

**DEVELOPMENT ASSESSMENT PANEL  
AGENDA FOR MEETING TO BE HELD ON  
WEDNESDAY 6 SEPTEMBER 2017**

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DEVELOPMENT ASSESSMENT PANEL  
Wednesday 6 September 2017

<b>Agenda Ref No:</b>	<b>DAP060917 – 2.1</b>
<b>Originating Officer:</b>	<b>Ms Helen Dyer Consultant Planner</b>
<b>Applicant:</b>	<b>Christopher Alan Fleetwood</b>
<b>Development Description:</b>	<b>Two storey detached dwelling, with associated fencing, retaining walls, earthworks (filling) and landscaping</b>
<b>Site Location:</b>	<b>73 The Cove Road, Marino</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Hills Policy Area 11</b>
<b>Application Type:</b>	<b>Category 2 / Merit</b>
<b>Lodgement Date:</b>	<b>10/03/2017</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/408/2017</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be Granted subject to Conditions</b>

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#### CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that incorporates earthworks and/or retaining walls that cannot be considered minor as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

#### BACKGROUND

As Members of the Panel may be aware this land has been the subject of previous applications.

The most recent, Development Application 100/1532/2013, was subject to a third-party appeal to the Environment, Resources and Development Court (ERD Court). In January 2017, the ERD Court held that the *“proposed design results in a building of considerable height and bulk which, when combined with its inadequate setback from its rear boundary, will present as a dominant building in terms of visual impact - the proposal represents a significant departure from a number of the relevant provisions of the Plan and does not warrant consent.”*

As such, the building on the land does not have a lawful planning consent.

The proposal before the Panel seeks consent for a new dwelling on the land, as proposed in the plans in Attachment III.

Notwithstanding that a dwelling exists on the land this application must be determined on its merits against the provisions of the Development Plan as are in place at the date of lodgement.

The Court determination has provided some guidance as to the extent of the Development Plan provisions that apply, however, this is in the context, that the Development Plan as applies to this application has been amended from that considered by the Court and the proposed dwelling is not the same dwelling as was considered by the Court.

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

<i>Amendments Requested</i>	<i>Amendments Made</i>
Consideration of alterations to open space that would result in lowered retaining walls.	Applicant has amended and extended the sunken garden to include the patio space and thus stepped the retention along this section of the boundary. This includes lowering an existing unapproved retaining wall to the western boundary RW3.
Requested clarification of planting and retention (moss rocks) along northern boundary	Applicant has responded by providing details of an additional retaining wall and fence to the northern boundary.
Clarification of a number of details was sought	Advice provided by Masterplan dated 21 July 2017.
Noted inconsistencies with plans	Plans revised for consistency

Due to the nature of the amendments that relate, in part, to changes to the retaining walls and the proposal was renotified.

## SUBJECT LAND & LOCALITY

The subject land is located at 73 The Cove Road Marino. Formally it is described as Allotment 702 Primary Community Plan 27588 in the Area named as Marino Hundred of Noarlunga, Certificate of Title volume 6107 Folio 542.

The land is generally rectangular and is 973 square metres in area with a frontage to the Cove Road of 38.5m and a depth of 21.5m to the southern boundary and 20.0m to the northern boundary.

The land naturally slopes generally from east to west (although there is also a fall across the site south-east to north-west) and the site is generally higher than the neighbours to the north and west.

There is one street tree in the road reserve to The Cove Road in front of the dwelling, however the site itself has no notable vegetation. There is also an indented parking bay in the road reserve to the front of the dwelling that accommodates two vehicles.

Figure 1 below shows the subject site.



The site is located in an enclave of residential development surrounding the north-west and eastern sides of the northern arm of Westcliff Court.

Westcliff Court is developed with substantial single and two-storey dwellings. The subject land is the only site in the enclave that directly addresses and is accessed from The Cove Road. The neighbouring dwellings to the north and south respectively are accessed via Westcliff Court.

