

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 3 MAY 2017**

- 1.1 PRESENT**
- 1.2 APOLOGIES**
- 1.3 IN ATTENDANCE**
- 1.4 COMMENCEMENT**
- 2. APPLICATIONS:**
 - 2.1 19-21 SHAFTESBURY TERRACE, MARINO**
Demolition of existing dwelling and construction of a three storey detached dwelling, swimming pool & safety fencing, detached garage with attached verandah, associated earthworks, retaining walls and landscaping
DAP030517 – 2.1.....1
 - 2.2 1-3 WARREN COURT AND 308 DIAGONAL ROAD OAKLANDS PARK**
Two, three storey residential flat buildings, comprising a total of 19 dwellings, with associated car parking, communal open space and landscaping
DAP030517 – 2.2.....168
 - 2.3 8 FOURTH AVENUE, ASCOT PARK**
A two storey residential flat building comprising two dwellings and a single storey residential flat building comprising two dwellings with associated car parking and landscaping
DAP030517 – 2.3.....290
 - 2.4 19 OAK AVENUE, TONSLEY**
A two storey residential flat building, comprising four dwellings, with associated car parking and landscaping
DAP030517 – 2.4.....343
 - 2.5 15 THIRD AVENUE, ASCOT PARK**
A two-storey detached dwelling incorporating a wall on the western boundary and a single-storey residential flat building comprising two dwellings
DAP030517 – 2.5.....388

2.6	123 RAGLAN AVENUE, SOUTH PLYMPTON Residential Community Title Land Division - 1 into 3 allotments and to construct a two storey dwelling and a single storey residential flat comprising two dwellings to the rear of the site with associated garages and landscaping DAP030517 – 2.6.....	423
2.7	120 DIAGONAL ROAD, WARRADALE Community Title Land division 1 into 2 allotments and a change in land use from a single storey detached dwelling to residential flat building comprising two dwellings with associated car parking DAP030517 – 2.7.....	470
2.8	6 GEORGE COURT, MARINO <i>Previously deferred item DAP150217 – 2.1</i> Construction of a three level group dwelling and associated swimming pool & safety fencing, deck, earthworks and landscaping DAP030517 – 2.8.....	516
3.	OTHER BUSINESS:	
3.1	APPEALS UPDATE	
3.2	POLICY OBSERVATIONS	
4.	CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 3 MAY 2017	
5.	CLOSURE	

DEVELOPMENT ASSESSMENT PANEL

Wednesday 3 May 2017

Agenda Ref No: DAP030517 – 2.1

Originating Officer: Alex Wright
Development Officer - Planning

Applicant: Mr Benjamin Pitman

Development Description: Demolition of existing dwelling and construction of a three storey detached dwelling, swimming pool & safety fencing, detached garage with attached verandah, associated earthworks, retaining walls and landscaping

Site Location: 19-21 Shaftesbury Terrace, Marino

Zone: Residential Zone

Policy Area: Hills Policy Area 11

Application Type: Category 2/ Consent

Lodgement Date: 07/07/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1229

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

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan which assigns retaining wall/s and/or earthworks which, other than where assigned Category 1, as a Category 2 form of development. In this instance the extent of earthworks and retaining proposed were not considered to be of a minor nature and therefore required Category 2 Public Notification. 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 2008 an application (100/1630/2008) to construct a two storey detached dwelling and undercroft garaging, exceeding a building height of 9.0 metres (total building height of 12.25 metres), with associated earthworks and retaining walls was lodged for the southern half of the site (formerly 21 Shaftesbury Terrace). This application was refused in 2010 for failing to provide additional information within the requested time period.

In 2010 an application (100/2203/2010) to construct a two storey detached dwelling with basement garage and swimming pool was lodged for southern half of the site (formerly 21

Shaftesbury Terrace). The application was initially refused by Council's Development Assessment Panel and subsequently appealed with amended compromise plans supported by the DAP and consent orders were issued by ERD Court in February 2011.

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

Amendments Requested	Amendments Made
Screening to northern side of pavilion façade to reduce the extent of potential overlooking.	Timber-slat screens to the full height of the structure.
Changes to northern façade of the Bedroom 1 to reduce the extent of glazing and therefore limit the extent of potential downwards overlooking.	Extent of glazing reduced and window location altered to assist in minimising the potential extent of direct downwards overlooking.
Information Requested	Information Provided.
Provide bench levels on all PT Design plans (engineered plans).	Provided.
Comprehensive detail of Bottom/Top of Wall heights required. Level of information must be illustrated for all retaining walls throughout the site.	Information provided does not substantially detail the extent of retaining wall heights.
Rainwater tank details required.	Provided.
Cross-section or similar that details the height of the proposed photovoltaic cells required.	Provided.
Clarify north and south boundary fence details and provide an elevation illustrating the maximum fence/retaining wall heights.	Provided.

Refer Attachments I & II

SUBJECT LAND & LOCALITY

The subject land is situated at 19-21 Shaftesbury Terrace, Marino. The allotment is predominately trapezium in shape with an angled frontage to Shaftesbury of 15.24 and 15.95 metres (31.19 metres total), 42.67 metres to the Esplanade, an average depth of 51.33 metres and an overall allotment area of 1746 square metres.

The site is bound by residential properties to the north and south, Shaftesbury Terrace (and residential allotments opposite) to the east and the Esplanade (and littoral zone transitioning into ocean opposite) to the east. The Esplanade terminates as a cul-de-sac in front of the allotment before transitioning into the Marino to Hallett Cove walking trail. Land to the north, east and south is contained within the Hills Policy Area 11 of the Residential Zone, whilst land to the immediate west of the allotment boundary is located within the Coastal Conservation Zone.

The subject site essentially consists of two allotments which were formally amalgamated on the 6th of September 2014. The site incorporates a predominately east to west fall, with a slightly more significant gradient to the northern end. The northern end of the site incorporates an average gradient of 19.55% (1 in 5.1), whilst the southern end of the allotment incorporates an average gradient of 15.23% (1 in 6.6).

The northern portion of the current site, previously 19 Shaftesbury Tce, accommodates a split level detached dwelling built in 1936 which is in reasonable condition. Due to the slope of the land the dwelling presents as a single storey to Shaftesbury Tce and as two storey to the Esplanade. A single width detached garage is located to the north-western corner of the allotment and achieves an approximate 1 metre setback to the Shaftesbury Tce front boundary. A mixture of high to low level vegetation is located to the southern and western sides of the

existing dwelling. A low height fence located on the previous boundary between the allotments remains.

The southern portion of the current site, previously 21 Shaftesbury Tce, is currently void of all structures, with several palm trees located adjacent the southern boundary. The previous detached dwelling and associated outbuildings were demolished in 2011, resulting in an undulating topography which reflects the original location of the dwelling and associated retaining.

The locality comprises detached dwellings of a variety of architectural styles, many of which are single storey in form, having been constructed in the 1970s – 1980s. More recently-constructed dwellings are typically split level and/or multiple storeys in height, comprise more generous footprints and are generally designed to take advantage of the coastal views to the west and/or north.

The general pattern of division results in conventional, rectangular-shaped allotments between 700 – 800 square metres in area, although both smaller and larger, irregular-shaped allotments are located throughout the locality and conform to the topography and curvilinear street layout.

The topography of the land is defined by dwellings to the north, east and south and the littoral zone transitioning into coast/ocean opposite Esplanade to the west of the site.

PROPOSED DEVELOPMENT

The application seeks the demolition of the existing dwelling and associated outbuilding and the construction of a three storey detached dwelling, swimming pool and fencing, detached garage (also referenced on the plans as a 'pavilion') with attached verandah, associated earthworks, retaining walls and landscaping. The dwelling is oriented to face the Esplanade.

Floor Level	Details
Ground Floor (First Level)	<p>The ground floor achieves direct access to the Esplanade and is partially set into the existing ground level. The building footprint is predominately rectangular in shape and the garage is set down approximately 300mm lower than the remainder of the level. The ground floor consists of the following;</p> <ul style="list-style-type: none">• Entry lobby and external stairs• Internal stairwell• Cellar• Home Gym• Bathroom• Home theatre• Pool Plant Room• Storage Rooms• Double width garage
First Floor (Second Level)	<p>The second level achieves a 'U' shape design with a portion of the dwelling cantilevered over the ground level western façade. A partially roofed area of private open space is situated between the 'U' whilst a swimming pool wraps around the western built form of the 'U'. The western wing is set down approximately 300mm from the remainder of the level whilst the northern and eastern facades of the eastern wing are set into the existing ground. The first floor consists of the following;</p> <p>Western wing of 'U'</p> <ul style="list-style-type: none">• Living Room 1 (cantilevered over ground level front (western) façade)

- Study
- Living Room 2
- Open plan kitchen, living, dining area with access to a terrace to the western façade and access to the outdoor area of POS and pool (east).
- Pantry
- Powder room with access to outdoor POS

Middle wing of 'U'

- Gallery/Hallway connecting the eastern and western sides of built form.
- Kids Library
- Powder room
- Laundry with access to southern service yard
- Bathroom

Western wing of "U"

- Kids retreat with direct access to outdoor POS
- Store room that achieves access from outdoor POS
- Bedroom 3
- Bedroom 4
- Bedroom 5

A landscaped courtyard which has been set into natural ground level is located to the eastern end of the Gallery/hallway and adjacent Bedroom 3.

Second Floor
(Third Level)

The third level built form is long and rectangular in shape and sits on top of the western wing of the first floor. A vegetated roof and timber boardwalk is sited on top of the second portion of western wing and entire middle wing of the first floor. An area of private open space consisting of gardens beds, gravel paths and lawned areas are sited over the eastern wing of the first level. The second floor consists of the following;

- Bedroom 1 with associated en-suite and walk in robe.
- Bedroom 2 with associated en-suite.

Other

- Single width garage with access to Shaftesbury Terrace and attached raised 'pavilion' (verandah) located to the north-eastern corner of the allotment.
- A landscaped garden incorporating a fire pit and seating sited to the south of the garage/pavilion.
- Significant earthworks and retaining in the form of rammed earth retaining walls are proposed to retain land behind the portions of built form which has been incorporated into natural ground and portions of the ground level western façade.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	13 properties were notified during the Category 2 public notification process.
Representations:	<p>10 representations were received by Council.</p> <ul style="list-style-type: none"> • 1 in favour of the application. • 4 in favour of the application subject to certain amendments or provisions being met. • 1 neutral regarding the outcome. • 4 primarily against the proposal
Persons wishing to be heard:	<ul style="list-style-type: none"> • Mr D J Woolmay • Mr R Martin • Mr R Kelly & Mr P Kelly
Summary of representations:	<ul style="list-style-type: none"> • The proposal does not meet setback (front and side) and height requirements and will result in the loss of existing views to the north and northeast. • The dark colouring of the garage and adjacent screens is out of keeping with the streetscape. • The height should be limited to two stories. • Proposed design will result in a positive outcome and set a new benchmark for the area. • Combination of reduced setbacks, bulk and scale of the design and the dark nature of proposed materials will be out of context within the locality. • Use of black or similar as the predominant colour is inappropriate and an alternative colour(s) should be considered. • Conditions on the use of heavy vehicles/cranes should be attached to the applications consent due to limited space and vehicular manoeuvring areas. • Black zinc and black perforated screens are inappropriate for the locality and should be changed. • Access to the development site should be via Shaftesbury Tce only and not the Esplanade due to the minimal street width and cul-de-sac layout. • Colours do not reflect the locality and natural environment and the use of black is out of place magnify scale of built form. • Bulk/scale is inappropriate, and the proposal does not comply with setbacks or height requirements. • Access to the Marion to Hallett Cove Walking Path and Esplanade road should be maintained at all times and not affected by the proposed development. • Dwelling should be reduced in height to a maximum 2 stories. • No information has been provided in relation to the impact on views from the current occupants of 15 and 17 Shaftesbury Tce. • Black zinc cladding is not an appropriate material for the locality and will not visually blend into the wider locality. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • The applicant has provided a comprehensive response to the representations received and is attached to this report. <p style="text-align: right;"><i>Refer Attachment V</i></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:

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.*

Hills Policy Area 11

Objectives

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

Desired Character

The policy area encompasses parts of the escarpment which forms an east-west band through the centre of the council area, including elevated land visible from the Adelaide Plains in the suburbs of Seacliff Park, Seaview Downs, Seacombe Heights and Darlington. The policy area also contains undulating to steep land along the coast from Marino to Hallett Cove. Many dwelling sites have good views of the Adelaide Plains or the coast.

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

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.

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

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

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

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

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area: ▪ detached dwelling ▪ group dwelling</i>	Complies
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
<i>PDC 3</i>	<i>Development should be designed and sited to relate to the slope of the land, so that: (a) the bulk and scale of the buildings do not dominate the landscape (b) the amount of cutting and filling of the natural ground profile is minimised.</i>	Partially Complies (see comments)
<i>PDC 5</i>	<i>Development that would be prominently visible from the Adelaide Plains should: (a) achieve a profile that blends with the topography of the land (b) avoid the use of bright and highly reflective external materials and finishes (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>	Partially Complies (see comments)
<i>PDC 6</i>	<i>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land by: (a) incorporating stepping in the design in accordance with the slope of the land (b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.</i>	Partially Complies (see comments)
<i>PDC 8</i>	<i>Minimum Site Area: 1746m²</i>	Complies
	<i>Minimum Frontage: 42.67m (to Esplanade)</i>	Complies
	<i>Minimum Depth: 51.33m</i>	Complies

The proposed development maintains the existing low density character of the Hills Policy Area 11 by proposing a single dwelling on the allotment. It is acknowledged however, the 'density' of the proposed development, in terms of setbacks to boundaries for example, does not entirely reflect that sought by the Hills Policy Area 11 Desired Character which seeks 'low scale' development. The Policy Area further emphasises the importance of development incorporating a variety of architectural styles, being sensitive to the topography of the area and maintaining the importance of the landscape character particularly in areas which contribute to scenic coastal landscapes. Furthermore, land which interfaces with adjoining areas of coastal land should ensure that the landscape character is protected from inappropriate development and earthworks.

The proposal will not result in the loss of mature vegetation, nor impact on the natural features of the coast or watercourses, and whilst visible from different vantage points along the coast and Gulf St Vincent, the site is not readily visible from the Adelaide plains. Principle 5 seeks development that blends with the topography of the land, avoids the use of bright and highly reflective materials and finishes and incorporates vegetation wherever possible to assist in reducing the bulk and scale of the building and associated earthworks. The Desired Character

further emphasises this by seeking buildings on sites located in a highly visible and prominent location or adjacent open space be finished with colours and materials that complement the surrounding environment. In addition to the use of colours and materials which, in my opinion, complement the natural topography, the proposal incorporates generous landscaping throughout the site which provides a range of plantings, materials and structures that assist in reducing the bulk and scale of the building and associated earthworks, and complement the surrounding environment. A comprehensive landscape plan has been provided as part of the application and forms part of the supporting documentation.

In my opinion, the proposal is considered to adequately satisfy the Objectives and Desired Character of the Policy Area.

The overall allotment incorporates a cross-fall grade in the order of between 15.23% (1 in 6.6) and 19.55% (1 in 5.1), and in order to minimise considerable alteration of the existing land form, the land is proposed to be altered to provide a series of terraced areas that has resulted in number of 'zones' across the allotment and in which the built form and outdoor areas are built on and around. The built form subsequently 'sits' on and abuts the eastern edges of these zones. Whilst significant cut and earthworks are proposed as part of the proposed development, a majority of cut is either retained behind the built form, or retained via moulded/stylized retaining walls (limestone rammed earth walls and timber sleeps to the side boundaries) and incorporated into the overall dwelling and landscape design.

Whilst the proposed development would have a significant impact on the original/natural topography of the land in terms of cutting and filling, it should be acknowledged the existing topography has already been altered due to the previous dwelling on the land. A significant portion of cut proposed as part of the development is concealed and therefore not visible from the street or surrounding properties. The maximum amount of cut proposed is approximately 3.75 metres to the north-eastern and 4.25 metres to the south-eastern corners of the dwelling, and will be retained by the dwelling.

The highest extent of visible retaining located within the site is the form of rammed earth retaining walls supporting the second level POS area (pool, deck, alfresco) to the northern side of the dwelling and courtyard (service/drying yard) to the southern side of the dwelling with the third level POS area (rear yard that spans the width of the allotment). The retaining wall is approximately 4.53 metres in height. The northern and southern sections of this retaining wall aligns with the eastern portion of dwelling and provides seamless integration from retaining to built form.

The visible extent of cut and fill throughout the site has been appropriately minimised through the dwelling design and the provision of heavily landscaped areas throughout the allotment. The landscaped areas incorporate raised garden beds adjacent the allotment boundaries that assist in reducing the visible cut and retaining wall heights by providing a tiered/staggered appearance.

Due to the unique design and siting/placement of the dwelling and proposed ground levels in relation to adjacent allotments, the built form and retaining required to accommodate the dwelling and landscaped areas will nonetheless result in sizable bulk/scale impacts on dwellings to the north and south due to the construction of combined retaining wall and fencing achieving heights of up to 3.2 metres (discussed further in this report).

The above notwithstanding, I am satisfied the extent of earthworks and retaining proposed is acceptable, will not compromise the integrity of the Policy Area, nor have a detrimental impact upon the amenity of the subject or adjoining land to the extent where refusal is warranted.

In addition to retaining internal to the site, retaining along the northern and southern boundaries is proposed to retain both cut and fill required to accommodate the built form and surrounding open space and landscaped areas.

The boundary retaining is proposed in the form of timber sleeper and steel post retaining walls and achieve the combined role of providing retaining along the boundaries, where required, and subsequently extending higher to act as a boundary fence.

Due to the topography of the land, the retaining is tiered and generally stepped in line with the slope. The retaining/fencing along the northern boundary ranges in height above ground level from 1 metre up to 3.2 metres, and up to 3.1 metres along the southern boundary.

Whilst the use of timber sleepers as boundary fencing will maintain privacy, and be more visually attractive than standard colorbond or brick fencing, they will, in my opinion, result in significant visual bulk/scale impacts on occupants of adjacent allotments when considering their 'heavy' appearance and height in relation to natural ground level.

In my opinion, the proposed boundary retaining/fencing along the northern boundary will result in substantial visual and amenity impacts upon the occupants of the adjacent northern dwelling (17 Shaftesbury Tce). The height these walls, achieving maximum heights of up to 3.2 metres above ground level, are prominent and result in a reduced outlook for the occupants, particularly when viewed from south facing windows or the rear yard. Although the dwelling is orientated to face Shaftesbury Terrace and capture north-eastern through to south-western views from the rear, I am of the opinion these structures should be reduced in height to better relate to the natural topography of the land and/or incorporate a less heavy/bulky material which will assist in softening the visual bulk/scale and amenity impacts.

Potential visual impacts caused by the retaining/fencing along the southern boundary to adjacent occupants of the southern allotment will largely be limited to the area of open space situated to the east of the dwelling. Due to the relatively flat benched area of open space, the proposed boundary wall will range in height from 2.5 metres to 3.1 metres. Given this area is not the primary area of open space, the proposed fence structure is unlikely to result in adverse visual or amenity impacts and therefore is considered acceptable. The height of the adjacent southern dwelling's upper finished floor levels will result in the proposed retaining/fencing achieving a comparable height of approximately 1.8 metres typical of standard boundary fencing. In my opinion, retaining/fencing of up to 1.8 metres above the adjacent dwelling's upper level finished floor level is considered appropriate and will provide a mutual level of privacy between the allotments.

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 built form proposed is likely to have the greatest impact upon the property to the direct south (23 Shaftesbury Tce); due to the height of the building above ground level, potential loss of views to the north and north-east and loss of privacy. Additionally, allotments at 17 Shaftesbury Terrace (north) and 14, 16 & 18 Shaftesbury Terrace will experience varying degrees of impact in terms of visual amenity (i.e. the proposed bulk/scale impacts of the proposal) and loss of privacy (discussed within the visual privacy section of this report).

The dwelling is proposed to be constructed over three levels, however, due to the double width nature of the allotment, the dwelling layout has been designed to predominately run north-south instead of east-west along the allotment and the bulk and scale of built form compared to other dwellings within the immediate locality is considerable.

The building is well articulated and has been somewhat designed to follow the contours of the land. The ground level, which is largely rectangular in shape, is predominately set into the land, whilst level one, which is 'U' shaped, is partially set into the land and with the remainder set either above or cantilevered over the lower level. Level two (third storey) sits on top of the middle level, and does not follow the natural contours of the land, thereby increasing the visual bulk and vertical height of the dwelling. Associated retaining along the northern and southern boundaries will further increase visual bulk impacts due to their considerable height above adjacent ground levels.

Due to the unique design and the siting/placement of each level and existing ground levels of the site in relation to adjacent allotments, the built form will result in bulk/scale impacts on adjacent dwellings on adjoining land.

When considering the proposed setbacks, consideration to the form and extent of setbacks to boundaries achieved by dwellings adjacent to the subject allotment and their finished floor levels should be considered.

17 Shaftesbury Tce

The adjacent dwelling, located to the north of the subject site, is located to the middle of the allotment and achieves an approximate front setback to Shaftesbury Tce of 22 metres, and a rear setback to the Esplanade of 14 metres. The land has been cut to the east and slightly filled to the west, with the middle subsequently benched to accommodate a flat area for the dwelling. The dwelling is orientated to face west to capture ocean and coastal views. The main area of POS is located to the north western side of the dwelling and is separated from the proposed allotment by built form.

The dwelling achieves a southern setback of between 1.8 metres and 3.5 metres. Considerable medium to high level vegetation in the form of bushes is currently present between the dwelling and side fence and limits visibility of the subject land from the existing south facing windows.

The proposed dwelling is set parallel with the northern boundary and achieves a minimum 9 metre setback. Due to the sloping nature of the topography, the dwelling achieves a height of between 7.55 metres to 9 metres above ground level. The 9 metre side setback therefore complies with the quantitative requirements of the Residential Zone.

The extent of separation afforded between the proposed dwelling and dwelling to the north will assist in reducing the likely visual impacts associated with the site of the built form. As such, it is my opinion the building is considered to result in an acceptable impact upon the adjoining properties to the north in relation to potential visual impacts.

One element of the proposal which will result in considerable visual and amenity impacts upon the occupants of the adjacent dwelling to the north is the inclusion of timber sleeping retaining walls of up to 3.2 metres above existing ground level. It should these retaining walls provide a combined retaining and fence role, meaning no additional fence or privacy structures will be erected on top of the retaining wall. Importantly, these walls will assist in providing privacy to the occupants of both dwellings from ground level and significantly reduce the potential for direct overlooking to be achieved from the north facing upper level windows of the proposed dwelling.

Whilst the use of timber sleepers as boundary fencing will maintain privacy, and be somewhat more attractive than standard colorbond or brick fencing, they will create significant visual bulk and scale impacts on occupants of adjacent allotments considering their height and 'heavy appearance'. Although the height of the proposed retaining walls along the northern boundary will be considerable, the walls themselves are of a higher aesthetic appearance than typical

colorbond fencing or screening and incorporate materials and colours which reflect the coastal landscape.

In my opinion, the height of the proposed retaining walls will be significant and result in a reduced visual and amenity outlook for occupants of the dwelling, particularly when viewed from the south facing windows.

Given the orientation and layout of the existing dwelling and associated area of POS and the extent of separation afforded to the side boundary, the proposed boundary retaining walls will not result in adverse visual impacts to the extent where refusal is warranted.

23 Shaftesbury Tce

The adjacent dwelling to the south of the subject site at 23 Shaftesbury is of a two storey split-level design. The dwelling is sited close to the northern boundary and incorporates a combined dwelling wall/retaining wall along the northern boundary.

The allotment achieves an east to west orientation, and the dwelling has been constructed and designed to primarily achieve views to the west, and to a lesser extent, views to the north. As such, windows along the upper level northern and western facades and the lower level western façade have been incorporated. The upper level incorporates two upper level balcony/terraced areas - one to the north-western corner of the dwelling within the recessed northern façade, and a secondary area to the immediate west of the western façade (whilst these areas are connected they act as separate areas). Additional areas of open space are located forward of the dwelling between the front façade and Shaftesbury Terrace and ground level between the rear of the dwelling and western boundary.

The northern façade achieves a minimum setback to the northern boundary of approximately 2 metres at its closest point, before stepping back to approximately 3.5 metres to the western end of the dwelling. The dwelling achieves an approximate setback to the western (rear) boundary of 12.5 metres. At its highest point to the western side, the upper level achieves a finished floor level of 95.66 which is approximately 3 metres above the ground floor level (92.65) of the subject site.

Due to the sloping nature of the topography, the construction of built form over multiple levels and the angled nature of the southern boundary, the proposed wall heights in comparison to the proposed setbacks varies.

The table below illustrates the maximum wall height above ground level in relation to the proposed and required setbacks. The first floor of the dwelling presents to the Esplanade as a second storey however the rear is set into the land. This dwelling achieves compliant side setbacks in relation to the proposed wall height above ground level. The ground floor setbacks, whilst technically achieving a non-compliance of 300mm is considered acceptable given a majority of this level has been set into the slope and therefore results in no visual or amenity impacts.

Side Setbacks & Wall height				
Ground Level	Maximum wall height above natural ground level	Proposed Setback	Required setback	Non-compliance
Ground Floor (Level 1)				
91.7	1.05m	3m	2m	Nil
92.4	350mm	700mm	1m	300mm
First Floor (Level 2)				
89.4	6.65m	10m	3.65m	Nil
91.5	4.55m	4.52m	3m	Nil
89.6	6.45m	8.3m	3.45m	Nil
92.25	3.8m	3.7m	3m	Nil
91.5	4.55m	6.9m	3m	Nil
95.5	550mm	2.2m	2m	Nil
Second Floor (Level 3)				
91.6	8.45m	4.6m	5.45m	850mm
92.3	7.75m	2.8m	4.75m	1.95m

The southern façade exceeding 6 metres in height measures between 7.75m (western end) and 8.45 metres (eastern end). The setback of this façade does not meet the minimum setbacks sought in Zone Principle 6 and compliant setbacks would achieve a setback of between 850mm to 1.95 metres greater than proposed (see table above).

The upper level is approximately 6.7 metres long and achieves a wall height of 4 metres. The proposed upper level achieves a finished floor level of 96.45 whilst the wall itself begins at a height of 96.05. The adjacent dwelling to the south achieves an approximate upper finished floor level of 95.66; approximately 390mm lower than the proposed upper level.

Whilst the second floor façade does not meet the numerical setback requirements in relation to the wall heights proposed, it is worthy to note the adjacent dwelling is situated on an allotment that achieves a west-east orientation, and therefore the dwelling is primarily orientated to face west but incorporates windows along its northern façade. As previously mentioned, a small courtyard area is positioned to the north of the dwelling and a range of window sizes and types on the northern façade. From Council's assessment, the proposed upper level façade of the dwelling will approximately align with the eastern two thirds of this courtyard area.

The siting of the dwelling, approximately 2.8 metres to 4.6 metres from the southern boundary, will be imposing and the nature of the built form combined with the lack of compliant setback will result in considerable bulk/scale impacts on the adjacent allotment to the south. The lack of setback is somewhat problematic and will result in some bulk/scale impacts, this notwithstanding the extent of built form subject to the non-compliance is not of a significant length (6.7 metres), and the visual impacts are therefore limited. Furthermore, views to the northwest (as discussed later in this report) will be maintained.

The likely visual impacts caused by the height and design of the built form and non-compliant setbacks will considerably change the northern outlook from that currently experienced by the occupants on the adjacent allotment. On balance, the anticipated visual and amenity impacts, whilst considerable, are not considered to be fatal to the overall merits of the application. It should be acknowledged that due to the orientation of the allotments, and topography of the subject land, any new dwelling on the land will have an appreciable impact upon land to the south.

Views Assessment

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,

should the proposed development be approved in its current form. In assessing the loss of views, I have not only had regard to the City of Marion's Development Plan, but also recent Environment, Resources and Development (ERD) Court and Supreme Court Decisions.

In my opinion, given the highest part of the dwelling achieves a level of 100.05 and Shaftesbury Terrace achieves a level of 100.00, ocean views currently achieved from dwellings to the eastern side of Shaftesbury Terrace will largely be unaffected. Whilst some direct downwards views over the allotment will be removed, a majority of outwards views over the dwelling will be maintained. In administration's opinion, it was not considered necessary to undertake detailed view assessments from these properties.

In assessing the potential loss of view, in my opinion the dwelling potentially most affected by the proposed development is located at 23 Shaftesbury Terrace, Marino (south of the subject site).

It should be noted the owner of the subject land has the right to develop their property to construct a residential dwelling, and given 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 reasonably sized dwelling on this land will have an impact upon the views currently available to adjacent properties.

Such is the topography of the land and the opportunity to obtain a view, many dwellings within the locality comprise either a split level or two storey form.

The dwelling sited at 23 Shaftesbury Terrace is of a two storey split-level design. The dwelling is positioned close to the northern boundary and the ground floor incorporates a combined dwelling wall/retaining wall along the northern boundary. The dwelling incorporates bedrooms and an open plan kitchen/living/dining area with direct access to two connected yet separate balcony/terraced areas. The ground level incorporates a living/rumpus room and provides direct access to the rear (western) yard. Additional areas of open space are located forward of the dwelling between the front façade and Shaftesbury Terrace and at ground level between the of the dwelling and western boundary.

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"*. It should be acknowledged that whilst view to the north-east of the ocean and coast, whilst attractive, in *Hutchens v City of Holdfast Bay*, Debelle J stated *"the protection of views across side boundaries is more difficult than the protection of views..."*

Justice Debelle endorsed the following four-part test for the assessment of a development which proposed to obstruct the views of existing developments. An outline of the process has been provided below.

- The first step in the assessment is to assess the views to be affected, i.e. water, land, coast etc. In this regard, iconic views are valued more highly than views without icons and whole views are valued more highly than partial views.
- The second step is to consider from which part of the property the views were being obtained – taking into account that views across side boundaries are harder to protect than those over the front or rear boundaries, and sitting views are harder to protect than standing views. Whether a view is considered to be "hard" to protect will be relevant to whether the loss of the view is acceptable or not.
- The third step is to assess the extent of impact of the loss of views.

- The fourth step to assess the reasonableness of the development proposal, which will cause the impact on the views from existing developments.

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

At present, the dwelling at 23 Shaftesbury Tce enjoys significant and uninterrupted views of the coastline, Gulf St Vincent and horizon that extend from the north to the southwest in an anti-clockwise direction, including views of Brighton. In taking the approach of Justice Debelle, it is considered that view of the coast, which includes “icons” such as Glenelg, are valued higher than other views.

Views gained from the upper level are to the north and northeast along the Adelaide coastline and ocean and northwest through to the southwest of the ocean and horizon. Whilst views are achieved, it is of importance to note that the extent of view becomes more limited further east one is due to the placement of existing vegetation. Views from the lower level, within the dwelling, are restricted to the northwest through to the southwest, whilst view to the northeast through to the southwest in an anti-clockwise direction is achieved from the ground level rear yard.

The proposed development will have an impact on the views that are currently experienced from the site in a northern and north-easterly direction. These views are primarily achieved to the side of the dwelling, and therefore over that property’s side boundary over the subject land to the north.

A portion of the first level front façade of the proposed dwelling protrudes outwards from the remainder of the façade and cantilevers over the front yard for a distance of 5.1 metres and achieves a maximum roof height of 96.05. The dwelling at 23 Shaftesbury Tce achieves an approximate upper level finished floor level of 95.66, and is therefore approximately 390mm lower than the proposed cantilevered roof height. This element is setback 4.1 metres from the front boundary whilst the remainder of the second level achieves a minimum setback of 10 metres increasing to 10.7 metres.

Due to the proposed setbacks of the dwelling, and protruding nature of the second level, existing north and northeastern views achieved from within the kitchen, living area and north facing balcony/terrace of the coastline and ocean, will be lost or altered (dependent on where a person is standing to achieve view). Northern and partial north-eastern views of the coastline will be achieved from a standing position on the upper level western terrace/balcony. Views to the northwest through to the southwest will not be affected from either level.

