1.8 metres. The extent of separation and potential planting of medium to high level landscaping would provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

## 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 dwelling is orientated so that POS and the main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

*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 incorporates a hipped roof form set at a 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to boundary wall length, location and overshadowing 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 boundary fencing and loss of 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

The proposed development complements the Objectives, Principles and Desired Character of the Residential Zone and Medium Density Policy Area 12 as it provides further diversity in the form of a different dwelling type.

The excess in floor area is substantial and results in a somewhat cramped development that lacks positive separation to the side and rear boundaries. In my opinion, the excess in floor area is the primary failure of the proposal. The building footprint will result in non-compliant rear setbacks, a lack of side setbacks and overall separation. This notwithstanding, appropriate dimensions and area of private open space have been provided and the lack of setbacks will not adversely affect the amenity of the future occupants or occupants of adjacent allotments in terms of overshadowing or visual/amenity impacts. The private open space and kitchen/living area achieve a northern orientation and should provide the future occupants with a good level of amenity throughout the year.

Whilst exceeding that sought by the Development Plan, in any view, the northern-most wall on the eastern side boundary has an acceptable visual impact and the wall length of 6.62 metres is considered a minor non-compliance. The length and location of the boundary wall is considered acceptable as it does not result in, or contribute to, a detrimental impact upon the function, appearance or character of the adjoining dwelling. The likely visual impact of the proposed walls upon the adjacent units is minimal given the yard areas are primarily used for clothes drying and waste bin storage only. Overshadowing to the adjacent units will occur during the late afternoon hours and shadow will fall upon areas that do not comprise primary areas of POS.

The proposed western boundary wall of 17.28 metres does not comply with the maximum boundary wall length. Given the dwelling type proposed, and the reasonable expectation that a dwelling of a similar type and design will be constructed on the adjacent allotment, it is not unreasonable for a wall of this length to be constructed along the western boundary.

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

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/2067 for a single storey dwelling, incorporating walls on the eastern and western side boundaries at 51A Angus Avenue Edwardstown be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/2067, being Sheet 1 of 3, 2 of 3, 3 of 3 prepared by Supreme Building Design, and received by Council 11/12/2015; and 'Civil Plan' prepared by Triaxial Consulting and received by Council 11/12/2015, 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. 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.

4. 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.

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

6. 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 3 February 2016

|                                 |   |
|---------------------------------|---|
| <b>Agenda Ref No:</b>           | <b>DAP030216 – 2.4</b>  |
| <b>Originating Officer:</b>     | <b>Alex Wright<br/>Development Officer - Planning</b>   |
| <b>Applicant:</b>               | <b>Jeanes &amp; Sommerville Surveyors Pty Ltd</b>   |
| <b>Development Description:</b> | <b>Three (3) two storey row dwellings with associated landscaping, and to undertake a Torrens Title land division (1 into 3 allotments)</b> |
| <b>Site Location:</b>           | <b>1 Rosedale Avenue, Morphettville</b>   |
| <b>Zone:</b>                    | <b>Residential Zone</b>   |
| <b>Policy Area:</b>             | <b>Northern Policy Area 13</b>  |
| <b>Application Type:</b>        | <b>Category 1 / Consent</b>   |
| <b>Lodgement Date:</b>          | <b>21/10/2015</b>   |
| <b>Development Plan:</b>        | <b>Consolidated – 19 March 2015</b>   |
| <b>Application No:</b>          | <b>100/2015/1944 (100/D251/15)</b>  |
| <b>Recommendation:</b>          | <b>Development Plan Consent &amp; Land Division Consent (Granted)</b>   |

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## CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(iv) of the Development Regulations 2008, which assigns the construction of 3 or more row dwellings or 1 or more additional row dwellings, provided that no such dwelling is more than 2 storeys high as Category 1 development. Furthermore, Schedule 9 2(f) prescribes the division of land which creates not more than 4 additional allotments as Category 1 development.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed Dwellings 1 and 3 supporting allotment areas less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

## BACKGROUND

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

| Amendments Requested  | Amendments Made             |
|---|-----------------------------|
| Amended site plan illustrating carports for Dwellings 1 and 3 (to be consistent with the floor plan). | Amended site plan provided. |
| Provide shadow diagrams.  | Information provided.       |

## SUBJECT LAND & LOCALITY

The subject land is located on the western side of Rosedale Avenue, Morphettville. The allotment is trapezium in shape and supports a frontage width of 24.38 metres, a depth ranging from 37.69m to 39.6m and an overall allotment area of 743 square metres.

The subject site is relatively flat and contains a 1960's South Australian Housing Trust dwelling in average condition, a small outbuilding to the northern side of the allotment and a large pergola to the southern side of the allotment. The Certificate of Title confirms that the land is clear of any encumbrances or easements. Vehicular access from Rosedale Avenue to the site is currently achieved through crossovers located to the northern and southern ends of the allotment. Both crossovers are proposed to be reused as part of the proposed development.

The locality is typically defined by a mixture of single storey detached dwellings on large allotments and recently sub-divided allotments incorporating a variety of modern style single and double storey dwellings at a range of densities. The subject allotment is located opposite the Marion Leisure & Fitness Centre, 150 metres from the Oakland's Wetlands, 850m from the Seaford Rail line (which provides direct access to the Adelaide CBD), and 1km from the Park Holme Shopping Centre.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

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

The upper level of Dwellings 1 and 3 incorporates two bedrooms and a bathroom, whilst the upper level of Dwelling 2 incorporates two bedrooms, a retreat and bathroom. The ground floor of each dwelling incorporates a bedroom with associated en-suite, powder room, laundry, and a combined kitchen/meals/family room with direct access to the associated area of private open space. Dwelling 2 is also afforded an expanded entry/study. Each dwelling is afforded a single width garage or carport, which has direct access to Rosedale Avenue. Dwelling 1 and 3 propose to gain access through the existing crossovers whilst a new crossover is proposed for Dwelling 2.

*Refer Attachment III*

## GOVERNMENT AGENCY REFERRAL

|                  |  |
|------------------|--|
| <b>SA Water:</b> | The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.<br>The alteration of internal drains to the satisfaction of SA Water is required.<br>An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard<br>On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries. |
| <b>DAC:</b>      | Payment of \$12976 into the Planning and Development Fund (2 allotment(s) @ \$6488/allotment). Payment may be made by credit card via the internet at <a href="http://www.edala.sa.gov.au">www.edala.sa.gov.au</a> or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.   |

|  |  |
|--|--|
|  | A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes. |
|--|--|

*Refer Attachment IV*

## ZONE & POLICY AREA ASSESSMENT

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

| Residential Zone  |  |   |
|---|--|---|
| <b>Objectives</b>   |  |   |
| <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>  |  |   |
| Northern Policy Area 13   |  |   |
| <b>Objectives</b>   |  |   |
| <p>1 A policy area primarily accommodating low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that contributes to the desired character of the policy area.</p>  |  |   |
| <b>Desired Character</b>  |  |   |
| <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p> |  |   |
| <b>PDC 1</b>  | <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>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul> | <b>Complies</b>   |
| <b>PDC 3</b>  | <p>Minimum Site Area: 250m<sup>2</sup></p>   | <p><b>Complies</b><br/>Dwelling 2: 273m<sup>2</sup></p> <p><b>Does Not Comply</b><br/>Dwelling 1: 235m<sup>2</sup><br/>Dwelling 3: 235m<sup>2</sup></p> |

|  |                             |  |
|--|-----------------------------|--|
|  | <i>Minimum Frontage: 7m</i> | <b>Complies</b><br>Dwelling 1: 8.69m<br>Dwelling 2: 7m<br>Dwelling 3: 8.69m      |
|  | <i>Minimum Depth: 20m</i>   | <b>Complies</b><br>Dwelling 1: 37.69m<br>Dwelling 2: 39.6m<br>Dwelling 3: 37.69m |

## Assessment

The application proposes to replace one dwelling and construct three dwellings in its place. Objective 1 of both the Residential Zone and Northern Policy Area 13 seek to accommodate low-to-medium density development, whilst Objective 2 of the Zone encourages development of an increased density close to public open space. The proposal is considered to reflect the Objectives and Desired Character of the Residential Zone and Northern Policy Area 13 by replacing the existing housing stock with greater density development whilst contributing positively to the area with the establishment of modern and contemporary dwelling types that differ to that typically found within the locality.

The site is located in relatively close proximity to a number of desirable attributes where higher densities are sought. Occupants would be within walking distance of the Marion Leisure & Fitness Centre and Oaklands Wetlands, frequent bus transportation is available on Oaklands Road and Morphett Road with services to the city and Park Holme Shopping Centre and/or Marion Regional Centre, whilst train transportation is available via the Seaford rail line.

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

### Site Area

The site area of Dwellings 1 and 3 fall 15 square metres short of the minimum requirement of 250 square metres.

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

In my opinion, whilst the application proposes a density greater than what is anticipated within the Policy Area, I do not consider this to be fatal to the application, especially given the overall allotment area of 743 square metres is marginally short of the 750 square metres required to accommodate three row dwellings.

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

As illustrated throughout this report, each dwelling achieves relative compliance when assessed against the remaining provisions of the Development Plan and will not adversely affect the amenity of existing neighbouring properties.

## 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><br/><i>Northern Policy Area 13: PDC 4</i></p>  | <p><b>Does Not Comply</b><br/>Dwelling 1: 108.75m<sup>2</sup> / 46.27%<br/>Dwelling 2: 123.8m<sup>2</sup> / 45.26%<br/>Dwelling 3: 108.75m<sup>2</sup> / 46.27%</p>                              |
| <p><i>Maximum floor area ratio: 0.6</i><br/><i>Northern Policy Area 13: PDC 4</i></p>   | <p><b>Complies</b><br/>Dwelling 1: 0.59<br/>Dwelling 2: 0.59<br/>Dwelling 3: 0.59</p>  |
| <p><i>Site coverage should ensure sufficient space is provided for:</i><br/><i>(a) pedestrian and vehicle access and vehicle parking</i><br/><i>(b) domestic storage</i><br/><i>(c) outdoor clothes drying</i><br/><i>(d) rainwater tanks</i><br/><i>(e) private open space and landscaping</i><br/><i>(f) convenient storage of household waste and recycling receptacles</i><br/><br/><i>General Section: Residential Development: PDC 13</i></p> | <p><b>Complies</b><br/>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p> |

Site coverage should not exceed 40% of the site area; whereas the proposed dwellings comprise individual site coverage of 46.27%, 45.26% and 46.27% for Dwellings 1 through 3 respectively.

Due to the nature of row dwellings being boundary to boundary, site coverage is generally higher than detached or semi-detached dwellings as the dwellings do not provide separation to at least one side boundary (this being a prerequisite of row dwellings). Nevertheless, the absence of side setbacks or separation will not result in visual impacts to the adjoining properties on either side of the subject site. Nevertheless, in my opinion, the two storey nature of the proposal results in an appropriate and functional use of land and enables the provision of appropriate setbacks and private open space.

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

## Private Open Space

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

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

General Section: Residential Development: PDC 15

### Complies

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

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

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

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

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

General Section: Residential Development: PDC 17

### Complies

Dwelling 2: 80.82m<sup>2</sup> / 29.6%

The dwelling is afforded an area of private open space with a minimum dimension of 12.3m by 7m and a negligible gradient.