Figure 2 below and Figures 3, 4 and 5 overleaf provide an indication of the dwellings along Westcliff Court and the following figure, Figure 6 following is a longer distance shot of the site in the context of the dwellings on either side.

Figure 2





Figure 4



Figure 4



Figure 5



Figure 6



Allotments are generally large, although it appears there has been some limited re-division of land in the locality that has resulted in slightly smaller allotments. The curved nature of Westcliff Court, the cul-de-sac head and the shape of the allotments results in a variety of setbacks with some dwellings positioned closer to their rear boundaries (and thus boundary with the subject site).

The locality slopes down towards the coast providing opportunities for views over the ocean. Most dwellings have been orientated to take advantage of these views.

Most properties are well landscaped and include some site retention to address the slope.

Architecture comprises a mix of styles and finishes without any dominant style.

Some overlooking between the properties is apparent given the sloping nature of the locality.

To the east of The Cove Road is the railway line and bikeway and beyond that the land is undeveloped in this direction. It continues to slope upwards to the east. Figure 7 overleaf shows this area.



Figure 7



The Cove Road is designated by the City of Marion as a collector road and provides for one lane of traffic in each direction. A footpath is provided on the western side of The Cove Road in this locality.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The proposed development is for a two-storey dwelling, with associated earthworks, retaining walls, and fencing.

The key aspects of the proposal include:

- Filling of the site to create a bench to, in places, 1.6m;
- A two-storey detached dwelling comprising a ground level of 201.8m<sup>2</sup> including 166.8 m<sup>2</sup> of living space comprising a rumpus room, games room, three bedrooms one with an ensuite, a family bathroom, laundry, and a two-bay garage of 41.3m<sup>2</sup>, and a second level of 163.1m<sup>2</sup> comprising meals, living, kitchen with pantry, a master suite and retreat;
- A sunken garden and 'at ground' level open space;
- A service yard;
- Retaining walls to the north, and west boundaries variously ranging between 300mm and 1400mm with a section of RW2 at 1600mm;



- Boundary fencing ranging between 1800mm and 2100mm; and
- Privacy screening and internal fences along a portion of the western side of the dwelling ranging in height between 1800mm and 2300mm.

No balconies or upper level decks are proposed.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	7 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	6 representations were received by Council as a result of the first round of consultation and three of these persons made a representation in the second round. The representations made essentially the same comments in respect to both rounds of consultation. A copy of each representation is included at Attachment IV
<b>Persons wishing to be heard:</b>	<p>The following persons wish to be heard by the DAC.</p> <ul style="list-style-type: none"> <li>• Mr Alex and Ms Debra Paor (representation by Mr Tom Game – Botten Levison)</li> <li>• Christopher Tomas; and</li> <li>• Bob McGivern</li> </ul>
<b>Summary of representations:</b>	<p>The key issues raised by the representors cover the following issues:</p> <ul style="list-style-type: none"> <li>• General support the proposal;</li> <li>• Extent of fill on the site and extensive retaining walls and tall fences;</li> <li>• Glare;</li> <li>• Deficiencies in the application;</li> <li>• Visual dominance of the building;</li> <li>• Development on hammerhead (or similar) lots should be single storey;</li> <li>• Need for extensive privacy screening (and consequent lack of amenity in the dwelling);</li> <li>• Adequacy of vehicle manoeuvring;</li> <li>• Loss of views;</li> <li>• Inability to appropriately landscape;</li> <li>• Potential for a future balcony;</li> <li>• Setbacks;</li> <li>• Potential for overshadowing to south; and</li> <li>• Potential for overlooking into Dwelling to the north.</li> </ul>