Views directly outwards over the cantilevered portion will be maintained, whilst horizontal downwards views of the foreground will be lost – these views include the ocean and coastline south of the Brighton, which includes Seacliff and Kingston Park. It should be noted, the extent of view loss correlates with where the view is obtained. Whilst considerable view to the north and northeast will be lost when viewed from a standing position inside the kitchen, view obtained from a standing position at the western end of the dwelling inside the living area will not be as significant. As mentioned earlier, significant view to the north and northwest is primarily achieved to the side of the dwelling, and therefore over the adjacent allotment.

In my opinion, the collective view loss experienced 23 Shaftesbury can be described ‘moderate’.

The fourth and final stage in the assessment process is to assess the reasonableness of the proposal causing the impact. Two storey dwellings achieving a height of up to 9m above ground level are an anticipated form of development within the Residential Zone Hills Policy Area 11.

Considerable views are achieved over the subject allotment and therefore the impact of the proposed development upon the views available from 23 Shaftesbury relate to the setbacks, sitting and design, and height of the proposed development.

It is considered that the proposed development reasonably reflects the Desired Character of the Policy Area, by providing a low density detached dwelling, which has been designed to protect the landscape character of the Policy Area and reduce exposed alteration of the natural landform, whilst maintaining adequate privacy and amenity to adjoining land.

Whilst the dwelling exceeds 9.0 metres in height (discouraged by Zone Principle 6 – refer to Table Discussion for explanation) a majority of the front façades meet the minimum setback requirements, including the portion of built form which exceeds 9 metres in height. The cantilevered section, whilst not meeting the minimum setback of 8 metres, achieves a roof height marginally above the second storey finished floor level of 23 Shaftesbury Tce and a person of average height standing on the north-western side of the dwelling or balcony/terrace could therefore achieve a northern view over the roof of the proposed development. Downwards views would be lost.

Arguably, the cantilevered portion of the dwelling could be setback the minimum 8 metres south in the Policy Area and would assist in lessening the potential visual impacts and loss of view caused by the built form. Given the remainder of the second and third levels exceed the minimum front setback, removing the cantilevered portion of the dwelling would significantly alter the architectural design of the dwelling and result in a less attractive and unique streetscape design/outcome.

Whilst the proposed dwelling will interrupt the current views available, when viewed from the western side of the upper storey of 23 Shaftesbury Terrace a high degree of the attractive elements of the view (Adelaide coastline north of Brighton Jetty, including partial views of Glenelg) will remain largely unaffected.

It is apparent the proposed dwelling will have an impact on the view currently enjoyed by the adjacent property to the south at 23 Shaftesbury Terrace. The dwelling is considerable in its bulk/scale and overall built form and a reduction in the cantilevered front façade and/or a slight reduction in the finished floor levels or floor to ceiling heights would enable additional view from the westernmost north facing windows and terrace/balcony to the north. It should be noted however, a reduction in height to a maximum of 9 metres would not maintain views to the northeast.

In my opinion, the proposed development will not have such an adverse impact upon the amenity of this property when taking into consideration existing views, the extent of likely view loss and the overall reasonableness of the proposal as a whole as to warrant further amendments to the proposal or refusal of the application.

Whilst existing northern and north-eastern views will be removed or significantly reduced and the amenity of occupants of 23 Shaftesbury Terrace subsequently affected, it will not, in my opinion, be so eroded as to have a devastating impact upon the liveability and enjoyment of the occupants. The view currently enjoyed by adjacent properties will not be “obliterated” and views from the northwest through to the southwest in addition to partial northern and north-eastern (from particular vantage points) views will be retained.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage		
<p><i>Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area and a maximum floor area ratio of 0.4.</i></p> <p><i>Hills Policy Area 11: PDC 7</i></p>	<p>Site coverage: 572.63m² / 32.8%</p> <p>Complies</p> <p>Floor area ratio: 0.36</p> <p>Complies</p>	
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>Whilst the dwelling does not achieve compliant setbacks to all boundaries and affect the amenity of adjoining properties, this is not a result non-compliant site coverage which is less than the maximum permitted.</p>	
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage. Smaller</p>	
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p>	
Private Open Space		
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		
<p>Site area of dwelling</p>	<p>Minimum area of POS</p>	<p>Provisions</p>
<p>175 square metres or greater</p>	<p>20 per cent of site area</p>	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p>
<p>Complies</p>		

	The remainder of the space should have a minimum dimension of 2.5 metres.	
<i>Residential Zone: PDC 7</i>		
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>c) All POS is located to the side/rear of the dwelling and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas incorporate adequate privacy measures and therefore should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Partially Complies</p> <p>a) The primary area of POS is directly accessible from the internal living rooms of the dwelling, whilst the secondary area of POS is accessed via the primary area.</p> <p>b) A majority of POS is located at ground level however the two main areas of POS are split between level 1 and 2 of the site.</p>	
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>	
<p>Due to the unique dwelling design and layout, and the undulating topography of the land, the dwelling has been afforded with multiple areas of private open space on separate levels, each providing the occupants with a different area of use.</p> <p>The primary area of private open space is situated between the 'U' of the second level; the southern portion of this space is provided with direct access from the dining/kitchen and second living area and the gallery/hallway whilst the northern portion incorporates an in-ground pool, deck and lawn area, and subsequent access to the rear area of private open space (third level). The northern section of private open space is provided privacy from the adjacent allotment to the north through the incorporation of raised garden beds and fencing adjacent/abutting the northern boundary.</p> <p>The rear area of private open space spans the length of the allotment (north-south) and incorporates landscaped garden beds, lawn area and a fire pit. This area is provided privacy</p>		

from the adjacent dwelling to the north by the proposed freestanding pavilion/garage, Shaftesbury Terrace to the east by a 2 metre high timber batten fence and adjacent dwelling to the south by the existing freestanding garage.

Additional areas of private open space and service yards have been incorporated to the south of the dwelling between the dwelling and southern boundary, and within the built form itself via the sunken courtyard on level 1.

Building Height

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

Does Not Comply

Residential Zone: PDC 6

The proposed dwelling is three storeys in height and achieves a maximum building height of 10.55 metres at its highest point above ground level (ground level – 89.5, dwelling at highest point 100.05). Given the upwards slope of the topography and flat roof of the dwelling, the non-compliance is largely limited to the front portion of the dwelling. The excess in height over 9 metres is due to the existing cut of the site which is a result of the previous earthworks required to accommodate the original dwelling.

In my opinion, the excess in building height is not considered unreasonable as the third level roof is essentially level with Shaftesbury Terrace (roof: 100.05, Shaftesbury Tce 100) and does not result in the loss of western views from allotments located to the east of Shaftesbury Terrace, nor create unreasonable overshadowing of the allotment to the south. It should also be noted, the excess in height is limited to the centre of the dwelling and the northern and southern portions of the dwelling are within the maximum 9 metre building height requirements.

Building Setbacks from Road Boundaries

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

8 metres from arterial roads shown on Overlay Map – Transport and any road within Hills Policy Area 11.

Minimum setback from primary road frontage where an established streetscape exists:

8 metres from arterial roads shown on Overlay Map – Transport and any road within Hills Policy Area 11.

Residential Zone: PDC 6

Does Not Comply

Minimum front setback to Esplanade of 4.1 metres (cantilevered portion of second level).

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.

The allotment is provided with street frontages to Shaftesbury Terrace (east) and Esplanade (west). The dwelling at 19 Shaftesbury Terrace is currently orientated at face Shaftesbury Terrace, whilst the previous dwelling at 21 Shaftesbury Terrace was oriented to face the Esplanade.

The proposed dwelling has been oriented to face the Esplanade to capture the extensive ocean and coastal views to the north, north-east and west. Therefore, a minimum front setback of 8 metres to the Esplanade is required to accord with Residential Zone Principle 6.

When considering the appropriateness of the proposed front setback, in my opinion, regard should be given to the topography of the locality, the provision of setbacks of other dwellings to the north and south of the subject site, nature of the Esplanade and the design of the proposed dwelling.

17 Shaftesbury Terrace (north of the subject site) achieves dual street frontages, but is oriented to face Shaftesbury Terrace and incorporates an approximate front setback of 20 metres and rear setback of 14 metres. The finished floor levels of the dwelling are set well below Shaftesbury Terrace and, given the provision of front fencing and considerable landscaping, the visibility of the dwelling is significantly restricted. Likewise, the rear yard is heavily vegetated, and visibility of the dwelling from the Esplanade is restricted.

23 Shaftesbury Terrace (south of subject site) is oriented to face Shaftesbury Terrace however the dwelling is set well below road level and combined with the inclusion of a masonry front fence and freestanding garage adjacent the front boundary, prevents view of the dwelling. The dwelling achieves an approximate rear setback of 13 metres to the western boundary and incorporates a wall on the northern boundary, and high retaining wall (both retaining fill) on the western boundary. As such, the dwelling and western retaining wall are highly visible within the immediate locality.

It should be recognized that, to the north of 17 Shaftesbury Terrace, no uniform or consistent streetscape exists along the Esplanade with a majority of dwellings achieving setbacks ranging between 1 to 5 metres, therefore well forward of the current minimum 8 metres required. This being said, a majority of these dwellings were constructed well before the current Policy Area requirements and on allotments significantly smaller in terms of area and dimensions than now sought, thereby limiting the area in which a reasonable sized dwelling can be sited.

Due to the design and articulation afforded to the front façade, each level achieves a differing front setback. Furthermore, due to the tapering of the western boundary, the northern end of the dwelling achieves a slightly lesser setback than the southern end of the dwelling.

The minimum front setback from the dwelling to the Esplanade of 4.1 metres is attained as a result of the 6.3 metre wide living room being cantilevered over the ground level, and protruding from the remainder of the second level which achieves a minimum setback of 10 metres (increasing to 10.7 metres). This portion of the building is well forward of the minimum 8 metres required, and as discussed previously will have some impact in terms of loss of northern views by occupants of the dwelling to the south, view loss is not of an adverse nature as to warrant refusal of the application. Furthermore, this element provides considerable articulation to the front façade and assists in providing an attractive and varied visual streetscape presentation.

It should be acknowledged, the rear yard of the adjacent dwelling to the south is retained by a retaining wall that achieves a height of up to approximately 1.8 metres (at its height point), whilst the dwelling itself incorporates a wall of considerable height and length on the northern boundary. The proposed dwelling achieves a similar alignment to the adjacent dwelling and rear retaining, and therefore will not result in, or create major impacts on the streetscape.

The ground level achieves a minimum front setback of 6 metres (northern end) increasing to 7.56 metres (southern end). A majority of the ground level is to be cut into the land and subsequently achieves a finished floor level well below the adjacent dwellings to the north and south, as such the potential visual bulk/scale impacts on adjacent allotments have been appropriately minimised.

The third level, which is slightly cantilevered over the second level achieves a minimum front setback of 8.51 metres, increasing to 9.47 metres, thereby complying with the Residential Zone Principle 6.

The site is located on a slight inwards curve, and cannot be fully seen when looking south or north from more than 30 metres from the site. Given there is no existing or consistent streetscape within the immediate locality the lack of a compliant front setback is not considered to negatively impact on the existing streetscape or desired character of the locality.

In addition to the above, the site's location at the end of a terminated road provides justification for a lesser setback given the dwelling will not be located between dwellings.

Whilst the minimum front setbacks proposed are forward of that permitted within the Hills Policy Area 11, they are not considered to result in unreasonable bulk/scale or amenity impacts on adjacent allotments or the wider streetscape to the extent where refusal is warranted.

Side Setbacks				
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 2 metres</i></p> <p><i>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres: (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 6</i></p>				
Side Setbacks & Wall height				
Ground Level	Maximum wall height above natural ground level	Proposed Setback	Required setback	Non-compliance
Southern Setback				
<u>Ground Floor (Level 1)</u>				
91.7	1.05m	3m	2m	Nil
92.4	350mm	700mm	1m	300mm
<u>First Floor (Level 2)</u>				
89.4	6.65m	10m	3.65m	Nil
91.5	4.55m	4.52m	3m	Nil
89.6	6.45m	8.3m	3.45m	Nil
92.25	3.8m	3.7m	3m	Nil
91.5	4.55m	6.9m	3m	Nil
95.5	550mm	2.2m	2m	Nil
<u>Second Floor (Level 3)</u>				
91.6	8.45m	4.6m	5.45m	850mm
92.3	7.75m	2.8m	4.75m	1.95m
Northern Setback				
<u>First Floor (Level 2)</u>				
91.0	5.05m	13.05m	2m	Nil
92.2	3.85	13.05m	2m	Nil
<u>Second Floor (Level 3)</u>				
91.0	9.05m	9m	5.05m	Nil
92.5	7.55m	9m	4.55m	Nil

Partially Complies

Due to the varying topography of the land and the difference in built form levels, the required setbacks to the respective boundary varies significantly. The adjacent table outlines the proposed boundary setbacks in relation to the wall height. It is noted a majority of setbacks proposed in relation to the wall height proposed comply with Residential Zone Principle of Development Control 6, although it is noted the Second Floor southern side setback does not comply. The merits of the proposed setbacks and potential impacts are discussed within the Residential Zone/Hills Policy Area 11 assessment chapter of this report.

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Partially Complies</p> <p>The likely visual impacts caused by the height and design of the built form and non-compliant setbacks will considerably change the northern outlook from that currently experienced by the occupants on the adjacent allotment to the south (23 Shaftesbury). On balance, the anticipated visual and amenity impacts, whilst considerable, are not considered to be fatal to the overall merits of the application. It should be acknowledged that due to the orientation of the allotments, and topography of the subject land, any new dwelling on the land will have an appreciable impact upon land to the south.</p>
---	--

Rear Setbacks

<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 8 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres)</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The ground and first level are set into the slope of the land and therefore achieve no above ground setback to the rear boundary. The in ground setback to the rear boundary of any part of the dwelling at the closest point is 13.5 metres.</p> <p>The second level achieves a minimum rear setback of approximately 31 metres.</p>
--	---

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight.</p>
---	--

Garages, Carports, Verandas and Outbuildings

<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p>Complies</p> <p>The garage is incorporated into the main dwelling design, whilst the freestanding pavilion/garage to the north-eastern corner of the allotment maintains a similar roof design, form and materials to the dwelling.</p>
---	---

<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><i>Assessment against PDC 12 relates only to the freestanding pavilion/garage, unless the garage incorporated into the main dwelling is individually specified.</i></p>
--	--

Parameter	Value	
Maximum floor area	60 square metres	<p>Complies</p> <p>57m²</p>
Maximum wall or post height	3 metres	<p>Does Not Comply</p> <p>Garage/pavilion achieves a maximum wall height of 4.1 metres from the base of the structure to the top of the parapet that runs around the flat roof.</p>

<p><i>Maximum building height</i></p>	<p>5 metres</p>	<p>Does Not Comply</p> <p>Whilst the pavilion/garage achieves a maximum height of 4.1 metres from the base of the structure to the parapet around the flat roof, the distance between natural ground level and the top of the structure is 6.68 metres.</p> <p>Although the proposed building height significantly exceeds the maximum 5 metres permitted for outbuildings, the 1.8 metre setback to the northern boundary in addition to the openness in design, the structure's location to the northeast corner of the allotment combined with the location of the adjacent dwelling to the middle of the block and lower positioning in relation to the garage, is considered to adequately reduce potential visual bulk/scale impacts resulting from the proposed structure.</p> <p>Furthermore, the existing dwelling maintains a structure in a similar location and of similar setback, meaning a new structure is not foreign to this location.</p>
<p><i>Maximum height of finished floor level</i></p>	<p>0.3 metres</p>	<p>Does Not Comply</p> <p>The pavilion section achieves a finished floor level of 99.2 which is a maximum of 2.58 metres above the surrounding ground level along the western façade. It should be noted the pavilion structure at the greatest extent above natural ground level is partially cantilevered over the ground, resulting in a reduction of fill and associated retaining.</p> <p>The garage section achieves a finished floor level of 99.5 which is a maximum 1.84 metres above the surrounding ground level at the western most extent and is a minimum 900mm above natural ground level at the closest extent (eastern side of structure).</p>
<p><i>Minimum setback from a primary road frontage</i></p>	<p><i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i></p>	<p>Complies</p> <p>Garage: 7.66 metres Pavilion/Garage: n/a – located to rear of allotment.</p>
<p><i>Minimum setback from a rear or side vehicle access way</i></p>	<p>1 metre</p>	<p>Complies</p> <p>Pavilion/garage is setback 1.21 metres from the rear boundary.</p>
<p><i>Minimum setback from side or rear boundaries (when not located on the boundary)</i></p>	<p><i>0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall</i></p>	<p>Complies</p> <p>Pavilion/garage is setback 1.8 metres from the side (northern) boundary.</p>
<p><i>Maximum frontage width of garage or carport with an opening facing the street</i></p>	<p><i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i></p>	<p>Complies</p> <p>Garage (dwelling):</p>

<p>Maximum frontage width of garage or carport with an opening facing a rear access lane</p>	<p>No maximum</p>	<p>Complies</p>
<p>Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		<p>Complies</p>
<p>Vehicle Parking</p>		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		<p>Complies The proposed double width garage provides 4 covered parking spaces, whilst the proposed driveway can accommodate an additional 2 vehicles. The single width pavilion/garage can accommodate an additional vehicle if/when required.</p>
<p>Detached</p>	<p>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</p>	
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>		
<p>Access</p>		
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of: (a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>		<p>Complies 3.8 metre driveway width to the Esplanade considered acceptable. It should be noted no on-street parking is available along this section of the Esplanade due to Council parking restrictions and the limited width of the road.</p>
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>		<p>Complies The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.</p>
<p>Design & Appearance</p>		
<p>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.</p> <p>General Section: Design & Appearance: PDC 1</p> <p>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</p> <p>General Section: Design & Appearance: PDC 3</p>		<p>Complies (see comments below)</p>
<p>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.</p> <p>General Section: Design & Appearance: PDC 5</p>		<p>Complies The proposed balconies are integrated into the overall dwelling design, with clear balustrading that enables line of sight to the street. The dining room balcony, located forward of the main face, is shielded by the cavaliered living room which offers protection from the southerly and south-westerly winds</p>

The dwelling is a well-articulated building, with substantial stepping at each level, a mixture of contrasting materials and design elements, and well-considered placement of glazing throughout the front façade. In my opinion, the choice of colours, materials and the dwelling design/layout is the defining feature of the proposal.

The second and third level dwelling facades are predominately clad in black zinc cladding and provided with additional visual interest through the inclusion of large windows that sit flush with the cladding to provide a consistent and modern finish and operable perforated black metal screens. The ground level, which is largely set into the land, incorporates limestone rammed earth walls and aids in visually breaking up the lower and upper stories and assists in the lower section of the dwelling blending into the surrounding natural landscape through the use of a neutral colour and natural materials.

The different setbacks afforded to each level, combined with the protruding living room from the second level and wrap-around windows to the north-western corners of the second and third levels provides significant articulation and visual interest.

The zinc cladding and perforated screens are dark and subdued in tone and somewhat out of context within the immediate locality where dwellings generally incorporate light and/or neutral colours/materials. In my opinion, whilst these colours are much darker than what is typically found within the immediate locality, they will assist in ensuring the dwelling blends into the landscape character when viewed from afar (i.e. when view from along the coast or Gulf St Vincent). The use or incorporation of much lighter colours/materials would, in my opinion, magnify the dwellings scale and create a much more visually prominent structure. Furthermore, the use of bright and/or highly reflective colours would be at variance to the Desired Character of the Policy Area.

The flat roof does not complement the local topography and reinforces the bulk and scale of the proposal in terms of its height and overall built form. A green roof has been incorporated into design of the southern section of the second level and will assist in reducing the bulk and scale posed though the incorporation of landscaping that softens the built form and provides an attractive outlook. This notwithstanding, the flat roof aspect of the dwelling is incorporated into the overall design and integral to the architectural merits of the proposal.

In my opinion, the inclusion of a pitch roof would increase the visual bulk and scale of the proposal when viewed from adjacent properties and likely impact on ocean/horizon views currently enjoyed. Given the height of the proposed dwelling in relation to dwellings on adjacent land, the extent of glare should not be significant or adversely affect neighbouring properties.

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

Relationship to the Street and Public Realm	
<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 & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p>	<p>Complies</p> <p>The dwelling has been designed so that its main facade faces the Esplanade, presenting an entrance door and habitable windows to the street.</p> <p>The elevations of the dwelling feature a mixture of Zinc and timber cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>Given the placement of the dwelling towards the western half of the allotment and the lowered finished floor levels, the rear façade cannot be readily viewed from Shaftesbury Terrace. To</p>

<p>General Section: Design & Appearance: PDC 16</p>	<p>ensure a reasonably attractive street presentation is maintained, a 2 metre high timber batten fence is incorporated along a majority of the eastern boundary, whilst a recycled timber post fence has been incorporated to the northern end of the eastern boundary to provide greater visual interest and a contrast in colours/ materials.</p>
Overshadowing	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i> <p>General Section: Design & Appearance: PDC 9</p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i> <i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i> <ul style="list-style-type: none"> <i>(i) half of the existing ground level private open space</i> <i>(ii) 35 square metres of the existing ground level private open space</i> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i> <p>General Section: Design & Appearance: PDC 10</p>	<p>Complies</p> <p>The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that the north-facing habitable room windows of the dwelling and upper level balcony/terrace to the south 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. Whilst some level of overshadowing will undoubtedly occur to north facing windows and areas of private open space, the extent is within Development Plan requirements and of an acceptable level/time length.</p> <p>Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p>
Visual Privacy	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <ul style="list-style-type: none"> <i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i> <i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i> <i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i> <p>General Section: Design & Appearance: PDC 11</p>	<p>Partially Complies</p>
<p><i>Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.</i></p> <p>General Section: Design & Appearance: PDC 12</p>	<p>Complies</p>

The subject locality is one where, due to the existing topography of the land, direct views over and into the rear private open space areas and habitable room windows of dwellings and allotments to the north and south are obtainable whilst standing on existing ground level, indicating a significant level of privacy is not presently afforded, and to a degree, somewhat unavoidable. The design of dwellings to achieve views of the coast and ocean further increases the somewhat 'mutual' loss of privacy experienced by properties within the immediate locality.

The dwelling incorporates considerable glazing to the northern and western façades which provides extensive, uninterrupted views from the northeast through to the southwest in an anti-clockwise direction. It is acknowledged that in achieving these views, there is a high likelihood for overlooking onto the habitable room windows and useable private open space areas of the allotment directly abutting the subject site to the north.

17 Shaftesbury Terrace

Considerable glazing has been afforded to the second and third levels of the northern façade; as a result, the proposal is likely to achieve view from the third level into the adjacent dwelling's south facing habitable room windows and rear yard (including the flat area of POS located to the northwest of the dwelling).

During assessment of the application, it was identified that the open nature of the freestanding pavilion/garage proposed to the north-eastern corner of the allotment would provide opportunity for occupants using the structure to achieve direct and downwards views into the adjacent northern allotment. To ensure the privacy of the adjacent allotment is maintained, timber screens for the full height of the structure has been incorporated to the north, south and western façades. The timber screening is considered to provide sufficient privacy measures to prevent potential overlooking.

Given the proposed finished floor levels of the second level in relation to existing ground level at 17 Shaftesbury Tce, the provision of extensive landscaped areas in the form of raised planter boxes and vegetation, and the extent of separation afforded to the northern façade to the boundary, no overlooking of significance from the north facing windows is anticipated.

The dwelling at 17 Shaftesbury is positioned to the eastern side of the proposed upper level and potential overlooking from the upper level will predominately be of the southern and western façades, and the area of private open space located to the rear of the dwelling. During the public notification process, concerns were raised regarding the extent of glazing afforded to the northern façade of the third level. The applicant has since amended this façade and reduced the extent of north facing glazing by approximately 60%.

Two windows are incorporated to the northern façade.

The easternmost window achieves an approximate face area of 3.78 square metres (2.1m high by 1.7m wide) and provides the en-suite of bedroom 1 with potential north-eastern views. To ensure occupants using this room are provided an appropriate level of privacy however a perforated screen has been provided to the entire window face and will considerably reduce the type and extent of view achieved (noting also that the en-suite is a relatively private space).

The westernmost window achieves an approximate face area of 6.92 square metres (2.92m high by 2.4m wide) and provides Bedroom 1 with partial northern and north-eastern view of the coastline and ocean. This window wraps around and extends along the western façade and provides additional northern views. The incorporating of a wrap-around window will, in my opinion, somewhat 'frame' the most attractive views and orientate casual outlook to views of the ocean and coastline to the north, rather than downwards views to the northeast.

The bedroom achieves a finished floor level some 2.5 metres above the approximate level of the adjacent dwelling to the north and achieves a minimum setback of 9 metres. The combined

fencing/retaining on the northern boundary, adjacent the dwelling of 17 Shaftesbury Tce, achieves an average height of 2.4 metres, prior to stepping down in association with the slope of the land and achieving heights of between 1.9m and 3.2 metres when adjacent the rear yard of 17 Shaftesbury tce. Although the third level is set well above the adjacent northern dwelling, the extent of separation afforded (9 metres) combined with the provision of reasonably high fencing along the boundary, will assist in reducing the extent of downward overlooking achieved.

In my opinion this room is unlikely to be used as frequently compared to, for example, an open plan kitchen/living/dining room. It is highly likely the occupants will provide internal blinds or curtains to afford themselves a level of privacy given the generally private nature of a bedroom. Whilst a person standing at windows edge could achieve considerable downwards view to the northeast, as previously mentioned the room is unlikely to be frequently occupied and the extent of separation combined with the wrap-around windows orientation and provision of fencing of considerable height along the boundary, will all assist in minimising the extent of direct overlooking onto the habitable rooms and areas of private open space.

23 Shaftesbury Terrace

It should be acknowledged due to the orientation of the dwelling and living/outdoor spaces to achieve views to the northeast and north, and existing upper level finished floor levels, the dwelling achieves substantial views over and directly downwards into the subject land.

No windows are incorporated to the third level southern façade, whilst the windows provided to the second level southern façade are located to the eastern end and therefore will not achieve any view of the adjacent property.

The proposed dwelling incorporates a vegetated roof over the first level and achieves a finished level of 96.65. The area achieves a setback to the boundary of between 6.9 and 2.2 metres and corresponds with the eastern half of the adjacent dwelling and area of private open space between the dwelling and garage. This area achieves an approximate area of 95.66.

Whilst the vegetated roof incorporates a timber boardwalk and deck, these are located to the northern side of the and given the planting schedule proposed areas to the south will be largely inaccessible for all but plan maintenance. At its closest point the timber boardwalk is setback a minimum 6.9 metres. It's also worthy to note that the proposal incorporates combined fencing/retaining of between 1.8 to 2.4 in height along the southern boundary, and that the retaining/fencing will achieve a height of between 1.4 metres and 2 metres above the vegetated roof height.

The setbacks provided, particularly to the usable portion of the vegetated roof, and the provision of the retaining/fencing along the southern boundary are considered to sufficiently restrict persons from gaining downward or direct views.

In my opinion, the extent of privacy measures and setbacks incorporated to the southern facade is considered to appropriately protect the privacy and amenity of the adjacent allotment to the south.

Conclusion

On balance, the proposed development has sought to minimise direct overlooking into habitable areas of other dwellings via building layout, location of windows, screening devices (including fencing), landscaping and adequate separation.

Whilst some level of overlooking to all adjacent dwellings will occur, the potential extent is not considered to be excessive or unreasonable and I am satisfied the proposed dwelling will not

result in a loss of privacy to such a magnitude as to warrant further amendment and/or refusal of the application.

Consequently, the proposal is considered to accord with Principles of Development Control 11 and 12 (General Section: Design & Appearance: Visual Privacy) and those aspects of the Desired Character of the Hills Policy Area 11 that refers to privacy.

Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i> <i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i> <i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	Complies
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i> <i>(a) taking into account overshadowing from neighbouring buildings</i> <i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	Does Not Comply

The dwelling has been designed so that the main open spaces and activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around. The dwelling itself has been sited and designed to capitalise on the northern orientation and protect the main courtyard and living areas from the south westerly sea breezes. The dwelling incorporates a number of features to assist in energy efficiency such as;

- High performance glass windows with silver grey tint for west-facing windows
- External operable louvres to assist in reducing impacts of afternoon sun
- Operable perforated screens to ensure shading is provided to west facing windows.
- Photovoltaic panels
- Geothermal heating and cooling
- Green roofs which provide an insulation layer that assists in stabilising internal temperatures
- Rain water harvesting facilities
- High quality building materials and insulation above the normal standards. It is proposed for photovoltaic cells to be sited on top of the pavilion/garage, rather than the dwelling to ensure structures architectural style and design is not compromise.

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.

It is proposed for photovoltaic cells to be sited on top of the pavilion/garage, rather than the dwelling to ensure structures architectural style and design is not compromise. Due to the flat roof design, solar collectors would have to either be sited flush with the roof or sited on tilt frames. The siting of solar collectors on tilt frames is undesirable from a visual appearance perspective, and would increase the potential visual impacts of the development. Nevertheless, there is ample space to accommodate solar collectors if desired.

Landscaping, Fences and Walls

<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Complies</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Partially Complies</p>

Landscaping

A comprehensive landscape plan has been provided as part of the proposal documentation. A range of plant species which are low water users and suitability for harsh and sunny conditions have been selected. The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage.

The areas to be landscaped have been divided into four zones – front, central, rear and roof. Each zone incorporates a range of plantings suitable for the coastal environment and will assist in providing an attractive and high quality environment and complement and reduce the visual impact of the built form.

The proposal is considered to satisfy Principles 1 and 2.

Fencing

A 800mm high recycled timber post fence is proposed to run along the length of the western boundary, and due to its low scale height will enable visibility of the built to and from the street to enhance safety and allow for casual surveillance. The fence is considered to be in keeping with the architectural style of the proposal and assists in providing a high quality streetscape.

A 2 metre high timber batten fence is incorporated along a majority of the eastern boundary, whilst a recycled timber post fence has been incorporated to the northern end of the eastern boundary to provide greater visual interest and a contrast in colours/ materials.

Fencing to the northern and southern boundaries is provided through the use of stepped timber sleeper and steel post retaining walls which achieve the dual role of providing retaining along the boundaries where required (to retain both cut and fill) and then extending higher to act as a boundary fence. Whilst the use of timber sleepers as boundary fencing will maintain privacy, and be somewhat more attractive than standard colorbond or brick fencing, they will create significant visual bulk and scale impacts on occupants of adjacent allotments considering their height and 'heavy appearance'.

The provision of low scale front fencing will assist in providing casual surveillance of the street and an attractive streetscape appearance. Whilst the side boundary fencing is considered to be of sufficient height to maintain privacy, the height of the proposed retaining/fencing will result in inappropriate visual amenity impacts.

Sloping Land	
<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"> <i>(a) minimises their visual impact</i> <i>(b) reduces the bulk of the buildings and structures</i> <i>(c) minimises the extent of cut and/or fill</i> <i>(d) minimises the need for, and the height of, retaining walls</i> <i>(e) does not cause or contribute to instability of any embankment or cutting</i> <i>(f) avoids the silting of watercourses</i> <i>(g) protects development and its surrounds from erosion caused by water runoff.</i> <p><i>General Section: Sloping Land: PDC 2</i></p>	<p>Partially Complies See below</p>
<p><i>The cutting and/or filling of land should:</i></p> <ul style="list-style-type: none"> <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> <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> <i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i> <i>(d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i> <p><i>General Section: Sloping Land: PDC 7</i></p>	<p>Does Not Comply See below</p>
<p><i>Retaining walls should:</i></p> <ul style="list-style-type: none"> <i>(a) not exceed 1.5 metres in height</i> <i>(b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total</i> <i>(c) be constructed to a high standard from high amenity materials</i> <i>(d) be landscaped to enhance their appearance.</i> <p><i>General Section: Sloping Land: PDC 8</i></p>	<p>Does Not Comply</p>

As mentioned within the Desired Character section of this report the application proposes substantial earthworks and retaining, and the visual bulk of the dwelling, and more so the combined boundary fencing/retaining walls are considerable. Setbacks to boundaries and the setting of the dwelling into the slope assists in reducing the bulk of the building, however this increases the alteration of the land and the overall extent of cutting and retaining required is considerable. Although the proposal does not to comply with Principle 2, the appropriateness of the proposed bulk/scale and associated visual impacts has been discussed earlier within this report.