### Complies

Dwelling 1: 63.15m<sup>2</sup> / 26.8%

Dwelling 3: 63.15m<sup>2</sup> / 26.8%

Dwelling's 1 and 3 are afforded an area of private open space with a minimum dimension of 4m by 10.2m and a negligible gradient.

## Street Setbacks

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

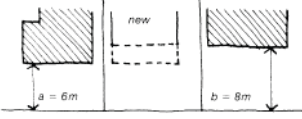
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

General Section: Design and Appearance: PDC 23

### Complies

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5 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:<br> <p>When <math>b &gt; a</math>: 2, setback of new dwelling = a or b</p> |
| Greater than 2 metres                                       | At least the average setback of the adjacent buildings   |

General Section: Design and Appearance: PDC 25

**Complies**

The proposed 5 metre front setbacks are considered to reflect the setbacks of the adjacent dwellings to the north (existing dwelling at 3 Rosedale Avenue) and south (four two storey row dwellings at 226 Oaklands Road.)

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

**Complies**

Dwelling 1: 1m  
Dwelling 3: 1m

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.

**Complies**

Dwelling 3: 2.5 metres (northern boundary)

**Does Not Comply**

Dwelling 1: 2.5 metres.

Residential Zone: PDC 7

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.

**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.

General Section: Design & Appearance: PDC 2

**Upper Level Southern Side Setback**

Dwelling 1 proposes a minimum upper level southern side setback of 2.5 metres where it should achieve a minimum setback of 3 metres. Due to the angled nature of the side boundary, a 3 metre upper level setback is not achieved for an approximate length of 4 metres and the noncompliance in the required setback ranges from a minimum 2.4 metres to the compliant 3 metres.

In my opinion, the discrepancy in the upper level southern side setback is acceptable and will not result in unreasonable overshadowing, visual or amenity on the adjacent allotment to the south. The setbacks afforded to the upper level are considered appropriate and provides sufficient separation to the respective side boundaries to minimise potential overshadowing impacts.



The neighbouring dwelling to the south (Dwelling 4 of 266 Oaklands Road) incorporates a garage on the boundary, whilst a majority of the private open space is located to the rear of the allotment. The extent of non-compliant upper level side setbacks for the proposed dwelling largely aligns with the garage wall and laundry door of the adjacent dwelling, and as a result, the extent of potential overshadowing and bulk/scale impacts will be limited. A majority of private open space of the adjacent dwelling is located to the west of the allotment and therefore sufficient separation from the proposed development is provided.

| <b>Rear Setbacks</b>   |  |
|--|--|
| <p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>  | <p><b>Complies</b></p> <p>Dwelling 1: 13.2m<br/>Dwelling 2: 12.3m<br/>Dwelling 3: 13.2m</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></p> <p>Dwelling 1: 19.8m<br/>Dwelling 2: 25m<br/>Dwelling 3: 19.8m</p>  |
| <b>Building Height</b>   |  |
| <p><i>Maximum building height (from natural ground level):<br/>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 7.45 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:<br/>8 metres for a freestanding structure.<br/>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>The carport/garage of each dwelling is setback a minimum 5.6 metres from the boundary and a minimum 600mm behind the main face of the associated dwelling.</p> |
| <p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>   | <p><b>Complies</b></p> <p>The proposed carports incorporate a roof form and materials that 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: 3.3m / 37.9%<br/>Dwelling 2: 2.9m / 41.4%<br/>Dwelling 3: 3.3m / 37.9%</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**

Each dwelling is provided with 2 on-site parking spaces, one of which is covered.

*On-site vehicle parking should be provided having regard to:*

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

*General Section: Transportation & Access: PDC 43*

### **Complies**

- a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
- b) Public transport is located within walking distance of the dwellings
- c) The likely occupants are anticipated to have standard mobility and transport requirements.

### **Does Not Comply**

d) & e) No on-street parking is available along Rosedale Avenue due to Council controlled parking restrictions.

*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*

### **Does Not Comply**

No on-street parking is available along Rosedale Avenue due to Council controlled parking restrictions. As such, compliance with Land Division: PDC 22 cannot be achieved.

## 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**

Each driveway is a minimum 2.7 metres in width.

*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 of Dwellings 2 and 3 are separated by a minimum distance of 7.3 metres.

Less than 6 metres separates the driveways of Dwellings 2 and 3, this is somewhat unavoidable given the redevelopment of the site to accommodate three dwellings and the overall frontage width of 24.38 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*

### **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 cladding, render and feature tiles.
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Upper level is slightly cantilevered over the lower level to provide greater articulation and visual relief.
- Eave overhang and pitched roof form at 22.5 degree slope

Appropriate articulation is provided through differing side setbacks to the upper and lower level of the dwelling. The level of articulation afforded through these differing setbacks, and the use of different colours and materials is considered to appropriately aid in reducing the potential visual bulk and scale impacts associated with the dwelling's two storey nature.

The dwellings incorporate a 22.5 degree Colorbond roof. The garage of each dwelling features Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The side elevations of the dwellings feature various windows 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.

*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 upper level side elevations of Dwellings 1 & 3, which face the adjacent allotments to the south and north, respectively, are provided with limited windows and articulation.

The provision of minor articulation is not considered to result in an unreasonable design/appearance outcome given that:

- a) The walls do not present directly to the public realm, but are sited adjacent the side boundaries and existing buildings on adjoining land.
- b) The visual bulk and scale of the side elevations is appropriately minimised through the modern and contemporary design and the use of different colours/materials for the upper and lower levels.

The proposal is considered to adequately comply with PDC 17 in this instance.

*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*

### **Complies**

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

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

*General Section: Residential Development: PDC 6*

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

*General Section: Residential Development: PDC 6*

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

**Partially Complies**

Given the orientation of the subject land where south forms the side boundary of Dwelling 1, a majority of winter shadow will be cast onto the side and rear yard of the adjacent dwelling at 4/226 Oaklands Road (currently under construction). Whilst the proposed development does not meet the minimum 3 metre setback required for a second storey wall adjacent a southern boundary, a minimum 2.4 metre upper level setback (which increases as the angle of the allotment widens) has been provided to ensure sufficient setback and separation to the adjacent allotment to the south.

The impact of overshadowing from the upper level on both north-facing windows of 4/226 Oaklands Road during the afternoon and westernmost north facing window during midday will be minimal, and a majority of shadow cast will be from the lower level of the dwelling that achieves compliant side setbacks. The dwelling's design shall ensure direct winter sunlight onto some portion of the adjacent dwelling's habitable room windows and a majority of private open space is achieved. It is unlikely however, that on 21 June between the hours of 9am and 3pm, the north facing habitable room windows will receive direct sunlight over their entire surface for the duration of this period.

Having said this, it is acknowledged the two north facing windows are quite slender (800mm in width), and this dwelling (4/226 Oaklands Road) has not been designed to take full advantage of

the northern orientation of the property. Nevertheless, generous west-facing windows provide a majority of the natural light into the kitchen/living/dining rooms of that dwelling, which also provide view of, and access to, the primary area of POS.

In my view, the extent of non-compliance of this criterion is not significant enough to adversely affect the amenity of the future occupants to the extent where refusal is warranted, particularly when considering the achievement of direct sunlight will still occur over some portion of their surface.

(A copy of the applicants shadow diagrams is attached, whilst a copy which Council has adapted to illustrate how the extent of shadow will impact on the adjacent dwelling will be available for viewing on the night of the meeting. Additionally, a copy of the site plan, floor plan and elevation plans of 4/226 Oaklands Road will also be available).

## Visual Privacy

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

*(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct*

*(b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms*

*(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.*

*General Section: Design & Appearance: PDC 12*

### **Complies**

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

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

## 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 main activity areas of the dwellings are oriented 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.

*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 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

### **Complies**

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

## Land Division

*When land is divided:*

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

*General Section: Land Division: PDC 1*

### **Complies**

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

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

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

*General Section: Land Division: PDC 2*

### **Complies**

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

|  |   |
|--|---|
| <p><i>Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p> <p><i>General Section: Land Division: PDC 3</i></p>   | <p><b>Does not Comply</b><br/>         Whilst the depth of the proposed allotments are more than four times the width of the frontage, this is considered a minor non-compliance given the dwellings have been designed in accordance with a majority of design criteria, and thereby demonstrates that the allotments are suitable for their intended use.</p>                       |
| <p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <ul style="list-style-type: none"> <li><i>(a) minimises the need for earthworks and retaining walls</i></li> <li><i>(b) maintains natural drainage systems</i></li> <li><i>(c) faces abutting streets and open spaces</i></li> <li><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></li> <li><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></li> </ul> <p><i>General Section: Land Division: PDC 10</i></p> | <p><b>Complies</b></p>  |
| <p><i>The layout of a land division should provide for efficient solar access.</i></p> <p><i>General Section: Land Division: PDC 11</i></p>  | <p><b>Complies</b></p>  |
| <p><i>The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <ul style="list-style-type: none"> <li><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></li> <li><i>(b) the availability and frequency of public and community transport</i></li> <li><i>(c) on-street parking demand likely to be generated by nearby uses.</i></li> </ul> <p><i>General Section: Land Division: PDC 21</i></p>   | <p><b>Partially Complies</b></p> <ul style="list-style-type: none"> <li>a) The allotments provide opportunities for adequate on-site car parking.</li> <li>b) Access to frequent bus and train services is readily available within the wider locality</li> <li>c) No on-street parking is available along Rosedale Avenue due to Council controlled parking restrictions.</li> </ul> |
| <p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>  | <p><b>Does Not Comply</b><br/>         No on-street parking is available along Rosedale Avenue due to Council controlled parking restrictions. As such, compliance with Land Division: PDC 22 cannot be achieved.</p>   |

## ANALYSIS/CONCLUSION

Assessment of the proposal identifies shortfalls in site area for Dwellings 1 & 3, on-street car parking, the upper level southern side setback of Dwelling 1 and excess in site coverage.

Whilst the allotment area for Dwellings 1 and 3 do not achieve the required allotment size for row dwellings within the Northern Policy Area 13, as discussed within the report, the proposed allotments are considered to be of an acceptable density for the Policy Area. Despite the shortfall in site area, the proposal attains reasonable setbacks to boundaries and acceptable area and dimensions of private open space. Furthermore, the proposal does not result in adverse amenity impacts on adjoining properties with respect to overshadowing, bulk or scale, and provides a positive contribution to the streetscape. As such, in my opinion, the shortfall in site area does not result in an over development of the site nor does it compromise the intent of the Policy Area.

Whilst the overall site coverage of each dwelling exceeds the maximum 40% permitted within the Northern Policy Area 13, the excess is considered reasonable. Furthermore, the proposal achieves acceptable side boundary setbacks, and dimensions, area and orientation of private open space. As such, the excess in site coverage is not considered to adversely affect the functionality of each dwelling, nor compromise the amenity of adjacent properties.

No on-street parking is available along Rosedale Avenue due to Council controlled parking restrictions, however, should these restrictions be lifted or changed into the future, one on-street space would be available between the driveways of Dwelling 2 and 3.