<b>Applicant's response:</b>	<p>The applicant has responded to the representations with the key elements of that response being:</p> <ul style="list-style-type: none"> <li>• The Court did not find that the site was too small to accommodate a two-storey dwelling;</li> <li>• The allotment is not a hammerhead allotment;</li> <li>• The extent of fill is not considered to be excessive and meets the terms of Council wide sloping sites PDC 7;</li> <li>• The maximum height of the building is reduced to 6.37m and is below the maximum height allowable</li> <li>• Setbacks compare favourably;</li> <li>• Site cover is low and meets Hills Policy Area 11 PDC 7;</li> <li>• The proposal will reduce the overall bulk of the building;</li> <li>• Additional screening will preclude overlooking from the dwelling</li> <li>• The applicant is prepared to include the fence and retaining wall to the northern boundary to regularise the existing fence that is understood to not have development approval. (This formed part of the amendments and underwent notification during the second round of consultation).</li> </ul> <p><i>Please refer to Attachment V</i></p>
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## GOVERNMENT AGENCY REFERRAL

<b>Minister for Planning:</b>	<p>In the interests of transparency, the Council administration requested the Minister for Planning to declare the Development Assessment Commission (DAC) the relevant authority. In response to this request, the Minister's delegate advised that "[after careful consideration I am of the view that the [Development Assessment] Panel, whose establishment provides that it is independent of Council, is best placed to determine the application."</p>
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*Refer Attachment VI*

## DEVELOPMENT ASSESSMENT

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

RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN		
	Commentary	Degree of Compliance
<b>GENERAL SECTION</b>		
<b>Coastal Areas</b>		
<p><b>Objective 1:</b> The protection and enhancement of the natural coastal environment, including environmentally important features of coastal areas such as mangroves, wetlands, sand dunes, cliff-tops, native vegetation, wildlife habitat shore and estuarine areas.</p>	<p>The site is located within the Residential Zone. This Zone abuts the Coastal Conservation Zone. Pursuant to Schedule 8 (1) of the Development Regulations the Coastal Conservation Zone forms Coastal Land. Previously the Court considered the Coastal Areas section of the Development Plan in respect of the development of this site.</p> <p>The subject site is separated from the Coastal Conservation Zone boundary by the property at 12 Westcliff Court, Westcliff Court itself and the dwellings on the western side of Westcliff Court. To this end it is somewhat distanced from coast. Furthermore, the land within the Residential Zone is largely developed and thus any coastally significant vegetation or dunes systems that may have existed prior to the Zone being developed has already been modified.</p> <p>This proposal of itself is not considered to materially impact the Coastal Area in this respect and thus is considered to accord sufficiently with Objective 1.</p>	Compliant
<p><b>Objective 3:</b> Preservation of areas of high landscape and amenity value including stands of vegetation, shores, exposed cliffs, headlands, islands and hill tops, and areas which form an attractive background to urban and tourist areas.</p>	<p>The subject site is located within an area characterised by dwellings, many of which are closer to the coastal area than this proposal. It is considered that the development of a dwelling on an existing allotment will not of itself unduly compromise the landscape amenity as the background to other urban and tourist areas.</p>	Compliant
<p><b>Principle of Development Control (PDC) 1:</b> Development should be compatible with the coastal environment in terms of built-form, appearance and landscaping including the use of walls and low-pitched roofs of non-reflective texture and natural earth</p>	<p>This PDC specifically contemplates that there can be development in coastal areas, pointing to development being compatible in terms of built form, appearance, landscaping, low pitched roofs that are non-reflective and natural earth colours.</p> <p>This proposal is for a two-storey dwelling on an elevated site. It is proposed to have a roof that is designed to approximate the general direction of the slope of the land. Finishes are proposed to</p>	Compliant

## RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
colours.	<p>be generally muted and dark earthy tones (browns, greys and charcoal).</p> <p>The dwelling is reminiscent of many dwellings in coastal localities in both Marino and more broadly.</p> <p>Given the dwelling is proposed in an area that is already developed with substantial dwellings and is on a site that is more removed from the actual coast than some, it is considered to sufficiently accord with this provision.</p>	
<b>Environmental Protection</b>		
<p>Principle of Development Control (PDC) 5: Development should be designed so that solid/fluid wastes and stormwater runoff is disposed of in a manner that will not cause pollution or other detrimental impacts on the marine and on-shore environment of coastal areas.</p>	<p>Stormwater from the site is proposed to be collected at in the north-western corner of the site and pumped back to the street water table at the north-eastern corner.</p> <p>A two-module rain water tank (1000 l) is to be located in the service yard. This will collect roof water and will be plumbed to the WC.</p> <p>Council's engineering staff has advised that subject to compliant stormwater tanks the proposed arrangements are suitable.</p> <p>The property will be sewerred with effluent disposal connecting into the public sewerage system.</p> <p>Given that stormwater and sewer is to be discharged to the Council's system it is considered to meet the terms of this provision.</p>	Compliant
<b>Development in Appropriate Locations</b>		
<p>Principle of Development Control (PDC) 31: Development along the coast should be in the form of infill in existing developed areas or concentrated into appropriately chosen nodes and not be in a scattered or linear form.</p>	<p>This proposal is for a dwelling on a site that has been created by dividing an existing residential lot within an existing residential area, within the existing urban area. To this end it has the characteristics of infill development and thus is considered to accord appropriately with PDC 31.</p>	Compliant
<b>Design and Appearance</b>		
<p>Objective 1: Development of a high design standard and appearance that responds to and reinforces positive</p>	<p>The proposed dwelling has been architecturally designed and is proposed to a high quality with a mixture of materials and finishes. It is of a bulk and scale similar to many other dwellings in the locality.</p>	Compliant



# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

	Commentary	Degree of Compliance
aspects of the local environment and built form.	Earthy natural colours (brown brick, chocolate brown render, charcoal and shale grey) are proposed and are considered to be appropriate to the location.	
Principle of Development Control (PDC) 1: 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; and (e) verandas, eaves, parapets and window screens.	<p>The proposed dwelling is considered to be of a contemporary design. It has the appearance of many dwellings in seaside locations.</p> <p>The proposal contributes to the desired character of the locality in that it is a proposal for a low density high quality architecturally designed detached dwelling in a landscaped garden.</p> <p>The proposed design idiom is somewhat different to other dwellings in the locality by virtue of the fact these dwellings are of a slightly earlier period. The roof form of the proposed dwelling in particular is different to the majority of dwellings in the locality which typically exhibit hipped or gable roof forms. However, the proposal is for a low pitch and angle to generally follow the prevailing slope down to the coast.</p> <p>Given that the locality is comprised of many large and gracious dwellings the proposed dwelling is considered to have a bulk and scale similar to many of the adjoining properties.</p> <p>The design exhibits physical articulation through setbacks to the building alignment and eaves and detailing through material selection.</p> <p>The proposed development is considered to generally accord with PDC 1.</p>	Compliant
Principle of Development Control (PDC) 2: Buildings should be sited with respect to side and rear property boundaries to: (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight; (b) minimise the impact of bulk and scale of development on adjoining properties; and (c) maintain the character of the locality in regard to the patterns of space between buildings (to the side and	<p>The allotment is characterised as having a wide frontage and a comparatively narrow depth. In line with this the dwelling is well setback from the side boundaries and is considered to maintain the general sense of spacing between buildings.</p> <p>To the rear the dwelling is closer than is envisaged by the Development Plan in a metric sense ranging between 5.2m and 7.8m. This is however, somewhat unavoidable given the comparatively narrow depth of between just over 20m and 21.5m. Additionally, there is somewhat of a lack of pattern when it comes to rear setbacks particularly of those adjoining the subject site. For example, the dwelling at 13 Westcliff Court has a comparatively generous rear setback of around 16.5m being built more to</p>	Partially Compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