It must be acknowledged that the existing topography of the land has been significantly altered from what was the natural topography of the land due to the demolition of the previous dwelling and artificial changes to the topography over time. The maximum amount of cut proposed is approximately 3.75 metres to the north-eastern and 4.25 metres to the south-eastern corners of the dwelling, and will be retained by the dwelling. The highest extent of visible retaining is the rammed earth retaining wall supporting the second level POS area (pool, deck, alfresco) to the northern side of the dwelling and courtyard (service/drying yard) to the southern side of the dwelling from the third level POS area (rear yard that spans the width of the allotment). Whilst the retaining wall achieves an approximate height of 4.53 metres, the potential visual impacts have been considerably reduced and softened through generous landscaping and its incorporation into the overall dwelling design and layout.

Whilst the height of retaining exceeds that sought in Principle 8, all retaining is to be constructed to a high standard from high amenity materials, and further, be landscaped to enhance their appearance and assist in reducing visual impacts. When considering the building’s relationship with ground level and the extent of earthworks proposed, it is my opinion that the cut proposed and the treatment of exposed retaining walls is appropriate and the proposal is considered acceptable in the context of the Objectives, Principles and Desired Character of the Policy Area.

As such, in my opinion, the application has appropriately addressed the above mentioned Principles of Development Control.

Siting and Visibility	
<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>Does Not Comply</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>Partially Complies</p>

The dwelling, when viewed from the Esplanade, is of a significant scale and size and the rectangular type design combined with the incorporation of a flat roof does not complement or follow the natural form of the land. The mass of the building has however been visually reduced through the incorporation of the multiple front setbacks, articulation, fenestration and screens protruding from the front façade. In my opinion, the roof garden will assist in ‘setting’ the building into the landscape. Furthermore, a roof pitch reflecting the slope of the land would likely

increase the visual bulk and scale of the dwelling and result in further loss of views and/or overshadowing impacts.

Whilst three storeys in height, the profile of the building is low when considering the topography of the land and the fact highest part of the dwelling is set at approximately the same level as Shaftesbury Terrace which results in the dwelling essentially fitting into the hillside.

As previously discussed, the second and third level facades are predominately clad in black zinc whilst the ground level, which is largely set into the land, incorporates limestone rammed earth walls. The change in colours/materials assists in visually breaking up the lower and upper stories.

The zinc cladding provides a dark and subdued tone, and whilst somewhat out of context within the immediate locality where dwellings generally incorporate light and/or neutral colours/materials, it will assist in ensuring the dwelling does not detract from the landscape character when viewed from afar (i.e. when view from along the coast or Gulf St Vincent) and reasonably complies with the Desired Character of the Policy Area.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to the proposed colours, materials and architectural design of the dwelling, the potential loss of privacy as a result of the extent of glazing afforded to the northern façade, and the potential for view loss as a result of the dwelling's siting and lack of appropriate front setbacks 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 impacts on existing infrastructure (i.e. damage to the Esplanade and adjacent paths). 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.

CONCLUSION

The proposed dwelling is not compliant with Council's Development Plan in respect to front set and southern side setbacks, the siting and visibility of the dwelling and the extent of earthworks and retaining proposed. A number of additional minor shortfalls are apparent upon assessment.

Throughout this report I have identified that the shortfall in these provisions, whilst in some instances finely balanced, are considered acceptable and not fatal to the overall merits of the proposal.

The dwelling is proposed to be constructed over three levels, however, due to the double width nature of the allotment, the dwelling which has been designed to run predominately north-south instead of east-west along the allotment the bulk and scale of built form compared to other dwellings within the immediate locality is considerable.

The dwelling is a well-articulated building, with substantial stepping at each level, a mixture of contrasting materials and design elements, and well-considered placement of glazing throughout the front façade. In my opinion, the choice of colours, materials and the dwelling design/layout is the defining feature of the proposal. The different setbacks afforded to each level, combined with the protruding living room from the second level and wrap-around windows provides significant articulation and visual interest.

The inclusion of dark zinc cladding to the second and third levels is somewhat out of context within the immediate locality where dwellings generally incorporate light and/or neutral colours/materials. In my opinion, whilst these colours/materials are much darker than what is typically found within the immediate locality, they will assist in ensuring the dwelling into the landscape character when viewed from afar (i.e. when view from along the coast or Gulf St Vincent). The use or incorporation of much lighter colours/materials would not accord with the Desired Character of the Policy Area and, in my opinion, magnify the dwelling's scale and create a much more visually prominent structure.

Through the use of a unique and considered design and considerable earthworks, the dwelling has been designed to 'fit' into the land, thereby minimising impacts on adjacent allotments to the east of Shaftesbury Terrace. The visible extent of cut and fill throughout the site has been appropriately minimised through the dwelling design and the provision of heavily landscaped areas throughout the allotment. The landscaped areas incorporate raised garden beds adjacent the allotment boundaries that assist in reducing the visible cut and retaining wall heights by providing a tiered/staggered appearance. This notwithstanding the siting/placement of the dwelling and proposed ground levels of the site in relation to adjacent allotments, the built form and retaining required to accommodate the dwelling and landscaped areas will result in bulk/scale impacts on adjacent dwellings on adjoining land. The above notwithstanding, I am satisfied the extent of earthworks and retaining proposed is acceptable, will not compromise the integrity of the Policy Area, nor have a detrimental impact upon the amenity of the subject or adjoining land to the extent where refusal is warranted.

The likely visual impacts caused by the height and design of the built form and non-compliant southern side and first level front setbacks will considerably change the northern outlook from that currently experienced by the occupants on the adjacent allotment to the south. On balance, the anticipated visual and amenity impacts, whilst significant, are not considered to be fatal to the overall merits of the application.

The extent of view loss likely to be experienced by the dwelling at 23 Shaftesbury Tce is generally considered to be moderate.

The proposed development has sought to minimise direct overlooking into habitable areas of other dwellings via building layout, location of windows, screening devices (including fencing), landscaping and adequate separation. Whilst some level of overlooking to adjacent dwellings will occur the potential extent is not considered to be excessive or unreasonable. Changes to the third level northern façade have been incorporated to reduce the extent of glazing and orientate occupants view over the rear of the adjacent allotment to the north and northwest, rather than downward and to the northeast.

Whilst the use of timber sleepers combined retaining and fencing along the northern and southern boundaries will maintain privacy, and be more visually attractive than standard colorbond or brick fencing, they will, in my opinion, result in considerable visual bulk/scale impacts on occupants of adjacent allotments when considering their 'heavy' appearance and height in relation to natural ground level. In my opinion, the proposed boundary retaining/fencing along the northern boundary will result in substantial visual and amenity impacts upon the occupants of the adjacent northern dwelling (17 Shaftesbury Tce). The walls will be visually prominent and result in a reduced outlook for the occupants, particularly when viewed from south facing windows or the rear yard of the dwelling of 17 Shaftesbury Tce. I am of the opinion these structures should be reduced in height to better relate to the natural topography of the land and/or incorporate a less heavy/bulky material which will assist in softening the visual bulk/scale and amenity impacts.

In conclusion, having regard to the nature of the impacts associated with the development, the topography 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,

and whilst finely balanced in some areas, the proposal on balance warrants Development Plan Consent subject to a reserved matter and conditions.

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: 100/2016/1229 for Demolition of existing dwelling and construction of a three storey detached dwelling, swimming pool, detached garage with attached verandah, associated earthworks, retaining walls and landscaping at 19-21 Shaftesbury Terrace, 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. 100/2016/1229 received on 11/04/2017 and prepared by Benjamin Pitman, except when varied by the following conditions of consent.
2. Amended plans (architectural and engineering) shall be provided to Council prior to the issuing of Development Approval removing reference to any and all works outside the bounds of the subject site.
3. All privacy materials proposed freestanding pavilion/garage privacy screens shall be provided to Council for consideration and approval prior to the issuing of Development Approval.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained 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. A minimum of 50% of the trees indicated to be planted on the approved plan shall be at least 1.5 metres in height at the time of planting.
6. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. All ancillary swimming pool plant/equipment shall be located a minimum 5.0 metres from any adjoining neighbouring dwelling and shall be contained within a sound reducing enclosure.
9. The pavilion/garage has been granted consent as a domestic outbuilding only and therefore shall not be used for human habitation or for purposes not reasonably incidental to the use of the land for residential purposes, unless the further development approval of the Council is obtained.

10. 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 and maintained for the life of the building.
11. 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.
12. 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.
13. 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.

NOTES

1. Any variation/amendment to the plans and documentation granted Development Plan Consent will require further approval from the Council. If the amendments are deemed to be minor in nature in the opinion of the Council, they may be accepted as part of the current application pursuant to Regulation 47A of the Development Regulations 2008. Alternatively, if in the opinion of the Council, the variation(s) are not considered to be minor in nature, a new variation application must be lodged with the Council for assessment against the relevant Marion Council Development Plan.
2. You are undertaking work that may affect the stability of adjoining land. Section 60 of the Development Act 1993 and Regulation 75 of the Development Regulations 1993, prescribe that your neighbour has a right to be notified by you 28 days prior to you undertaking that work. This is to enable your neighbour to obtain a report for which you are obliged to pay, that specifies any work that is required to be undertaken to ensure the stability of your neighbour's property is maintained during and following the undertaking of the work you propose. You should make yourself aware of these requirements before proceeding.
3. 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.
4. Before commencing any site works, a temporary vehicular access to the property for machinery, delivery of building materials and general vehicles should be provided. In the case where no driveway invert exists, the kerb can be saw cut and removed at the intended location for the new driveway invert to provide the necessary temporary access. In addition, if a paved Council footpath exists, this should also be removed in alignment with the removed section of kerb. The applicant should also take note of other information provided regarding use of, damage to and construction on Council owned land.
5. 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.

6. 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).
7. Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development, to the reasonable satisfaction of the Council (a suggested measure is to install a gravelled construction exit with wash down facilities).
8. 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.
9. 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.
10. Any additional excavated material not required as fill for the site must be removed immediately after excavation to prevent bogging and soil washing away.

Attachments

- Attachment I: Certificate of Title*
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposal Plan and supporting documentation
Attachment IV: Statement of Representations
Attachment V: Applicant's Response to Representations
Attachment VI: Image 1 & 2: Potential extent of view loss from the second storey of 23 Shaftesbury Terrace, Marino.

DEVELOPMENT ASSESSMENT PANEL

Wednesday 3 May 2017

Agenda Ref No: DAP030517 – 2.2

Originating Officer: Joanne Reid
Development Officer - Planning

Applicant: Urban Infill Group

Development Description: Two, three storey residential flat buildings, comprising a total of 19 dwellings, with associated car parking, communal open space and landscaping

Site Location: 1-3 Warren Court and 308 Diagonal Road
Oaklands Park

Zone: Residential Zone

Policy Area: Regeneration Policy Area 16

Application Type: Category 3 / Consent

Lodgement Date: 24/10/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1965

Recommendation: That Development Plan Consent be REFUSED

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development by virtue of the proposal not falling within a prescribed form of development as defined in Parts 1 or 2 of Schedule 9 and the proposal is not considered to be of a minor nature.

Given that the development proposes a dwelling density that will result in site areas below the minimum standard; as well as there being written representations received from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
There is insufficient separation to minimise the visual impact of a 3-storey building along the northern boundary of the site. The built form	No changes were made to the height and density of dwellings 1 to 11. Horizontal canopies added to ground and first floor to

and density should be reviewed and amended accordingly.	provide <i>'a level of detailing, interest and shadow to northern façade'</i> and a row of capital pear trees are proposed to the northern and southern boundaries to address concerns relating to visual bulk.
Laundry and bin storage located in garage may impact on vehicle parking and/or function of laundry facilities when vehicle is parked.	Plans amended placing laundry in ground floor flexi-room and garage/stair section provided showing vehicles ability to park within garage.
Residence 1 lacks opportunities to overlook adjacent public space in accordance with Residential Development Principle 6 (c).	Noted – no changes made as it was considered the other 18 dwellings have significant views over this area.
Details of acoustic treatment to limit noise impacts from arterial road.	It was indicated that all the dwellings will have an appropriate level of acoustic treatment and ventilation although no details were provided as proposed treatments are to be confirmed and assessed within Building Rules Consent assessment.
Driveway is dominant, lacks landscaping and fails to reinforce or contribute to an attractive streetscape.	Additional planting proposed to central common area.
Vehicle manoeuvring out of Residence 1 appears tight.	The crossover servicing Residence 1 and 2 has been widened.
Landscaping has not been designed to enhance the visual appearance of the site and contains limited areas and dimensions of landscaped spaces.	An amended landscape plan was provided with increased larger trees, retention of existing trees, a community garden, a seated area for residents with BBQ facilities and an open garden adjacent the corner of Warren Court and Diagonal Road.

SUBJECT LAND & LOCALITY

The subject land comprises four allotments, 1, 2 and 3 Warren Court and 308 Diagonal Road in Oaklands Park. Diagonal Road is an arterial road and Warren Court is a small cul-de-sac accessible from Diagonal Road with five dwellings (one occupied as a medical centre) facing onto the court. The subject land encompasses all the allotments within the cul-de-sac with the exception of the medical centre at 306 Diagonal Road. The subject land is located in close proximity to the Sturt Road and Diagonal Road intersection.

Each allotment, individually, is somewhat irregular in shape when compared to the rectangular shape of the surrounding allotments. When combined, the site takes on a 'U' shape appearance, following the curved frontage of Warren Court. The total 'U' shaped frontage to Warren Court is approximately 63m. The western boundary that adjoins the medical centre maintains a depth of 27.84m; the northern boundary which adjoins the rear of the properties presenting to Richman Street has a length of 55.23m; the eastern boundary that adjoins the properties presenting to Finniss Street has a length of 51m; and the southern boundary which runs along Diagonal Road has a length of 19.71m. The total site area of the subject land is approximately 2,652m².

Each allotment currently contains a single storey detached dwelling with associated structures. The allotments are relatively flat and there are no regulated trees on either allotments. Three allotments currently gain primary access from Warren Court, whilst there is one vehicle access point onto Diagonal Road.

The subject land is bordered by Marion Shopping Centre in the Regional Centre Zone to the west, residential development and a small scale medical centre to the north, residential development to the east and Goodlife gym and carpark to the south. The Oaklands Park Railway Station is located approximately 1km away (as the crow flies).

The pattern of division in the locality is variable and comprises a mixture of original allotments and a number of newly divided allotments at higher densities.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposed development comprises the demolition of four single storey detached dwellings and the construction of two residential flat buildings with a total of 19 dwellings ranging in height of two and three stories. One of the residential flat buildings (incorporating Residences 1 to 11) will be adjacent the northern boundary and the other building (incorporating Residences 12 to 19) on the southern side of the site.

A 'V' shaped communal driveway is proposed which runs along both sets of buildings and allows for two-way vehicle movement on both sides. The driveway is separated in the centre by an 'island' which will incorporate three visitor parking spaces, bicycle parking, communal letter boxes and landscaping. An additional four visitor car parking spaces are proposed at the 'vertex' of the driveway along the eastern boundary. A total of 45 car parking spaces is provided over the entire site, with each dwelling incorporating two car parking spaces, one of which is undercover plus the abovementioned visitor spaces.

The residential flat buildings will be finished in a mixture of rendered concrete panel, matrix cladding and timber with the skillion roof to be constructed in Colorbond. Small areas of landscaping are provided along the common driveways between the dwellings themselves but is generally concentrated within the area containing the visitor car parking, to the rear of the individual allotments and in the area set aside for Road Widening on the western side Residence 19 adjacent to Diagonal Road.

A description of the dwellings are as follows:-

Residences 1 and 2

- Each occupy single levels with Residence 1 on the ground floor and Residence 2 above.
- To be offered as affordable housing.
- Each dwelling incorporates two bedrooms, one bathroom and open plan kitchen/living/dining area.
- Ground level private open space (POS) to rear of Residence 1 and front balcony POS for Residence 2.
- Under main roof garage allocated to Residence 2 and open carport on boundary allocated to Residence 1.
- Vehicle entry and egress directly from Warren Court.

Residences 3 to 10 and 13 to 18

- Three level dwellings with garage and 'flexi-room' with laundry on ground floor, open plan kitchen/meals/living and WC on first floor and three bedrooms (one with ensuite) and a bathroom) on the second floor.
- Ground level POS with access from 'flexi-room' and front balcony with access from meals/living area.
- Residences 3,4, 5 and 18 will maintain individual vehicle entry and egress directly from Warren Court whilst Residences 6 to 10 and 13 to 17 will enter and exit from the communal driveway.

Residences 11 and 12

- Two-storey buildings situated at the eastern end of each residential flat building, Residence 11 being attached to the northern building and Residence 12 on the southern building.

- Each incorporates a garage, bedroom (with ensuite) and 'flexi-room' with laundry on the ground floor and one bedroom, bathroom and open plan kitchen/meals/living on the first floor.
- Ground level POS with access from 'flexi-room' and front balcony with access from meals/living area.
- Vehicle access from communal driveway.

Residence 19

- Two storey dwelling situated on western end of southern side residential flat building.
- Incorporates a garage, bedroom, 'flexi-room' and WC on the ground floor and one bedroom, bathroom and open plan kitchen/meals/living on the first floor.
- Ground level POS with access from 'flexi-room'.
- Direct vehicle access to and from Warren Court.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	22 properties were notified during the Category 3 public notification process.
Representations:	3 representations were received by Council and all were primarily against the application although objections would be lessened if certain amendments or provisions were met. <ul style="list-style-type: none"> • Ms K Kamei • Mr and Mrs S & J Draffen • Dr L Marek
Persons wishing to be heard:	Ms K Kamei and Mr and S & J Draffen have indicated a desire to be heard by the Development Assessment Panel.
Summary of representations:	Concerns were raised relating to: <ul style="list-style-type: none"> • overlooking into the properties at 104 and 106 Finnis Street. • overshadowing and impact this would have on installing solar panels. • noise, sewerage, internet connection and electricity stability. • noise from vehicles near fence line and wheel stops requested. • increased traffic congestion within Warren Court. • the removal of reliable on-street car parking which is compounded by lack of parking on Diagonal Road due to the bike lane. • the lack of on-site car parking. • The bulk and scale of three storey building – it will dwarf neighbouring properties and would like to see residences scaled back to 2-storey only. • Inconveniences of general construction such as noise, dust, vehicle movements and loss of car parking. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • Upper level eastern windows of Residence 11 and 12 is obscured to a height of 1.7m above the finished floor

	<p>level.</p> <ul style="list-style-type: none"> • Line of sight diagrams show that a screen placed at the eastern end of the balconies on Residences 11 and 12 will only produce oblique views to the east. • A bamboo screen which grows to a height of 7m is proposed along the eastern boundary to provide an additional level of screening. • Overshadowing diagrams show that the proposal will not significantly overshadow any of the adjoining residential properties, particularly in summer. • It is not expected that the development will result in a drain or impact upon any existing services. • The applicant is happy to provide wheel-stops next to the fence-line. • The proposal will not result in any adverse impacts and peak hour traffic generation would increase by less than 10 movements; having minimal impacts on the traffic flow of Diagonal Road and Warren Court. • Council traffic engineers have previously confirmed that only two legal parking spaces are currently available on Warren Court and the proposal will not reduce this availability. • The development proposes a total of 45 spaces (38 resident parks and 7 visitor parks) which exceeds the parking requirements of the Development Plan by 10 spaces. • The provisions within the Policy Area and Zone envisage dwellings up to three storeys and a conscious effort to reduce the visual impact of the development on the adjacent land was made by reducing height to 2-storeys adjacent the medical clinic. • All contractors adhere to the relevant Environmental Protection Authority guidelines and requirements during the construction of the development. <p style="text-align: right;"><i>Refer Attachment V</i></p>
--	--

GOVERNMENT AGENCY REFERRAL

<p>Department of Planning, Transport & Infrastructure (DPTI):</p>	<ul style="list-style-type: none"> • Access via Warren Court is supported in-principle and no direct access to/from Diagonal Road should be permitted. The existing crossover on Diagonal Road should be permanently closed and reinstated to Council standard kerb and the applicant's expense. • Waste collection will be undertaken by Council along Warren Court and Diagonal Road and green waste removed by an external contractor. Although not preferable, DPTI is prepared to tolerate Council undertaking waste collection as per usual arrangements. • Council should be satisfied that there is a sufficient number of car parking spaces and that they are designed in accordance with AS/NZ 2890.1:2004. • The subject land is affected by a possible requirement for a strip of land up to 4.5m in width
--	---

	<p>from the Diagonal Road frontage.</p> <ul style="list-style-type: none"> • DPTI is satisfied with the 3m x 3m corner cut-off however recommends that any vegetation/fencing adjacent to the corner cut-off be limited to being \leq 1.0m tall in order to maximise sightlines at the corner. • The commissioner of Highways' consent will be required. • DPTI does not object in-principle to the proposed development subject to its conditions.
--	---

Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Engineering:	<ul style="list-style-type: none"> • The vehicle manoeuvring across all dwellings can be achieved and is with the Australian Standards. • Although it is noted that the lack of on-street car parking has been addressed with additional onsite parking, there is a concern that on-street parking issues will still arise. • The finished floor levels of the dwellings will need to be adjusted to mitigate flooding in a 1:100 ARI event. A stormwater management plan will need to be provided indicating the proposed method to ensure site runoff does not exceed 0.25 and 0.45 for 1:5 ARI and 1:100 ARI respectively.
Open Space	The street tree is able to be removed and replaced with the cost being borne by the applicant.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <ol style="list-style-type: none"> 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.
Regeneration Policy Area 16
<p>Objectives</p> <ol style="list-style-type: none"> 1 Integrated re-development of poor quality housing stock and underutilised land. 2 Improved quality of living environments. 3 Improved quality of housing. 4 Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation. 5 Improved environmental outcomes.

- 6 Increased dwelling densities and population.
- 7 More efficient use of land.
- 8 Improved community services and infrastructure.
- 9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces.
- 10 A smooth transition in the character and scale of development between this and adjoining residential policy areas.
- 11 Development that contributes to the desired character of the policy area.

Desired Character

This area has been identified for regeneration because many of the dwellings and other infrastructure within the area are nearing the end of their economic life. Within the context of the Council area and the surrounding region this policy area represents a key opportunity to achieve strategic goals such as improved living conditions, environmental outcomes, and community services and infrastructure, as well as provide economically viable housing choices for the changing demographics of our population and make more efficient use of land and infrastructure within the Metropolitan area.

New development will occur at densities greater than the current density of housing to increase the number of dwellings and the number of residents within the policy area and justify the improvement of infrastructure and other services.

This policy area encompasses areas of recent redevelopment and areas that are suitable for comprehensive redevelopment where the density of new development will substantially exceed that of existing low density housing. Much of the existing development in the area comprises older public housing, primarily detached or semi-detached dwellings of varying age and construction materials.

The desired character of the policy area is one of a high quality and distinctive living environment 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. It will be characterised by residential development at low-medium and medium densities, with a variety of architectural styles and a wide range of dwelling types to meet a variety of accommodation needs.

Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles. Buildings of up to two storeys in height are appropriate, with three storey buildings also being appropriate provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and amenity.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. For larger development sites, a comprehensive scheme for the development of a range of dwelling types is desirable. Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing.

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.

Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>student housing</i> ▪ <i>supported accommodation.</i> 	<p>Complies The proposal will result in two residential flat buildings comprising dwellings with Dwellings 1 and 2 proposed to be affordable housing.</p>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>Partially Complies See comments below</p>

PDC 5	<i>Allotments should be amalgamated to facilitate co-ordinated and efficient development.</i>	Complies The development is proposed to occur over 4 allotments.
PDC 3	<i>Minimum Site Area: An average site area per dwelling of: 200m² for 2-storey Residential Flat Buildings and 150m² for 3-storey residential flat building</i>	Does Not Comply Average Area (excluding the common driveway): 110m ² (shortfall 90m ² or 45% for Residences 1, 2, 11, 12 and 19 and 40m ² or 27% for Residences 3 to 10 and 13 to 18) For the Panel's reference The average area (including the common driveway): 139.6m ² (shortfall of 60.4m ² or 30.2% for Residences 1, 2, 11, 12 and 19 and 10.4m ² or 7% for Residences 3 to 10 and 13 to 18)
	<i>Minimum Frontage: 18m</i>	Complies Total frontage on Warren Court is 63m
	<i>Minimum Depth: 45m</i>	Partially Complies Depth of existing allotments varies from 24m to 29.58m. The portion of the total site containing Residences 1 to 11 has a depth ranging from 50-55m. The portion of the total site containing Residences 12 to 19 has a depth ranging from 40m to 51m.

Assessment

The proposed development seeks to replace 4 single storey detached dwellings with 19 dwellings which represents a net increase of 15 dwellings. The Objectives and Desired Character of the Regeneration Policy Area 16 supports redevelopment where the density is greater than existing in order to justify improvements to existing infrastructure and particularly where Centres, Public Transport nodes and public open space is located nearby.

Additionally, the policy emphasises that areas that are suitable for comprehensive redevelopment, new development will *substantially exceed* that of existing low density housing.

The proposed development will involve the amalgamation of four allotments, which encompass all the residential allotments that exist within the cul-de-sac. Accordingly, it is considered highly appropriate for a fully integrated community scheme that comprises dwellings at a medium density to be developed on the subject land.

The applicants have chosen to exceed the prescribed density for the site, with the average minimum site area significantly below the specified Development Plan requirement. The two-

storey dwellings display a shortfall of 90m² (below 200m²) or approximately 45% below, and the three-storey dwellings are 40m² (below 150m²) or 26% below the identified minimum.

This method of calculating site area has been employed in accordance with Principle 8 in the General Section: Land Division which states: *Allotments in the form of a battleaxe configuration should:*

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

The applicant has provided legal advice (attached) and contends that when calculating the average site area for the dwellings, the ERD Court cases of *Karidis V City of Marion [2013] SAERDC34*, *Ward Frasten Pty Ltd V City of West Torrens [2015] SAERDC 34* and *Phillips & Ors [2011] SAERDC 51* have accepted that the correct approach to calculating site areas on developments such as this, is to include the whole of the site, inclusive of all shared spaces.

When the driveway is included within the calculations, the average site area per allotment falls short 60m² or 30% for the two-storey dwellings and 10.4m² or 7% for the three-storey dwellings. As such, even when including the driveway and common areas within the calculations, the site at 2,652m² falls a total of 447m² short of the desired total site area to accommodate 19 dwellings in the proposed form [(5 x 200m² = 1000m² + 14 x 150m² = 2100m²)] = [(1000m² + 2100m² = 3100m²)].

However, the question of the suitability of the proposed density lies not only in whether the development yields the numerical figure specified by the Development Plan, but also (and, more importantly) whether the proposal is considered to demonstrate that it provides a high quality living environment, which allows for a variety of housing styles where its height, siting and physical environment will not result in adverse impacts to adjacent properties or poor streetscape outcomes.

The Development Plan, in its Desired Character Statement promotes the opportunity to develop the land in a deliberate and coordinated fashion but in doing so, one must exercise caution, ensuring that the buildings' height, particularly for three-storey buildings, does not result in a visual bulk that is obtrusive and will impact on the amenity of adjoining properties.

I am of the view that the proposed development adequately provides a variety of housing types in different architectural styles whereby there is a mixture of two and three bedroom dwellings within a building that is varied in its appearance. However, it is my opinion that the application has failed to respond appropriately to the irregular shape of the site. The existing allotments lack depth; limiting adequate separation of the three-storey dwellings to adjoining properties.

Furthermore, it is apparent that the driveway is a dominant feature of the site. The lack of separation between the garages and the large number of vehicle entry/exit points does not provide sufficient space to facilitate attractive landscaping and therefore fails to achieve an attractive presentation to the road and thus meeting that part of the Desired Character.

To this end, it is my opinion that the proposal does not represent appropriately designed medium density development and further discussion will take place throughout this report which suggests that the density proposed will produce shortcomings that will have visual and streetscape implications when viewed from adjacent land.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage							
<p><i>Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:</i></p> <table border="1" data-bbox="188 743 906 846"> <thead> <tr> <th>Site area</th> <th>Maximum Site Coverage</th> <th>Maximum Floor Area Ratio</th> </tr> </thead> <tbody> <tr> <td>< 200 m²</td> <td>80 m²</td> <td>0.7</td> </tr> </tbody> </table> <p><i>Regeneration Policy Area 16: PDC 4</i></p> <p><i>80m² is the applicable standard calculated on the average site area of 110m².</i></p>	Site area	Maximum Site Coverage	Maximum Floor Area Ratio	< 200 m ²	80 m ²	0.7	<p>Site coverage:</p> <p>Complies Residences 3 to 10 and 13 to 18 - 54.6m² Residences 11 and 12 – 74.4m² Residence 19 – 72.3m²</p> <p>Does Not Comply Residence 1 and 2 – 135.2m²</p> <p>For the Panel's reference: The site coverage over the whole of the land is 1120.7m² or 42.2%.</p> <p>Floor area ratio:</p> <p>Does Not Comply Residence 1 and 2 – 1.4 Residences 3 to 10 and 13 to 18 – 1.14 Residences 11 and 12 – 1.01 Residence 19 – 1.05</p> <p>For the Panel's reference: The FAR over the whole of the land is 0.85.</p>
Site area	Maximum Site Coverage	Maximum Floor Area Ratio					
< 200 m ²	80 m ²	0.7					
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>Residences 1 and 2 are compliant in their setbacks and private open space provision such that the additional 55m² of site coverage will not adversely affect the amenity of adjoining properties.</p>						
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Partially Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS and waste storage.</p> <p>The site however, lacks sufficient area for adequate landscaping as is discussed in the section 'Landscaping, Fences and Walls'.</p>						
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>Approximately 25 per cent of the development site remains pervious and free from driveways, car parking areas and other paved surfaces.</p>						

Private Open Space

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

Site area of dwelling	Minimum area of POS	Provisions
Less than 175 square metres	35 square metres	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 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, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.

Dwellings located above ground level should provide private open space in accordance with the following table:

Two bedroom dwelling	11 square metres	Private open space located above ground level should have a minimum dimension of 2 metres and be directly accessible from a habitable room.
----------------------	------------------	---

Residential Zone: PDC 7

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

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

General Section: Residential Development: PDC 16

Complies

Residence 1 – 76m²
Residences 4 to 10 and 13 to 18 – 26m² + 9m² (balc) = 35m²
Residence 11 – 35m²
Residence 12 – 35.6m²
Residence 19 – 66m²

Does not comply

Residence 3 – 24.8m² + 9m² (balc) = 33.8m²
This is a minor variance with the 1.2m² shortfall unlikely to severely impact on the functionality of the space.

Complies

Each dwelling provides one part that has an area of 16m² directly accessible from a living room with a maximum dimension of 4 metres and a gradient no less than 1-in-10.

Complies

Residence 2 – 11.7m² comprising an upper level balcony with a minimum dimension of 2m that is directly accessible from the living room.