Whilst the upper level southern side setback of Dwelling 1 does not meet the quantitative requirements of the Development Plan, it does not result in detrimental impacts upon the adjacent dwelling in terms of overshadowing of bulks/scale visual impacts.

It is anticipated the north facing living room windows of the adjacent dwelling will experience some level of overshadowing during the winter months. In my view, the extent of non-compliance is not significant enough to adversely affect the amenity of adjacent occupants to the extent where refusal is warranted, particularly when considering the achievement of direct sunlight to some portion of the window will occur during 9am to 3pm, and further, the dwelling is also provided with west facing windows.

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 and Land Division Consent for Development Application No: 100/2015/1944 for three (3) two storey row dwellings with associated landscaping, and to undertake a Torrens Title land division (1 into 3 allotments) at 1 Rosedale Avenue Morphettville 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. 100/2015/1944, being drawing numbers 01 to 06 (inclusive) prepared by Verrocchi Building Design and receive by Couil on 17/12/2015; and 'Plan of Proposed Division' prepared by Jeanes & Sommerville Surveyors Pty Ltd, except when varied by the following conditions of consent.
2. A fully engineered siteworks and drainage plan shall be provided to Council for consideration and approval prior to the submission of building rules documentation.
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 stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
7. 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.

8. 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.
9. 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
10. 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.
11. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
12. Any habitable room walls shared with the garage of another dwelling shall be treated with an appropriate noise acoustic treatment to minimise noise transfer between dwellings.

#### **Land Division Consent**

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

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

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

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

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

#### **NOTES**

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction

can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).

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

#### Attachments

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

DEVELOPMENT ASSESSMENT PANEL  
Wednesday 3 February 2016

**Agenda Ref No:** DAP030216 – 2.5

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

**Applicant:** Rivergum Homes

**Development Description:** Single Storey Dwelling and Garage

**Site Location:** 37 South Avenue Hallett Cove

**Zone:** Residential Zone

**Policy Area:** Hills Policy Area 11

**Application Type:** Category 1 / Consent

**Lodgement Date:** 08/12/2015

**Development Plan:** Consolidated – 3 December 2015

**Application No:** 100/2015/2295

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

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#### CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of a detached dwellings or single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwelling supporting an allotment area less than the minimum of 700 square metres required for detached dwellings within the Hills Policy Area 11. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

#### BACKGROUND

In 2012 land that was previously owned by DPTI and located to the south of the existing dwelling was sold and amalgamated to create the allotment that is currently demonstrated on the Certificate of Title and known as 37 South Avenue, Hallett Cove. To this end the existing dwelling on the site has been functioning without the additional land to the south, and remains separated by way of fencing, which has been in place for some time. The area of land amalgamated into the subject allotment is delineated by the dotted line on the Certificate of Title and by the existing fence still erected on the land.

#### SUBJECT LAND & LOCALITY

The subject land is a large allotment located on the corner of South Avenue and The Cove Road and is identified as allotment 31 on Certificate of Title Volume 6105 Folio 602. The existing allotment is 1372m<sup>2</sup> in size with a primary frontage to South Avenue of 20.29 metres (not including the corner cut-off) and a secondary frontage to The Cove Road of 61.62 metres.

The subject land contains an existing single storey dwelling and associated structures which are in average to good condition. It is proposed for the existing dwelling to be retained.

The subject land slopes in an east to west direction with a gradient (at its steepest point) of approximately 1 in 7.9 with a maximum fall of 1.8 metres. The average gradient on the land is 1 in 9.7 with the steepest part of the allotment being at the southern end and most narrow portion of the site. There is also a slight slope from south to north on the land with a total fall of approximately 600mm or 1 in 47.

There are no regulated or significant trees on the site. All of the trees associated with or adjacent to the existing dwelling will not require removal.

The existing access point from South Avenue will continue to be utilised by the existing dwelling. A new access point will be required from The Cove Road to service the proposed dwelling.

The locality is predominantly characterised by detached dwellings, of both single and two storeys in scale, on larger allotments. However, in the immediate locality there are examples of allotments that are smaller than the minimum 700 square metres required by the Hills Policy Area. These examples include 123, 125 and 125A The Cove Road and 2A, 2, 4 and 6 First Avenue which have an average allotment size of 476m<sup>2</sup>. Slightly further north along The Cove Road there is a town house style development located at 31 and 41 Central Avenue which also demonstrates a higher density than that generally required in the Hills Policy Area.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes the construction of a single storey dwelling with associated garage, earth works and retaining wall fronting onto The Cove Road and the retention of the existing single storey dwelling and its associated structures fronting onto South Avenue.

In my view it is appropriate to consider and assess the proposed dwelling as a detached dwelling as both the existing and proposed dwelling will have exclusive access; and land division 100/1843/2014 (DAC Ref: 100/C232/14) reflects the proposed boundaries of each dwelling site.

The proposed dwelling is a split level design and comprises a lounge room, kitchen/living/meals area, four bedrooms (main with ensuite and walk in robe), laundry, bathroom, double garage and porch over the front door. There are no works proposed to the existing dwelling.

Due to the cross fall on the site, the dwelling will require cut and fill to achieve acceptable driveway gradients. The garage and middle section of the dwelling will have a finished floor level of 98.95 metres. At its highest point, this will be 1.23 metres above natural ground level. This will result in a retaining wall along the southern boundary and portion of the western boundary up to 1.1 metres in height. The living area (or most northern portion of the dwelling) will be set down 1.2 metres below this portion of the dwelling with a finished floor level of 97.75. This relates more closely to the natural ground level and at its highest point will be 0.17m above natural ground level. The level of this section of the dwelling also allows it to relate more closely to and access the POS area proposed to the north of the dwelling.

Due to the fall of the land the dwelling will sit lower than road level. At the southern end of the dwelling it will be 0.98 metres below top of kerb (TOK). At the northern end of the dwelling it will sit approximately 2.5 metres below TOK.

A new access point is required from The Cove Road for the new dwelling.

*Refer Attachment III*

## INTERNAL DEPARTMENT COMMENTS

|                     |   |
|---------------------|---|
| <b>Engineering:</b> | The application has been referred to Council's Development Engineer who has confirmed that the driveway gradients meet the required standard and the stormwater and cut and fill for the site is appropriate. |
|---------------------|---|

## ZONE & POLICY AREA ASSESSMENT

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

| <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.<br/>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>   |  |   |
| <b>Hills Policy Area 11</b>  |  |   |
| <p><b>Objectives</b></p> <p>1 A policy area primarily comprising of detached dwellings at low densities.<br/>2 Residential development sensitive to the particular topography of the area and which has minimal visual and environmental impacts.<br/>3 Development that contributes to the desired character of the policy area.</p>  |  |   |
| <p><b>Desired Character</b></p> <p>The desired character is of a high quality residential environment containing appropriately designed houses set in attractively landscaped, relatively large gardens. This desired character is also derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the revegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</p> <p>Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Designs include split-level to reduce visual bulk and reduce the need to cut and fill sloping sites. Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.</p> <p>It is important when designing new buildings and extensions (and associated finished levels and decks) on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development.</p> <p>Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except that in some areas where land has been subdivided into smaller allotment sizes, any new development will be at a lower density and scale. In addition, larger allotments may be appropriate due to the natural gradient of land.</p> |  |   |
| PDC 1  | <p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ detached dwelling 700m<sup>2</sup></li> </ul> | <p><b>Complies</b></p> <p>Both existing and proposed dwellings are in detached dwelling form.</p> |

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| PDC 3 | <p><i>Development should be designed and sited to relate to the slope of the land, so that:</i></p> <p><i>(a) the bulk and scale of the buildings do not dominate the landscape</i></p> <p><i>(b) the amount of cutting and filling of the natural ground profile is minimised.</i></p>   | <p><b>Complies</b></p> <p>The proposed dwelling is considered to relate to the natural slope of the ground in that it has incorporated a split level design that reduces the need for cut and fill on the site. The dwelling will also sit below the TOK level reducing the bulk of the building and its visual impact on the street.</p> |
| PDC 4 | <p><i>Wherever possible, existing vegetation should be used to screen the building and excavation or filling from view.</i></p>   | <p><b>Complies</b></p> <p>Where possible all existing vegetation will be retained. The largest amount of fill is located to the rear of the dwelling and as such will be screened from the road. Further, landscaping is proposed along the front boundary of the site.</p>   |
| PDC 5 | <p><i>Development that would be prominently visible from the Adelaide plains should:</i></p> <p><i>(a) achieve a profile that blends with the topography of the land</i></p> <p><i>(b) avoid the use of bright and highly reflective external materials and finishes</i></p> <p><i>(c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.</i></p> | <p><b>Complies</b></p> <p>The dwelling is considered to result in a design that blends with the topography of the land, will not use bright and highly reflective external materials and finishes and will incorporate existing vegetation where possible.</p>  |
| PDC 6 | <p><i>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to adjoining dwellings by:</i></p> <p><i>(a) incorporating stepping in the design in accordance with the slope of the land</i></p> <p><i>(b) where appropriate, setting back the upper storey of a dwelling a greater distance from front and side boundaries than the lower storey.</i></p>                                     | <p><b>Complies</b></p> <p>The dwelling is a single storey split level design.</p>   |
| PDC 3 | <p><i>Minimum Site Area:</i></p> <p><i>700m<sup>2</sup> for sites with a gradient of less than 1-in-10 for the existing dwelling.</i></p> <p><i>900m<sup>2</sup> for sites with a gradient between 1-in-10 and 1-in-5 for the proposed dwelling.</i></p>  | <p><b>Complies</b></p> <p>Existing Dwelling: 730m<sup>2</sup></p> <p><b>Does Not Comply</b></p> <p>Proposed Dwelling: 640m<sup>2</sup></p>  |
|       | <p><i>Minimum Frontage:</i></p> <p><i>18m for sites with a gradient of less than 1-in-10.</i></p> <p><i>20m for sites with a gradient between 1-in-10 and 1-in-5.</i></p>   | <p><b>Complies</b></p> <p>Existing dwelling: has frontage of 20.29m to South Avenue.</p> <p>Proposed dwelling: has frontage of 21.16m to The Cove Road.</p>   |
|       | <p><i>Minimum Depth: 20m</i></p>  | <p><b>Complies</b></p> <p>Existing dwelling: Minimum depth of 26.66m.</p> <p><b>Partially Complies</b></p> <p>Proposed dwelling: has a minimum depth of 14.33m increasing to 20.81m.</p>  |

## Assessment

The proposal results in two detached dwellings on large allotments, which is an envisaged land use in the Policy Area.

The application will result in an allotment for the proposed dwelling that does not meet the minimum site area or depth requirement for a detached dwelling in the Hills Policy Area. Taking into account that some portions of the allotment have a gradient greater than 1-in-10 the applicable site area standard is 900m<sup>2</sup> with a 20 metre site depth. This results in a shortfall of 260 square metres or 28.8% in the site area and a depth shortfall, at the allotment's narrowest section, of 5.67 metres or 28.3%. Although it is acknowledged that this is a large departure from the allotment size and depth requirements, the land size and shape is considered appropriate for the following reasons.