	Commentary	Degree of Compliance
rear) and the opportunity for landscaping.	<p>the front of the allotment. Number 12 Westcliff Court appears to adjoin the rear boundary for a portion. Number 11 is built at an angle such that its rear yard abuts the side boundary of the subject site. At the closet point number 11 is approximately 2m from the rear boundary. Number 14 is approximately 12 m from its rear at the closest point and Number 15A is approximately 10m off the boundary at the closest point.</p> <p>To this end the rear setbacks proposed are within the range set by the existing dwellings in the vicinity.</p> <p>The development is not considered to unduly impact solar access.</p> <p>Overlooking is to be managed by the installation of privacy screens and fences for outdoor areas and obscured (acid etched) glazing to windows to the west and north or high level sills.</p> <p>The bulk and scale of the building is not so different to many dwellings in the area, however the perception of the building is somewhat exaggerated when viewed from below and looking up. Such vantage points occur from the adjoining properties to the west.</p>	
<p>Principle of Development Control (PDC) 3:</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>The exterior finishes selected are generally darker tones and as such this should minimise glare noting that the western elevation will get the full weight of the afternoon sun.</p> <p>The fences will be colorbond, the colour is however not stipulated. It is noted that the existing fencing to the subject land is a variety of colours. Reflectivity of a colorbond fence can be managed and the colour could be conditioned to be a non-reflective earthy tone.</p> <p>The glazing to the western façade has the potential to exhibit reflective tendencies. It is proposed however that the glass be acid etched non-reflective glass (as per the advice from Masterplan of 21 July 2017) to a height of 1.7m to minimise overlooking. The etching of the surface will reduce the potential for glare.</p> <p>Overall the proposal is considered to sufficiently meet the terms of this provision.</p>	Generally Compliant

## RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

	Commentary	Degree of Compliance
Principle of Development Control (PDC) 4: Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.	All plant is to be located in the service yard to the northern side of the dwelling at ground level as per advice from Masterplan dated 21 July 2017. This area will be screened with fences and landscaping. Accordingly, the proposal is considered to meet this provision.	Compliant
Principle of Development Control (PDC) 5: 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; and (c) be recessed where wind would otherwise make the space unusable.	There are no balconies proposed as part of this application and thus the proposal is considered to accord with this provision.	Compliant
Overshadowing		
Principle of Development Control (PDC) 9: 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; and (c) solar collectors (such as solar hot water systems and photovoltaic cells).  Principle of Development Control (PDC) 10 Except where otherwise specified in a zone, policy area or precinct, development should ensure that: (a) north-facing windows to living rooms of existing	The proposal will result in some overshadowing from walls and fences. However, this is unlikely to be significant to the west, north or east.  In terms of overshadowing the dwelling 15A Westcliff Court which is almost due south of the development the dwelling is unlikely to be impacted given it is variously separated from the dwelling by 16m or more.  In winter, it is expected that the north facing lawn and swimming pool will experience some shadow largely from the existing fence which is to remain unchanged. At the solstice morning sun will be available to the lawned area facing north, part of the paved area and pool.  Overshadowing impacts are not considered to be unreasonable.	Generally Compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
<p>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;</p> <p>(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:</p> <p>(i) half of the existing ground level private open space; and</p> <p>(ii) 35 square metres of the existing ground level private open space.</p> <p>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</p>		
Visual Privacy		
<p>Principle of Development Control (PDC) 11:</p> <p>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:</p> <p>(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;</p> <p>(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; and</p> <p>(c) screening devices</p>	<p>The proposal includes numerous devices and techniques to ensure that the occupants of the proposed dwelling cannot overlook existing developments particularly to the west and north.</p> <p>The development proposes fixed obscure (acid-etched) glazing to all upper story windows (except those facing over The Cove Road) to a height of 1.7m.</p> <p>In addition, at ground level the overlooking opportunities that accrue due to the site's elevation with respect to adjoining sites particularly to the west, are proposed to be managed via a series of screens and/or fencing.</p> <p>Two types of screens are proposed. These will be 1.8m laser cut Cor-ten to the northern side of the western boundary and a 1.2m (on 1.2m posts) knotwood timber look slat fence with 8mm gaps in beechwood colour to the southern end of the western boundary.</p> <p>To the north a 1.8m colorbond fence over a retaining wall is proposed.</p>	Compliant