Complies

- a) All POS areas are directly accessible from the internal living rooms of the dwelling.
- b) Other than for Residence 2, some POS is located at ground level.
- c) Other than for Residence 2, some POS is located to the side/rear of the dwelling/dwellings and capable of being screened for privacy.
- d) The subject land does not maintain natural features which warrant preservation.
- e) The POS areas should not be directly overlooked by adjacent buildings.
- f) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- g) and h) Residence 1 and 3 to 11 have ground floor POS that maintains a northerly aspect to provide for comfortable year round use.
- Residences 12 to 18 have a balcony with a northerly aspect for comfortable year round use. Therefore, a portion of the POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- i) Other than for Residence 2, POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities

<p><i>Private open space should not include:</i></p> <p>(a) any area covered by a dwelling, carport, garage or outbuildings</p> <p>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</p> <p>(c) common areas such as parking areas and communal open spaces</p> <p>(d) any area at ground level at the front of the dwelling (forward of the building line)</p> <p>(e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p>should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional based on their compliance with the Development Plan.</p> <p>Does Not Comply</p> <p>c) The only POS available for Residence 2 is at the front of the dwelling and is exposed to public view.</p> <p>g) The POS areas for Residences 2 and 19 maintain a southerly aspect and are likely to be overshadowed during the winter months.</p> <p>h) The POS areas of Residences 2 and 19 will be significantly shaded during winter by the associated dwellings.</p> <p>i) The balcony of Residence 2 has limited ability to be shaded during summer.</p>
<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p>Complies</p> <p>100% of private open space provided is open to the sky and free from verandahs.</p>
<h3>Building Setbacks from Road Boundaries</h3>	
<p><i>Minimum setback from primary road frontage where no established streetscape exists:</i></p> <p>8 metres from arterial roads shown on Overlay Map – Transport</p> <p>5 metres in all other circumstances.</p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>Residence 4 – 5.4m</p> <p>Residence 5 – 5.5m</p> <p>Partially Complies</p> <p>Residences 1 and 2 – Between 4 and 7.8m</p> <p>Residence 19 – Between 4m and 5.2m</p> <p>Does Not Comply</p> <p>Residence 3 – 3m</p> <p>Residence 18 – 4m</p> <p>All remaining dwellings present to the common driveway.</p>
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Complies</p> <p>In my opinion, the front setbacks of the dwellings are not considered to be a primary issue of concern as the entire site, with the exception of the doctor's surgery, encompasses all the allotments within the cul-de-sac and as such, it is appropriate for the development to establish its own a streetscape.</p>
<p><i>Minimum setback from secondary road frontage: 2 metres</i></p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>Residence 19 - Minimum 6.5m</p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<h3>Side Setbacks</h3>	
<p><i>Minimum setback from side boundaries:</i></p> <p>Where the wall height is not greater than 3 metres: 0.9 metres</p> <p>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary</p>	<p>Complies</p> <p>Residence 1 (western side) – 1.325m (min)</p> <p>Residence 11 (eastern side) – 1m (min)</p> <p>Residence 12 (eastern side) – 988mm (min)</p> <p>Complies</p> <p>Residence 11 (eastern side) – 2m (min)</p>

<p><i>(b) 2 metres in all other circumstances.</i></p> <p>Residential Zone: PDC 6</p>	<p>(adjacent rear yard of property at 104 Finniss Street) Residence 12 – (eastern side) – 2m (min) (mostly adjacent undercover area for property at 106 Finniss Street)</p> <p>Does Not Comply Residence 1 (western side) – 1.962m (min) (adjacent commercial building)</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p>General Section: Design and Appearance: PDC 2</p>	<p>Partially Complies</p> <p>With regard to Residence 1, the 380mm incursion of the two storey wall to the western boundary is considered minor and due to the commercial nature of the adjacent building, will not result in adverse visual impacts nor will it overshadow the building to the detriment of the occupants.</p> <p>Numerically speaking, Residence 11 complies with the relevant side setback provision, being the side of the residence, However, in my opinion, some regard should be had for the fact that the eastern boundary is the rear boundary for the adjoining land as well as for the subject land as it currently exists.</p> <p>Residential Principle 2 which seeks to restrict buildings on hammerhead allotments, or the like, to single storey, was introduced to minimise the visual impact and actual/perceived overlooking that could occur from two storey buildings in close proximity to the POS areas of adjoining properties. Whilst it is noted that being a higher density policy area, two storey dwellings on hammerhead allotments do exist, I am of the opinion that greater separation should have been provided to the two storey element and a 6m setback applied to ensure that (a), (b) and (c) of this Principle is achieved.</p>
<p>Rear Setbacks</p>	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>Residence 1 (ground floor) – 6m with a reduction to no less than 3m for approximately 37% of the rear boundary Residence 1 (first floor) – 6.21m minimum Residences 3 to 19 – 6m</p> <p>Residences 2 and 4 to 19 - All buildings maintain a lower and upper storey rear setback of 6m.</p> <p>Partially Complies Residence 3 – Between 5.5m and 6m for the upper and lower storey (less than 6m for 90% of the rear).</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns</i></p>	<p>Partially Complies</p> <p>For the majority of the development, the buildings comply with the Development Plan's standard for the rear setback. However, with regard to 3-storey buildings within this Policy Area, the test is not whether a numerical figure</p>

<p><i>of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>has been achieved but whether, as stated in the Desired Character Statement... <i>“the impact of their additional height and bulk does not adversely impact on existing neighbouring development and amenity.”</i></p> <p>The applicant’s view is that they have minimised the visual impact of the dwellings by providing a level of detailing, interest and shadow with banding between the second and third stories. However, the development is still considered to have a significant visual impact when viewed from adjoining properties due to the sheer number of properties at the proposed setback and the additional height above two-storey is considered to add a level of bulk that will be imposing regardless of any material treatments proposed to the built form.</p>
Building Height	
<p><i>Maximum building height (from natural ground level): 3 storeys of not more than 12 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Residences 1 and 2 – 2-storey building with a maximum height of 7.2m</p> <p>Residences 3 to 10 and 13 to 18 - The proposed dwellings incorporate a 3-storey building with a maximum building height of 9.6 metres, which is less than the maximum permitted in the Policy Area.</p> <p>Residences 11 and 12 – 2-storey dwellings with a maximum height of 6.8m</p> <p>Residence 19 – 2-storey dwelling with a maximum height of 6.6m.</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p>Does Not Comply</p> <p>The applicant has provided a legal opinion which does not consider that the allotments in the form proposed constitutes a “battle-axe” configuration and therefore, the provisions in the Development Plan relating to such allotments are inapplicable to the proposed development.</p> <p>However, I am of the opinion that where a development involves dwellings that are situated one behind the other and do not have primary street frontage, the development will fall in the ‘or the like’ category when it comes to implementing this principle.</p> <p>Accordingly, in my view the proposal fails to meet the Development Plan in this regard (discussed further in ‘Table Discussion’).</p>
Garages, Carports, Verandas and Outbuildings	
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p>Complies</p> <p>The proposed garages and carports are located under the main roof and are integrated into the dwelling.</p>

<p>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:</p> <p>General Section: Residential Development: PDC 12</p>		
Parameter	Value	
Maximum wall or post height	3 metres	Complies Residence 1 - 3m
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Complies All garages are located at least 5.5m from the Warren Street frontage or the common driveway.
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Does Not Comply Residence 1 carport – 8.5m This is a minor departure that will not impact on the neighbouring property.
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies Residences 11, 12 and 19 have a garage that takes up no less than 50% of the width of the front façade of the dwelling. Does not comply The carports for Residences 1 and 2 and the garages on all three-storey dwellings take up greater than 50% of the building frontage however there is an upper storey to minimise the dominance of this element of the dwelling.
<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 (b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		Complies An independent traffic engineer has assessed proposal and found that the common driveway exceeds the requirements of the relevant Australian Standard and allows forward movements into and out of the site. Council's Development Engineer agrees that vehicle manoeuvring satisfies the relevant Australian Standard.
Vehicle Parking		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		Complies The required amount of car parking in accordance with Table Mar/2 is 28.5 resident's parks and 6.3 visitor parks. The proposal incorporates 2 resident parks per dwelling, one of which is undercover and 7 visitor parks. The total car parking spaces of 38 resident spaces and 7 visitor spaces exceeds the Development Plan requirement by 10 car parks.
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		

<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <p><i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation & Access: PDC 42</i></p>	<p>Partially Complies</p> <p>The visitor car parking spaces are separated from the dwellings and could be clearly defined as being accessible to visitors.</p> <p>However, they are located as close as 2m to the front of the site and take up a significant portion of central island further adding to the already dominant driveway.</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> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) 2 on-street car parking spaces shall remain available adjacent the subject land. e) There will be no loss of on-street car parks arising from the development and an additional 7 visitor spaces will be provided on-site.</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> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i> <i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Complies</p> <p>(a) (b) The applicant's independent traffic engineer and 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>Does Not Comply</p> <p>(c) Due to the number of associated vehicles required to manoeuvre in and out of the site, the development results in a significant amount of paved area that will be dominant when viewed from the street.</p>
<p><i>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</i></p> <p><i>(a) not face the primary street frontage</i> <i>(b) be located to the rear of buildings with access from a shared internal laneway</i> <i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p><i>General Section: Transportation & Access: PDC 45</i></p>	<p>Does Not Comply</p> <p>The visitor car parking spaces are not discreetly located at the rear of the buildings and the parks located in the 'central island' will face the primary street.</p> <p>The entrance to the carport of Residences 1 and 2 is not located 0.5m behind the main face.</p> <p>Complies</p> <p>The garages to Residences 3 to 19 are located at least 0.5m behind the main face.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Complies</p> <p>2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22 when combined with the 7 shared visitor car parking spaces on the site.</p>

Access

The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:

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

General Section: Residential Development: PDC 39

Complies

Residences 1 and 2 share a 5m wide double driveway on to Warren Court

Residence 3 and 4 each have a single 3m wide driveway on to Warren Court

Residence 17 has a single 3m wide driveway on to Warren Court

Residences 18 and 19 share a 5m wide double driveway on to Warren Court.

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.).

General Section: Residential Development: PDC 40

Complies

The applicant seeks for the street trees to be removed and Council's arborist has deemed the street tree acceptable for removal.

Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:

Dwellings served	Trafficable width (metres)			Minimum landscape strips on both sides of driveway (metres)
	Intersection with public road and first 6 metres		Width beyond first 6 metres	
	Arterial roads	Other roads		
1 – 3	6	3	3	0.5
4 – 7	6	5	3	0.8
8 or more	6	6	5	1.0

General Section: Residential Development: PDC 41

Complies

Driveway width is 6m wide or greater and complies with this requirement.

Driveways serving 3 or more dwellings which exceed 30 metres in length should include one passing section of not less than 5 metres trafficable width for each 25 metre section of driveway.

General Section: Residential Development: PDC 42

Complies

The 6m wide driveway will accommodate the passing of vehicles.

Development should be provided with safe and convenient access which:

- (a) Avoids unreasonable interference with the flow of traffic on adjoining roads
- (b) Provides appropriate separation distances from existing roads or level crossings
- (c) Accommodates the type and volume of traffic likely to be generated by the development or land use and minimise induced traffic through over-provision
- (d) Is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.

General Section: Transportation and Access: PDC 23

Complies

The applicant's traffic consultant has considered the likely traffic generation and its likely impact on the adjacent road.

It estimates a peak hour trip generation rate of 0.5 to 0.65 trips per dwelling, resulting in a peak hour traffic generation in the order of 13 trips to/from the subject allotments on the basis of 19 dwellings.

The consultant determines that the number of movements forecast out of Warren Court on to Diagonal Road is small, the impact on the adjacent road will be minimal and will be able to be accommodated by the surrounding road network.

It is also worthy to note that DPTI have not raised concerns regarding the access or traffic generation with respect to the Development.

<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Does Not Comply</p> <p>The development results in 6 vehicle access points with the entrance/egress points to the common driveway the only section with a 6m separation distance between access points.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Partially Complies</p> <p>The proposed dwellings incorporate features that do provide a level of articulation to the front façade.</p> <p>The buildings include a variety of materials, colours and textures, a combination of pitched and skillion roofs and fenestration on the upper levels to provide some visual interest in its presentation to the public realm.</p> <p>Additionally, the secondary street presentation incorporates some feature vertical banding to reduce the impact of the blank walling along the façade.</p> <p>The dwellings incorporate a Colorbond roof in Surfmist, with a combination of rendered and matrix facades with timber infill and balconies. The garage of each dwelling features a panel lift door with a cedar appearance. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>However, despite the physical appearance of the façade generally satisfying the relevant provision of the Development Plan, the height and total length of the building containing Residences 1 to 11 and its lack of separation from the boundaries, will, in my opinion, result in a dominant presentation when viewed from the private open space areas of the adjacent dwellings.</p>
<p><i>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i> <i>(b) include balustrade detailing that enables line of sight to the street</i> <i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p><i>General Section: Design & Appearance: PDC 5</i></p>	<p>Complies</p> <p>The proposed balconies are integrated into the dwelling design, with a 1m high timber balustrade that enables line of sight to the street.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i> <i>(b) individual entries for ground floor accommodation</i> <i>(c) opportunities to overlook adjacent public space.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Complies</p> <p>Residence 1 maintains its own individual entrance from Warren Court.</p> <p>Principle (c) could be partially overcome by incorporating a clear window in the door to allow an opportunity, albeit small, to inspect the public area at the front of the dwelling.</p>

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Partially Complies

Residences 1, 2, 11, 12 and 19 have their entrances presenting to the primary street or common driveway and should be easily identifiable to visitors to the site.

The entries for the 3-storey residences are set in 2m in from the main façade of the dwelling and will be obscured by the verandah and potentially a vehicle if parked in that location. Potentially, a person unfamiliar with the dwellings may not easily encounter the entrance to the dwellings and may need to navigate around a small space between a vehicle and the entry. Additionally, from a crime prevention point of view, the entrances lack visibility, permeability and clear lines of sight and could be deemed to be an entrapment spot.

All dwellings have a habitable room presenting to the primary street or common driveway either on the upper or lower storey of the dwellings.

Medium and High Rise Development (3 or More Storeys)

Buildings should:

- (a) achieve a human scale at ground level through the use of elements such as canopies, verandas or building projections*
- (b) provide shelter over the footpath where minimal setbacks are desirable*
- (c) ensure walls on the boundary that are visible from public land include visually interesting treatments to break up large blank facades.*

General Section: Medium and High Rise Development: PDC 1

Entrances to multi-storey buildings should:

- (a) be oriented towards the street*
- (b) be clearly identifiable*
- (c) provide shelter, a sense of personal address and transitional space around the entry*
- (d) provide separate access for residential and non-residential land uses.*

General Section: Medium and High Rise Development: PDC 3

Partially Complies

As discussed within the 'Design and Appearance' section above, the buildings' façade incorporates a sufficient level of detailing at ground level such as canopies or verandahs and there are no walls on boundaries that can be seen from public land.

Residences 1, 2, 11, 12 and 19 have been adequately designed to have their entrances clearly identifiable to the street and presenting to the primary street or common driveway.

However, as discussed, I am of the view that the entrances of Residences 3 to 10 and 13 to 18 fail to comply with Principle 3 of the Medium and High Rise Development Section.

The visual privacy of ground floor dwellings within multi-storey buildings should be protected through the use of design features such as the elevation of ground floors above street level, setbacks from street and the location of verandas, windows porticos or the like.

General Section: Medium and High Rise Development: PDC 4

Complies

The visual privacy of the ground floor within the buildings, particularly in relation to Residences 11 and 12, which include a habitable room window, are adequately protected through the use of verandahs in front of the windows.

Although Residence 19 does not include a verandah in front of the habitable room window, internal furnishings such as blinds or curtains could provide for sufficient privacy into the dwelling.

All other dwellings do not have a habitable window on the ground floor presenting to the street or common driveway.

<p><i>Residential buildings (or the residential floors of mixed use buildings) should:</i></p> <p><i>(a) have adequate separation between habitable room windows and balconies from other buildings to provide visual and acoustic privacy for dwelling occupants and allow the infiltration of daylight into interior and outdoor spaces</i></p> <p><i>(b) ensure living rooms have, at a minimum, a satisfactory short range visual outlook to public or communal space.</i></p> <p><i>General Section: Medium and High Rise Development: PDC 5</i></p>	<p>Partially Complies</p> <p>(a) The proposal incorporates blade walls or built form to separate balconies and provide a visual and acoustic barrier between them.</p> <p>Residence 2 however, is limited in its opportunity to receive natural light into its indoor living areas and its only POS area.</p> <p>Partially Complies</p> <p>(b) All dwellings are able to achieve some visual outlook to the communal open space area with the exception of Residence 1.</p>
<p><i>Multi-storey buildings should:</i></p> <p><i>(a) minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow</i></p> <p><i>(b) incorporate roof designs that enable the provision of rain water tanks (where they are not provided elsewhere), photovoltaic cells and other features that enhance sustainability.</i></p> <p><i>General Section: Medium and High Rise Development: PDC 9</i></p> <p><i>Green roofs (which can be a substitute for private or communal open space provided they can be accessed by occupants of the building) are encouraged on all new residential, commercial or mixed use buildings.</i></p> <p><i>General Section: Medium and High Rise Development: PDC 10</i></p>	<p>Does not comply</p> <p>In my opinion, the overall development is lacking when it comes to the provision of good environmental outcomes.</p> <p>The roof form limits the opportunity for efficient installation of solar panels, the site lacks landscaping to minimise the impacts of the heat island effect produced as a result of the extensive hard-stand areas or for effective stormwater re-use and no provision is made for the inclusion of green roofs above any of the dwellings.</p>
<p><i>1 Dwellings should provide a covered storage area of not less than 8 cubic metres in one or more of the following areas:</i></p> <p><i>(a) in the dwelling (but not including a habitable room)</i></p> <p><i>(b) in a garage, carport or outbuilding</i></p> <p><i>(c) within an on-site communal facility.</i></p> <p><i>General Section: Medium and High Rise Development: PDC 12</i></p> <p><i>2 Development should provide a dedicated area for the on-site collection and sorting of recyclable materials and refuse.</i></p> <p><i>General Section: Medium and High Rise Development: PDC 13</i></p>	<p>Complies</p> <p>There is considered to be sufficient area within the dwellings, either, within the garage or POS areas to accommodate the storage of bins, including recycling, and personal belongings.</p>
<p>Relationship to the Street and Public Realm</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 & 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 & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p>	<p>Complies</p> <p>The dwellings closest to and with primary access from Warren Court, namely Residences 1, 2 and 19 are designed so that the main façade faces the primary street, presenting an entrance door, portico and habitable windows to the street.</p> <p>Partially Complies</p> <p>The landscaping and paving is deemed to be coordinated in its appearance however, the ratio of paving to landscaping that will be seen from the street, in my view, does not enhance the visual attractiveness of the site within the locality.</p> <p>Does Not Comply</p> <p>The rear elevations incorporate fenestration and banding to break up the extensive length of wall to the rear of the dwelling however, the overall height and length of the building, in my view, will</p>

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

General Section: Design & Appearance: PDC 16

create a visual bulk that will be unavoidable despite the proposed insertion of windows and architectural treatments.

Partially Complies

Entry points to Residences 1, 2, 11, 12 and 19 are easily identifiable as they present to the primary street.

The entrances to the 3-storey dwellings are located behind the main face of the dwelling, underneath the verandah and adjacent the second car parking space. In my view, the pedestrian entry points are not easily located and the dwellings not easily identified for visitors that are new to the site and its lack of visibility from the communal area is deemed to be an issue from a crime prevention perspective.

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

Complies

The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 22 June (winter solstice). These diagrams illustrate that:

- (a) The majority of shadow that occurs as a result of the development will be over the development site itself. There will be some overshadowing over the adjoining properties on the eastern side at around 3pm, however they will be free from shadow for the majority of the day. Overshadowing will also occur over the adjoining doctor's surgery in the morning, however this will subside by midday and remain free of shadow.
- (b) And (c) There will be no impacts on any balconies or solar collectors of adjacent dwellings.

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 living room windows and POS of all dwellings on adjacent allotments will receive at least 3 hours of direct sunlight during the winter months as shown in the overshadowing diagrams provided.

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*

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,

<p><i>rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p>General Section: Design & Appearance: PDC 11</p>	<p>and therefore should not result in direct overlooking of habitable areas of adjacent properties.</p> <p>The balconies for Residences 2 to 10 and 13 to 18 have been designed so that the balcony does not protrude past the main face of the dwelling. Thereby limiting views from beyond the site. Residences 11 and 12 will incorporate a 1.7m high timber screen on the eastern side of the dwelling that extends further past the building line to protect the privacy of the adjacent dwellings to the east.</p> <p>The dwellings have therefore been adequately designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
<p><i>Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.</i></p> <p>General Section: Design & Appearance: PDC 12</p>	<p>Complies</p> <p>The balconies of the dwellings will be integrated into the dwelling's design or where side screening is required timber cladding will be used, which is considered to be complementary with the proposed colours and finishes of the building.</p>
<p>Noise</p>	
<p><i>Other than within an area designated for the purposes of the Noise and Air Emissions Overlay, residential development close to high noise sources (e.g. 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, and protect these areas with appropriate noise attenuation measures.</i></p> <p>General Section: Residential Development: PDC 27</p> <p><i>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.</i></p> <p>General Section: Residential Development: PDC 28</p>	<p>Partially Complies</p> <p>Residence 19 is provided with a separation distance of 6.5m to the Diagonal Road boundary, albeit this could be reduced to 2m in the event that DPTI undertake road widening. This area is proposed to be landscaped.</p> <p>A 2.1m fence is proposed to the Diagonal Road boundary although it is unclear as to what materials would be used. In my view, a masonry wall such as brick would be a better option than colorbond or timber for both its acoustic properties and aesthetic appearance.</p> <p>Further details were requested and in response the applicant has stated "...the proposed dwellings will have an appropriate level of acoustic treatment and ventilation so as to adequately address the potential ingress of noise from Diagonal Road. These details are to be confirmed and assessed with the building rules assessment.</p> <p>In the event that the Panel wish to support the proposal, a condition in which the details of the acoustic treatment to minimise the impacts of noise from the adjacent road be provided prior to Development Approval should be included on the Consent.</p>
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p>	<p>Does not comply</p> <p>(a) Residences 11 and 12 have a bedroom directly in front of the visitor car park area. This could give rise to occasional sleep disturbance as there is little control over when vehicles parked in this area arrive and leave.</p>

<p><i>General Section: Residential Development: PDC 30</i></p>	<p>The lack of separation between the bedroom and the car park space also leads to a poor outlook from this room.</p> <p>Complies (b) Other fixed noise sources and service equipment appear to be adequately separated from the proposed dwellings.</p>
Site Facilities and Storage	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i> (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.</p> <p><i>General Section: Residential Development: PDC 31</i></p>	<p>Partially Complies a) Common letterboxes are featured at the entrance to the common driveway. b) 3 bicycle racks have been provided which can store up to 6 bicycles and there is considered to be space on each dwelling's site to store bicycles. c) Bin storage has been provided for either within the garage space or within a service yard outside. Bins can easily be wheeled to the front of the site without needing to go through the habitable rooms of the dwelling.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i> (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.</p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>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.</p> <p>During the winter months Residences 1 and 3 to 11 will receive good access to sunlight over their POS area however the main activity areas of Residences 2 to 11 face south west and therefore the opportunity to receive winter sunlight is restricted.</p> <p>Conversely, Residences 12 to 19 will receive northern sunlight into their main activity areas, however, the main ground level POS areas for Residences 13 to 18 will be in shadow for the majority of the day during the winter months. With the exception of Residence 19, balconies which are accessible from the main activity areas that are located at the front of the dwelling will provide some compensation for this.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i> (a) taking into account overshadowing from neighbouring buildings (b) designing roof orientation and pitches to maximise exposure to direct sunlight.</p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Partially Complies The skillion roofs of the 3-storey residences are east-west facing and limits opportunities to install solar panels without framing.</p> <p>Dwellings 1,2, 11, 12 and 19 incorporate a pitched roof at a 25-degree pitch with north facing sections upon which solar-panels could be sited efficiently.</p>

Flooding

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

General Section: Hazards: PDC 4

Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:

- (a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event*
- (b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.*

General Section: Hazards: PDC 5

Does not comply (further information required)

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event.

A site stormwater management plan is required to ensure that the run-off does not exceed levels that would result in the dwellings being prone to inundation during a major flood event.

Should the Panel wish to support the proposal, it may be prudent to defer the decision to have the applicant provide a stormwater management plan which satisfactorily addresses this aspect of the proposal.

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

Does Not Comply

A variety of trees, grasses, flowers and hedges have been placed within the common driveway, within the central island in the middle of the common driveway and as a vine over the carport structure. A communal garden with barbecue provisions and seating has been incorporated in the section set aside for road widening.

Given the scale of the proposed development, I am of the opinion that there is insufficient landscaping to enhance the site, complement the built form and reduce the impact of the bulk and scale of the built form or enhance the car parking areas.

I consider that the landscaping is a secondary element to the development, being placed 'where it fits' between the built form and the driveway.

In my opinion, the development has not been sufficiently designed to "facilitate attractive landscaping and tree planting" due to the dense layout of the development and limited areas and dimensions of landscaped spaces.

<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><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></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Partially Complies</p> <p>Fencing for the proposal appears to be standard fencing around the boundaries up to 2.1m in height.</p> <p>It is unknown as to whether any retaining walls are necessary as the applicants have not sought to undertake an engineered siteworks plan and for this reason, should the DAP wish to support the proposal, a deferral of the proposal is recommended to obtain this information.</p> <p>It appears that an opportunity may be lost to provide an attractive masonry wall along the Diagonal road boundary which could assist in providing some noise attenuation and incorporate different patterns or textures to provide some visual interest along the main road.</p>
---	--

TABLE DISCUSSION

In my opinion, the proposal does not satisfy a number of the applicable principles of development control contained within the Marion Council Development Plan, which are discussed in further detail below:

- Excess site coverage for Residences 1 and 2 and floor area ratio over 0.7 for all dwellings.
- Poor placement and design of POS areas for Residences 2 and 13 to 19.
- Design and appearance of the development is not considered to result in an attractive outcome for adjoining properties with areas of uninterrupted walls and lack of building setback given the height and scale of development.
- The development results in two storey dwellings on a battle-axe allotment.
- Poor entry and bedroom placement for Residences 3 to 18.
- Car parking and driveway areas are a dominant element when viewed from the street.
- Overall proposal lacks landscaping to common driveway and is insufficient to complement the proposed built form.

Site Coverage and Floor Area Ratio

The proposed development will result in a site coverage and floor area ratio that exceeds the maximum standards in the Development Plan. In relation to site coverage, Residences 1 and 2, with a total ground floor area of 103.7m², exceeds the maximum standard of 80m². However, the floor area ratio demonstrates greater non-compliance with the Development Plan. The FAR has been calculated at 1.4 for the apartment building, 1.0 for the two-storey dwellings and 1.14 for the three-storey dwellings which is between 23m² and 65m² greater than the 88m² required to achieve 0.7 as specified in the Development Plan. The FAR calculations for each dwelling site is considered to demonstrate an overdevelopment of the site and an expanse of built form which lacks separation from internal and external boundaries and therefore, will result in a poor development outcome for the site when viewed from adjacent land.

POS areas of Residences 2 and 13 to 19 (overshadowing and placement).

The placement of the dwellings on the site in a west to easterly direction has meant that Residences 13 to 19 will not receive any sunlight over their ground level open space during the winter months nor will Residence 2 over its balcony, resulting in a poor amenity outcome for the occupants of the dwellings. Whilst this issue is somewhat lessened for Residences 13 to 18 by

incorporating a north-facing balcony, the balcony lacks privacy and is restrictive in its size and shape and as such, is not an ideal outcome.

The proposal however, fails in its obligation to provide POS that has comfortable year round use by not being significantly shaded in winter for Residences 2 and 19 (there is no north-facing balcony for Residence 19) and this has implications with regard to the amenity and function of the dwelling as well as energy efficiency.

Whilst it is noted that a balcony is generally the only opportunity for an upper level apartment to be afforded with an open space area, the location and placement of the balcony for Residence 2, in addition to it not providing comfortable year round use, also has limitations for being able to be screened for privacy and for being shaded in summer, and is subject to noise and air quality impacts arising from the traffic of the adjacent main road. Accordingly, the combined impact of all these factors within the only available area of POS for the dwelling is considered to be a poor outcome for the occupants of the dwelling.

Design and Appearance

Despite the building complying with the numerical standard for setbacks, with respect to Residences 1 to 11, I believe there has been a lack of regard for the building's height and expanse of the built form adjacent the northern boundary.

The three storey element of the building has a height of up to approximately 9.5m and a total span of approximately 33m. In my view, the height combined with the length of the building that offers no breaks in the built form, will result in a visual bulk that will be obtrusive and imposing when viewed from the private open space of properties directly to the north. I acknowledge that the setback provided will not result in overshadowing, noise or privacy impacts, however the lack of stepping in the built form and the repetition of the building's appearance will be visually intrusive and the impact of the additional height will adversely impact on the amenity of the existing neighbouring development.

A building of this height and scale will be the first incursion of its kind within the locality and whilst 3-storey buildings are an acceptable form of development within the Policy Area, high regard must be had for the compatibility within the existing setting and I consider that there is a lack of transition between the building containing Residences 3 to 11 by applying a setback that is considered acceptable for a 2-storey development, particularly when considering that development similar to hammerhead developments should be limited to single storey.

To this end, the development is considered to result in adverse visual impacts due to the lack of separation between the northern boundary and the three-storey building containing Residences 1 to 11.

Buildings on Battle-axe allotments or the like

Design and Appearance PDC 2 states that *"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."*

Whilst privacy is not deemed to be an issue in this proposal, as mentioned previously, the impact of the taller built form of a 3-storey building adjacent the rear yards of adjoining properties is considered to be a significant factor in determining whether the development is appropriate.

In my opinion, the proposed development has not provided sufficient setbacks to the rear of properties when taking into consideration the heights of the building. This includes the separation between Residence 11 and the property at 104 Finniss Street where a side setback has been applied to Residence 11 adjacent the eastern boundary when the original boundary is

a rear boundary and therefore, the adjoining occupant should enjoy the benefit of a 6m 2-storey setback.

Whilst it is noted there are examples of 2-storey dwellings on hammerhead sites within the immediate locality, these were approved prior to the policy change in 2010 against a different set of Development Plan principles and as such, minimal regard should be had for this incursion. Having said this, there may be circumstances in which 2-storey on a hammerhead site (or similar) may be appropriate once the impacts of the built form and its visual impacts have been satisfactorily addressed.

In this instance however, the layout of the built form combined with the height and lack of setback for the proposed development, namely for Residences 1 to 11 is considered to be in contravention to Design and Appearance PDC 2.

Entrance to Residences 3-10 and 13-18 and location of bedroom in front of car parks for Residences 11 and 12

The entry doorways of the 3-storey dwellings are not considered to be clearly visible or easily identifiable as they are located 2m behind the main face of the dwelling and obscured by a verandah and potentially a parked vehicle. This is also considered to be a poor outcome in terms of crime prevention as the entrance is not exposed to public view, lacks clear lines of sight and lacks space around the entrance if a vehicle is parked in that location.

Bedroom 2 of Residences 11 and 12 are located directly in front of the visitor car park which results in a poor outlook for the occupants using the bedroom but mostly, possible noise interference of vehicles not associated with the dwellings arriving or departing at inconvenient times, namely the hours akin to sleeping. The Development Plan seeks for bedrooms to have appropriate separation from external noise and light intrusion and as such, the distance of the bedrooms to the car parks are considered to be unacceptable in this regard.

Car parking and driveway dominance

The proposed development displays a significant amount of paved area presenting to the primary street as a symptom of the dense layout of the site combined with the provision of six access points, 4 of which allow for individual entry and egress from Warren Court to Residences 1, 2, 3, 18 and 19. Some of the on-site visitor car parking is located centrally on the site and in direct view from the primary street and is not discretely situated towards the rear of the site. In my opinion, this fails to comply with the provisions of the Development Plan which specifies that car parking should not be located facing the primary street, should not dominate the internal site layout and it should reinforce or contribute to attractive streetscapes.

In my view, this is evident from the limited spaces available for landscaping, whereby the number of dwellings proposed in the layout proposed has contributed to the need to create a significant amount of roadway to accommodate a large number of vehicles. Such results in a poor presentation to the street and outlook from dwellings and may also have implications for stormwater disposal within a flood prone area as well as creating a 'heat island effect' for the site.

Landscaping

In my opinion, landscaping provision throughout the site is poor, does not complement built form, will lead to poor amenity for residents, does not enhance car parking areas or assist in stormwater re-use.

In a development of this scale, landscaping should form a critical and purposeful element of the proposal in conjunction with the built form, however, in this instance, landscaping has been placed in the limited areas of space, where convenient, around the driveway and car parking

areas and in my view, does not contribute to enhancing the appearance of the site when viewed from the street or from the proposed dwellings, or reducing the visual impact of the taller built form on the site.

The space adjacent the Diagonal Road boundary left vacant for road widening does include an area for communal gatherings including picnic area, barbecue and communal garden and is a positive feature of the development. However, this area lacks reasonable amenity/privacy and is likely to be rarely used and furthermore, should DPTI acquire the 4.5 metre strip of land along the Diagonal Road frontage this area will be lost and there will be no other position on the site for this to be recovered.

To this end, I am of the view that this is a significant failing of the development and does not contribute to providing the high quality and distinctive living environment sought after in the Desired Character Statement for the Policy Area.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to overlooking, overshadowing, noise, traffic, car parking and built form have been considered and addressed in the body of the report.

The representors have also raised concerns over utility services and activities during construction. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

I acknowledge that there are finely balanced elements to the proposal given that the subject site displays a number of characteristics in which medium density development would be considered appropriate. It is located in close proximity to a Regional Centre, public open space and public transport and it involves the amalgamation of four adjoining sites. In this regard, the proposal demonstrates high consistency with parts of the Desired Character, particularly as it explicitly encourages co-ordinated developments on amalgamated allotments, increases in the availability of housing types within the locality, higher densities above existing with a variety of architectural styles.