Firstly, it is appropriate consider the gradient of the land and the unusual shape of the land in relation to the applicable site area requirement. The subject land slopes in both a south to north and east to west direction, resulting in a cross fall on the land. The steepest gradient on the site is restricted to the most southern, and narrowest, portion of allotment demonstrating a 1-in-8 fall. At the middle portion of the land the gradient reduces to 1-in-8.4. At the widest portion of the land the gradient reduces further to 1-in-13.6. It is considered that the gradient is not so restrictive that it would require the larger allotment size in order to accommodate the slope. The applicant has also demonstrated a suitable dwelling design that manages the slope of the land without the need for excessive retaining walls and earthworks.

In relation to the proposed dwelling for the site, it substantially achieves the requirements of the Development Plan, with the exception of the rear setback requirements. Given that a dwelling has been demonstrated on the site that has appropriate layout, function and relates to the natural topography of the site, is further indication of the appropriateness of the proposed allotment, despite it being below the minimum site area and depth requirements.

Finally, the proposed allotment is consistent with the pattern of division in the immediate locality, which has seen a number of allotments with dual frontage to First Street and The Cove Road, sub-divided to create a second allotment facing The Cove Road. These sub-divisions have usually resulted in allotments below the minimum site area requirements (refer earlier discussion in subject site and locality). This is a unique feature of the locality and does not appear to extend beyond this small portion of The Cove Road. This redevelopment has created dwellings that have a streetscape presentation to The Cove Road. The proposed dwelling is considered to follow the general pattern of division in the area with the proposed dwelling considered to make a positive contribution to The Cove Road streetscape.

For these reasons, the undersized nature of the allotment in this instance is considered appropriate.

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:

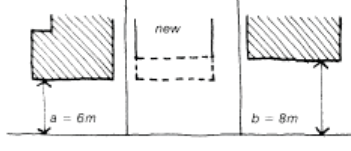
Assessment:

| <b>Site Coverage</b>   |   |
|--|---|
| <p><i>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><small>General Section: Residential Development: PDC 13</small></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><br/>Both proposed allotments will maintain in excess of 20% impervious surfaces.</p>  |
| <b>Private Open Space</b>   |  |
| <p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i><br/> <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><br/> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i><br/> <i>(d) to minimise overlooking from adjacent buildings</i><br/> <i>(e) to achieve separation from bedroom windows on adjacent sites</i><br/> <i>(f) to have a northerly aspect to provide for comfortable year round use</i><br/> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i><br/> <i>(h) to be partly shaded in summer</i><br/> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i><br/> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p> | <p><b>Complies</b></p> <p>a) All POS areas are directly accessible from habitable rooms of the associated dwelling<br/> b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy<br/> c) The subject land does not maintain natural features which warrant preservation<br/> d) The POS areas will not be directly overlooked by adjacent buildings<br/> e) POS areas are not located next to bedrooms of dwellings on adjacent sites<br/> f) The POS area to the proposed dwelling will maintain a northerly aspect to provide for comfortable year round use. The POS area to the existing dwelling will maintain its current southerly orientation.<br/> g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development<br/> h) POS areas are capable of being shaded during summer<br/> i) Traffic, industry or other business activities should not affect the subject land<br/> j) The POS areas are considered to have sufficient shape and area to be functional.</p> |
| <p><b>Site Area 250 m<sup>2</sup> or greater:</b><br/> <i>Minimum area of POS: 20% of the site area</i><br/> <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><br/> <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>Existing Dwelling:<br/> Will provide 30.4% of POS to the rear of the dwelling directly accessible from the meals/living area. The POS area exceeds the minimum dimension of 5 metres and has a gradient of less than 1-in-10.<br/> Proposed Dwelling:<br/> Will provide approximately 25% of POS with the primary POS area being directly accessible from a living room of the dwelling with a minimum dimension of 9.23m x 15m and a gradient of approximately 1-in-18.</p>   |
| <b>Street Setbacks</b>  |  |
| <p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i><br/> <i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>  | <p><b>Complies</b></p> <p>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.</p>   |

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

| 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:<br><br>When $b \geq 2$ , 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

The proposed dwelling is situated on an allotment between the current dwelling on 37 South Avenue and a vacant site at 123 The Cove Road. The setback of the existing dwelling at 37 South Avenue from The Cove Road is approximately 4.5 metres from the boundary (not including the pergola structures). The setback of the dwelling on the allotment South of the vacant site is approximately 7 metres. Taking these two measurements, the average setback of the adjoining is 5.75 metres (although it should be noted that this is not entirely accurate given that one adjoining site is vacant). The proposed dwelling incorporates a stepped setback with the garage setback at 5.5 metres and the dwelling demonstrating setbacks of 5 metres to 5.2 metres.

It is considered that the proposed setback is appropriate in providing a good transition between the established dwellings in the street. Furthermore, it is anticipated that when and if a dwelling is developed on 123 The Cove Road this will be positioned in such a way as to provide a further transitioning setback between the subject land and the established dwellings.

Minimum setback from secondary road frontage: 3 metres

Residential Zone: PDC 7

### Complies

The secondary street setback of the existing dwelling from The Cove Road will not change with the dwelling setback approximately 4.5 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

Habitable rooms are adequately separated from pedestrian and vehicle movement.

## Side Setbacks

Where the wall height is not greater than 3 metres: 2 metres

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

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

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

Existing Dwelling: the current side setbacks will not change as a result of the proposed development. The current dwelling maintains setbacks from side boundaries of 4.23 metres and 4.5 metres. With the carport being sited on the western boundary and the associated garage and pergola structures having lesser setbacks from the side boundaries.

### Partially Complies

Proposed Dwelling: 1m from the southern boundary and 9.23 metres from the northern boundary.

The proposed side setback to the garage falls 1 metre short of that prescribed by PDC 7. This shortfall should not result in unreasonable impacts to adjacent land and relates to the garage component of the dwelling and not the habitable rooms.

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|--|--|
| <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 southern side setback does 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> |
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## Rear Setbacks

|   |   |
|---|---|
| <p><i>8 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p> | <p><b>Does Not Comply</b></p> <p>The proposed dwelling demonstrates rear setbacks as follows:</p> <ul style="list-style-type: none"> <li>• 2.5m setback to the garage;</li> <li>• 1.63m setback to the bedroom and bathroom area of the dwelling; and</li> <li>• 2.6m to the kitchen and living area of the dwelling.</li> </ul> <p>These setbacks do not achieve the minimum requirement of 8 metres specified in PDC 7. Although these setbacks fail to achieve the quantitative rear setback requirement, given the location of the proposed dwelling in relation to the adjacent dwelling at 35 South Avenue the setback will not result in unreasonable impacts by way of overshadowing, overlooking or visual dominance on the neighbouring dwelling and that the proposal has achieved its private open space requirements with the POS located with a northerly aspect.</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>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> |
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## Building Height

|  |   |
|--|---|
| <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 dwelling is single storey and at its highest point, incorporates a maximum building height of 6.09 metres from natural ground level to the top of the roof pitch, which is less than the maximum permitted in the Policy Area.</p> |
|--|---|

## Garages, Carports and Outbuildings

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

*Minimum setback from primary road frontage:  
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**

The car parking arrangements for the existing dwelling will not change as part of this proposal. The garage proposed with the new dwelling will have a setback from The Cove Road of 5.5m at its closest point, increasing to 6 metres. This is a minimum 0.5 metres (increasing to 1 metre) behind the main face of the dwelling and meets the requirements in PDC 8.

*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**

The setback of the proposed garage is adequate to ensure that it will not adversely impact on the safety of road users and will provide safe entry and exit to the site, satisfying PDC 12.

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

*General Section: Residential Development: PDC8*

### **Complies**

The proposed garage incorporates a roof form, materials and detailing which complement the associated dwelling.

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

*Residential Zone: PDC 6*

### **Complies**

The proposed garage has a maximum width of 5.5 metres, which is equivalent to 25.9% of the site frontage.

## Car Parking

*Minimum number of on site car parking spaces (one of which should be covered) :*  
*3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.*

*Residential Zone: PDC 7*

### **Complies**

The proposed dwelling will provide three on site car parking spaces, two covered and within the garage and one in front of the garage.

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

*General Section: Transportation & Access: PDC 43*

### **Complies**

- a) Sufficient car parking is provided for the number, nature and size of the proposed dwelling, as demonstrated by compliance with PDC 7.
- b) Centre facilities and public transport are located in walking distance of the dwellings
- c) The likely occupants are anticipated to have standard mobility and transport requirements.
- d) e) 6 on-street car parking spaces shall remain available adjacent the subject land.

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|--|--|
| <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><br/>6 on-street car parking spaces will remain on The Cove Road, which satisfies PDC 22.</p>  |
| <b>Access</b>  |  |
| <p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i><br/><i>(a) 3 metres wide for a single driveway</i><br/><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>  | <p><b>Complies</b><br/>The crossover to the proposed dwelling is a double driveway 5 metres wide, which satisfies PDC 39.</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><br/>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.</p>  |
| <p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>   | <p><b>Complies</b><br/>Vehicle access points are separated by a minimum distance of 6 metres.</p>  |
| <b>Design &amp; Appearance</b>   |  |
| <p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i><br/><i>(a) building height, mass and proportion</i><br/><i>(b) external materials, patterns, colours and decorative elements</i><br/><i>(c) roof form and pitch</i><br/><i>(d) façade articulation and detailing</i><br/><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p> | <p><b>Complies</b><br/>The proposed dwelling reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling façade incorporates the following elements to enhance its design and appearance:</p> <ul style="list-style-type: none"> <li>• Mixture of brick and rendered quoins to the front façade</li> <li>• Protruding portico;</li> <li>• Stepping in the setback of the front façade providing articulation and visual interest;</li> <li>• Eave overhang and pitched roof form at 22.5 degree slope; and</li> <li>• Fenestration.</li> </ul> <p>The dwellings incorporate a 22.5 degree Colorbond roof in Charcoal Grey, with brick facades. The garage of the dwelling features light grey Colorbond roller door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The side elevations of the dwelling are brick finish with rendered quoins and some small areas of cladding with fenestration to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p> |
| <p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p>  | <p><b>Complies</b><br/>The proposed and existing dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance</p>  |

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

door, portico and habitable windows to the street.

## Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

### Complies

The proposed dwelling is single storey with a maximum height of 6.09 metres. Shadow diagrams have not been requested, however it is considered that given the height and orientation of the dwelling it will not result in unreasonable overshadowing of neighbouring properties. In any event the adjoining properties will maintain access to natural light.

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) South forms the side boundary, the proposed dwelling is single storey, setback 1 metre and as this side of the dwelling is limited in length, overshadowing to the south will not be substantial. Some shadow will be cast into the western adjoining property in morning hours.

Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space will be free from shadow by midday.

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

## 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

*Residential development on sites abutting established collector or higher order roads should include a landscaped buffer between the dwellings and the road as well as front fences and walls that will supplement the noise control provided by the building facade.*

2

General Section: Residential Development: PDC 27

### Complies

The subject land is adjacent the Adelaide-Seaford railway line. Although close to this noise source the line generally accommodates electric trains, vastly reducing the amount of noise generated from the rail line. Furthermore, the dwelling is separated from this noise source by The Cove Road and the vegetation buffer that has been established on the eastern side of The Cove Road. The proposal also incorporates a 1.8m high fence around the POS area and landscape buffer to improve privacy and will reduce noise impacts from the road and railway line.

## 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 proposed dwelling is oriented so that its open space 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 dwelling is 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 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

### **Complies**

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

|  |  |
|--|--|
| <p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not result in damage to neighbouring trees</i></li> <li><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></li> <li><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></li> <li><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></li> <li><i>(e) assist in highlighting building entrances</i></li> <li><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></li> <li><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></li> <li><i>(h) be constructed of non-flammable materials.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 5</i></p> | <p><b>Complies</b></p> <p>The application proposes retaining walls varying in height to a maximum 1.1 metres in the south – west corner of the site. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.9 metres. This fencing/retaining height is considered necessary to achieve a functional development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>  |
| <p><b>Sloping Land</b></p>   |  |
| <p><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <ul style="list-style-type: none"> <li><i>(a) minimises their visual impact</i></li> <li><i>(b) reduces the bulk of the buildings and structures</i></li> <li><i>(c) incorporate roof lines which complement the natural slope of the land</i></li> <li><i>(d) minimises the extent of cut and/or fill</i></li> <li><i>(e) provide a stable and readily accessible building site</i></li> <li><i>(f) minimises the need for, and the height of, retaining walls</i></li> <li><i>(g) does not cause or contribute to instability of any embankment or cutting</i></li> <li><i>(h) avoids the silting of watercourses</i></li> <li><i>(i) protects development and its surrounds from erosion caused by water run-off.</i></li> </ul> <p><i>General Section: Sloping Land: PDC 2</i></p>  | <p><b>Complies</b></p> <p>(a)(b)(c)(d)(f)The proposed dwelling has incorporated a split level design to relate to the natural slope of the land and reduce the need for cut and fill. The greatest amount of fill will occur adjacent the southern end of the western boundary where the site slopes away most steeply. The need for filling at this location of the site has been largely dictated by the required driveway gradient. In this regard the design has achieved the least amount of fill whilst ensuring that the driveway is functional. The need for fill has been reduced by the split level design which sees the living areas and kitchen set down some 1.2 metres from the bedrooms and garage areas. The living areas of the dwelling relate closely to the natural slope of the land. Overall it is considered that the proposed dwelling incorporates a design that appropriately relates to the natural slope of the land reducing the need and height of retaining walls.</p> <p>(e)(g)(h)(i)The proposed site works will provide a stable and accessible building site and will not impact on site stability of the land, silting of water courses and will protect surrounding development.</p> |
| <p><i>The cutting and/or filling of land should:</i></p> <ul style="list-style-type: none"> <li><i>(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</i></li> <li><i>(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</i></li> <li><i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i></li> <li><i>(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.</i></li> </ul> <p><i>General Section: Sloping Land: PDC 7</i></p>   | <p><b>Complies</b></p> <p>The proposed cut and fill on the site will not exceed 1.5 metres. The cut and fill will be stabilised by the use of retaining walls, battering and landscaping to prevent erosion. The proposal achieves PDC 7.</p>  |
| <p><i>Retaining walls should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not exceed 1 metre in height</i></li> <li><i>(b) be stepped in a series of low walls</i></li> <li><i>(c) be landscaped to enhance their appearance.</i></li> </ul> <p><i>General Section: Sloping Land: PDC 8</i></p>  | <p><b>Partially Complies</b></p> <p>The proposal will result in retaining walls that will have a maximum height of 1.1 metres. Although this exceeds the specified standard of 1 metre it is considered that the retaining walls are</p>   |



|   |   |
|---|---|
|   | <p>appropriate in the context of the site and largely dictated by the need to achieve a functioning driveway. Further this is considered a fairly minor departure from the Development Plan standard. For the most part, the retaining walls will be located to the rear of the existing dwelling and will therefore be screened from view. The retaining along the southern side boundary and batter along the north-east corner of the proposed dwelling will be screened/softened by future landscaping.</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></p> <p><i>(a) the profile of buildings should be low and the rooflines should complement the natural form of the land</i></p> <p><i>(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</i></p> <p><i>(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</i></p> <p><i>General Section: Siting and Visibility: PDC 4</i></p> | <p><b>Complies</b></p> <p>The proposed dwelling is single storey and incorporates a split level design and roof pitch that both relates to the natural slope of the land and reduces the dwelling's visual dominance within the street. The dwelling will also be located below the road level. The front façade has been stepped and portico and eaves incorporated into the design to provide articulation and interest in the front façade and minimising the bulk of the building. It is considered that the design of the dwelling achieves PDC 4.</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> <p>The proposed dwelling will be finished in varying grey tones ranging from charcoal to silver. It is considered that the external colours and finishes of the dwelling will blend into the natural landscape. The proposal achieves the intent of PDC 5.</p>   |

## ANALYSIS/CONCLUSION

The proposed development will result in the retention of an existing dwelling and a proposed new dwelling. The proposal is consistent with the pattern of division in the immediate locality, which has seen a number of allotments with dual frontage to First Street and The Cove Road, sub-divided to create allotments fronting The Cove Road. Sub-divisions that have generally resulted in allotments below the minimum site area requirements (refer earlier discussion). This is a unique feature of the locality and does not appear to extend beyond this small portion of The Cove Road. The redevelopment in the area has created dwellings that have a streetscape presentation to The Cove Road. The proposed dwelling is considered to follow the general pattern of division and make a positive contribution to The Cove Road streetscape. Furthermore, the proposed dwelling meets a majority of the quantitative and qualitative requirements of the Development Plan.

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

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/2295 for a single storey dwelling and garage at 37 South Avenue, 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. 100/2015/2295, being drawing number(s) 16357 sheets 1 to 3 of 6 and sheets 0 of 7 (both plans) and C1306-073-1 Rev A (inclusive) prepared by Rivergum Homes and Herriot Consulting, and documentation titled External Colour Selections, 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.

## 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*

DEVELOPMENT ASSESSMENT PANEL  
Wednesday 3 February 2016

**Agenda Ref No:** DAP030216 – 2.6

**Originating Officer:** Kristen Schutte  
Development Officer - Planning

**Applicant:** Landmark Homes

**Development Description:** Four single-storey row dwellings

**Site Location:** 61 South Terrace Plympton Park

**Zone:** Residential Zone

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

**Application Type:** Category 1 / Consent

**Lodgement Date:** 23/11/2015

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

**Application No:** 100/2015/2183

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

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#### CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a) (ii)) of the Development Regulations 2008, which assigns the construction of single storey dwellings as Category 1 development. The subject application is required to be assessed by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 210 square metres required for row dwellings within the Medium Density Policy Area 12. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

#### BACKGROUND

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

| Amendments Requested  | Amendments Made                                       |
|---|---|
| Row dwellings should have a minimum site area of 210 square metres per dwelling; therefore the density of the proposal should be reduced. | No change.  |
| The dwellings should incorporate a minimum front setback of 5 metres.   | Front setbacks increased from 4 metres to 4.3 metres. |

|  |   |
|--|---|
| Rear setbacks should be increased to 6 metres, with an incursion of up to 3 metres for no more than 50% of the allotment boundary. | Rear setbacks increased from 3m and 4.5m to 3m and 5m.    |
| Secondary street setback should be increased to a minimum of 2 metres.   | Secondary street setback increased from 0.964m to 1.564m. |

## SUBJECT LAND & LOCALITY

The subject site is located at 61 South Terrace, Plympton Park. The land comprises a corner allotment, with a southern primary street frontage to South Terrace of 14.069 metres, a western secondary street frontage to Ferry Avenue of 39.55 metres, and a total site area of 722.5 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with access to a freestanding garage at the rear of the allotment gained from Ferry Avenue. The contour of the land is relatively flat, and does not include trees classified as regulated pursuant to the current legislation.

The locality consists of predominantly single storey detached dwellings at low densities, which are representative of the original dwelling stock. A number of redeveloped/ sub-divided properties are also evident in the locality, which typically take the form of single-storey detached, semi-detached and group dwellings.

The site is adjacent to the Plympton Park Oval, a large public open space reserve with playing fields, cricket nets and a children's playground. The Plympton Park tram station (stop 11) is located approximately 200 metres walking distance to the north-east of the site.

*Refer Attachment I*

## PROPOSED DEVELOPMENT

The application proposes to construct four, single-storey row dwellings; all incorporating a primary frontage to Ferry Avenue. Each dwelling will contain two bedrooms, a bathroom, laundry, separate WC and open-plan kitchen, dining and living areas, as well as a single garage under the main roof of each dwelling.

The dwellings will have a modern appearance and are to be well articulated. Materials and finishes include Hebel panel external walls with a range of rendered finishes. The dwellings will each provide a hipped roof design to be clad with Colorbond sheeting which is to be set at a 20 degree pitch. A selection of landscaping is also proposed throughout the site.

*Refer Attachment II*

## ZONE & POLICY AREA ASSESSMENT

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

### Residential Zone

#### **Objectives**

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

## Medium Density Policy Area 12

### Objectives

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

### Desired Character

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

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

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

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

|       |  |   |
|-------|--|---|
| PDC 1 | The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> <li>▪ residential flat building (buildings between one and three storeys)</li> <li>▪ <b>row dwelling</b></li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul> | <b>Complies</b><br>As listed opposite, row dwellings are an envisaged form of housing types within the Medium Density Policy Area 12.                         |
| PDC 4 | 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.<br><br><b>(i.e. Site areas between 149.3 and 250 m<sup>2</sup>)</b>   | <b>Does Not Comply</b><br>The proposal achieves gross densities of between 23 and 45 dwellings per hectare; however the proposed dwellings are single storey. |
| PDC 7 | Minimum Site Area: 210m <sup>2</sup>   | <b>Does Not Comply</b><br>Res 1: 197.5m <sup>2</sup><br>Res 2: 175m <sup>2</sup><br>Res 3: 175m <sup>2</sup><br>Res 4: 175m <sup>2</sup>                      |
|       | Minimum Frontage: 7m   | <b>Complies</b><br>Res 1: 8.8m<br>Res 2: 10.25m<br>Res 3: 10.25m<br>Res 4: 10.25m   |
|       | Minimum Depth: 20m   | <b>Does Not Comply</b><br>Res 1: 14.069m- 17.069m<br>Res 2: 17.069m<br>Res 3: 17.069m<br>Res 4: 17.069m   |

## Assessment

### **Objectives & Desired Character**

The application proposes to replace an existing single storey detached dwelling in average condition, with four single-storey row dwellings, which is a form of development anticipated by PDC 1. The application is consistent with the Desired Character of the Medium Density Policy Area 12 in that it will redevelop the site at a higher density compared to that typical of the original housing stock in the area. The Desired Character also encourages a wide range of dwelling types to meet a variety of accommodation needs. All four proposed dwellings feature two bedrooms and therefore provide a distinct variety in dwelling size.

The subject land is located adjacent to the Plympton Park Oval, and approximately 200 metres walking distance from the Plympton Park tram station, and some 600 metres from the nearest bus stop on Marion Road. Given that the subject land is located in close proximity to public open space, and within acceptable walking distance of public transport routes, the wider locality contains features identified in Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12 as warranting increased residential densities.