Additionally, the development demonstrates compliance with a number of the quantitative provisions of the Development Plan such as setbacks, private open space, and car parking.

However, despite the above, when the development is assessed against the qualitative criteria of the Development Plan I am of the view that the number of dwellings in the form proposed does not represent good residential design as it fails to appropriately respond to the proximity to adjacent properties when considering the height and scale of the development, does not present attractively to the primary street due to excess hardstanding areas and lack of landscaping and has aspects of the design which will impact on the amenity and quality of living environment for the occupants of the dwellings.

Given the above shortcomings of the development, I am of the view that the proposal has not responded well to the site's constrained dimensions, namely, the lack of depth, the compressed frontage and the irregular site dimensions.

Whilst the location attributes of the site warrants a comprehensive, coordinated and cohesive development, the proposed development does not meet the Desired Character's goals and objectives of improved living conditions with good environmental outcomes, high quality and

distinctive living environments or a building where its height and bulk will not adversely impact on the existing neighbouring development and amenity. To this end, the proposed development does not, in my view, facilitate appropriately designed medium-density development.

While the proposed development is not considered to be seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993, it is considered that it fails to sufficiently accord with the relevant provisions of the Marion Council Development Plan, and should be refused.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1965 for two, three storey residential flat buildings, comprising a total of 19 dwellings, with associated car parking, communal open space and landscaping at 1 to 3 Warren Court and 308 Diagonal Road Oaklands Park be REFUSED for the following reasons:

REASONS FOR REFUSAL

1. The development does not result in a high quality and distinctive living environment, improved environmental outcomes or an “appropriately designed medium density development” and is therefore at variance to the Objectives 2 and 5, the Desired Character and Principle 1 of the Regeneration Policy Area 16 and Objective 2 of Medium and High Rise Development (3 or More Storeys).
2. The building incorporating Residences 1 to 11 has not been sited to minimise the impact of the bulk and scale of the development on adjoining properties in accordance with Design and Appearance Principles 2 and 15 and ‘*the additional height and bulk*’ of the building will result in it ‘*adversely impacting on existing neighbouring development and amenity*’ such that that part of the Desired Character is not achieved.
3. The dwellings exceed the maximum floor area ratio of 0.7 as prescribed in Principle of Development Control 5 of the Regeneration Policy Area 16.
4. The proposal fails to meet Residential Principle of Development Control 2 as the buildings are sited similarly to a battle-axed allotment and are greater than single storey and visual impact of the taller built form towards the rear of properties has not been reduced.
5. The landscaping proposed does not enhance the amenity of the land and the development due to the dense layout of the development and limited areas and dimensions of landscaped spaces; failing to satisfy Landscaping, Fences and Walls Objective 1 and Residential Development Principle 1(b) and the Desired Character of the Regeneration Policy Area 16.
6. Landscaping provision throughout the site is poor, does not complement built form, will lead to poor amenity for residents, does not enhance car parking areas or assist in stormwater re-use and at variance to Landscaping, Fences and Walls Principle 1(a), 1(b), 1(e) and 1(i) and Transport and Access Principle 36(j) and Medium Density High Rise Development (3 or More Stories) Principle 9(a).
7. The location of the visitor car parking adjacent the primary street frontage and the dominant appearance of the driveway does not reinforce or contribute to an attractive streetscape as sought by Transportation and Access Principle 42 (a), 44 (c) and 45 (a) and (b) and the Desired Character of Regeneration Policy Area 16.

8. The ground level areas of Residences 13 to 19 are significantly shaded during winter by the associated development failing to meet Residential Development Principle 16 (h), Residences 2 and 19 will not have an area of private open space which will have a northerly aspect to provide for comfortable year round use in accordance with Residential Development Principle 16 (g) and the available open space for Residence 2 fails to meet Residential Development Principle 16 (c), (i) and (j) and Medium and High Rise Development Principle 5 (a) as it is not located to the side and rear and screened for privacy, has limitations in regards to being partly shaded in summer and has limited opportunity to be shielded from the noise and air quality impacts from the nearby main arterial road.
9. Residences 3 to 10 and 13 to 18 do not incorporate pedestrian entry points that are perceptible and direct from the primary street and common access way in accordance with Design and Appearance Principle 16; and do not allow clear lines of sight or visible permeability and could present as an entrapment spot such that Crime Prevention Principles 1 and 10 and Medium and High Rise Development (3 or More Storeys) Principles 2 and 3 (a) (b) and (c) are not satisfied.
10. Residences 11 and 12 have bedrooms located adjacent the visitor car park area and is contrary to Residential Development Principle 30 (a).

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 3 May 2017

Agenda Ref No: DAP030517 – 2.3

Originating Officer: Nicholas Timotheou
Development Officer - Planning

Applicant: Mr Jack Pete

Development Description: A two storey residential flat building comprising two dwellings and a single storey residential flat building comprising two dwellings with associated car parking and landscaping

Site Location: 8 Fourth Avenue, Ascot Park

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 26/09/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1785

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

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns any development that consists of the construction of a building of two storeys comprising dwellings, 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.

In addition, the subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings each supporting an average allotment area less than the minimum of 300 square metres required for residential flat buildings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

As the Panel may be aware, a petition was received by Council during the Category 2 public notification period. Subsequent to receiving the petition, a report was prepared and presented at the General Council Meeting, held 14 March 2017. A copy of this report can be found on the General Council Agendas and Minutes webpage of the City of Marion website. Further discussion on the petition is contained within the Public Notification section of this report.

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

Amendments Requested	Amendments Made
Site coverage should be reduced to more closely align with Council's Development Plan provisions.	Proposed allotment boundaries altered and floor area increased. Subsequently, site coverage has increased. Res. 1) from 32.4% to 35.2% Res. 2) from 38% to 48.7% Res. 3/4) from 53% to 59.5%
Private open space for Res. 1 should be increased to 20% of the individual site area.	POS increased from 16.2% to 20%.
Each dwelling should provide a 5 x 5 metre dimension of POS.	Maximum POS dimension of Res. 1 & Res. 2 increased: Res. 1) from 4.7m x 7.8m to 4.7 x 7.9m Res. 2) from 4.7m x 7.8 to 4.7 x 8.5m Portion of POS for Res. 3 & Res. 4 has increased from 4.5m to 4.75m.
The floor area ratio of Res. 1 and Res. 2 should be reduced to meet Council's Development Plan provision of 0.6.	Floor area ratio of Res. 1 increased from 0.6 to 0.7. No changes made to the floor area ratio of Res. 2.
The front setback of Res. 1 should increase, to assist in achieving a cohesive streetscape.	Front setback of Res. 1 increased from 4.5 metres to 5.0 metres.
Design and appearance of Residence 1 warrants revision to reduce overall bulk and scale.	Amendments made to the front façade of Res. 1 in order to reduce the width of the building and reduce the amount of uninterrupted wall presenting to the street.
Full length windows should be provided to the upper level windows of Res. 1 and Res. 2 fitted with obscure glazing to reduce the amount of bare wall presenting to adjoining land and the street. Amendments were also requested on a separate occasion to minimise the built form of the building presenting to the adjacent property.	It should be noted that the initial plans submitted to Council provided 6 metres of separation between the upper levels of Res. 1 and Res. 2. Amended plans submitted shifted the design and layout of the dwellings and resulted in the upper levels meeting. Nonetheless, amendments were made to provide a full length window in lieu of a high level window and incorporate an additional high level window along the eastern elevation.
To minimise direct overlooking of habitable rooms and areas of POS on adjacent land, the windows along the southern elevation of Res. 2 should be fitted with obscure glazing up to 1700mm above the FFLs.	Southern elevation of Res. 2 amended to incorporate a high level window.

Rear setbacks of Res. 3 and 4 should be increased to 6 metres, with an incursion of up to 3 metres for no more than 50% of the allotment boundary.	Rear setback of Res. 2 & Res. 3 increased for a portion of the building from 4.5m to 4.75m.
Vehicle manoeuvrability spaces for each dwelling should be amended to allow for safe and convenient movements.	Alterations made to the visitor parking space dimensions of each dwelling, landscaping area adjacent the front entry point of Res. 1 & Res. 2 has reduced and aisle width adjacent Res. 3 & Res. 4 has increased.
The main façade and entry to Residence 1 should be reoriented towards the primary street frontage.	No changes made.
2 x 0.8m landscaping strips should be provided on either side of the common driveway	No changes made.
Additional Information Requested	Information Provided
A fully engineered site works and drainage plan.	Not provided.
Landscaping plan.	Provided.

SUBJECT LAND & LOCALITY

The subject land comprises 8 Fourth Avenue, Ascot Park. The allotment is rectangular in shape, achieving a frontage width of 18.28 metres, depth of 55.35 metres and a total site area of 1011.8 square metres. The site currently accommodates a detached dwelling, albeit was under demolition at the time of writing. The dwelling is setback approximately 9m which steps to 12.5m. Vehicular access is currently available from Fourth Avenue, adjacent the eastern boundary of the allotment. The contour of the land is relatively flat and there are no regulated trees on the subject land.

The locality is primarily residential in nature, containing a mix of single storey detached dwellings on large allotments and group/residential flat dwellings in the form of hammerhead allotments, which are particularly prevalent in the immediate vicinity. Marion Road is situated approximately 120 metres to the west of the subject land, which includes bus services to the Adelaide City and Westfield Marion, which is within a Regional Centre Zone. It is also acknowledged that Ascot Park Railway Station is located approximately 580 metres walking distance south-west of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of two residential flat buildings, one being two storeys comprising two dwellings and sited one behind the other; and the other building comprising two single storey dwellings located side by side at the rear of the allotment. A common driveway is proposed adjacent the western side boundary providing access to each dwelling.

Residence 1 and 2 each feature open-plan kitchen, dining and living areas, separate WC and laundry to the ground floors, while the upper floors contain three bedrooms (main with ensuite), a bathroom and sitting area. Residence 3 and 4 will each contain two bedrooms, a bathroom, open-plan kitchen, dining and living areas, as well as a single garage (including a laundry) under the main roof of each dwelling.

A 1.8m high Colorbond fence is proposed on the front boundary and landscaping will be placed in front of and behind the fence as well as on either side of the common driveway and in front of the dwellings. Vehicular access is provided to each dwelling through a common driveway, which runs along the western boundary.

Refer Attachment III

PUBLIC NOTIFICATION

Members of the Panel will note a Petition was received during the Category 2 public notification period, which contained details of a “head-petitioner” and three signatories.

Regulation 35 of the Development Regulations 2008 outlines the details and requirements for a representation to be considered valid. Upon review of the details provided, it has been identified that the petition contains the requisite details required by the Development Act to be considered a valid ‘Representation’.

Regulation 35 continues to state that, if a representation is being made by 2 or more persons, the representation should nominate a person who will be taken to be making the representation for the purposes of any subsequent step or proceedings (and if no such nomination is made, it will be taken that the first person named in, or otherwise identified by, the representation as being a party to the representation is nominated as the person who will be taken to be making the representation for the purposes of any such subsequent step or proceedings).

The Panel should also be aware that, of the four names listed on the petition, two were formally notified as part of the Category 2 public notification. Those formally notified include Ray Howlett of 1A Fourth Avenue and SA Wright of 1/9 Fourth Avenue. R & KM Alksne of 46 Fourth Avenue and J.C. White of 29 Fourth Avenue cannot be considered valid representors under the Development Act as they were not formally notified and therefore are not afforded the opportunity to be heard before the DAP.

Administration has sought clarity as to whether those notified and noted on the petition have sought to be considered a valid representor (with the petition forming their Representation); however, Ray Howlett would be taken as the party making the representation for any subsequent step or proceedings. Ray Howlett has confirmed he wishes for the petition to be considered a Representation; whereas Sheila Anne Wright has confirmed she does not wish for Ray to represent her for the purposes of any such subsequent step or proceedings (refer Attachment IV).

Properties notified:	37 properties were notified during the Category 2 public notification process.
Representations:	5 representations were received by Council, two of which were in favour of the proposal and 3 of which are against.
Persons wishing to be heard:	Nil
Summary of representations:	<ul style="list-style-type: none"> - Over development of housing and associated impacts to on-street parking and un-sustainable water drainage. - Overlooking concerns as a result of the two storey residential flat building. - Obstruction to the “<i>open view of the surrounding residents</i>” associated with a two storey building on the subject land. <p><i>Continued over page</i></p>

	<p>- Concerns in relation to a two storey building being out of character with the predominant single storey dwellings within the locality.</p> <p>- Concerns in relation to the demolition of the existing dwelling and associated health hazards regarding asbestos within the building.</p> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<p>Please refer Attachment V for the applicant's response to the above-mentioned representations.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>
Northern Policy Area 13
<p>Objectives</p> <p><i>1 A policy area primarily comprising low scale, low to medium density housing.</i></p> <p><i>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i></p> <p><i>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</i></p> <p><i>4 Development densities that support the viability of community services and infrastructure.</i></p> <p><i>5 Development that reflects good residential design principles.</i></p> <p><i>6 Development that contributes to the desired character of the policy area.</i></p>
<p>Desired Character</p> <p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p> <p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Complies
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
<i>PDC 3</i>	<i>Minimum Site Area: 300sqm average</i>	Does Not Comply Res. 1: 230.2sqm Res. 2: 173.4sqm Res. 3: 193.9sqm Res. 4: 193.9sqm Average site area of Res. 1 & 2: 201.8sqm Average site area per dwelling including common driveway: 252.9sqm
	<i>Minimum Frontage: 20 metres</i>	Does Not Comply 18.28m
	<i>Minimum Depth: 45 metres</i>	Complies 55.35

Assessment

The application proposes four dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the density of the land by three. Whilst the dwellings are sited on undersized allotments, it has been demonstrated that the density of the site is appropriate (discussed throughout this report). It is also acknowledged that the density of the site will be in keeping with other development in the immediate vicinity, in particular 3, 9, 11, 13, 19 & 21 Fourth Avenue.

Notwithstanding the above, it is considered that the proposal is consistent with the Desired Character of the Northern Policy Area 13 in that it will provide both single and two-storey medium density dwellings, and redevelop the site at a greater density than that of the original housing stock. The Desired Character also seeks for the range of dwelling types to increase to meet a variety of accommodation needs. The proposal includes two three-bedroom and two two-bedroom dwelling options, and therefore provides a variety in dwelling size.

The subject land is located approximately 580 metres walking distance from the Ascot Park Railway Station, and some 120 metres from public transport opportunities along Marion Road. Given that the subject land is located within acceptable walking distance of public transport routes, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

On balance, the proposal is considered to adequately comply with the Objectives and Desired Character of the Northern Policy Area 13.

Site Areas

It should be acknowledged that the application is finely balanced in regard to the proposed site areas of each dwelling. In my opinion, it is important to determine whether the non-compliance in site areas can be considered out of character with the locality and with the densities anticipated within the Policy Area. Third, Fourth and Fifth Avenue each accommodate a number of allotments which achieve comparable site areas to the proposal and these sites are situated a short distance from the subject land. Therefore, it is my opinion that the proposed site areas are not out of character with existing development within the immediate locality.

Res. 1 and Res. 2 achieve an average site area of 201.8 square metres and Res. 3 and Res. 4 have an average site area equal to 193.9 square metres, where an average of 300 square metres is prescribed for residential flat dwellings within the Northern Policy Area 13. This equates to a shortfall of 98.2 square metres per dwelling (Res. 1 & Res. 2), or 32.7% less than the minimum sought. Res. 3 and Res. 4 on the other hand, propose a shortfall of 103.1 square metres (35.3%) in site area. While the individual site area of each dwelling falls substantially short of the prescribed minimum, it is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, the overall average site area per dwelling would equal 252.9 square metres per dwelling, or 15.7% less than the minimum sought.

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is noted that row dwellings require a minimum site area of 250 square metres within the Northern Policy Area 13, whereby a site of 1000 square metres could theoretically accommodate 4 dwellings. The subject land maintains an overall site area of 1011.8 square metres. Therefore, it is suggested that while the site configuration results in shortfalls in site area, the proposed density is not necessarily inconsistent with that envisaged for the Policy Area.

Furthermore, the proposed site areas fall within the category of "medium" residential density, as defined in the handbook "*Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples*" published by the Government of South Australia in October 2011. This remains in accordance with the "low-medium and medium densities" envisaged by the Desired Character.

These considerations suggest that the shortfalls in site areas may not be fatal to the merit of the subject application. However, it is also important to consider whether the shortfalls in site areas have resulted in subsequent design shortfalls. The design and form of the dwellings is assessed in the following section 'Development Assessment'.

Frontage width

Allotments of residential flat buildings should maintain a minimum frontage width of 20 metres, whereas the subject land comprises a frontage to Fourth Avenue of 18.28 metres. Despite the shortfall in frontage width, the allotment maintains a depth of 55.35 metres, where 45 metres is anticipated. Accordingly, the shortfall in site width is somewhat compensated by the depth of the site.

(d) It is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. The subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60% for new detached and semi-detached dwellings. As such, it is considered that the proposal results in less site coverage than that which could feasibly be constructed on the subject land "as of right" (i.e. without an assessment against Development Plan criteria).

The above considerations demonstrate that the excess in site coverage should not adversely impact upon the amenity of adjoining land, or impair the design and function of the proposed dwellings.

Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:
 (a) would not be contrary to the relevant setback and private open space provisions
 (b) would not adversely affect the amenity of adjoining properties
 (c) would not conflict with other relevant criteria of this Development Plan.

Residential Zone: PDC 9

Complies

The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.

Site coverage should ensure sufficient space is provided for:
 (a) pedestrian and vehicle access and vehicle parking
 (b) domestic storage
 (c) outdoor clothes drying
 (d) rainwater tanks
 (e) private open space and landscaping
 (f) convenient storage of household waste and recycling receptacles.

General Section: Residential Development: PDC 14

Complies

The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.

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

General Section: Residential Development: PDC 15

Complies

Private Open Space

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

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

Residential Zone: PDC 7

Partially Complies

Res. 1: 46.1sqm (20%)
 Maximum POS dimension of 4.7 x 7.9 metres
 Res. 2: 40.1sqm (23.1%)
 Maximum POS dimension of 4.7 x 8.5 metres
 Res. 3: 42.2sqm (21.7%)
 Res. 4: 42.2sqm (21.74%)
 Maximum POS dimension of 4.75 x 4.9 metres
Assessment discussion over page

Although each dwelling achieves an appropriate area of private open space, it is acknowledged that a 5 x 5 metre area is not provided. Despite the POS areas failing to achieve the minimum dimensions sought, the main areas are directly accessible from internal living rooms. It is also acknowledged that the POS of Res. 1 achieves a partial northerly aspect, with the main area facing east, while Res. 2 maintains an easterly aspect, which will receive morning sunlight.

Res. 3 and Res. 4 propose south facing POS (with a partial eastern/western aspect), which is likely to experience some shading by the associated dwelling throughout the year; however, it is acknowledged that the dwellings' feature two bedrooms and in my opinion, despite the proposal's inability to provide an area as sought by Council's Development Plan, the area and dimensions as provided are considered to be adequate for the likely needs of future occupants.

Lastly, in my opinion, the slight non-compliance in private open space dimension of 300mm for Res. 1 & Res. 2 and 250mm for Res. 3 and Res. 4 is not considered to significantly compromise the useability of the area and as such, I am of the view that the areas provided are of sufficient size to meet the likely needs of future occupants.

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

Complies

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

Partially Complies

- h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development (discussed further within the overshadowing section of this report).

Does Not Comply

- g) The proposed POS areas of Res. 1, 2, 3 & 4 maintain an easterly & southerly aspect (respectively) as a result of the existing orientation of the land; however, the rear yards should nonetheless receive some morning/afternoon light throughout the day. This is further discussed in the "Overshadowing" section of this report.

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

General Section: Residential Development: PDC 22

Complies

Building Setbacks from Road Boundaries

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

(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality

(b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 21

Complies

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

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

Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:
Greater than 2 metres	At least the average setback of the adjoining buildings

General Section: Design and Appearance: PDC 22

Partially Complies

Res. 1: 5.0 metres

(Dwellings on adjoining land set back approximately 5.5 and 10 metres, which equals an average setback of 7.7 metres)

PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks. This is demonstrated within the locality, which displays numerous new dwellings, achieving lesser front setbacks to that of the original housing stock, namely 3, 5, 6, 7, 14, 20, 24 & 28 Fourth Avenue and 3 Fifth Avenue.

Notwithstanding the above, the proposed front setback of 5 metres is considered to provide an appropriate level of transition to buildings on adjacent land. Further, the level of articulation provided to the front façade combined with the landscaping throughout the site shall assist in reducing the overall bulk of the building and assist in achieving a cohesive streetscape.

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

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

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

Residential Zone: PDC 6

Complies

Ground level

- Res. 1: 2.6m at closest point (east)
Res. 2: 2.1m at closest point (east)
Res. 3 & Res. 4: 0.9m

Upper level

- Res. 1 & Res. 2: 4.7m (east) and 4.8m (west) at closest point.

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). As such, 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

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

Res. 1: n/a
 Res. 2: 27.5m

Does Not Comply

Res 3 & Res. 4: 4.5m (46.2%) & 4.75m (53.74%)

Although the rear setbacks of Res. 3 and Res. 4 do not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Building Height

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

Residential Zone: PDC 6

Complies

Res. 1 & Res. 2: 7.38 metres
 Res. 3 & Res. 4: 4.1 metres

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 not readily visible from the streetscape. Nonetheless the garages incorporate a roof form, materials and detailing which complement the associated dwelling.

<p>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:</p> <p>General Section: Residential Development: PDC 12</p>		
Parameter	Value	
Maximum floor area	60 square metres	Complies
Maximum wall or post height	3 metres	Complies
Maximum building height	5 metres	Complies
Minimum setback from side or rear boundaries	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall	Complies Res. 1 & Res. 2: >0.9m
<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 (b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		<p>Complies</p> <p>The manoeuvring into and out of the car parking spaces meets the technical requirements of the Australian Standards and provide appropriate clearance for vehicles to avoid damage to the dwellings, fencing and landscaping.</p>
Vehicle Parking		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		Complies
Group	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	<p>Each dwelling provides one garage space and one open visitor space, which equals a total of 8 on-site parking spaces. However, no independently accessible visitor parks are available. It is acknowledged however, that two on-street parks will remain available and as such, I am of the opinion that the proposal is appropriate in this regard.</p>
Residential flat building		
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>On-site visitor parking spaces should be sited and designed to:</p> <p>(a) not dominate internal site layout (b) be clearly defined as visitor spaces not specifically associated with any particular dwelling (c) be accessible to visitors at all times.</p> <p>General Section: Transportation & Access: PDC 42</p>		
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>		<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Public transport opportunities are located in walking distance of the dwellings. c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.</p>
<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area (c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation & Access: PDC 44</p>		<p>Complies</p> <p>(a) (b) Council's Tracking data and Traffic report prepared by Cirqa indicates that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner. (c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>

The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:
 (a) not face the primary street frontage
 (b) be located to the rear of buildings with access from a shared internal laneway
 (c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.

General Section: Transportation & Access: PDC 45

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

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

General Section: Land Division: PDC 22

Complies
 2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.

Access

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.).

General Section: Residential Development: PDC 40

Complies
 The proposed crossover is set back a minimum of 1 metre from existing street infrastructure and 2 metres from the existing street tree.

Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:

Does Not Comply

Dwellings served	Trafficable width (metres)		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)
	Intersection with public road and first 6 metres			
	Arterial roads	Other roads		
4 – 7	6	5	3	0.8

The common driveway incorporates a 3 metre width, which increases to 3.5m adjacent the parking spaces on Res. 1 and Res. 2.

A 500mm landscaping strip is provided adjacent the western boundary and portions of the eastern side of the common driveway (where appropriate).

General Section: Residential Development: PDC 41

Despite the proposal's inability to provide a driveway area sought by the Development Plan guidelines, it has been demonstrated that vehicles will be able to enter and exit the site in a forward direction, in safe and convenient movements.

It is acknowledged however, that the proposal fails to provide common area for vehicles to pass one another at the front of the site and landscaping in accordance with PDC 41 adjacent the common driveway/turning areas.

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.

General Section: Transportation and Access: PDC 28

Complies
 Single access point proposed, which allows for 14.78m in front of the subject land, free of vehicle crossovers.

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. The front façade of Res. 1 incorporates the following elements to enhance its design and appearance:

- Mixture of exposed brick and cladding on the front façade
- Eave overhang and pitched roof form
- Fenestration.

The dwelling incorporates a Colorbond roof in “Wallaby”, with a mixture of exposed brick and cladding to the front facade. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The rear dwellings incorporate exposed brick to the front façade and side/rear elevations facades, panel lift doors and a Colorbond common roof.

Whilst the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria, it should be acknowledged that during the assessment process, administration requested the applicant minimise the built form of the two storey residential flat building presenting to the adjacent property by separating the upper levels. Whilst separation has not been provided between the upper levels of Res. 1 and Res. 2, it is noted that the elevations feature a mixture of colours and materials and glazing which assist in reducing the overall bulk of the building.

It is also acknowledged that a generously sized two storey dwelling could be constructed on the land, incorporate a side setback of 2.0m and comply with the criteria outlined under Schedule 4 – 2B. This would arguably result in greater impacts upon the adjacent property in terms of the building mass and proportion.

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

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

General Section: Design & Appearance: PDC 16

Does not comply

Residence 1 has been designed and oriented such that its main facade faces west toward the common driveway and side boundary (given that its entrance door and porch are located on this elevation). This orientation does not satisfy PDC 6, 8 and 9.

However, it is noted that in order to provide presentation and passive surveillance Residence 1 incorporates a number of unobscured habitable room windows presenting to the primary street frontage.

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

Complies

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

b) Given the two storey residential flat building runs north to south, a majority of winter shadow will cast within the common driveway of the proposal during morning hours. From midday, shadow is likely to cast within the areas of POS for Res. 1 and Res. 2; however, it is acknowledged that these spaces will be free of shadow during morning hours.

It is also acknowledged that shadow cast from the upper level of Res. 2 will impact the north facing windows of Res. 3 and Res. 4; however, these bedroom windows 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, which satisfies Council's Development Plan guidelines.

Given the upper levels achieve the minimum setback sought by Council's Development Plan I am satisfied that the private open space on adjoining land will receive at least 3 hours of natural sunlight between 9am and 3 pm on the 21 June.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

Res. 1 and Res. 2 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.

Site Facilities and Storage

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

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

General Section: Residential Development: PDC 31

Partially Complies

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

Res. 1

The dwelling is oriented so that the 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.

Partially Complies

Res. 2

The main activity area of the dwelling is oriented east, which should nonetheless receive some northern winter sunlight.

Res. 3 and Res. 4

The main activity areas of the dwellings face south as a result of the existing orientation of the allotment. Nonetheless, despite the POS area failing to achieve the minimum dimensions, it is acknowledged that some morning and afternoon sunlight will be available.

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

The dwellings incorporate a hipped roof form 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

Partially Complies

Whilst the landscaping proposed throughout the site is considered appropriate, it is acknowledged that the proposal fails to provide the landscaping widths sought by the Development Plan, adjacent the common driveway (800mm).

These shortfalls in driveway landscaping area may compromise the opportunity for taller/broader plantings in order to soften the built form; however, the proposed planting species and distribution is nonetheless considered appropriate and somewhat enhances 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

Partially Complies

A 1.8m high front fence constructed of Colorbond materials is proposed to a portion of the front boundary; however, is not considered an ideal streetscape outcome. Further, Colorbond fencing is not considered compatible with the locality, nor the proposed dwelling which incorporates render/exposed brick to the main façade.

Although the fence incorporates landscaping street side, it is acknowledged that fencing within the locality is generally at a low level/achieves an open design, which allows improved visibility of the building to and from the street.

Given the above, the following has been placed as a recommended condition of the consent "Revised plans shall be submitted to Council for consideration and approval, prior to the issuing of Development Approval, detailing front fencing which complements the proposed dwelling design in terms of colours and materials".

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to on-street parking 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 following points which are noted and discussed below:

Two storey building being out of character with the locality associated loss of “open view of the surrounding residents”

Whilst the locality is predominantly single storey in nature, it is important to consider the Desired Character of the Northern Policy Area 13 and the anticipated form of development. The Policy Area envisages “*an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density*” and buildings up to two storeys in height. Given Res. 1 and Res. 2 are generally compliant with the Development Plan provisions in relation to design and appearance, setbacks to boundaries and building height, I am of the opinion that the form of development is not considered out of character with the existing and anticipated development within the locality.

Un-sustainable water drainage system

The provision of a fully engineered siteworks and drainage plan has been included as a recommended condition of consent, which is required to accord with Council's stormwater detention and disposal guidelines. Further, an appropriate amount of pervious land is maintained throughout the site.

Concerns of asbestos contained within the dwelling and the associated health hazards

Any demolition works are required to meet the requirements of SafeWork SA, including the removal of asbestos. While this concern is noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The 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 achieves an increase in dwelling densities in close proximity to 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 failings including site coverage, floor area ratios, private open space dimensions, front and rear setbacks and driveway width. 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 15.7% discrepancy for the total site area noted. Considerations within this report have demonstrated that the shortfall in site area is substantial, but that the proposed density is not necessarily inconsistent with that envisaged for the Policy Area, nor that which has occurred on nearby land. I am of the opinion that the design of the dwellings has demonstrated that the site is able to accommodate four dwellings in the form proposed and has appropriately addressed Council's Development Plan guidelines.

The allotment also fails to achieve the frontage width sought for residential flat buildings within the Northern Policy Area 13. Whilst this non-compliance has not come at the expense of the proposal's ability to provide adequate setbacks from boundaries, a cohesive streetscape elevation and vehicle turning areas, it has resulted in reduced landscaping opportunities, while the common area does not allow for vehicle passing space at the front of the site. These non-compliances could also be attributed to the size and number of dwellings proposed, and are considered in the overall merit of the proposal.

It is acknowledged that the proposal is finely balanced in relation to the extent of compliance with the applicable Development Plan criteria. Although this report has identified a number non-compliances; it is my view that these various shortfalls could each be deemed acceptable in isolation. Accordingly, these non-compliances must be considered as a whole in conjunction with the proposal's areas of compliance.

Ultimately, I am of the view that the discrepancies with Development Plan criteria are considered to be slightly outweighed by the level of compliance with other criteria, and therefore are not considered 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.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1785 for the construction of a two storey residential flat building comprising two dwellings and a single storey residential flat building comprising two dwellings with associated car parking and landscaping at 8 Fourth 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. 100/2016/1785, being:
 - a) Drawing No, 16-052 - SK04, prepared by Alexander Brown Architects and received by Council on 14 February 2017; and
 - b) Drawings No. 16-052 - SK01, SK02 & SK03 (inclusive), prepared by Alexander Brown Architects and received by Council on 20 March 2017;except when varied by the following conditions of consent.
2. Revised plans shall be submitted to Council for consideration and approval, prior to the issuing of Development Approval, detailing front fencing which complements the proposed dwelling design in terms of colours and materials.
3. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
6. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and 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
Attachment IV: Statement of Representations
Attachment V: Applicant's Response to Representations

DEVELOPMENT ASSESSMENT PANEL
Wednesday 3 May 2017

Agenda Ref No: DAP030517 – 2.4

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Mr Andrew Brock

Development Description: A two storey residential flat building, comprising four dwellings, with associated car parking and landscaping

Site Location: 19 Oak Avenue, Tonsley

Zone: Residential Zone

Policy Area: Regeneration Policy Area 16

Application Type: Category 2 / Consent

Lodgement Date: 22/11/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/2188

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

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns development that incorporates a building of 2 storeys comprising dwellings as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
The design of Dwelling 4 should be altered to maximise northern light entry into the living areas	Floor plan of Dwelling 4 altered ('flipped') to ensure living areas have a northerly orientation
The privacy of adjoining properties should be	Fixed, obscure glazing provided to all upper

protected via privacy treatments to the balconies and upper level windows on the eastern elevation	level windows, and obscure glass balustrade (1700mm in height) provided to balconies
All private open space areas should accommodate a minimum 5m x 5m dimension	Private open space areas increased from 5m x 4.5m to 5m x 5m
All private open space areas should equate to no less than 20% of the site area	Private open space areas increased marginally from 42 to 45 square metres, minimum
The entry to Dwelling 1 should be made more apparent via a porch/portico element	Portico provided to southern elevation in front of dwelling entry

SUBJECT LAND & LOCALITY

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

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

The locality comprises a mix of housing types. Older dwellings within this part of the locality are reflective of the low density housing constructed in the 1950s - 60s, on large allotments generally between 650 – 800 square metres in area. On other properties however, an increasing mix of single and double storey dwellings have been constructed in recent years. A majority of new dwellings are sited on allotments between 250 – 400 square metres within the Regeneration Policy Area 16.