It is envisaged that medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (development with site areas of between 149.3 and 250 square metres) should be in the form of 2 or 3 storey buildings. The proposed development does not achieve this intent, with four single-storey dwellings proposed. This is considered acceptable given that the proposal contributes to variety in dwelling sizes, and that the single-storey nature of the dwellings nonetheless remains reflective of the prevailing low-scale character of the locality.

On balance, the proposal is considered to adequately comply with the Objectives and Desired Character of the Medium Density Policy Area 12.

### **Site Areas**

A minimum site area of 210 square metres is prescribed for row dwellings in the Medium Density Policy Area 12, which equates to a shortfall of 12.5 square metres (6%) for Res 1 and 35 square metres (16.7%) for each Res 2, 3 and 4. This results in a 14% discrepancy for the total site area.

On a number of occasions both staff and the 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. In determining whether or not the proposed density is appropriate, regard is had to the following;

- 1) In previous occasions where the Panel and staff have supported undersized allotments, the shortfall in site area often arises as a result of the classification of the dwelling. In those cases, it is acknowledged that the dwelling could be amended to comprise a different dwelling type and thereby satisfy the minimum site area prescribed in the particular Policy Area (i.e. if the dwellings are joined by party walls, or if the dwelling shares access from a common driveway), but practically doing so would not necessarily deliver a superior design outcome; merely compliance with site areas based on the dwelling classification. In this instance, it is important to acknowledge that row dwellings are permitted the smallest site area for any dwelling type. Given that the minimum site area for row dwellings cannot be satisfied, the density proposed in the subject application is invariably greater than that contemplated in the Policy Area.
- 2) The total site area comprises 722.5 square metres, 92.5 square metres more than the minimum required for three row dwellings (630 square metres) and 117.5 square metres less than the minimum required for four row dwellings (840 square metres); resulting in an

average site area in the order of 180.6 square metres. For comparison, row dwellings in the Regeneration Policy Area 16 (which permits smaller site areas) seek for minimum site areas 170 square metres. As such, the proposal results in a density more akin to the Regeneration Policy Area 16, than the Medium Density Policy Area 12.

- 3) However, the Medium Density Policy Area 12 attributes a numerical dispensation in site areas for row dwellings where located adjoining an area of public open space exceeding 2500 square metres; this figure is 180 square metres. This specific dispensation suggests that proximity to public open space is one of the most important locational attributes of medium density development. While the site is not “adjoining” (but rather, adjacent) the public open space, the subject land nonetheless partially satisfies the desired geographical criteria for reduced site areas; and the proposed dwellings comprise an average site area (180.6 square metres each), reflective of the dispensation allowed for row dwellings adjoining public open space.

The considerations above demonstrate that the shortfall in site area is substantial, however the locational attributes of the site may warrant site areas less than the minimum sought should it be shown that the proposal adequately addresses Development Plan criteria and it is determined that any shortfalls are not considered to unreasonably jeopardise the function of the development or impact on adjacent dwellings.

### Site Depth

The proposed allotments comprise a site depth of 17.069 metres, where a minimum of 20 metres is prescribed. However it is noted that the proposed allotments incorporate frontage widths in excess of the minimum requirement of 7 metres. Accordingly, the dwellings have been designed to take advantage of the width of the allotment, with the shortfall in site depth not readily apparent adjoining land (as discussed further in this report).

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

| Site Coverage   |   |
|---|---|
| <p><b>Maximum site coverage:</b><br/> <i>Site area less than 270 m<sup>2</sup>: 100 m<sup>2</sup> or 40% (whichever is the greater)</i><br/> <b>100m<sup>2</sup> applies for all dwellings.</b><br/> <i>Medium Density Policy Area 12: PDC 8</i></p>  | <p><b>Complies</b><br/>           Res 1- 4: 87m<sup>2</sup> each</p>  |
| <p><i>Site coverage should ensure sufficient space is provided for:</i><br/>           (a) pedestrian and vehicle access and vehicle parking<br/>           (b) domestic storage<br/>           (c) outdoor clothes drying<br/>           (d) rainwater tanks<br/>           (e) private open space and landscaping<br/>           (f) convenient storage of household waste and recycling receptacles<br/> <i>General Section: Residential Development: PDC 13</i></p> | <p><b>Complies</b><br/>           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><br/> <i>General Section: Residential Development: PDC 14</i></p>   | <p><b>Complies</b></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 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.

### Partially Complies

- f) The proposed POS areas maintain an easterly aspect which should nonetheless receive some access to northern sunlight to provide for comfortable year round use

### 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

Res 1: 23.7% (46.9m<sup>2</sup>)  
 Res 2: 22.2% (38.8m<sup>2</sup>)  
 Res 3: 22.2% (38.8m<sup>2</sup>)  
 Res 4: 22.2% (38.8m<sup>2</sup>)

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

## Street Setbacks

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

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

General Section: Design and Appearance: PDC 23

### Partially Complies

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 4.3 is considered to contribute positively to the function, appearance and desired character of the locality.

*Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads 5 metres in all other circumstances.*

Residential Zone: PDC 7

### Does Not Comply

Res 1- 4: 4.3m

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|--|---|
| <p><i>Minimum setback from secondary road frontage: 2 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>   | <p><b>Does Not Comply</b><br/>Res 1: 1.564m</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><br/>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>   |
| <b>Side Setbacks</b>   |   |
| <p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i><br/><i>(a) 3 metres if adjacent southern boundary</i><br/><i>(b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres:</i><br/><i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i><br/><i>(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>Does Not Comply</b><br/>Res 4: The carport is sited on the boundary, while the dwelling comprises a 0.6 m side setback. The proposed side setback falls 0.4 metres short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land.</p>   |
| <p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i><br/><i>(a) the visual impact of the building as viewed from adjacent properties</i><br/><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><br/>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> |
| <b>Rear Setbacks</b>   |   |
| <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><br/><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>Does Not Comply</b><br/>Res 1: 5m (47.4%) and 3m for 47.7% of the allotment width.<br/>Res 2-4: 5m (39%) and 3m for 61% of the allotment width.</p>   |
| <b>Building Height</b>   |   |
| <p><i>Maximum building height (from natural ground level):</i><br/><i>(i) 2 storeys of not more than 9 metres</i><br/><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><br/>The proposed dwellings incorporate a maximum building height of 4.5 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><br/><i>8 metres for a freestanding structure.</i><br/><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><br/>Res 1-4: Garages/Carport setback 5.5m and 0.5m behind main face</p>  |

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| <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>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 metres on the boundary</p> <p><b>Does Not Comply</b></p> <p>iii) Wall height of 2.8 metres</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 and carport incorporate roof forms, 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><b>Car Parking</b></p>  |   |
| <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>All dwellings feature two bedrooms and two on-site car parking spaces (one of which is covered)</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) Public transport routes 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) 5 on-street car parking spaces shall remain available adjacent the subject land.</p> |

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| <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><br/>5 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>   |
| <b>Access</b>  |   |
| <p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i><br/><i>(a) 3 metres wide for a single driveway</i><br/><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>  | <p><b>Complies</b></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><br/>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street trees.</p>  |
| <p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>   | <p><b>Partially complies</b><br/>Three vehicle access points are proposed and are separated by a minimum distance of 6 metres.</p>  |
| <b>Design &amp; Appearance</b>   |   |
| <p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i><br/><i>(a) building height, mass and proportion</i><br/><i>(b) external materials, patterns, colours and decorative elements</i><br/><i>(c) roof form and pitch</i><br/><i>(d) façade articulation and detailing</i><br/><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p> | <p><b>Complies</b><br/>The proposed dwellings incorporate a reasonable level of articulation and generous glazing to the front facade providing visibility to the street from internal areas of the dwellings.</p> <p>The dwellings feature smooth render finishes to the front facade in Dulux 'Blind Date' and 'China White' while the cantilevered canopy (in Woodland Grey) provides further articulation and visual interest. Garages feature Colorbond "Western Red Cedar" finished roller doors. The roofs comprise Colorbond corrugated iron roof sheeting in 'Charcoal Grey' set at a 20 degree pitch.</p> <p>Based upon the indicative 3D Elevation of the main façade, the proposed colours/materials appear to be complementary to each other.</p> <p>These materials are appropriate within the locality and will not result in unreasonable glare to nearby persons and properties.</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><b>Complies</b><br/>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>  |

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

*General Section: Residential Development: PDC 6*

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

*General Section: Residential Development: PDC 6*

## **Overshadowing**

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

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

b) Given that south forms the secondary street boundary, a majority of winter shadow will be cast within the front yard of the proposed dwellings during the morning hours, while shadows will be cast into the private open spaces of the proposed dwellings and the eastern adjoining property during afternoon hours. The extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

## **Energy Efficiency**

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

*General Section: Energy Efficiency: PDC 1*

*Buildings should be sited and designed 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 main activity areas of the dwellings are oriented east, 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.

|  |  |
|--|--|
| <p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>   | <p><b>Complies</b></p> <p>The dwellings incorporate a hipped roof form set at a 20 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>        |
| <b>Landscaping, Fences and Walls</b>   |  |
| <p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></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><b>Complies</b></p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p> |

## 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 setbacks
- Secondary street setback
- Rear setbacks
- Carport wall height (Res 4)

### Front setbacks

The main face of the dwellings are set back at 4.3 metres from the front boundary, where PDC 7 of the Residential Zone stipulates a minimum setback of 5 metres. The properties directly north, and on the opposite side of South Terrace (south) of the subject land, as well as the dwelling opposite (to the west of) the subject site on Ferry Avenue, comprise secondary frontages to Ferry Avenue. The buildings on these allotments feature setbacks to Ferry Avenue ranging between 0 metres and 3 metres.

This being said, it is noted that the majority of other dwellings that incorporate a primary frontage to Ferry Avenue maintain generous front setbacks of 7 metres or more, and therefore the proposed dwellings will be of greater visual prominence. However, PDC 23 (General Section: Design & Appearance) prescribes that dwellings should be compatible with buildings on adjoining land and other buildings in the locality, except in areas where a new character is desired. In this case, the Medium Density Policy Area 12 specifically encourages a new character of medium density housing, whilst encouraging replacement of original dwelling stock with higher densities. This vision implies that lesser setbacks should be established in order to create a more efficient use of land to facilitate higher density housing.

Given the inconsistent streetscape in the immediate locality, and that the subject land comprises a corner allotment, the proposed setbacks of 4.3 metres are considered to provide an appropriate entrance to this section of Ferry Avenue. On balance, the proposed separation from the street boundary is considered to contribute positively to the function, appearance and desired character of the locality.

### **Secondary street setback**

Dwellings within the Medium Density Policy Area 12 should maintain a minimum setback from the secondary road frontage of 2 metres; whereas Res 1 incorporates a secondary street setback of 1.569 metres. While this setback falls short of the quantitative requirement, it nonetheless provides a sufficient level of separation from the secondary street.

### **Rear setbacks**

Res 1 features a rear setback of 5 metres for 47%, and 3 metres for 53% of the allotment width, and Res 2, 3 and 4 each comprise a setback of 5 metres for 39%, and 3 metres for 61% of associated allotment width. Whilst the rear setbacks of each dwelling do not strictly meet the quantitative standard (3 metres for 50% and 6 metres for the remainder), the overall level of separation from the rear boundary is considered adequate. This is supported by the fact that each dwelling nonetheless exceeds POS requirements.

Furthermore, given that the dwellings are single storey, the proposed separation from the rear boundaries is considered adequate to minimise unreasonable overshadowing of adjacent land. Any shadow cast to the east will be limited to afternoon hours only, and therefore the extent of overshadowing complies with criteria specified in PDC 9 (General Section: Design and Appearance).

### **Carport wall height (Res 4)**

Carports located on side/rear boundaries should be designed to not exceed a wall height of 2.4 metres. The proposed carport located on the northern side boundary (Res 4) has a wall height of 2.8 metres. The 0.4 metre excess in wall height is deemed to be of little to no impact upon the adjoining property to the north as it will not result in unreasonable visual impacts nor cause any significant level of overshadowing.

Further, it is of worth to note that pursuant to Schedule 4 – 2B of the Development Regulations 2008, the subject land could accommodate a wall on the boundary in this location for a length of 8 metres and a height of 3 metres.

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## ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Medium Density Policy Area 12, as it achieves an increase in dwelling densities in close proximity to public open space and public transport routes, as well as providing further diversity in dwelling types.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical shortfalls including front, rear and secondary street setbacks, and the carport wall height. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

The most significant numerical shortfall maintained by the proposal involves site areas. It is acknowledged that the proposal is finely balanced in this regard, with a 14% discrepancy for the total site area noted. Considerations within this report have demonstrated that the shortfall in site area is substantial, but that the locational attributes of the site may warrant site areas less than the minimum sought. As it has been shown that the proposal adequately addresses other Development Plan criteria and that non-compliances are not considered to unreasonably jeopardise the function of the development or impact on adjacent dwellings, I am of the view that the overall merit of the application outweighs the deficiency in site area, and that the proposed density is not fatal to the application.

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: 100/2015/2183 for four single-storey row dwellings at 61 South Terrace, Plympton Park be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/2183, except when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

## 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*

# DEVELOPMENT ASSESSMENT PANEL

Wednesday 3 February 2016

**Agenda Ref No:** DAP030216 – 2.7

**Originating Officer:** Kristen Schutte  
Development Officer - Planning

**Applicant:** Mr Clive Riches

**Development Description:** Single storey dwelling presenting to Condada Avenue and two single storey dwellings to the rear with associated common driveway, car parking and landscaping

**Site Location:** 11 Condada Avenue, Park Holme

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 1 / Consent

**Lodgement Date:** 23/12/2015

**Development Plan:** Consolidated – 03 December 2015

**Application No:** 100/2015/2413

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

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## CATEGORISATION & DELEGATION

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

## BACKGROUND

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

| Amendments Requested   | Amendments Made   |
|--|---|
| That the design of House 1 be 'flipped' to incorporate the garage on the western boundary in order to meet minimum POS dimensions. | Design of House 1 'flipped'. Minimum dimensions of POS met. |

## SUBJECT LAND & LOCALITY

The subject site is located at 11 Condada Avenue, Park Holme. The land is a rectangular shaped allotment with a frontage width of 18.29m and a depth of 45.76m, culminating in a total site area of 837 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition and ancillary outbuildings. 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 detached, semi-detached dwellings and group 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 a single storey detached dwelling at the front of the site presenting to and with exclusive access from Condada Avenue. Additionally, two single storey group dwellings are proposed to the rear of the site with shared driveway access from Condada Avenue.

Each dwelling will contain three bedrooms (main with ensuite and WIR), a bathroom, laundry and open-plan kitchen, living and dining areas. Landscaping is proposed to both sides of the common driveway and forward of House 1.

The dwellings are to be constructed of face brick with Colorbond roofs at a 25 degree pitch.

*Refer Attachment III*

## INTERNAL DEPARTMENT COMMENTS

|                     |  |
|---------------------|--|
| <b>Engineering:</b> | Vehicle manoeuvring out of Houses 2 and 3 is sufficient. |
|---------------------|--|

## ZONE & POLICY AREA ASSESSMENT

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

### Residential Zone

#### **Objectives**

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

## Northern Policy Area 13

### Objectives

- 1 A policy area primarily comprising 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 minimises the impact of garaging of vehicles on the character of the locality.
- 4 Development densities that support the viability of community services and infrastructure.
- 5 Development that reflects good residential design principles.
- 6 Development that contributes to the desired character of the policy area.

### Desired Character

This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).

The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.

The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.

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

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

|       |  |   |
|-------|--|---|
| PDC 1 | <p>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>▪ supported accommodation.</li> </ul> | <b>Complies</b>   |
| PDC 2 | <p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>  | <b>Complies</b>   |
| PDC 3 | <p>Minimum Site Area:<br/>Detached dwellings: 375 m<sup>2</sup><br/>Group dwellings: 300 m<sup>2</sup></p>   | <b>Does Not Comply</b><br>House 1: 283m <sup>2</sup><br>Houses 2 & 3: 204.8m <sup>2</sup> |
|       | <p>Minimum Frontage:<br/>Detached dwelling: 12m<br/>Group dwellings: 4m (driveway)</p>   | <b>Complies</b><br>House 1: 14.29m<br>Houses 2 & 3: 4m (driveway width)                   |
|       | <p>Minimum Depth:<br/>Detached dwelling: 20m<br/>Group dwellings: 45</p>   | <b>Complies</b><br>House 1: 20.2m<br>Houses 2 & 3: 45.76m                                 |

## Assessment

The application proposes to replace an existing single storey detached dwelling in average condition, with a detached dwelling and two group dwellings, which are forms of development anticipated by PDC 1. The proposal complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock.

A minimum site area of 375 square metres is prescribed for detached dwellings, whereas the site area of House 1 equates to 283 square metres. This represents a considerable shortfall of 92 square metres; 24% below that sought. However it is noted that the allotment maintains a frontage width of 14.29 metres, and depth of 20.2 metres, where a minimum width of 12 metres and depth of 20 metres is prescribed for detached dwellings. Accordingly, the undersized nature of the allotment should not be apparent when viewed from the streetscape, and therefore should not detract from the character of the locality.

The site area of the group dwellings (House 2 and 3) equate to 204.8 square metres. Given a minimum site area of 300 square metres applies for group dwellings in this Policy Area, a shortfall of 95.2 square metres (31.7%) is noted for each dwelling. It is considered that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

If the driveway were to be included in site areas, House 2 and 3 would maintain an average site area of 277 square metres each; closer to the prescribed minimum site area.

Given the size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is acknowledged that were House 1 to share access with the rear dwellings, it would be classified as a group dwelling where a minimum site area of 300 square metres would be sought; it is only by the configuration of the site that House 1 requires a site area of 375 square metres. The subject land maintains an overall site area of 837 square metres; resulting in an average site area of 279 square metres per dwelling; 7% less than the minimum site area sought for three group dwellings in the Northern Policy Area 13.

As such, should it be shown that the proposal adequately addresses the Development Plan criteria and it is determined that the shortfalls are not considered to unreasonably jeopardise the function of the development or impact on adjacent dwellings, the lack of site area, in my view, is not considered to be fatal to the proposal.

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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:

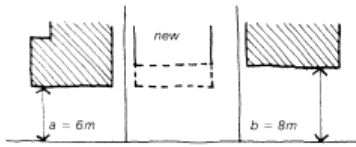
| Site Coverage  |  |
|--|--|
| <i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area.</i><br><small>Northern Policy Area 13: PDC 4</small> | <b>Does not Comply</b><br>House 1: 45.1%<br>House 2 & 3: 58.2% |

| <p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>  | <p><b>Complies</b></p> <p>The setbacks of the proposal are considered to be acceptable (as discussed within the table discussion) and the excess in the building footprint does not adversely impact upon the POS of the dwellings or upon the amenity of adjoining properties.</p>  |  |            |                              |                          |  |  |                     |            |                          |  |
|---|--|--|------------|------------------------------|--------------------------|--|--|---------------------|------------|--------------------------|--|
| <p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>  | <p><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>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>   | <p><b>Complies</b></p>   |  |            |                              |                          |  |  |                     |            |                          |  |
| <p><b>Private Open Space</b></p>  |  |  |            |                              |                          |  |  |                     |            |                          |  |
| <p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>   |  |  |            |                              |                          |  |  |                     |            |                          |  |
| <table border="1"> <thead> <tr> <th data-bbox="172 1140 320 1193">Site area of dwelling</th> <th data-bbox="320 1140 512 1193">Minimum area of POS</th> <th data-bbox="512 1140 930 1193">Provisions</th> </tr> </thead> <tbody> <tr> <td data-bbox="172 1193 320 1563">175 square metres or greater</td> <td data-bbox="320 1193 512 1563">20 per cent of site area</td> <td data-bbox="512 1193 930 1563">Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</td> </tr> </tbody> </table> | Site area of dwelling  | Minimum area of POS  | Provisions | 175 square metres or greater | 20 per cent of site area | Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres. | <table border="1"> <thead> <tr> <th data-bbox="320 1140 512 1193">Minimum area of POS</th> <th data-bbox="512 1140 930 1193">Provisions</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 1193 512 1563">20 per cent of site area</td> <td data-bbox="512 1193 930 1563">Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</td> </tr> </tbody> </table> | Minimum area of POS | Provisions | 20 per cent of site area | Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres. |
| Site area of dwelling   | Minimum area of POS  | Provisions   |            |                              |                          |  |  |                     |            |                          |  |
| 175 square metres or greater  | 20 per cent of site area   | Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres. |            |                              |                          |  |  |                     |            |                          |  |
| Minimum area of POS   | Provisions   |  |            |                              |                          |  |  |                     |            |                          |  |
| 20 per cent of site area  | Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres. |  |            |                              |                          |  |  |                     |            |                          |  |
| <p><i>Residential Zone: PDC 7</i></p>   |  |  |            |                              |                          |  |  |                     |            |                          |  |
| <p><b>Complies</b></p> <p>House 1: 21.1% (59.7m<sup>2</sup>)<br/>House 2 &amp; 3: 23.3% (47.7m<sup>2</sup>)</p> <p>Minimum dimensions of 5x5 metres provided.</p>   |  |  |            |                              |                          |  |  |                     |            |                          |  |

|  |   |
|--|---|
| <p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <ul style="list-style-type: none"> <li><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></li> <li><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></li> <li><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></li> <li><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></li> <li><i>(e) to minimise overlooking from adjacent buildings</i></li> <li><i>(f) to achieve separation from bedroom windows on adjacent sites</i></li> <li><i>(g) to have a northerly aspect to provide for comfortable year round use</i></li> <li><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></li> <li><i>(i) to be partly shaded in summer</i></li> <li><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></li> <li><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></li> </ul> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <ul style="list-style-type: none"> <li><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></li> <li><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></li> <li><i>(c) common areas such as parking areas and communal open spaces</i></li> <li><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></li> <li><i>(e) any area at ground level with a dimension less than 2.5 metres</i></li> </ul> <p><i>General Section: Residential Development: PDC 17</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 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) and g)</p> <p>The proposed POS areas maintain a southerly aspect and will be shaded during winter by the associated dwelling.</p> <p>While this is undesirable, it is nonetheless common of allotments on the southern side of east/west running streets where it would be impractical for the POS to be north facing.</p> |
| <p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>   | <p><b>Complies</b></p>  |
| <p><b>Building Setbacks from Road Boundaries</b></p>   |   |
| <p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <ul style="list-style-type: none"> <li><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></li> <li><i>(b) contribute positively to the function, appearance and/or desired character of the locality. 34</i></li> </ul> <p><i>General Section: Design and Appearance: PDC 21</i></p>   | <p><b>Complies</b></p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>  |



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

| 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:<br><br>When $b > a$ : 2, setback of new dwelling = $a$ or $b$ |
| Greater than 2 metres                                       | At least the average setback of the adjacent buildings  |

General Section: Design and Appearance: PDC 22

**Does Not Comply**

House 1: 5 metres (Average of adjacent dwellings is 9.25m)

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

General Section: Residential Development: PDC 37

**Complies**

Habitable rooms are adequately separated from pedestrian and vehicle movement.