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

Approximately 250 metres to the west of the site, the Tonsley train line (currently) terminates. The Tonsley train station is located adjacent this point. It is understood that in the near future the train line will be extended south; over South Road and adjacent Flinders Medical Centre and the sports ovals of Flinders University. It is likely the current Tonsley station will be removed as a result.

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

To the north, the 'Tonsley' site is located. This site currently accommodates a TAFE facility, Flinders University building (one of three likely to be constructed) and a variety of 'clean' and light industrial activities. It is anticipated that over time, 'Tonsley' will host a myriad of retail, residential and commercial land uses.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct a two storey residential flat building, comprising four dwellings.

All dwellings incorporate an open plan kitchen/dining/lounge area, water closet and garage (with laundry nook) on the ground floor. The second car park space is located below the cantilevered upper floor.

Dwellings 1, 2 and 3 comprise three bedrooms, wet areas and living area on the upper floor, with a balcony accessed from the main bedroom and living room.

Dwelling 4 maintains three bedrooms and wet areas only on the upper floor.

The dwellings will feature render (in 'Surfmist' and 'Shale Grey') and Linea cladding (in 'Windspray') to all elevations, with a colorbond roof (in 'Windspray') at 20 degrees.

All dwellings gain vehicular access via the common driveway adjacent the eastern side boundary.

Due to the fall in the land, the site will be cut at the front of the property and filled to the rear – at a maximum height of 750mm, with associated retaining.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	29 properties were notified during the Category 2 public notification process.
Representations:	2 representations (1 in favour and 1 against) were received by Council.
Persons wishing to be heard:	Neither representor identified they wish to address the Panel.
Summary of representations:	<ul style="list-style-type: none">• Overshadowing of 3/21 Oak Avenue during late afternoon hours;• Prevention of sunset views;• Increase in on-street parking. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	The applicant has provided a response to the representations received – please refer Attachment V

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <ol style="list-style-type: none"><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i>
Regeneration Policy Area 16
<p>Objectives</p> <ol style="list-style-type: none"><i>1 Integrated re-development of poor quality housing stock and underutilised land.</i><i>2 Improved quality of living environments.</i><i>3 Improved quality of housing.</i><i>4 Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation.</i><i>5 Improved environmental outcomes.</i><i>6 Increased dwelling densities and population.</i><i>7 More efficient use of land.</i><i>8 Improved community services and infrastructure.</i><i>9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces.</i><i>10 A smooth transition in the character and scale of development between this and adjoining residential policy areas.</i><i>11 Development that contributes to the desired character of the policy area.</i>
<p>Desired Character</p> <p><i>This area has been identified for regeneration because many of the dwellings and other infrastructure within the area are nearing the end of their economic life. Within the context of the Council area and the surrounding region this policy area represents a key opportunity to achieve strategic goals such as improved living conditions, environmental outcomes, and community services and infrastructure, as well as provide economically viable housing choices for the changing demographics of our population and make more efficient use of land and infrastructure within the Metropolitan area.</i></p> <p><i>New development will occur at densities greater than the current density of housing to increase the number of dwellings and the number of residents within the policy area and justify the improvement of infrastructure and other services.</i></p> <p><i>This policy area encompasses areas of recent redevelopment and areas that are suitable for comprehensive redevelopment where the density of new development will substantially exceed that of existing low density housing. Much of the existing development in the area comprises older public housing, primarily detached or semi-detached dwellings of varying age and construction materials.</i></p> <p><i>The desired character of the policy area is one of a high quality and distinctive living environment 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. It will be characterised by residential development at low-medium and medium densities, with a variety of architectural styles and a wide range of dwelling types to meet a variety of accommodation needs.</i></p> <p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles. Buildings of up to two storeys in height are appropriate, with three storey buildings also being appropriate provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and amenity.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. For larger development sites, a comprehensive scheme for the development of a range of dwelling types is desirable. Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility</i></p>

<p><i>with that adjacent housing.</i></p> <p><i>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p> <p><i>Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.</i></p>		
<i>PDC 1</i>	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>student housing</i> ▪ <i>supported accommodation.</i> 	Complies
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
<i>PDC 5</i>	<i>Allotments should be amalgamated to facilitate co-ordinated and efficient development.</i>	Does Not Comply The property is not amalgamated with other allotments
<i>PDC 3</i>	<i>Minimum Site Area:</i>	<p>Does Not Comply</p> <p>Dwg 1: 177 sq metres Dwg 2: 136.1 sq metres Dwg 3: 136.1 sq metres</p> <p>Average (ex driveway): 165.4 sq metres</p> <p>Complies</p> <p>Dwg 4: 212.4 sq metres</p> <p>Average (inc driveway): 217.5 sq metres</p>
	<i>Minimum Frontage: 18 metres</i>	Complies 21.95 metres
	<i>Minimum Depth:</i>	Does Not Comply 39.62 metres

Assessment

Objectives & Desired Character

The application proposes to replace an existing single-storey detached dwelling in average condition, with four residential flat dwellings which is a form 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.

Given that the subject land is located within acceptable walking distance of public transport routes, a Centre Zone, educational facilities and the variety of land uses to be provided within the 'Tonsley' site, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

On balance, the proposal is considered to adequately comply with the Objectives and Desired Character of the Regeneration Policy Area 16.

Site Areas

A minimum site area of 200 square metres is prescribed for residential flat dwellings in the Regeneration Policy Area 16, which equates to a shortfall of 23 square metres (11.5%) for Dwelling 1 and 63.9 square metres (32%) for Dwellings 2 and 3. This results in a 17.3% discrepancy for the total site area, when excluding the common driveway.

While the individual site areas of Dwellings 1, 2 and 3 fall short of the prescribed minimum, it is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, the overall average site area per dwelling would equal 217.5 square metres per dwelling, or 9% greater than the minimum sought.

Given 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 noted that row dwellings require a minimum site area of 170 square metres within the Regeneration Policy Area 16, whereby a site of 680 square metres could theoretically accommodate 4 dwellings. The subject land maintains an overall site area of 870 square metres. Therefore, it is suggested that while the site configuration results in shortfalls in site area, the proposed density is not necessarily inconsistent with that envisaged for the Policy Area.

Furthermore, the proposed site areas fall within the category of "medium" residential density, as defined in the handbook "*Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples*" published by the Government of South Australia in October 2011. This remains in accordance with the "low-medium and medium densities" envisaged by the Desired Character.

These considerations suggest that the shortfalls in site areas may not be fatal to the merit of the subject application. However, it is also important to consider whether the shortfalls in site areas have resulted in subsequent design shortfalls. The design and form of the dwellings is assessed in the following section 'Development Assessment'.

Site Depth

The site comprises a depth of 39.62 metres, where a minimum of 45 metres is prescribed. However, it is noted that the allotment incorporates a frontage width in excess of the minimum requirement of 18 metres, whilst the front, rear and side setbacks sought in the Policy Area are generally met or exceeded. Accordingly, the dwellings have been designed to take advantage of the width of the allotment, with the shortfall in site depth not readily apparent from 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><i>Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Site area</th> <th style="text-align: center;">Maximum Site Coverage</th> <th style="text-align: center;">Maximum Floor Area Ratio</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">< 200 m²</td> <td style="text-align: center;">80 m²</td> <td style="text-align: center;">0.7</td> </tr> <tr> <td style="text-align: center;">200 - 249 m²</td> <td style="text-align: center;">100 m²</td> <td style="text-align: center;">0.7</td> </tr> </tbody> </table> <p><i>Regeneration Policy Area 16: PDC 4</i></p> <p>(80 sq metres is applicable for Dwellings 1, 2 and 3) (100 sq metres is applicable for Dwelling 4)</p>	Site area	Maximum Site Coverage	Maximum Floor Area Ratio	< 200 m ²	80 m ²	0.7	200 - 249 m ²	100 m ²	0.7	<p><u>Site coverage:</u></p> <p>Complies Dwg 4: 97.62 sq metres</p> <p>Does Not Comply Dwg 1: 97.56 sq metres Dwg 2: 97.56 sq metres Dwg 3: 97.56 sq metres</p> <p>Average of whole of site: 44.86%</p> <p><u>Floor area ratio:</u></p> <p>Complies Dwg 4: 0.538</p> <p>Does Not Comply Dwg 1: 0.785 Dwg 2: 1.02 Dwg 3: 1.02</p> <p>Complies Average of whole of site: 0.61</p>
Site area	Maximum Site Coverage	Maximum Floor Area Ratio								
< 200 m ²	80 m ²	0.7								
200 - 249 m ²	100 m ²	0.7								
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p>									
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>									
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies 323 square metres (37.1%)</p>									

Private Open Space

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

Site area of dwelling	Minimum area of POS	Provisions
Less than 175 square metres	35 square metres	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 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, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.

Residential Zone: PDC 7

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

- (a) any area covered by a dwelling, carport, garage or outbuildings*
- (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas*
- (c) common areas such as parking areas and communal open*

Complies

(35 sq metres is applicable for Dwellings 2 and 3 and 20% is applicable for Dwellings 1 and 4)

- Dwg 1: 25.5% (45.22 sq metres)
- Dwg 2: 33.2% (45.22 sq metres)
- Dwg 3: 33.2% (45.22 sq metres)
- Dwg 4: 38.5% (81.88 sq metres)

Complies

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

Does Not Comply

- g) The proposed POS areas maintain a westerly aspect, which should nonetheless receive adequate solar access from approximately midday in winter months.

<p>spaces (d) any area at ground level at the front of the dwelling (forward of the building line) (e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	
<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p>Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads shown on Overlay Map – Transport 5 metres in all other circumstances.</p> <p>Minimum setback from primary road frontage where an established streetscape exists: 5 metres within Regeneration Policy Area 16 8 metres from arterial roads shown on Overlay Map – Transport</p> <p>Residential Zone: PDC 6</p>	<p>Complies Minimum front setback of 5.0 metres provided.</p>
<p>Except in areas where a new character is desired, the setback of buildings from public roads should: (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the function, appearance and/or desired character of the locality. 34</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Complies The setback proposed is consistent with that sought in the Policy Area; which anticipates a 5.0 metre front setback and a high degree of in-fill development to support the aims of the Policy Area.</p>
<p>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<p>Side Setbacks</p>	
<p>Minimum setback from side boundaries:</p> <p>Where the wall height is not greater than 3 metres: 0.9 metres</p> <p>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>Min setback 3.51 metres</p> <p>Min setback 3.51 metres</p>
<p>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.</p> <p>General Section: Design and Appearance: PDC 2</p>	<p>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). As such, the setbacks proposed should not result in unreasonable impacts to</p>

	adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.
Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i> (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary (b) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Complies Dwg 4: Setback 3.0 metres for 51%, remainder of rear boundary is free of buildings for a minimum distance of 7.5 metres</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (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.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i> 3 storeys of not more than 12 metres</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies The proposed dwellings incorporate a maximum building height of 7.3 metres, which is less than the maximum permitted in the Policy Area.</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p>Does Not Comply All dwellings are two stories in height</p>
Garages, Carports, Verandas and Outbuildings	
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p>Complies All garages are sited below the upper level parts of the associated dwelling.</p>
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	

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
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall	Complies
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		Complies
Vehicle Parking		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		<p>Partially Complies</p> <p>All dwellings are provided with two car parking spaces, however, a designated visitor space has not been provided.</p>
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
<p>On-site visitor parking spaces should be sited and designed to:</p> <p>(a) not dominate internal site layout</p> <p>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</p> <p>(c) be accessible to visitors at all times.</p> <p>General Section: Transportation & Access: PDC 42</p>		Complies
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>		<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) Two on-street car parking spaces shall remain available adjacent the subject land.</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 & Access: PDC 44</p>	<p>Complies</p> <p>(a) (b) 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>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</p> <p>(a) not face the primary street frontage</p> <p>(b) be located to the rear of buildings with access from a shared internal laneway</p> <p>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</p> <p>General Section: Transportation & Access: PDC 45</p>	<p>Complies</p> <p>The parking areas are located to the rear of the building with access from a shared internal driveway, and therefore do not face the primary street frontage.</p>
---	---

<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>	<p>Complies</p> <p>Two on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>
---	--

Access

<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>	<p>Complies</p>
--	------------------------

<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>
--	--

<p>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p>					<p>Partially Complies</p> <p>The proposal provides a driveway with an appropriate width, however, landscaping of 800mm has not been provided on both sides as sought by Principle 41.</p> <p>Opportunity exists for an additional landscape bay to be provided on the western side of the driveway (in sections – east of the dwellings’ perimeter path and not directly adjacent the entry doors). A recommended condition of consent seeks to have amended plans provided to Council, for consideration and approval, prior to Development Approval being issued.</p>
<p>Dwellings served</p>	<p>Trafficable width (metres)</p> <p>Intersection with public road and first 6 metres</p>		<p>Width beyond first 6 metres</p>	<p>Minimum landscape strips on both sides of driveway (metres)</p>	
	<p>Arterial roads</p>	<p>Other roads</p>			
<p>4 – 7</p>	<p>6</p>	<p>5</p>	<p>3</p>	<p>0.8</p>	
<p>General Section: Residential Development: PDC 41</p>					

<p>Driveways serving 3 or more dwellings which exceed 30 metres in length should include one passing section of not less than 5 metres trafficable width for each 25 metre section of driveway.</p> <p>General Section: Residential Development: PDC 42</p>	<p>Complies</p>
---	------------------------

<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies One vehicle access point is provided.</p>
<p>Design & Appearance</p>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of horizontal cladding and render on all façades • Protruding portico and balcony • Eave overhang and pitched roof form at 20 degree slope • Fenestration <p>The dwellings incorporate a 20 degree Colorbond roof in 'Windspray'. The garage of each dwelling features a 'Surfmist' roller door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i> <i>(b) include balustrade detailing that enables line of sight to the street</i> <i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p><i>General Section: Design & Appearance: PDC 5</i></p>	<p>Partially Complies</p> <p>The proposed balconies are integrated into the dwelling design, however, these are oriented to the east and as such, incorporate opaque glazing to protect the privacy of adjoining land.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i> <i>(b) individual entries for ground floor accommodation</i> <i>(c) opportunities to overlook adjacent public space.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Complies</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>Complies</p>

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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.

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

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

b) A majority of winter shadow will be cast within the front yard of the site. 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 and mainly falls upon the common driveway.

A representor has raised concern regarding overshadowing of the property at 3/21 Oak Avenue. From the plans provided, it is likely that shadow cast from Dwelling 4 will only fall upon the dwelling at 3/21 Oak Avenue from approximately 4:30pm on June 21. As such, it can be concluded that the development will only result in overshadowing of this dwelling in very late afternoon hours.

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

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

The dwellings incorporate fixed obscure glazing to 1700mm above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

The balconies on the eastern façade incorporate opaque glazing to 1700mm above floor level to maintain the privacy of adjoining 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.

Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.

General Section: Design & Appearance: PDC 12

Complies

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

All dwellings incorporate bedrooms on the upper level. These windows are separated from the common driveway by a distance of no less than 1 metre. This separation is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

Site Facilities and Storage

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

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

General Section: Residential Development: PDC 31

Partially Complies

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

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

During the assessment of the application, the design of Dwelling 4 was altered to take advantage of the northern orientation of that site.

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

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

As discussed in the 'Access' section of this report, opportunity exists for an additional landscape bay to be provided on the western side of the driveway (in sections – east of the dwellings' perimeter path and not directly adjacent the entry doors). A recommended condition of consent seeks to have amended plans provided to Council, for consideration and approval, prior to Development Approval being issued.

<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><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></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Partially Complies</p> <p>The application proposes retaining walls varying in height to a maximum 750 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.55 metres.</p> <p>This fencing/retaining height is considerable and will, to some degree, impact the outlook from 17 Oak Avenue and 16 Myrtle Grove.</p> <p>The proposal does provide an even amount of cut and fill; reducing the height of exposed retaining adjacent neighbouring properties.</p> <p>In my view, the height of retaining (and resultant total height of retaining and fencing) is necessary to achieve a level development site and maintain privacy and security, and should not unreasonably affect the visual amenity or access to sunlight of adjoining land.</p>
---	---

TABLE DISCUSSION

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

- Site coverage and floor area ratio (Dwellings 1, 2 and 3);
- Two storey dwellings on a battleaxe site;
- Landscaping along the common driveway.

Site coverage floor area ratio (FAR)

Site coverage for Dwellings 1, 2 and 3, at 97.56 square metres exceeds the maximum 80 square metres sought.

Whilst the excess in floor area of 17.56 square metres is considerable, all dwellings are afforded a reasonable area of private open space, achieve appropriate setbacks to all boundaries, and will not have an unreasonable impact upon adjoining land by way of building bulk or overshadowing.

Furthermore, the average site coverage for the whole of the land, at 44.86% is not significantly over that sought in the Policy Area, whilst the amount of pervious land (37.1%) area significantly exceeds the minimum 20% sought.

When calculated for each individual site (excluding the driveway area), Dwelling 1 exceeds the maximum FAR by 15 square metres and Dwelling 2 and 3 by 43 square metres.

When calculated over the entire site the FAR does not exceed the maximum 0.7 specified in the Development Plan and this indicates that as a whole, the development does not represent an overdevelopment of the site. The additional floor area will not unreasonably impact on the function of each dwelling and aids in keeping the footprints of the two storey dwellings relatively compact.

Furthermore, all upper levels meet or exceed the minimum front, side and rear setbacks sought, whilst the two storey nature of the dwellings will not result in an unreasonable impact upon adjoining land via building bulk or overshadowing.

Two storey dwellings on a battleaxe site

The proposal involves the development of two storey dwellings, whereby once divided will be located on battleaxe sites. In many instances this would not be appropriate given the clear direction of the Development Plan to restrict this type of development.

In considering the appropriateness of two storey dwellings on this site, regard is had to the Desired Character of the Regeneration Policy Area 16, the setbacks and separation of the dwellings from boundaries and adjacent dwellings, privacy treatments incorporated into the development and the built form in the locality.

The dwellings generally meet or exceed the minimum front, side and rear setbacks sought in the Policy Area. The dwellings incorporate a height substantially less than the maximum permitted, whilst the extent of overshadowing complies with that sought by Design and Appearance Principles 9 and 10.

The dwellings have been designed with upper level windows and balconies with obscure glazing/screening to 1700mm above finished floor level in order to ensure that the dwellings will not result in overlooking of adjoining properties. It is considered that these treatments will protect the privacy of adjoining properties.

In this regard, it is my view the built form will not have an unreasonable impact upon adjoining land.

Given that the subject land is situated within the Regeneration Policy Area 16, which encourages higher densities and two storey development, the two storey dwellings on battleaxe sites are considered acceptable and will not have an unreasonable impact upon the privacy and amenity of adjoining land.

Landscaping along the common driveway

The proposal provides a driveway with an appropriate width, however, landscaping of 800mm has not been provided on both sides as sought by Principle 41.

Opportunity exists for additional landscape bays to be provided on the western side of the driveway (in sections – east of the dwellings' perimeter path and not directly adjacent the entry doors). A recommended condition of consent seeks to have amended plans provided to Council, for consideration and approval, prior to Development Approval being issued.

If the Panel are to support the proposal and the recommended condition, it is my view that the appearance of the driveway (from the street and the dwellings) will be improved.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to overshadowing and on-street car parking have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor has also raised concerns over loss of sunset views. While this concern is noted, the proposed development exceeds the minimum side setbacks sought, generally meets the rear setback sought, incorporates a height less than the maximum permitted, and as such, the loss of any sunset view is not of such a consequence as to request amendments to the proposal.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Regeneration Policy Area 16, as it achieves an increase in dwelling densities in close proximity to public transport routes, a Centre Zone, educational facilities and the 'Tonsley' site.

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.

Assessment of the failings of the proposal, namely two storey dwellings on hammerhead sites, site coverage, floor area ratio and driveway landscaping 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.

The most significant numerical shortfall maintained by the proposal involves site areas; with a 17.3% discrepancy noted against the minimum requirement for residential flat dwellings when excluding the common driveway. When averaging the site areas for the whole of the land, this figure exceeds the minimum of 200 square metres, at 217.5 square metres.

In my view, the shortfall in site areas is not considered to warrant refusal of the application given the proposal demonstrates merit in a majority of other assessment areas and the clear intent of the Regeneration Policy Area for "*comprehensive redevelopment where the density of new development will substantially exceed that of existing low density housing...It will be characterised by residential development at low-medium and medium densities, with a variety of architectural styles and a wide range of dwelling types to meet a variety of accommodation needs*".

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/2188 for a two storey residential flat building, comprising four dwellings, with associated car parking and landscaping at 19 Oak Avenue, Tonsley be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/2188, except when varied by the following conditions of consent.
2. Additional landscape bays shall be provided on the western side of the driveway (in sections – east of the dwellings' perimeter path and not directly adjacent the entry doors). Amended plans shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
3. A revised siteworks and drainage plan shall be provided to Council, for consideration and approval, that ensures all stormwater infrastructure is located outside the proposed and required landscape bays, in accordance with the approved plans and condition 2.
4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
6. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and 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
Attachment IV: Statement of Representations
Attachment V: Applicant's Response to Representations

DEVELOPMENT ASSESSMENT PANEL

Wednesday 3 May 2017

Agenda Ref No: DAP030517 – 2.5

Originating Officer: Justin Clisby
Development Officer - Planning

Applicant: Jiaheng Pan

Development Description: A two-storey detached dwelling incorporating a wall on the western boundary and a single-storey residential flat building comprising two dwellings

Site Location: 15 Third Avenue, Ascot Park

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 14/02/2017

Development Plan: Consolidated – 28/04/2016

Application No: 100/2017/238

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

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns development that has 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high as Category 2 development.

The subject application is required to be determined by the Development Assessment Panel by virtue of proposed Unit 1 supporting an allotment area less than the minimum of 375 square metres required for detached dwellings and Units 2 & 3 supporting allotment areas less than the minimum of 300 square metres required for dwellings within a residential flat building in Northern Policy Area 13. Council has delegated decisions with respect to undersized 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
Reduce site coverage for each of the proposed dwellings	Site coverage of Unit 1 reduced from 57.6% to 48.5% Site coverage of Units 2 & 3 reduced from 59.3% to 50.0%
Increase private open space of Units 2 & 3 to meet the 20% minimum of total site area and achieve a minimum area of 5 metres x 5 metres directly accessible from the living room	Private open space of Units 2 & 3 increased from 16.7% to 23.2%. 6.2m x 9.1m provided directly accessible from living rooms

SUBJECT LAND & LOCALITY

The subject land is located at 15 Third Avenue, Ascot Park. The site is a rectangular shaped allotment with an 18.29 metre frontage, a depth of 55.34 metres and a total site area of 1012m². The site is relatively flat and a single storey dwelling with associated verandas and outbuildings exists on the site. There are no existing significant trees on the site.

Two juvenile street trees exist in the Council verge in front of the subject land, one of which has been approved for removal and replacement by Council to accommodate the construction of a new driveway crossover access point.

The locality consists of a mixture of dwelling types consisting mostly of single storey detached dwellings and group dwellings. The more recent pattern of development has seen the original housing stock of predominately single storey detached dwellings on large allotments replaced with group dwellings and residential flat dwellings resulting in an increase in density from 1 dwelling per allotment to 3 or 4 dwellings per allotment. A large number of these developments employ shared driveway access leading to battle axe allotments, similar to the development proposed in this application.

The subject land is within close proximity of a Neighbourhood Centre Zone comprising shopping, community services and facilities, employment and good access to public transport services with the Ascot Park Railway Station and frequent bus services on Marion Road within 300 metres.

Refer Attachments I & II

PROPOSED DEVELOPMENT

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

The ground floor level of Unit 1 contains a double garage, open plan kitchen/living/dining area, master bedroom with ensuite, WC and stairs leading to the first floor level. The first floor level comprises two bedrooms, bathroom and a retreat/study area. Units 2 and 3 contain three bedrooms (one with ensuite), open plan kitchen/living/dining area, bathroom and laundry facilities within the garage.

Unit 1 is to be constructed of face brickwork to the garage, painted rendered finish to all ground floor and first floor faces and incorporates a Colorbond clad roof with a 20 degree pitch and a 450mm eaves overhang.

Units 2 and 3 are to be constructed of face brick work, areas of render with paint finish and incorporates a Colorbond clad roof with a 20 degree pitch and a 450mm eaves overhang. Although a landscaping plan has not been provided, a landscaping zone has been provided in front of Unit 1. A landscaping zone of 0.5 metres has also been provided along both sides of the shared driveway servicing Units 2 and 3 to enhance the streetscape appearance and soften the hard-standing areas.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	32 properties were notified during the Category 2 public notification process.
Representations:	2 representations not in favour of the proposed development were received by Council.
Persons wishing to be heard:	None.
Summary of representations:	<ul style="list-style-type: none"> • Concerns regarding the location of the shared driveway serving Units 2 & 3 along the western boundary of the site and the impacts additional noise generated from vehicles will have on the existing dwellings at 13 Third Avenue, particularly at night. • Concerns that the front elevation of Unit 1 does not contribute to the desired character of the area. • Concerns relating to the proposed density being outside of Development Plan criteria. • Concerns regarding additional stormwater run-off and the impact on existing stormwater management infrastructure. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<p>The applicant agreed to relocate the shared driveway serving Units 2 & 3 to be adjacent the eastern boundary of the site where it will be directly adjacent a similar driveway leading to the rear of the site at 17 Third Avenue. This amendment has resulted in the footprint of proposed Unit 1 being reversed, resulting in the garage wall on the boundary being relocated from the eastern boundary of the site to the western boundary of the site, directly adjacent Unit 1 of Third Avenue.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>

ZONE & POLICY AREA ASSESSMENT

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

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

Northern Policy Area 13

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	The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	Complies
PDC 3	Minimum Site Area: Detached dwelling: 375m ² Residential Flat Buildings (RFB): 300m ² (average).	Does Not Comply Unit 1: 295m ² Units 2 & 3: 281.6m ²
	Minimum Frontage: Detached dwelling: 12 metres Hammerhead allotment: 4 metres	Complies Unit 1: 14.27m Units 2 & 3 are accessed via a shared driveway of 4.0 metres in width
	Minimum Depth: Detached dwelling: 20 metres Residential Flat Buildings (RFB): 45 metres	Complies Unit 1: 21.86m Units 2 & 3: 55.34m

Assessment

The proposed development will replace older housing stock at a greater density than that of the original housing with the proposed construction of one, two-storey dwelling and a single-storey residential flat building comprising two dwellings. The dwellings continue the trend of providing a variety of dwelling types and accommodation needs prevalent in the locality.

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

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

The proposed development will not result in any tree damaging activity to significant trees. The proposal does however necessitate the need for the removal of one juvenile street tree to accommodate driveways.

It is therefore considered that the proposed development displays consistency with the Objectives and Desired Character of Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Does Not Comply Unit 1: 48.7% Units 2 & 3: 50.0%</p> <p><u>Floor area ratio:</u></p> <p>Complies Unit 1: 0.57</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>Despite being 8.7% over the maximum envisaged site coverage, at 48.7%, Unit 1 maintains an acceptable setback from the primary street frontage and sufficient private open space.</p> <p>Despite being 10.0% over the maximum envisaged site coverage, at 50.0% Units 2 and 3 maintain sufficient private open space to the rear of the dwellings and acceptable setbacks to boundaries.</p>

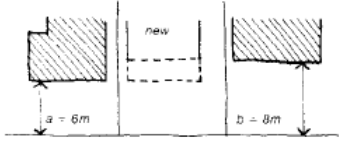
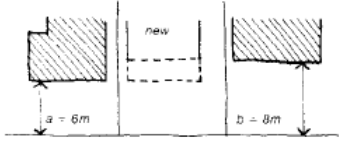
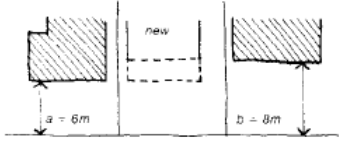
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for pedestrian and vehicle access, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and waste storage.</p>						
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p>						
<p>Private Open Space</p>							
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p> <table border="1" data-bbox="172 840 930 1263"> <thead> <tr> <th data-bbox="172 840 323 896">Site area of dwelling</th> <th data-bbox="323 840 512 896">Minimum area of POS</th> <th data-bbox="512 840 930 896">Provisions</th> </tr> </thead> <tbody> <tr> <td data-bbox="172 896 323 1263">175 square metres or greater</td> <td data-bbox="323 896 512 1263">20 per cent of site area</td> <td data-bbox="512 896 930 1263"> 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.	<p>Complies</p> <p>Unit 1: 21.2% 5.4 metres x 6.5 metres minimum area directly accessible from the living room achieved</p> <p>Units 2 & 3: 23.2% 6.2 metres x 9.1 metres minimum directly accessible from the living room achieved</p>
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.					
<p><i>Residential Zone: PDC 7</i></p>							
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from the internal living rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i> <i>(c) to be located to the side or rear of a dwelling and screened for privacy</i> <i>(d) to take advantage of, but not adversely affect, natural features of the site</i> <i>(e) to minimise overlooking from adjacent buildings</i> <i>(f) to achieve separation from bedroom windows on adjacent sites</i> <i>(g) to have a northerly aspect to provide for comfortable year round use</i> <i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(i) to be partly shaded in summer</i> <i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 16</i></p>	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level. c) All POS is located to the rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. g) The proposed POS areas maintain a northerly aspect to provide for comfortable year-round use. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional. 						

<p><i>Private open space should not include:</i></p> <ul style="list-style-type: none"> (a) any area covered by a dwelling, carport, garage or outbuildings (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas (c) common areas such as parking areas and communal open spaces (d) any area at ground level at the front of the dwelling (forward of the building line) (e) any area at ground level with a dimension less than 2.5 metres <p>General Section: Residential Development: PDC 17</p>	<p>Complies</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>General Section: Residential Development: PDC 22</p>	<p>Complies</p> <p>More than 50% of private open space to each dwelling is open to the sky and free from verandas.</p>
---	---

Building Setbacks from Road Boundaries

<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"> (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the function, appearance and/or desired character of the locality. <p>General Section: Design and Appearance: PDC 21</p>	<p>Complies</p> <p>The subject locality is one where a new character is desired, and the front setbacks of new dwellings are anticipated to be less than the original housing stock. The proposed front setback of 5.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
--	---

<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1" data-bbox="193 1171 914 1518"> <thead> <tr> <th data-bbox="193 1171 491 1234">Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th data-bbox="491 1171 914 1234">Setback of new building</th> </tr> </thead> <tbody> <tr> <td data-bbox="193 1234 491 1489">Up to 2 metres</td> <td data-bbox="491 1234 914 1489">The same setback as one of the adjoining buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" data-bbox="193 1489 914 1518">  <p style="text-align: center;">When $b - a \leq 2$, setback of new dwelling = a or b</p> </td> </tr> <tr> <td data-bbox="193 1518 491 1547">Greater than 2 metres</td> <td data-bbox="491 1518 914 1547">At least the average setback of the adjoining buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:	 <p style="text-align: center;">When $b - a \leq 2$, setback of new dwelling = a or b</p>		Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Does Not Comply</p> <p>Unit 1: 5.0 metres (5.5 meters to the garage)</p> <p>(Dwellings on adjoining land are set back approximately 5.0 metres and 8.5 metres, representing an average setback of 6.75 metres)</p> <p>PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that Northern Policy Area 13 anticipates reduced front setbacks, and having regard to the setbacks of more recently constructed dwellings in the locality, I am satisfied that PDC 21 is of more relevance in this instance.</p>
Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building								
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:								
 <p style="text-align: center;">When $b - a \leq 2$, setback of new dwelling = a or b</p>									
Greater than 2 metres	At least the average setback of the adjoining buildings								

<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
--	--

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

The eastern wall of Unit 1 is setback 4.9 metres to a height of 3.3 metres and 6.25 metres for the remaining 2.4 metres in height above 3.0 metres.