**Side Setbacks**

Minimum setback from side boundaries:

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

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

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 6

**Complies**

House 1: 1m (to common driveway) + an additional 4m to the eastern side boundary.  
House 2: 1.005m (eastern side)  
House 2: 1.005m (western side)

Maximum length and height when wall is located on side boundary:  
(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height

Residential Zone: PDC 6

**Complies**

Wall length of 6.71m and height of 2.87m (from natural ground level).

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

General Section: Design and Appearance: PDC 2

**Complies**

The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

## Rear Setbacks

*Minimum setback from rear boundary:*  
 (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary  
 (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres

Residential Zone: PDC 6

### Partially Complies

House 1: 6.92m with a 3.42m incursion for greater than 50% of the allotment width.

### Complies

House 2 & 3: 6m with 4.2m incursion for 44% of the rear boundary.

## Building Height

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

Residential Zone: PDC 6

### Complies

The proposed dwellings incorporate a maximum building height of 4.8 metres, which is less than the maximum permitted in the Policy Area.

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

General Section: Residential Development: PDC 2

### Complies

The dwelling located on a battleaxe allotment is single storey and designed to maintain the privacy of adjoining residential properties.

## Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

### Complies

The proposed garages are located underneath the main roof of their respective dwelling and thus incorporate a roof form, materials and detailing which complement the associated dwelling.

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

General Section: Residential Development: PDC 12

### Complies

House 1: Single-width garage less than 50% of allotment width

| Parameter                                    | Value  |  |
|--|--|--|
| Maximum floor area                           | 60 square metres   | Complies   |
| Maximum wall or post height                  | 3 metres   | Complies   |
| Maximum building height                      | 5 metres   | Complies   |
| Maximum height of finished floor level       | 0.3 metres   | Complies   |
| Minimum setback from a primary road frontage | Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling. | Complies<br>House 1: 6.56m and 1.56m behind the main face of the dwelling. |

|  |  |   |
|--|--|---|
| <p>Maximum length on the boundary</p>  | <p>8 metres or 45 per cent of the length on that boundary (whichever is the lesser)</p>  | <p><b>Complies</b></p>  |
| <p>Maximum frontage width of garage or carport with an opening facing the street</p>   | <p>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</p>           | <p><b>Complies</b></p>  |
| <p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>   |  | <p><b>Complies</b></p>  |
| <p><b>Vehicle Parking</b></p>  |  |   |
| <p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation &amp; Access: PDC 34</p>  |  | <p><b>Complies</b></p> <p>Each dwelling provides two car parking spaces, one of which is undercover.</p>  |
| <p>Detached<br/>Semi-detached<br/>Row</p>  | <p>2 per dwelling containing up to 3 bedrooms one of which is to be covered.<br/>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</p> |   |
| <p>Group<br/>Residential flat building</p>   | <p>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</p>  |   |
| <p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>  |  |   |
| <p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation &amp; Access: PDC 43</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><b>Partially Complies</b></p> <p>d) 1 on-street car parking space shall remain available adjacent the subject land.</p> <p>e) The additional crossover proposed will reduce on-street car parking from 2 spaces to 1.</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</p> <p>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</p> <p>(c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation &amp; Access: PDC 44</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>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>   |

|  |  |
|--|--|
| <p><i>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</i></p> <p>(a) not face the primary street frontage<br/> (b) be located to the rear of buildings with access from a shared internal laneway<br/> (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>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> |
|--|--|

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| <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>General Section: Land Division: PDC 22</p> | <p><b>Partially Complies</b></p> <p>1 on-street car parking space is provided for the proposed allotments.</p> <p>Given that there is sufficient on-site parking and on-street car parking within the locality; I am of the view that there is sufficient parking to meet the demands of the likely occupants.</p> |
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## Access

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| <p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p>(a) 3 metres wide for a single driveway<br/> (b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p> | <p><b>Complies</b></p> <p>House 1: 2.8m<br/> House 2 &amp; 3: 3m</p> |
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| <p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p>General Section: Residential Development: PDC 40</p> | <p><b>Complies</b></p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.</p> |
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| <p><i>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</i></p> |  |                           |   |   | <p><b>Complies</b></p> <p>The width of the common driveway associated with Houses 2 and 3 is 4m, 3m for the driveway and an additional 0.5m on each side for landscaping.</p> |
| <p><b>Dwellings served</b></p>   | <p><b>Trafficable width (metres)</b></p>                       |                           |   | <p><b>Minimum landscape strips on both sides of driveway (metres)</b></p> |   |
|  | <p><b>Intersection with public road and first 6 metres</b></p> |                           | <p><b>Width beyond first 6 metres</b></p> |   |   |
|  | <p><b>Arterial roads</b></p>                                   | <p><b>Other roads</b></p> |   |   |   |
| <p>1 – 3</p>   | <p>6</p>   | <p>3</p>                  | <p>3</p>                                  | <p>0.5</p>  |   |
| <p>General Section: Residential Development: PDC 41</p>  |  |                           |   |   |   |

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| <p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p>General Section: Transportation and Access: PDC 28</p> | <p><b>Complies</b></p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p> |
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## Design & Appearance

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| <p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(a) building height, mass and proportion<br/> (b) external materials, patterns, colours and decorative elements<br/> (c) roof form and pitch</p> | <p><b>Complies</b></p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. Whilst House 2 and 3 are not readily visible from the streetscape, House 1 incorporates</p> |
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| <p><i>(d) façade articulation and detailing</i><br/><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p>  | <p>the following elements to enhance design and appearance:</p> <ul style="list-style-type: none"> <li>• Face brick front façade in PHG 'Liquorice' with 'Brighton Lite' mortar</li> <li>• Protruding portico</li> <li>• Gabled roof feature to front façade</li> <li>• Eave overhang and pitched roof form at 25 degree slope</li> <li>• Fenestration</li> </ul> <p>These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p> |
| <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>   | <p><b>Complies</b></p> <p>The entry to House 1 is clearly visible from the street. House 1 presents an entrance door, portico and habitable windows to the street.</p>  |
| <p><b>Relationship to the Street and Public Realm</b></p>  |   |
| <p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &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 16</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>The elevations of the dwellings are appropriately articulated to avoid extensive areas of uninterrupted walling exposed to public view.</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 otherwise specified in a zone, policy area or precinct, development should ensure that:*

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

The dwellings are single storey and compliant in their setbacks to the boundary, and therefore it is deemed that the impacts of overshadowing will not be over and above what is expected in a residential area.

Any shadow cast by Houses 2 and 3 in the early morning over the land at 13 Condada Avenue, and in the afternoon hours over the land at 9 Condada Avenue, will not be to such an extent that it will contravene Design and Appearance Principles 9 and 10.

To this end, the development will not result in unreasonable overshadowing upon the existing dwellings and POS areas of adjoining land.

## Noise

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

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

*General Section: Residential Development: PDC 30*

### **Complies**

House 2 features bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1.5 metres and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

## Site Facilities and Storage

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

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

*General Section: Residential Development: PDC 31*

### **Partially Complies**

- a) There is sufficient space at the entrance of the site to provide common letterboxes for Houses 2 and 3.
- b) Not applicable, as the development does not contain more than 6 dwellings.
- c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

*Buildings should be sited and designed:*

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

*General Section: Energy Efficiency: PDC 2*

### **Partially Complies**

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 proposed dwellings are oriented so that the open spaces and main activity areas face south. However as the dwellings are single storey, a portion of the private open spaces will have some exposure to northern sunlight.

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

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

*General Section: Energy Efficiency: PDC 3*

### **Complies**

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

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

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

*General Section: Landscaping, Fences & Walls: PDC 3*

### **Complies**

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

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

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

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

**Complies**

A 1.8m high fence will be installed on the boundaries of the site where necessary.

It is not anticipated that retaining walls in excess of 300mm will be necessary due to there being no discernible slope on the site.

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**

The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area; the proposal surpasses this limit at 45.1% (House 1) and 58.2% (Houses 2 and 3). It is noted that these figures are based upon the curtilage of the dwellings only, and does not include the common driveway. When including the driveway area, overall site coverage equates to 43.7%, only marginally above that sought.

Given that the setbacks of the proposal are considered to be acceptable (as discussed below) and the excess in the building footprint does not adversely impact upon the POS of the dwellings, it is considered relatively minor in its extent and consequence.

**Front setback**

The front setback of House 1 fails to comply with quantitative criteria as PDC 25 (General Section: Design and Appearance) stipulates that street setbacks should be at least the average of the adjacent buildings, if the difference between the setbacks of the adjoining buildings is greater than 2 metres.

The adjoining dwellings are representative of the original housing stock, with front setbacks of 7 and 11.5 metres respectively. Hence, the proposed dwellings should aim to incorporate a front setback of at least 9.25 metres; whereas House 1 features a setback of 5 metres to the main face and 6.25 metres to the garage.

However PDC 23 (General Section: Design & Appearance) prescribes that dwellings should be compatible with buildings on adjoining land and other buildings in the locality, except in areas where a new character is desired. In this case, the Northern Policy Area 13 encourages a new character of low-medium density housing, whilst encouraging replacement of original dwelling stock with higher densities. This vision implies that lesser setbacks should be established in order to create a more efficient use of land to facilitate higher density housing. Accordingly, the proposed front setback of 5 metres is considered acceptable, and nonetheless consistent with other newly constructed dwellings within the immediate locality.



## ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development accords with a number of applicable Development Plan criteria, and that the provisions not strictly adhered to result in only minor impacts upon the amenity of the proposed dwellings or upon that of adjoining properties. Redevelopment of the subject land to facilitate higher densities than that of the original housing stock nonetheless complements the Desired Character of the Northern Policy Area 13.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. While the proposal maintains a number of quantitative shortfalls, including site area, site coverage and front setback, assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

When these shortfalls are considered on balance with the proposal's compliance with the Development Plan, the overall merit of the proposal is considered to outweigh any discrepancies. To this end, it is my view that the non-compliances are not of such severity to warrant refusal of the application.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the 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: 100/2015/2413 for Single storey dwelling presenting to Condada Avenue and two single storey dwellings to the rear with associated common driveway, car parking and landscaping at 11 Condada Avenue PARK HOLME 5043 be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/2413, except when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
3. 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.
4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

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

## NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

## Attachments

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