Where not on the boundary, the western wall of Unit 1 is setback 1.2 metres to a height of 2.7 metres.

The eastern wall of Unit 2 is setback 0.9 metres from the eastern boundary and the western wall of Unit 3 is setback 0.9 metres from the western boundary.

Maximum length and height when wall is located on side boundary:

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

Residential Zone: PDC 6

Complies

Unit 1: Wall on boundary is 6.2 metres in length and the maximum height of the parapet is 3.0 metres above 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

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

Unit 1: Setback 5.4 metres for 48% of the width of the rear boundary and 3.2 metres for 37% of the width of the rear boundary.

Complies

Unit 1: the portion of the rear wall above 3.0 metres in height (but less than 6.0 metres in height) is setback 8.7 metres from the rear boundary.

Units 2 & 3: Setback 9.5 metres for 30% of the width of the rear boundary and 6.1 metres for 49% of the width of the rear boundary.

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although Unit 1 falls slightly short of the minimum required, the rear boundary of Unit 1 backs onto the shared driveway area and is unlikely to impact on the amenity of neighbouring land users.</p>
---	--

Building Height

<p><i>Maximum building height (from natural ground level):</i> <i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Unit 1: 7.5 metres (two storeys)</p> <p>Units 2 & 3: 4.4 metres (single storey)</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p>Complies</p> <p>Units 2 & 3 are single storey.</p>

Garages, Carports, Verandas and Outbuildings

<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p>Complies</p>												
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>												
<table border="1"> <thead> <tr> <th>Parameter</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td data-bbox="177 1415 491 1496"> <p><i>Maximum floor area</i></p> </td> <td data-bbox="491 1415 930 1496"> <p><i>60 square metres</i></p> </td> </tr> <tr> <td data-bbox="177 1496 491 1639"> <p><i>Maximum wall or post height</i></p> </td> <td data-bbox="491 1496 930 1639"> <p><i>3 metres</i></p> </td> </tr> <tr> <td data-bbox="177 1639 491 1724"> <p><i>Maximum building height</i></p> </td> <td data-bbox="491 1639 930 1724"> <p><i>5 metres</i></p> </td> </tr> <tr> <td data-bbox="177 1724 491 1780"> <p><i>Maximum height of finished floor level</i></p> </td> <td data-bbox="491 1724 930 1780"> <p><i>0.3 metres</i></p> </td> </tr> <tr> <td data-bbox="177 1780 491 2051"> <p><i>Minimum setback from a primary road frontage</i></p> </td> <td data-bbox="491 1780 930 2051"> <p><i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any</i></p> </td> </tr> </tbody> </table>	Parameter	Value	<p><i>Maximum floor area</i></p>	<p><i>60 square metres</i></p>	<p><i>Maximum wall or post height</i></p>	<p><i>3 metres</i></p>	<p><i>Maximum building height</i></p>	<p><i>5 metres</i></p>	<p><i>Maximum height of finished floor level</i></p>	<p><i>0.3 metres</i></p>	<p><i>Minimum setback from a primary road frontage</i></p>	<p><i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any</i></p>	<p>Complies</p> <p>Unit 1: 37.8m²</p> <p>Units 2 & 3: 19.2m²</p>
Parameter	Value												
<p><i>Maximum floor area</i></p>	<p><i>60 square metres</i></p>												
<p><i>Maximum wall or post height</i></p>	<p><i>3 metres</i></p>												
<p><i>Maximum building height</i></p>	<p><i>5 metres</i></p>												
<p><i>Maximum height of finished floor level</i></p>	<p><i>0.3 metres</i></p>												
<p><i>Minimum setback from a primary road frontage</i></p>	<p><i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any</i></p>												
	<p>Complies</p> <p>Unit 1: 3.0m</p> <p>Does Not Comply</p> <p>Units 2 & 3: 3.4m</p>												
	<p>Complies</p> <p>Unit 1: 3.0m</p> <p>Units 2 & 3: 3.4m</p>												
	<p>Complies</p>												
	<p>Complies</p> <p>Unit 1: 5.5m (0.5m behind the main face of the dwelling)</p>												

	<i>part of the associated dwelling.</i>	
<i>Maximum length on the boundary</i>	<i>8 metres or 45 per cent of the length on that boundary (whichever is the lesser)</i>	Complies Unit 1: 6.2m
<i>Maximum frontage width of garage or carport with an opening facing the street</i>	<i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i>	Complies Unit 1: 6.0m (50% of façade width = 6.65m) Units 2 & 3: 3.05m (50% of façade width = 4.12m)
<p><i>Carpports 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 13</i></p>		Complies
Vehicle Parking		
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>		Complies Unit 1 comprises three bedrooms and provides four on-site car parking spaces, two of which are covered. Units 2 and 3 each comprise three bedrooms. Each dwelling provides one undercover car parking space and one additional uncovered off-street car parking space directly to the rear of the garages.
<i>Detached Semi-detached Row</i>	<i>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i>	
<i>Group Residential flat building</i>	<i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i>	
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		
<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 (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>		<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) Public transport is located within walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply</p> <p>d) & e) Only one on-street car parking space shall remain available adjacent the subject land.</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <p><i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i></p> <p><i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i></p> <p><i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>		<p>Complies</p> <p>(a) (b) Sufficient space has been provided to enable vehicles to manoeuvre between the street and all designated car parking areas in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas to Units 2 & 3 are located to the rear of the site and therefore should maintain an attractive streetscape.</p>

The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:

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

General Section: Transportation & Access: PDC 45

Complies

The parking areas to Units 2 & 3 are located to the rear of the building with access from a shared internal driveway, and therefore do not face the primary street frontage.

Access

The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:

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

General Section: Residential Development: PDC 39

Complies

The driveway to Unit 1 is served by a 3.8 metre wide driveway crossover. The shared driveway to Units 2 & 3 is served by a 3.0 metre driveway crossover.

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.).

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure (stobie pole), and 2.0 metres from the existing street tree that is to be retained.

Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:

Dwellings served	Trafficable width (metres)		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)
	Intersection with public road and first 6 metres			
	Arterial roads	Other roads		
1 – 3	6	3	3	0.5

General Section: Residential Development: PDC 41

Complies

The shared driveway serving Units 2 and 3 is 3.0 metres wide. A landscaping strip of 0.5 metres wide is provided either side of the shared driveway.

Driveways serving 3 or more dwellings which exceed 30 metres in length should include one passing section of not less than 5 metres trafficable width for each 25 metre section of driveway.

General Section: Residential Development: PDC 42

Complies

Driveway serving Units 2 & 3 is 24.5 metres long.

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.

General Section: Transportation and Access: PDC 28

Complies

Vehicle access points are separated by 9.4 metres providing sufficient space for the parking of one vehicle.

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

Complies

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

- Mixture of brick, glazed areas and render to the front façade

<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p>General Section: Design & Appearance: PDC 3</p>	<ul style="list-style-type: none"> • Eaves overhang and pitched roof form • Fenestration <p>The dwellings incorporate a pitched Colorbond roof with rendered facades. The garage of each dwelling features a Colorbond panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i></p> <p><i>(b) individual entries for ground floor accommodation</i></p> <p><i>(c) opportunities to overlook adjacent public space.</i></p> <p>General Section: Residential Development: PDC 6</p>	<p>Complies</p> <p>Passive surveillance of the street is provided via ground floor and first floor windows to habitable rooms of Unit 1.</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>General Section: Residential Development: PDC 8</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>General Section: Residential Development: PDC 9</p>	<p>Complies</p> <p>The entry to Unit 1 is setback within a dedicated porch giving clear visibility of the entrance from the street and approaches from the footpath.</p> <p>Ground floor and first floor windows to habitable rooms of Unit 1 present to the street.</p>
Relationship to the Street and Public Realm	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p>General Section: Design & Appearance: PDC 13</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>General Section: Design & Appearance: PDC 14</p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p>General Section: Design & Appearance: PDC 15</p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p>General Section: Design & Appearance: PDC 16</p>	<p>Complies</p> <p>Unit 1 is designed so that its 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 feature a mixture of render and fenestration 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

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

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

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

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

The upper level of Unit 1 incorporates a high level window with a sill height of 1.7 metres above finished floor level to the rear elevation preventing overlooking to adjoining land and proposed Units 2 and 3. Side windows to the upper floor of Unit 1 comprise obscured glazing.

Upper level windows on the front elevation remain unobscured to provide surveillance to the street and 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.

Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.

General Section: Design & Appearance: PDC 12

Complies

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

Units 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 4.0 metres and incorporate areas of landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

Site Facilities and Storage

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

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

General Section: Residential Development: PDC 31

Partially Complies

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

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

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

The dwellings incorporate a hipped roof form with north-facing sections upon which solar collectors could be located.

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

Whilst a landscaping plan that identifies specific species and plant heights has not been provided, landscaping zones have been indicated on the site plan separating the bedroom from the public domain in the case of Unit 1 and bedrooms from the common driveway in the case of Units 2 & 3. A 0.5 metres landscaping strip has also been provided either side of the shared driveway to reduce the impact of the hard surface of the driveway when viewed from the street.

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 areas (all units)
- Site coverage (all units)
- Primary street frontage setback (Unit 1)
- On-street car parking provision

Site areas (all units)

The site area of Unit 1 is calculated at 295m², which is a considerable amount (21%) below the Development Plan standard of 375m². The allotment however, maintains a frontage width of 14.27 metres, 2.27 metres above the required 12.0 metres for the Policy Area. Therefore, the undersized nature of the allotment will not be apparent from the street as the predominant allotment pattern of wider frontages for detached dwellings will be maintained.

The average site areas of the Residential Flat Building equate to an average site area of 281.6m², which represents a relatively minor shortfall of 18.4m² (or 6%) from the Development Plan standard of 300m². This figure excludes the common driveway and manoeuvring area in accordance with Principle 8 (General Section: Land Division) which states:

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

It is noted that if the driveway were to be included in the site areas, Dwellings 2 & 3 would maintain an average site area of 358.6m².

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

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

As such, providing that the development as a whole functions appropriately and on balance adequately satisfies the majority of Development Plan provisions, the undersized nature of the allotments, in my view, is not fatal to the merits of the application.

Site coverage (all units)

The site coverage of Unit 1 being 48.7%, and Units 2 and 3 being 50.0% represents a significant deviation from the 40% standard identified in the Development Plan. This equates to an additional 25.0m² in floor area for Unit 1 and 28.2m² each for Units 2 and 3.

Although site coverage for each of the proposed dwellings is greater than the maximum envisaged for dwellings in the policy area, each dwelling maintains a sufficient amount of private open space and appropriate setbacks from boundaries. The site coverage for the total site as a whole equates to 42.0%, which is generally consistent with the majority of new developments within the Council area.

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

Primary street frontage setback (Unit 1)

A setback of 6.75 metres, being the approximate average of the two adjacent dwellings on either side ought to be applied in lieu of the 5.0 metres provided.

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

Notwithstanding the above, it is considered that the additional separation provided by the hammerhead driveway will relieve the apparent incursion of the front setback.

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

On-street car parking provision

The construction of a new driveway crossover point to access the garage of Unit 1 will result in sufficient space for only 1 on-street car parking space forward of the subject land whereas 2 are required. Units 2 & 3 however each provide 2 off-street car parking spaces each and Unit 1 provides a total of 3 off-street car parking spaces, 2 of which are covered. In total 7 off-street car

parking spaces are provided in lieu of the required 6. Given residents or visitors to Unit 1 are unlikely to need to park on the street, 1 on-street car parking space is considered sufficient to accommodate the needs of Units 2 & 3.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to the location of the shared driveway serving Units 2 & 3 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 regarding the impact the proposal will have on existing stormwater management infrastructure. While this concern is noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposed development, although displaying shortfalls in site area and site coverage, is compliant or producing minor shortfalls in the majority of other Development Plan provisions.

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

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

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: 100/2017/238 for a two-storey detached dwelling and single-storey residential flat building comprising two dwellings at 15 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. 100/2017/238, being drawing number 170117-C3/A 'Civil Detail – 3' prepared by SCA Engineers Pty. Ltd and architectural plans provided by NC Design Buildings + Interiors received by Council on 20/04/2017, except when varied by the following conditions of consent.
2. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 3 May 2017

Agenda Ref No: DAP030517 – 2.6

Originating Officer: Nicholas Timotheou
Development Officer - Planning

Applicant: Nicklay Property

Development Description: Residential Community Title Land Division - 1 into 3 allotments and to construct a two storey dwelling and a single storey residential flat comprising two dwellings to the rear of the site with associated garages and landscaping

Site Location: 123 Raglan Avenue, South Plympton

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 03/02/2017

Development Plan: Consolidated – 28 April 2016

Application No: 100/2017/178

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

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings and 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 (Res. 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
Vehicle manoeuvrability spaces for each dwelling should be amended to allow for safe and convenient movements.	Alterations made to the visitor parking space dimensions and associated aisle width of Res. 2 and Res. 3.
Information Requested	Information Provided
A fully engineered site works and drainage plan.	Provided.
A schedule of proposed colours/materials/finishes.	Provided.

SUBJECT LAND & LOCALITY

The subject land comprises 123 Raglan Avenue, South Plympton. The allotment is rectangular in shape, achieving a frontage width of 18.28 metres, depth of 49.7 metres and a total site area of 908.2 square metres. The site currently accommodates a detached dwelling in relatively good condition. The dwelling is set back approximately 13.5m which steps to 16m. Vehicular access is currently available from Raglan Avenue, adjacent the eastern boundary of the allotment. The contour of the land is relatively flat and there are no regulated trees on the subject land.

The locality is typically defined by single storey detached dwellings on large allotments and group/residential flat dwellings in the form of hammerhead allotments. Recent development in the locality displays a presence of newly built group and semi-detached dwellings, single storey in nature. It is also acknowledged that two detached dwellings have recently been issued Development Approval at 127 Raglan Avenue as a Complying form of development.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the sub division of the land to create two additional allotments (three in total) and the construction of a two storey detached dwelling facing Raglan Avenue and a single storey residential flat building comprising two dwellings, to the rear of the site.

Res. 1 features a dwelling, two storeys in nature, incorporating three bedrooms and associated bathroom/ensuite on the upper level. The ground level incorporates a laundry, bathroom and open plan kitchen/living/meals area with direct access to the main area of private open space. A double width garage is situated along the western boundary, which seeks to gain access via a new crossover, setback 2.0m from the existing street tree; however, requires the removal of a safety bar layout within the road reserve.

Res. 2 and Res. 3 are single storey in nature and incorporate three bedrooms, associated bathroom/ensuite, laundry room and open plan kitchen/living/meals area with direct access to the main area of private open space. The dwellings feature single width garages with stacked visitor parking space. Vehicular access is provided through a common driveway running along the eastern boundary of the allotment, via the existing crossover.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

SA Water:	Refer to <i>Attachment IV</i> for the standard SA Water land division comments.
DAC:	Refer to <i>Attachment IV</i> for the standard DAC land division comments.

Refer Attachment IV

INTERNAL DEPARTMENT COMMENTS

Coordinator Arboriculture	The proposed crossover associated with Res. 1 is set back an appropriate distance to preserve the condition of the existing False Acacia street tree.
Coordinator Traffic and Parking	The existing safety bar layout within the road reserve can be removed and relocated at the cost of \$300 + GST to the applicant.

ZONE & POLICY AREA ASSESSMENT

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

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

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><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Complies
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	Complies
PDC 3	<p><i>Minimum Site Area:</i> <i>Res. 1 – 375sqm</i> <i>Res. 2 & Res. 3 - 300sqm</i></p>	<p>Does Not Comply Res. 1 – 294sqm Res. 2 & Res. 3 – 217sqm</p> <p>Average site area per dwelling including common driveway: 302.7sqm</p>
	<p><i>Minimum Frontage:</i> <i>Res. 1 - 12m</i> <i>Res. 2 & Res. 3 – 4m</i></p>	<p>Complies Res. 1 – 14.3m Res. 2 & Res. 3 – 4m</p>
	<p><i>Minimum Depth:</i> <i>Res. 1 - 20m</i> <i>Res. 2 & Res. 3 – 45m</i></p>	<p>Complies Res. 1 – 20.7m Res. 2 & Res. 3 – 49.68m</p>

Assessment

The application proposes three dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the density of the land by two. Whilst the dwellings are sited on undersized allotments, it has been demonstrated that the density of the site is appropriate (discussed throughout this report). It is also acknowledged that the density of the site will be in keeping with other development in the immediate vicinity, in particular 145, 142a/b, 132 a/b and 130 Raglan Avenue.

Notwithstanding the above, it is considered that the proposal is consistent with the Desired Character of the Northern Policy Area 13 in that it will provide both single and two-storey medium density dwellings, and redevelop the site at a greater density than that of the original housing stock.

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

On balance, the proposal is considered to adequately comply with the Objectives and Desired Character of the Northern Policy Area 13.

Site Area

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

Res.1 achieves a site area equal to 291 square metres, which equates to a shortfall of 84 square metres (22.4%). Res. 2 and Res. 3 incorporate an average site area equal to 217 square metres, which is equal to a shortfall of 83 square metres (27.6%). Despite the undersized nature of each allotment being quite significant, the design of the dwellings has demonstrated that the site dimensions will not result in adverse impacts to the amenity of adjoining properties or come at the expense of the other relevant provisions of the Development Plan (discussed throughout this report).

Furthermore, Res. 1 maintains a frontage width of 14.3 metres, 2.3m greater than the required 12 metres for the Policy Area. As such, the undersized nature of the allotment will not be as apparent from the street as the predominant pattern of wider frontages for detached dwellings will be maintained.

In relation to the site area of Res. 2 and Res. 3, It is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, the residential flat building (Res. 2 and Res. 3) would maintain an average site area of 308.8 square metres per dwelling.

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. The average site area (including the area of handle) exceeds the minimum 300 square metres required for group and residential flat buildings in the Northern Policy Area 13. As such, in my view, subject to achieving appropriate compliance with Council's Development Plan, the subject land could feasibly be developed to accommodate three dwellings.

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

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Floor area ratio:</u></p> <p>Complies Res. 1 – 0.46</p> <p><u>Site coverage:</u></p> <p>Does Not Comply Res. 1 – 125.6sqm (43.1%) Res. 2 & Res. 3 – 135.2sqm (62.3%)</p> <p>Excluding alfresco/porch Res. 1 – 110.6sqm (38%) Res. 2 & Res. 3 – 122.3sqm (56.3%)</p> <p>Total site coverage 396sqm (43.6%)</p>
<p>The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area; Residence 1 surpasses this limit at 43.1% while Residence 2 and 3 considerably exceed criteria at 62.3% each. The following considerations are noted with regard to the discrepancy in site coverage:</p> <ul style="list-style-type: none"> (a) The figures above are based upon the curtilage of the dwellings only, and do not include the common driveway. When including the driveway area, overall site coverage for the whole of the land equates to 43.6%, slightly above the maximum prescribed. (b) The proposal achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below) Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land. (c) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access, vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles. (d) It is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. The subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60% for new detached and semi-detached dwellings. As such, it is considered that the proposal results in less site coverage than that which could feasibly be constructed on the subject land “as of right” (i.e. without an assessment against Development Plan criteria). <p>The above considerations demonstrate that the excess in site coverage should not adversely impact upon the amenity of adjoining land, or impair the design and function of the proposed dwellings.</p>	
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>

<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles. <p>General Section: Residential Development: PDC 14</p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
---	---

<p>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 15</p>	<p>Complies</p>
---	------------------------

Private Open Space

<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>			<p>Complies</p> <p>Res. 1 – 77sqm (26.4%) Res. 2 & Res. 3 – 46sqm (21.2%)</p> <p>Each dwelling achieves a 5 x 5 metre dimension of POS, directly accessible form an internal living room.</p>
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
<p>Residential Zone: PDC 7</p>			




<p>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</p> <ul style="list-style-type: none"> (a) to be accessed directly from the internal living rooms of the dwelling (b) to be generally at ground level (other than for dwellings without ground level internal living rooms) (c) to be located to the side or rear of a dwelling and screened for privacy (d) to take advantage of, but not adversely affect, natural features of the site (e) to minimise overlooking from adjacent buildings (f) to achieve separation from bedroom windows on adjacent sites (g) to have a northerly aspect to provide for comfortable year round use (h) to not be significantly shaded during winter by the associated dwelling or adjacent development (i) to be partly shaded in summer (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site. <p>General Section: Residential Development: PDC 16</p>	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) Adequate separation has been provided from bedrooms of dwellings on adjacent sites and standard fencing is considered to provide an appropriate level of privacy. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional.
--	---

<p><i>Private open space should not include:</i></p> <ul style="list-style-type: none"> (a) any area covered by a dwelling, carport, garage or outbuildings (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas (c) common areas such as parking areas and communal open spaces (d) any area at ground level at the front of the dwelling (forward of the building line) (e) any area at ground level with a dimension less than 2.5 metres <p>General Section: Residential Development: PDC 17</p>	<p>Does Not Comply</p> <p>g) The proposed POS areas maintain a southerly aspect as a result of the existing orientation of the land. Nonetheless, the areas of POS are considered of suitable dimensions to receive adequate natural light throughout the day.</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>General Section: Residential Development: PDC 22</p>	<p>Complies</p>
---	------------------------

Building Setbacks from Road Boundaries

<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"> (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the function, appearance and/or desired character of the locality. <p>General Section: Design and Appearance: PDC 21</p>	<p>Complies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 6.5 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>
--	---

<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1" data-bbox="188 1122 914 1473"> <thead> <tr> <th data-bbox="188 1122 480 1189">Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th data-bbox="480 1122 914 1189">Setback of new building</th> </tr> </thead> <tbody> <tr> <td data-bbox="188 1189 480 1442">Up to 2 metres</td> <td data-bbox="480 1189 914 1442">The same setback as one of the adjoining buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" data-bbox="188 1442 914 1473">  <p style="text-align: center;">When $b - a \leq 2$, setback of new dwelling = a or b</p> </td> </tr> <tr> <td data-bbox="188 1442 480 1473">Greater than 2 metres</td> <td data-bbox="480 1442 914 1473">At least the average setback of the adjoining buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:	 <p style="text-align: center;">When $b - a \leq 2$, setback of new dwelling = a or b</p>		Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Partially Complies</p> <p>Res. 1: 6.5 metres</p> <p>(Dwellings on adjoining land set back approximately 8 and 10 metres, which equals an average setback of 9 metres)</p> <p>PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.</p> <p>Notwithstanding the above, the proposed front setback of 6.5 metres is considered to provide an appropriate level of transition to buildings on adjacent land. Further, the level of articulation provided to the front façade combined with the landscaping throughout the site shall assist in reducing the overall bulk of the building and assist in achieving a cohesive streetscape.</p>
Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building								
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:								
 <p style="text-align: center;">When $b - a \leq 2$, setback of new dwelling = a or b</p>									
Greater than 2 metres	At least the average setback of the adjoining buildings								

<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
--	--

Side Setbacks

<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 0.9 metres</i></p> <p><i>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Res. 1 – 5m (east) and 3m (west) at closest point</p> <p>Res. 2 & Res. 3 – 900mm</p>
<p><i>Maximum length and height when wall is located on side boundary: (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height (b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Res. 1 – 6.2m in length and 2.92m in height (from natural ground level)</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report). As such, the setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>

Rear Setbacks

<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Complies</p> <p>Res. 2 and Res. 3 – 5m</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>

Building Height

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

Residential Zone: PDC 6

Complies
Res. 1 – 7.4m
Res. 2 & Res. 3 – 4.5m

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

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

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

General Section: Residential Development: PDC 12

Parameter	Value	
Maximum floor area	60 square metres	Complies
Maximum wall or post height	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 Res. 1 – 7m and 1.5m behind the main facade
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies Res. 1 – 6.2m in length
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies Res. 1 – 6m (42%)
Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit. General Section: Residential Development: PDC 13		Complies The manoeuvring into and out of the car parking spaces meets the technical requirements of the Australian Standards and provide appropriate clearance for vehicles to avoid damage to the dwellings, fencing and landscaping.

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

<i>Detached Semi-detached Row</i>	<i>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i>
<i>Group Residential flat building</i>	<i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i>
<i>Multiple dwelling</i>	<i>0.7 per bedroom</i>

Table Mar/2 - Off-street Vehicle Parking Requirements.

On-site visitor parking spaces should be sited and designed to:
(a) not dominate internal site layout
(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling
(c) be accessible to visitors at all times.

General Section: Transportation & Access: PDC 42

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

General Section: Transportation & Access: PDC 43

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

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

Res. 1 – 3 spaces (2 covered)

Partially Complies

Res. 2 and Res. 3 - 2 spaces per dwelling (1 covered)

No independently accessible visitor parks are available. It is acknowledged however, that one on-street park will remain available and as such, I am of the opinion that the proposal is appropriate in this regard.

Complies

- a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.
- b) Adequate on-site car parking provided to compensate for the sites distance to centre facilities.
- c) The likely occupants are anticipated to have standard mobility and transport requirements.

Partially Complies

- d) e) 1 on-street car parking space is provided for the proposed allotments; however, given Res. 1 exceeds the minimum on-site parking by one space, I am of the view that the increased density of the site will not result in impacts to the street.

Complies

- (a) (b) Council's tracking data and Traffic report prepared by MFY indicates that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.
- (c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.

Access

The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:

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

General Section: Residential Development: PDC 39

Complies

Res. 1 – 5m
Res. 2 and Res. 3 – 3m

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.).

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.

Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:

Complies

Res. 2 and Res. 3 – 3m + 500mm landscaping either side

Dwellings served	Trafficable width (metres)			Minimum landscape strips on both sides of driveway (metres)
	Intersection with public road and first 6 metres		Width beyond first 6 metres	
	Arterial roads	Other roads		
1 – 3	6	3	3	0.5

General Section: Residential Development: PDC 41

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.

General Section: Transportation and Access: PDC 28

Complies

Vehicle access points are separated by a minimum distance of 6 metres.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Complies

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

- Mixture of brick, tile and render on the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Protruding portico
- Eave overhang and pitched roof form at 25-degree slope
- Fenestration

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

The rear dwellings incorporate rendered front, side and rear facades, panel lift doors and a Colorbond roof

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

Relationship to the Street and Public Realm

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

b) It is acknowledged that 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 and habitable windows will be free from shadow by midday. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

Res. 1 incorporates fixed obscure glazing to 1.8 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in 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.

Site Facilities and Storage

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

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

General Section: Residential Development: PDC 31

Partially Complies

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

The main activity areas of the dwellings are oriented south as a result of the existing orientation of the allotment. Nonetheless, these areas are of appropriate dimension to receive natural light throughout the day.

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

The dwellings incorporate a hipped roof form set at a 25-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 application plans propose landscaping to the front yard of Res. 1 and adjacent the common driveway servicing Res. 2 and Res. 3.

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

LAND DIVISION ASSESSMENT

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

Land Division	
<p>Objectives</p> <p>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing underutilised infrastructure and facilities.</p>	<p>Complies</p>
<p>2 Land division that creates allotments appropriate for the intended use.</p>	<p>Complies</p>
<p>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</p>	<p>Complies</p>

<p>Principles of Development Control</p> <p><i>1 When land is divided:</i></p> <p><i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i></p> <p><i>(b) a sufficient water supply should be made available for each allotment</i></p> <p><i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i></p> <p><i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></p>	<p>Complies</p> <p>The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.</p>
<p><i>2 Land should not be divided if any of the following apply:</i></p> <p><i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i></p> <p><i>(b) any allotment will not have a frontage to one of the following:</i></p> <p><i>(i) an existing road</i></p> <p><i>(ii) a proposed public road</i></p> <p><i>(iii) access to a public road via an internal roadway in a plan of community division</i></p> <p><i>(c) the intended use of the land is likely to require excessive cut and/or fill</i></p> <p><i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i></p> <p><i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i></p> <p><i>(f) the intended use of the land would be contrary to the zone objectives</i></p> <p><i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></p>	<p>Complies</p> <p>a) It has been demonstrated that the allotments are suitable for their intended use.</p> <p>b) Lot 1 will have frontage to a public road. Access to Lot 2 and Lot 3 is via a shared driveway with access to a public road.</p> <p>c) No excessive cut and/or fill is required as the subject land is relatively flat.</p> <p>d) Boundary realignment is unlikely to result in undue erosion of the subject land or locality.</p> <p>e) The site has access to existing services.</p> <p>f) Detached dwellings and residential flat dwellings and are an envisaged built form in the Residential Zone</p> <p>g) Allotment boundaries will remain in the Northern Policy Area 13 within the Residential Zone.</p>
<p>Design and Layout</p> <p><i>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p>	<p>Complies</p>
<p><i>10 Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p><i>(a) minimises the need for earthworks and retaining walls</i></p> <p><i>(b) maintains natural drainage systems</i></p> <p><i>(c) faces abutting streets and open spaces</i></p> <p><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></p> <p><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p>	<p>Complies</p>
<p><i>11 The layout of a land division should provide for efficient solar access.</i></p>	<p>Partially Complies</p> <p>As a result of being situated on the southern side of a street, the layout of the land division provides good solar access to some habitable spaces in Res. 1 but only limited efficient solar access to habitable spaces of Res. 2 and Res. 3.</p> <p>Despite being situated to the south of each dwelling, the private open space provided is likely to receive direct morning and afternoon sun throughout the year.</p>

<p>Roads and Access</p> <p><i>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p>	<p>Complies</p> <p>a) Adequate on-site parking available b) Public transport services are accessible in the wider locality c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.</p>
<p><i>23 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.</i></p>	<p>Complies</p>

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it achieves an increase in dwelling densities compared to the original housing, as well as providing further diversity in dwelling types.

Despite the individual deficiencies in site area, the assessment discussion contained within this report has demonstrated that the subject land can accommodate a detached dwelling and residential flat building comprising two dwellings in the form proposed.

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

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2017/178 (DAC Ref. 100/C019/17) for a Residential Community Title Land Division - 1 into 3 allotments and to construct a two storey dwelling and a single storey residential flat comprising two dwellings to the rear of the site with associated garages and landscaping at 123 Raglan Avenue, South Plympton 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. 100/2017/178, being:
 - a. The Siteworks Plan of Job No. C22926, prepared by RCI Consulting Engineers and received by Council on 21 March 2017;
 - b. Drawing 1 – 7 (inclusive), Revision E of Job# 360, prepared by InProperty Design and received by Council on 7 April 2017; and
 - c. Proposed plan of division, Reference No. 17021, prepared by Zaina Stacey Development Consultants and received by Council on 10 April 2017.except when varied by the following conditions of consent.
2. A revised fully engineered site works and drainage plan shall be provided to Council prior to Development Approval being issued, ensuring consistency with the architectural drawings prepared by InProperty Design, Revision E received by Council on 7 April 2017.
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

5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.

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

LAND DIVISION CONDITIONS

1. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
2. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
3. Payment of \$13352 into the Planning and Development Fund (2 lots @ \$6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.
5. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0055275).

NOTES

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 3 May 2017

Agenda Ref No: DAP030517 – 2.7

Originating Officer: Alex Wright
Development Officer - Planning

Applicant: Jane E Osborne

Development Description: Community Title Land division 1 into 2 allotments and a change in land use from a single storey detached dwelling to residential flat building comprising two dwellings with associated car parking.

Site Location: 120 Diagonal Road, Warradale

Zone: Residential

Policy Area: Northern Policy Area 13

Application Type: Category 1/ Consent

Lodgement Date: 15/11/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/2129

DAC Reference No: 100/C253/16

Recommendation: Development Plan Consent (REFUSED)

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns both a land division that does not change the nature of an existing road and a change of use to two single storey dwellings as a Category 1 development. The application is being presented to the Development Assessment Panel by virtue of administration not being in the position to support the application.

BACKGROUND

An application (100/2004/1636) for alterations to the existing dwelling, which included the installation of a new door facing Diagonal Road and internal modifications was approved by Council in 2004. A search of Council's records has indicated there has been no approval for dependent accommodation.

During the course of assessment, it was discovered and confirmed that the current owner of the land has been unlawfully utilising the dwelling as two (2) separate tenancies.

During the assessment process, Council staff requested the following information;

Information Requested	Information Provided
Existing/proposed floor plan at a scale of 1:100 or 1:200.	Provided.

SUBJECT LAND & LOCALITY

The subject land is situated at 120 Diagonal Road, Warradale. The allotment is predominately rectangular in shape and achieves a frontage of 33.28 metres to Diagonal Road, a secondary frontage of 12.19 metres to Hamilton Avenue, a depth of 16.46 metres and an overall allotment area of 609 square metres.

The land is relatively flat and contains a 1970's cream brick dwelling in reasonable condition. A double width carport is attached to the south eastern façade of the dwelling whilst a freestanding outbuilding is located to the north eastern corner of the allotment. The allotment contains a moderate level of vegetation scattered throughout the site in the form of low to medium shrubs and small trees. The Certificate of Title confirms that the land is clear of any encumbrances or easements. Vehicular access to the site is currently achieved via Hamilton Avenue through a crossover located to the south eastern boundary of the allotment. This crossover is proposed to be maintained as part of the proposed development.

A 1.8 metre high brush fence runs along the western boundary for an approximate length of 30 metres and provides some level of privacy to the current occupants.

The locality primarily consists of well-established single storey detached dwellings on large allotments to the east, south and west. A small cluster of older two storey residential flat buildings are located to the immediate west, on the opposite side of Diagonal Road. To the immediate north the site is bordered by car parking for the Uniting Church, whilst a Neighbourhood Centre Zone is located to the northwest on Diagonal Road and contains a range of small scale commercial and retail business. The subject allotment is adjacent Diagonal Road and within 120 metres of Oaklands Road (which provides bus services to both the Adelaide CBD and the Marion Regional Centre), 220 metres from Hamilton Reserve and 350 metres from Hazelmere Road Reserve – both of which provide large areas of open space.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to divide the subject land to create an additional Community Title allotments (1 into 2 allotments) and the subsequent change in the land use from a single storey detached dwelling to a residential flat building comprising two dwellings with associated car parking. The proposal seeks the division of land into two separate Lots - Lot 21 and Lot 22, with two additional areas of common property located to the east of the allotment between the existing building and eastern boundary and southeast of the site between the existing carport and southern boundary. The existing building, to be retained, will be sited on both Lot 21 and 22 and require the construction of a new firewall separating each dwelling.

Proposed Lot 21 will consist of two separate pieces (21 and 23) with the balance of the Lot (21) located to the northern end of the existing allotment and predominately rectangular in shape supporting a frontage of 14.36 metres to Diagonal Road, a depth of 16.46 metres and an area of 245 square metres. This portion of the Lot will contain the northern end of the existing building; comprising a single bedroom, bathroom, toilet, kitchen and living area.

The lesser piece (Lot 23) is located to the southeast of the allotment and is rectangular in shape supporting a width of 2.91 metres, a depth of 5.45 metres and an overall area of 16 square

metres. This portion of the Lot will contain the eastern side of the existing carport; comprising one under over parking space. Pieces 21 and 23 are detached from each other and joined by a predominately rectangular 'L' shape piece of common property measuring 1.6 metres wide by 9.61 metres long. The total combined area equates to 261 square metres.

Proposed Lot 22 is predominately rectangular in shape and supports a frontage of 18.92 metres to Diagonal Road, a secondary frontage of 6.37 metres to Hamilton Avenue and an overall area of 290 square metres. The proposed northern boundary will incorporate the proposed firewall, whilst the eastern boundary will align with the eastern building façade and through the middle of the existing carport. This Lot contains the eastern side of the existing building; comprising two bedrooms, study, lounge, dining room, kitchen, laundry, toilet and bathroom. The western side of the existing carport, comprising one under over parking space, is attached to the eastern façade.

Access to both dwellings would be gained via the existing crossover on Hamilton Avenue.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

Development Assessment Commission (DAC):	The Commission has provided a list of requirements that will need to be met by the applicant should the Panel be of the opinion the application warrants consent.
SA Water:	SA Water has provided a list of requirements that will need to be met by the applicant should the Panel be of the opinion the application warrants consent.
Department of Planning, Transport & Infrastructure (DPTI):	<p>DPTI will raise no objection in-principle to the plan of division on the provision that all access shall continue to be gained via the existing Hamilton Avenue access only and that no access onto Diagonal Road shall be permitted.</p> <p>The Metropolitan Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres from the Diagonal Road frontage if this site together with a 4.5 by 4.5 metre cut-off at the Diagonal Road/Hamilton Road Avenue corner, for future upgrading of the Diagonal Road/ Oaklands Road intersection. Although it is considered unlikely that any land would be required from his property, the consent of the Commissioner of Highways under the Metropolitan Road Widening Act is required to all building works on or within 6.0 metres of the possible requirement.</p>

Refer Attachment VI

ZONE & POLICY AREA ASSESSMENT

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

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

PDC 3	<i>Minimum Site Area: 300m²</i>	Partially Complies <u>Average</u> 304.5m ² per allotment <u>Individual</u> Lot 21: 261m ² Lot 22: 290m ²
	<i>Minimum Frontage: 20m</i>	Does Not Comply Lot 21: 14.36m Lot 22: 18.92m
	<i>Minimum Depth: 45m</i>	Does Not Comply Lot 21: 16.46m Lot 22: 16.46m

The applicant proposes to divide the land and internally separate the existing dwelling into two dwellings. Objective 1 of the Residential Zone seeks a range of dwelling densities, whilst Principle 1 of the Northern Policy Area 13 envisages residential flat-buildings as a dwelling type.

The proposal is essentially creating an additional dwelling in the form of a residential flat building and therefore is considered to comply with Residential Zone Objective 1 and 2, by increasing and providing a greater density and alternative dwelling type.

The Residential Zone and Desired Character of the Policy Area seeks and encourages a range of dwelling types and the proposal satisfies this aim. However, this should be achieved in accordance with the Development Plan provisions and not to the detriment of existing or future occupants.

Each proposed allotment fails to meet the minimum individual site area and dimension (frontage, depth) requirements prescribed for residential flat dwellings within the Northern Policy Area 13. This notwithstanding, when combined, including common areas, each allotment achieves an average site area of 305.4 square metres, slightly exceeding the minimum required.

Although no change will occur to the existing built form, the division of land will impact future occupants. Whilst the proposed areas of private open space (POS) remain in their current position, this space is proposed to serve two dwellings; increasing the number of persons/dwellings relying on the POS and therefore placing greater demand on the amenity and functionality of this space.

The need for a common walkway servicing Lot 21 (Dwelling) and 23 (Carport) will result in the movement of persons within close very proximity to habitable rooms of the southern dwelling (Lot 22) and increase potential noise and privacy issues, thereby reducing the amenity of existing occupants. Additionally, the minimum width of 2.91 metres afforded for each undercover parking space does not accord with the relevant Australian standard (discussed further within the report).

In my opinion, the increase of persons/households reliant upon POS with poor amenity, the reduced privacy afforded to the occupants of proposed Lot 22, the narrowness of the proposed parking spaces and potential to create an 'entrapment spot' (as discussed later) does not reflect the good residential design principles sought by Policy Area Principle 5.

DEVELOPMENT ASSESSMENT

Although no built form is proposed, given the application proposes an additional dwelling, the application has been assessed against the applicable principles of development control from the Marion Council Development Plan:

Principles of Development Control:

Assessment:

Site Coverage			
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>			<p>Site coverage:</p> <p>Complies Lot 21: 102.51m² /38.3%</p> <p>Average: 241.34m² / 39.62%</p> <p>Does Not Comply Lot 22: 138.83m² / 47.8%</p> <p>Whilst the overall average site coverage does not exceed 40%, the excess in site coverage for Lot 22 demonstrates, on an individual basis, the proposed development is not appropriate considering the unacceptable area and location a private open space for each dwelling.</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>			<p>Does Not Comply Lot 22 exceeds the minimum site coverage permitted and does not comply with (a) and (c).</p>
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Does Not Comply Given Council's Development Plan requires private open space to be located to the side and/or rear of the dwelling two different calculations have been provided.</p> <p><u>The area of POS provided to the side and/or rear of the dwelling:</u></p> <p>Lot 21: 24.6m² / 8% Lot 22: nil</p> <p><u>The area if private space provided behind fencing or screening:</u></p> <p>Lot 21: 92m² / 35% Lot 22: 69m² / 35.2%</p> <p>Average: 161m² (total) / 26.4%</p> <p>It should be acknowledged that if it was one dwelling, POS would remain as per the existing layout (i.e. forward of main face and adjacent the arterial road).</p>
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
<p><i>Residential Zone: PDC 7</i></p>			

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p>	<p>Complies</p> <p>b) All POS is located at ground level</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>g) The proposed POS areas maintain a partial northern aspect to provide for comfortable year round use.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) The POS areas are capable of being shaded during summer.</p> <p>Does Not Comply</p> <p>a) The POS area of Lot 22 is not directly accessible from the internal living room of the dwelling.</p> <p>c) POS for Lot 22 is located entirely forward of the building line, whilst approximately two thirds of POS for Lot 21/23 is located forward of the building line.</p> <p>j) Proposed POS areas of both dwellings are located immediately abutting Diagonal Road.</p> <p>k) If Council was not to considered areas located forward of the building line as POS than the remaining areas of open space would not have sufficient shape and area to be functional.</p>
<p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Does Not Comply</p> <p>(d) POS for Lot 22 is located entirely forward of the building line, whilst approximately two thirds of POS for Lot 21/23 is located forward of the building line.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>

The nominated area of POS for Lot 21 is located to the north-western corner of the allotment between the northern and western boundaries of the dwelling and forms an upside down 'L' shape. The nominated area of POS for Lot 22 is located to the western side of the allotment between the western boundary and western façade of the dwelling and is predominately rectangular in shape. A 1.8 metre high brush fence is located along the western boundary and provides some level of privacy to the POS areas of both occupants. The proposal results in the entire area of POS for Lot 22 sited in front of the dwelling, and approximately two thirds of the POS area for Lot 21 sited forward of the dwelling.

An area of 92 square metres (35.2%) and 69 square metres (26.4%) of POS has been nominated for Lots 21 and 22 respectively, and therefore both theoretically comply with the minimum 20% requirement for allotments exceeding 175 square metres. This notwithstanding, particular regard should be given to Principles 16(c) and 17(d) which state private open space

should be sited and designed to be located to the side or rear of a dwelling and screened for privacy and private open space should not include any area at ground level at the front of the dwelling (forward of the building line).

When considering these principles, in my opinion it is arguable that the nominated areas of POS located forward of each dwelling should not be considered, regardless of the existing 1.8-metre-high fence along the western boundary. If this was to be the case, Lot 21 would be provided with approximately 24.6m² (8%), whilst Lot 22 would not be provided with any compliant POS.

Whilst the proposed areas of private open space remain in their current position, this space will now serve two dwellings; increasing the number of persons/dwellings relying on the POS and therefore placing greater demand on the amenity and functionality of this space.

In my opinion, little regard or weight should be given to fact the private open space remains in its current position, as this area was originally designed to service one household, and provided a reasonable area of POS behind the main face of the dwelling (north and east of existing building). The original dwelling and location/layout of POS was not designed or envisioned to serve two dwellings and the division will increase the demand on the general amenity and functionality of this space. Although the existing fence along the western boundary provides some level of privacy this, in my opinion, does not create an appropriate reason to support POS forward of the dwelling given the greater demand in use.

Additionally, access to the existing open space for Lot 2 is only achieved via the front door and is not directly accessible from the internal living room of the dwelling. The lack of a direct connection reinforces the inappropriate location of private open space and poor amenity outcome for future occupants.

In my opinion, the proposed location, layout and intended function of POS cannot be supported as they achieve a poor relationship to the proposed dwellings and will result in a poor amenity outcome for potential occupants.

Vehicle Parking & Access			
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>	<p>Complies Each dwelling is provided with two parking spaces, one of which is covered.</p>		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px 5px;"><i>Residential flat building</i></td> <td style="padding: 2px 5px;"><i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i></td> </tr> </table> <p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>	<i>Residential flat building</i>	<i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i>	
<i>Residential flat building</i>	<i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i>		
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>	<p>Does Not Comply The proposed internal width of each carport is 2.9 metres, below the 3 metres required under the applicable Australian standard. This width will further decrease if fencing/walling is erected on the boundary between each allotment.</p>		
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i> <p><i>General Section: Transportation & Access: PDC 42</i></p>	<p>Complies</p>		

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <ul style="list-style-type: none"> <i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i> <i>(c) reinforce or contribute to attractive streetscapes.</i> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Complies</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> <ul style="list-style-type: none"> <i>(a) not face the primary street frontage</i> <i>(b) be located to the rear of buildings with access from a shared internal laneway</i> <i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i> <p><i>General Section: Transportation & Access: PDC 45</i></p>	<p>Complies</p> <p>The parking areas are located to the side of the building and therefore do not face the primary street frontage.</p>
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <ul style="list-style-type: none"> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>Each driveway is less than 3 metres.</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The existing crossover shall be utilised.</p>

Although each dwelling is provided with two parking spaces, 1 of which is covered, the internal dimensions of each covered space is 2.91 metres, which fails to meet the minimum 3 metres required as per *Australian Standard AS: 2890 - Parking facilities*. In my opinion, although a double width carport currently exists on the subject land, this structure was approved on the basis to service one household and meets the requirements for a double-width space. The formalization of the double width carport serve as two independent single width carports is not given appropriate considering the internal dimensions provided will not comply with the applicable Australian Standards.

Whilst the location of parking spaces for each dwelling are clearly identified, in my opinion, the reliance upon a carport separated some distance from the associated dwelling and accessed via common property is inconvenient and will potentially result in a reduced level of safety for residents.

Crime Prevention	
<p><i>A safe, secure, crime resistant environment where land uses are integrated and designed to facilitate community surveillance.</i></p> <p><i>Objective 1</i></p>	<p>Complies</p>
<p><i>Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians).</i></p> <p><i>Crime Prevention PDC 10</i></p>	<p>Does Not Comply</p> <p>The proposed development does not accord with Principle 10, as a potential entrapment spot has been created via the common property walkway connecting the existing building on part Lot 21 with the existing carport on part Lot 23. Of particular concern is the minimal width (1.6 metres wide) and lack of visibility from the remainder of the site. The site is not highly visible/prominent, or located in an area of high frequency or public use and the occupants of Lot 21 are not provided with an alternative to access the carport.</p>

LAND DIVISION ASSESSMENT

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

Land Division	
<p>Objectives</p> <p><i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</i></p>	<p>Complies</p>
<p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>	<p>Does Not Comply</p> <p>Whilst the proposed allotments meet the average site area for residential flat dwellings, each individual dwelling has not been provided with undercover car parking that meets the Australian Standards. Furthermore, the inconvenient car parking location for Lot 21 requiring the use of a common walkway will reduce the amenity and privacy of adjacent habitable rooms (bedroom and study) and create potential entrapment opportunities for persons using this area.</p>
<p>Principles of Development Control</p> <p><i>1 When land is divided:</i></p> <p><i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i></p> <p><i>(b) a sufficient water supply should be made available for each allotment</i></p> <p><i>(c) provision should be made for the disposal of</i></p>	<p>Complies</p>

<p>wastewater, sewage and other effluent from each allotment without risk to health (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</p>	
<p>2 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.</p>	<p>Partially Complies The proposed division would create a size and shape where by the POS of each dwelling is predominantly or wholly forward of the dwelling main face. The proposed allotments are not considered to comply with Principle 2(a).</p>
<p>Design and Layout 3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</p>	<p>Complies</p>
<p>7 The design of a land division should incorporate: (a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities (b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare (c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones (d) suitable land set aside for useable local open space (e) public utility services within road reserves and where necessary within dedicated easements (f) the preservation of significant natural, cultural or landscape features including State and local heritage places (g) protection for existing vegetation and drainage lines (h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development (i) the preservation of significant trees.</p>	<p>Complies</p>

<p><i>10 Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p><i>(a) minimises the need for earthworks and retaining walls</i></p> <p><i>(b) maintains natural drainage systems</i></p> <p><i>(c) faces abutting streets and open spaces</i></p> <p><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></p> <p><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p>	<p>Complies</p>
<p><i>11 The layout of a land division should provide for efficient solar access.</i></p>	<p>Complies</p>
<p><i>22 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>Complies Sufficient on-street parking would be provided.</p>

ANALYSIS/CONCLUSION

In my opinion, the greatest failure of the proposal relates to the desire to create allotments which are not appropriate for the intended use. The existing dwelling was designed and sited to function as a single storey detached dwelling and the proposal to convert the existing detached dwelling to a residential flat building and formally divide the land into two separate allotments will, in my opinion, result in unacceptable amenity impacts on the future occupants of the site.

The Residential Zone and Desired Character of the Policy Area seeks and encourages a range of dwelling types. It should be acknowledged the development promotes a different size and form of dwelling that is located within close proximity to public transport, a centre zone and large areas of public open space. To this end the proposal complies with the Desired Character of the Northern Policy Area by promoting an alternative dwelling and density of type.

The original dwelling, location/layout of POS and double width carport was not designed or envisioned to serve two dwellings and as such the proposal, if approved, will result in poor amenity impacts for future occupants and inappropriate parking arrangements.

The proposal will result in the formalization of car parking spaces that will not provide sufficient width to accommodate two spaces in accordance with the relevant Australian Standards. Furthermore, the width would be reduced should a fence or wall be constructed internally between the two spaces. In my opinion, Council should not support the formalisation of parking spaces that will not comply with the minimum standards.

The original dwelling and location/layout of POS was not designed or envisioned to serve two dwellings and the division will increase the demand on the general amenity and functionality of this space. Additionally, the POS of Lot 22 is not directly accessible from a living room with access only achievable via the associated front door. The lack of direct access emphasises the inappropriateness of the development and likely amenity impacts of future occupants.

The use of the existing side path of the dwelling to facilitate access to the carport for the occupants of Lot 21 is considered inappropriate and will result in noise and privacy impacts on occupants of Lot 22, whilst potentially creating an entrapment area for users.

Whilst the dwelling was unlawfully modified and subsequently operated as two separate self-contained residencies for some time this, in my opinion, does not provide justification to warrant support.

As a result of the above considerations, it is my view that whilst the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993, the proposal fails to sufficiently accord with the relevant provisions of the Development Plan, and therefore warrants refusal.

Should the Panel refuse the application, Section 84 proceedings to rectify unlawful development will be commenced by Council. Alternately, if the Panel are to support the proposal it is recommended the Panel's decision be deferred to request the following;

- A survey is undertaken (and a survey plan provided to Council) of the existing building and the setbacks to boundaries to accurately identify the position of this building and dimensions of allotments;
 - Clarification as to whether a devising fence/wall is or will be constructed between the two carpark spaces, and is so, the revised car park dimensions having regard to the survey plan described above; and
 - Details of the proposed fire-rated party wall to be constructed between dwellings.
-

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/2129 for Land division 1 into 2 allotments and a change in land use from a single storey detached dwelling to a pair of single storey semi-detached dwellings at 120 Diagonal Road, Warradale be REFUSED for the following reasons:

REASONS FOR REFUSAL

1. The proposed division does not reflect good residential design principles. As such the proposal does not accord with Objective 5 of the Northern Policy Area 13.
2. The proposal will result in POS that is not directly accessible from a living room and relied upon by two households, thereby placing greater demand on the amenity and functionality of this space and reducing the amenity of future occupants. As such the proposal does not accord with General Section: Residential Development, Principle of Development Control 16(a).
3. The proposal results in an inconvenient location of car parking for Lot 21 and therefore does not comply with General Section: Residential Development, Principle of Development Control 1(a).
4. The proposal does provide undercover parking spaces that achieve a minimum width of 3 metres as required by Australian Standard AS: 2890 – Parking facilities. As such the proposal does not accord with General Section: Transportation & Access Principle of Development Control 34.
5. The proposal creates a potential entrapment spot via the common property walkway connecting the existing building on part lot 21 with the existing carport on part lot 23 as no alternative access is provided. As such, the proposal does not accord with Crime Prevention Principle of Development Control 12.

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 May 2017

Agenda Ref No:	DAP030517 – 2.8 <i>Previously deferred item DAP150217 – 2.1</i>
Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Mr John Adam
Development Description:	Construction of a three level group dwelling and associated swimming pool & safety fencing, deck, earthworks and landscaping.
Site Location:	6 George Court, Marino
Zone:	Residential Zone
Policy Area:	Hills Policy Area 11
Application Type:	Consent/ Category 3
Lodgement Date:	27/04/2016
Development Plan:	Consolidated – 3 December 2015
Application No:	100/2016/745
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

BACKGROUND

As members will recall, the subject application was considered by the Panel at its meeting of 15 February 2017, whereby a decision upon the application was deferred for the following reason;

1. To reduce the building's height above ground level and the visual impact upon adjoining land resulting from the proposed dwelling.

The applicant has revisited the design of the proposal in light of the Panel's position, and amended the proposal where practicable.

For all other relevant plans for this proposal, please refer to the Agenda of 15 February 2017, or contact the author of this report.

DISCUSSION

The applicant has amended the proposal by lowering the finished floor levels, thereby increasing the extent of cut and earthworks required, and reducing the ceiling heights of the southern portion of the dwelling. The following amendments have been provided;

- Lowered the entire built form by approximately 350mm.

- Increased retaining wall heights under the dwelling from a maximum 1.5 metres to 1.8 metres (to retain cut around carport) and from a maximum 900mm to 1.3 metres (to rear of dwelling).
- Decreased the ceiling height of the Bedroom 3 (third level) and Bathroom by 150mm to achieve a minimum floor to ceiling height of 2.4 metres.
- Lowered the floor level of the entire Study and Master Bedroom relative to the rest of the built form by 540mm.
- Lowered the ceiling height of Master Bedroom by 110mm to a minimum floor to ceiling height of 2.44 metres.

Assessment

These changes nominated above have resulted in the western portion of the dwelling being set down an additional 1.15 metres, whilst the eastern portion has been set down an additional 540mm. The table below indicates the difference in finished floor levels and maximum roof /structure height proposed in the original application compared proposed amended plans.

	Original	Amended	Change
Third Level – Upper Roof Height	36.08	34.93	1.15m decrease
Third Level – Lower Roof Height	34.90	34.36	540mm decrease
Carport Finished Floor Level (FFL)	23.75	23.4	350mm decrease
Living Area FFL	30.04	29.69	350mm decrease
Bedroom 3 FFL	32.01	31.66	350mm decrease
Master Bedroom FFL	33.08	32.19	890mm decrease

The figures above illustrate that through a combination of lowering the dwelling and decreasing the floor to ceiling wall heights the overall built form has been appropriately reduced.

Visual Impacts

As discussed in the previous report, the potential bulk/scale impacts attributed to the height and length of the building, and non-compliant side setbacks, whilst considerable, will not result in adverse visual or amenity impacts.

The overall reduction in building height will assist in reducing the visual impact posed on the adjacent allotments, and the building is considered to result in an acceptable visual impact upon the adjoining properties to the east and west in relation to potential visual impacts. The overall reduction in building height will ensure the extent of non-compliance in terms of setbacks to boundaries will be reduced and therefore provide a greater level of visual separation as the building will not be as apparent from adjacent land.

Despite the reduction in building height, visual impacts caused by the height and design of the built form and non-compliant setbacks will still occur onto the adjacent property to the north. This allotment will still, in my opinion, experience a significant change in outlook to what is currently experienced. The visual impacts however are, on balance, not considered fatal to the overall merits of the application. It should be acknowledged that due to the orientation of the allotments, and the severe grade of the subject land, any new dwelling on the land will have an appreciable impact upon land to the north.

The reduction in building height of the western portion of the dwelling by 1.15 metres and the eastern portion of the dwelling by 540mm will reduce, although marginally, the potential loss of view experienced by the occupants of the dwelling to the rear (12 Ruth Court).

The previous report regarding the original proposal plans estimated that the outlook from the western side of the balcony to the north and north-west would be most affected by the proposed development if approved, whilst view to the north-west from the eastern side of the balcony and

living room would also be affected. Furthermore, it was suggested existing partial views of the ocean and Adelaide coastline from the ground level would be lost.

When considering the amended proposal, a greater extent of view to the north of the ocean, Adelaide coastline and horizon from the eastern portion of the dwelling (living room and small balcony) will be achieved over the roof of the eastern section of the proposed dwelling. Loss of view from this location will be limited to roofs and backyards of dwellings located further north of the subject site. It is considered that whilst some loss of view may be experienced, views of the ocean and coastline, including Brighton and Glenelg are likely to be uninterrupted from these rooms whilst in a standing position. In this sense, the proposal is considered to 'frame' the most important and sought-after views by removing the less attractive features (vegetation and dwelling roofs) within the foreground from view.

A majority of view to the northwest of the ocean and horizon will continue to be lost as a result of the proposed height of the western portion of the proposed dwelling (approximately 570mm higher than the eastern portion of the dwelling), although it is anticipated slight horizon views may be achievable from a standing position.

In my opinion, given reasonable views to the north of the Adelaide Coastline are achieved, the extent of view loss to the north west would be considered acceptable. Whilst the proposed dwelling will interrupt the current foreground views to the north and significantly interrupt views to the northwest, when viewed from the eastern side of the upper storey, an acceptable level of the attractive elements of the view (Adelaide coastline and horizon) will remain largely unaffected. The below table has been provided to assist the Panel Members in gaining an appreciation as to the varying roof heights of the proposed dwelling in relation to the adjacent dwelling to the east and the balcony height of the dwelling subject to this views assessment. For members' reference the original heights (original DAP report) in addition to the proposed amended heights have been included. Additionally, *Attachment III* provides Members with an image illustrating the estimated likely extent of view loss as a result of the proposed built form height for both the original and amended proposal.

	Original	Amended
Third Level – Lower Roof Height	36.08	34.93
Third level – Upper Roof Height	34.90	34.36
Adjacent Dwelling (8 George Court) maximum Roof height	34.78	
Balcony Height of 12 Ruth Court	33.6 (average eye line height 1.5 metres above 35.1)	

The additional 'set-down' of the dwelling by 350mm and reduction in overall wall heights (through the reduction in floor to ceiling heights) will assist in reducing the overall bulk/scale impacts proposed and reduce the extent of potential view loss experienced by occupants directly to the south.

The decrease in overall building height will increase views achieved to the north and provide partial views to the north-west.

Whilst the amenity of occupants of 12 Ruth Court will still be affected, the proposed amendments have lessened the extent of potential view loss to the north and northwest and assisted in reducing the overall visual bulk and amenity impacts by reducing the visible extent of built form.

Setbacks

As discussed in the original report, due to the varying topography of the land and increase in building height, the required setbacks to the respective boundary varies significantly. The lowering of the entire built form and increase in cut to accommodate this, combined with the

reduction in floor to ceiling wall heights, has subsequently reduced the overall wall heights in relation to the setbacks sought by Council's Development Plan (whereby boundary setbacks should be increase relative to the wall height).

Whilst a majority of the proposed setbacks to the northern, eastern and western facades still do not meet the minimum setbacks sought in Residential Zone Principle 6, as discussed in the original report, the potential bulk/scale impacts attributed to the height and length of the building, and non-compliant side setbacks, will be limited. In my opinion, adequate separation and articulation to the building is provided and result in an acceptable impact upon the adjoining property to the east (8 George Court) and west (1A & 2 Marine Parade) in relation to potential visual and amenity impacts.

The original report suggested the visual impacts caused by the height and design of the built form and non-compliant northern setbacks, whilst not fatal to the merits of the application, will significantly change the outlook currently experienced by the occupants on the adjacent allotment to the north (4 George Court). The slight 350mm reduction in finished floor levels, whilst not significant, will assist in reducing the visual impacts experienced by the adjacent occupants by decreasing the non-compliance in setbacks to a maximum of 550mm (at the largest extent).

Earthworks

The decrease in finished floor levels will result in an increase in the extent of cut, and subsequent retaining walls, required to accommodate the built form.

The proposed amendments will result in increased retaining wall heights under the dwelling from a maximum 1.5 metres to 1.8 metres to retain cut to the south-western corner of the carport and from a maximum 900mm to 1.3 metres to the rear of dwelling.

Whilst a majority of cut will be visible, in my opinion, as it will be incorporated into the overall dwelling design and located to the rear of the carport and dwelling, potential visual impacts will be appropriately minimised.

In my opinion, the minor increase in cut, and associated retaining, required as part of the amended plans is considered appropriate and will assist and appropriately accommodate the reduction in the overall built form height (and associated bulk/scale).

Summation

In my opinion these amendments achieve the intent of the Panel's reason for deferral to the extent where approval is warranted. In my opinion, the combination of amendments to reduce the overall building height will assist in reducing the extent of view loss experienced by occupants of allotments to the south. Furthermore, the changes will contribute to a lessening in the visual bulk and scale impacts attributed to the dwelling's built form, through the reduction in the overall structure height and non-compliance in setbacks.

As such, in staff's view, amendments to proposal reasonably satisfy the Panel's reasons for deferral.

Privacy

As discussed in the original report, the proposed development sought to minimise direct overlooking into habitable areas of other dwellings via building layout, location of windows/balcony, screening devices, landscaping and adequate separation.

Whilst administration was satisfied with the extent of privacy treatments afforded in the original plans, to further restrict overlooking and provide a greater level of privacy to the occupants of 4

George Court and 1A & 2 Marine Parade, the plans have been amended to replace the perforated aluminium screening with a timber louvered screen design.

The location of all screening proposed as part of the original proposal has been maintained, whilst an additional screen to a height of 1.7 metres above the third level hallway landing protrudes from the rear southern elevation and will significantly limit persons transitioning within the space from achieving western views.

The timber blades are fixed and angled at 60° which will enable appropriate airflow and penetration of natural light without occupants of the dwelling achieving downwards views. The screening will be finished in warm light grey to match the dwelling.

In my opinion, the extent of additional and amended privacy measures incorporated to the northern and western facades (including screening protruding from the southern façade to prevent cross views), whilst in my opinion somewhat unnecessary, are considered to appropriately protect the privacy and amenity of the adjacent allotments of 4 George Court and 1A & 2 Marine Parade.

CONCLUSION

The applicant has sought to address the Panel's reasons for deferral where practicable. This has resulted in an overall reduction in the height of the built form by 1.15 metres at the greatest extent.

To achieve this, the finished floor levels have been lowered by approximately 350mm, whilst various elements of the dwelling have been reduced in floor to ceiling height to further assist in reducing the built form height. Whilst the extent of cut and associated retaining has increased as part of the proposed development, this increase is considered appropriate and will not result in unreasonable visual or amenity impacts on occupants of the site or adjacent allotments.

In my opinion, the combination of amendments to reduce the overall building height will assist in reducing the extent of view loss experienced by occupants of allotments to the south. Furthermore, the changes will contribute to a lessening in the visual bulk and scale impacts attributed to the dwelling's built form, though the reduction in the overall structure height and non-compliance in setbacks.

In my opinion these amendments achieve the intent of the Panel's reason for deferral to the extent where approval is warranted.

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) Pursuant to Section 33 (1)(a) of the Development Act 1993, Development Plan Consent for Development Application No: 100/2016/745 for the construction of a three level group dwelling and associated swimming pool & safety fencing, deck, earthworks and landscaping at 6 George Court, 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. 100/2016/745, being drawing number(s) A101, A102, A103, A104, A105, A106, A107, A201, A202, A203, A204, A205, A301, A302, - Revision G prepared by John Adam Architects, except when varied by the following conditions of consent.
2. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the proposed development, to the reasonable satisfaction of the Council.
3. 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.
4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
7. All ancillary swimming pool plant/equipment shall be located a minimum 5.0 metres from any adjoining neighbouring dwelling and shall be contained within a sound reducing enclosure.

NOTES

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

2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
5. Any variation/amendment to the plans and documentation granted Development Plan Consent will require further approval from the Council. If the amendments are deemed to be minor in nature in the opinion of the Council, they may be accepted as part of the current application pursuant to Regulation 47A of the Development Regulations 2008. Alternatively, if in the opinion of the Council, the variation(s) are not considered to be minor in nature, a new variation application must be lodged with the Council for assessment against the relevant Marion Council Development Plan.

Attachments

- Attachment I: Aerial Photograph/Site Locality Plan*
Attachment II: Proposal Plan and supporting documentation
Attachment III: Image 1: Likely extent of view loss from the second storey of 12 Ruth Court, Marino (original proposal) and, Image 2: likely extent of view loss from the second storey of 12 Ruth Court, Marino (amended plans).