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Commentary		Degree of Compliance
(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.	Overlooking is considered to have been managed such that the terms of PDC 11 have been met.	
Principle of Development Control (PDC) 12: Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.	<p>Some fixed screening devices are proposed. These will include a series of angled free-standing screens to comprise laser cut 'Cor-ten' and will therefore provide visual interest and will be non-reflective and of a colour that is earthy in tone.</p> <p>Each panel is 1.8m high and 1.2m wide.</p> <p>Additionally, the sunken garden will be screened by a 1200mm Knotwood timber look slat fence in beechwood colour. On 1200mm posts this will obscure views to a height of 2400mm.</p> <p>To the north a 1.8m colorbond fence over a retaining wall is proposed. The colour is not noted however this could be conditioned to be of a non-reflective earthy tone.</p>	Compliant
Relationship to the Street and Public Realm		
Principle of Development Control (PDC) 13: 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.	The primary face of the building is oriented to address The Cove Road. The proposal therefore meets PDC 13.	Compliant
Principle of Development Control (PDC) 14: Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.	This provision is considered to have limited application in terms residential development seemingly applying more sensibly to commercial development. Nonetheless, the proposal has a character and form appropriate to residential development that comprises a coordinated layout and landscaping that will not detract from the locality.	Compliant
Principle of Development Control (PDC) 15:	The proposed building will present an articulated façade to The Cove Road. This façade is	Compliant

## RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.	<p>proposed to include articulation in the built form, and a variety of materials and colours.</p> <p>Glimpse views of the building can be obtained from the west. The western form is articulated by the two-storey form, varying setbacks, colours and materials. This view from public roads is very limited with the property largely obscured by the dwellings that front to Westcliff Court.</p> <p>Views can be obtained from The Cove Road of the northern face when travelling south, and of the south face when travelling north as the dwelling is approached. These façades included varied setbacks and overhang elements and varied finishes and presents with some interest.</p> <p>The proposal therefore is not considered to present extensive areas of uninterrupted walling to the street and is therefore satisfactory when tested against PDC 15.</p>	
Principle of Development Control (PDC) 16: Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.	The entry to the dwelling from Cove Road is easily identifiable with a front door and canopy. The proposal therefore meets PDC 16.	Compliant
Outdoor Storage and Service Areas		
Principle of Development Control (PDC) 20: Outdoor storage, loading and service areas should be: (a) screened from public view by a combination of built form, solid fencing and/or landscaping; (b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles; and (c) sited away from sensitive land uses.	The dwelling is provided with a service area to the northern side. This will be obscured from public view by landscaping and fencing. This is a domestic service yard as distinct from a commercial service yard and thus will not be routinely accessed by service or delivery vehicles.	Compliant
Building setbacks from Road Boundaries.		
Principle of Development Control (PDC) 21: Except in areas where a new character is desired, the	There is no real prevailing character in the locality in terms of setbacks to road boundaries in the immediately locality. Typically, the setbacks to The Cove Road in this area are side setbacks as	Partially Compliant

## RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

	Commentary	Degree of Compliance
<p>setback of buildings from public roads should:</p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality; and</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>Principle of Development Control (PDC) 23: Except where otherwise specified by another provision in this Development Plan or where specified in a particular zone, policy area or precinct buildings and structures should be set back at least 8 metres from road boundaries.</p> <p>Principle of Development Control (PDC) 24: All setbacks from the road frontage should be additional to the road widening setback established under the Metropolitan Adelaide Road Widening Plan Act 1972.</p>	<p>opposed to front setbacks.</p> <p>The proposal fronting on to The Cove Road is considered to positively enhance the streetscape as well as provide for passive surveillance over the public realm.</p> <p>The front setback as is proposed varies between 5.0m and 6.1m. This is less than 8m (PDC 23) which is also the setback required by the Policy Area. Nevertheless, it is reflective of (although larger than) the prevailing setback to The Cove Road in the locality and is not considered to be detrimental to the streetscape amenity or function of The Cove Road.</p> <p>This shortfall is not considered to be detrimental to the proposal achieving the intent of the Development Plan in respect to setbacks.</p>	
<b>Energy Efficiency</b>		
<p>Objective 1: Development designed and sited to conserve energy.</p>	<p>The building is sited almost due north-south/east-west. This provides for optimal solar access.</p> <p>Openings in the forms of windows and/or doors are provided on all sides of the building.</p> <p>The windows and doors to the west (one of the longer building faces) are protected by high level eaves that have an overhang of in excess of 1.2m</p> <p>In addition, the windows and doors as advised by Masterplan (21 July 2017) will be double glazed to manage heat loads.</p> <p>The building is setback on all sides and thus will be able to take advantage of cross ventilation.</p>	Compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

	Commentary	Degree of Compliance
Objective 2: Development that provides for on-site power generation including photovoltaic cells and wind power.	This objective seeks on-site power generation. This proposal (consistent with the majority of single detached dwellings in an urban environment) does not include on-site power generation, however, there is sufficient opportunity for this to be included at a later time should this be desired. This is not considered to be fatal to the application.	Non-Compliant
Principle of Development Control (PDC) 1: Development should provide for efficient solar access to buildings and open space all year around.	<p>North-south or east-west alignments for allotments are generally considered most desirable from a solar access perspective. The orientation of the subject land is north-south.</p> <p>The northern façade includes openings for sunlight penetration.</p> <p>There is a long face to the west with multiple windows and doors. The use of acid etched double glazing will be used to managed heat loads to both this face and the northern face.</p> <p>In addition, the high level eaves will provide some shading to all facades.</p> <p>Multiple openings to the east will enable light in the morning.</p> <p>Outdoor spaces are provided to the east, north and south of the dwelling. These are all useable spaces. The main "private" (for the purposes of the Development Plan) outdoor space will be to the west. This will be lower than the dwelling and thus some shadowing and protection is available both from the dwelling in the morning and privacy screening and vegetation in the afternoon.</p> <p>The service yard is north facing providing a well orientated area for clothes drying.</p>	Compliant
Principle of Development Control (PDC) 2: Buildings should be sited and designed: (a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings; and (b) so that open spaces associated with the main activity areas face north for exposure to winter sun.	<p>The dwelling is relatively central on its site minimising impacts from overshadowing to neighbouring properties especially the property to the south which has a north facing swimming pool and lawned space. These areas have good access to sunlight from the east in the morning during winter. The dwelling is setback further from the subject site than the swimming pool and lawn and is not likely to be impacted in terms of sunlight access to the dwelling from the proposal.</p> <p>In terms of the proposed dwelling, this has numerous openings on east, west and north and</p>	Compliant



## RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
	<p>thus living spaces will have good access to light, both morning and afternoon and during winter.</p> <p>In particular the northern side of the dwelling on the upper level contains a retreat that has direct north facing windows.</p>	
On-site Energy Generation		
<p>Principle of Development Control (PDC) 3: Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</p> <p>(a) taking into account overshadowing from neighbouring buildings; and</p> <p>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</p>	<p>The design of the building enables the introduction of photovoltaic cells at a later time should that be required.</p> <p>In installing cells, it is noted that the low-slung roof provides for good solar access.</p> <p>The dwelling has a setback of nearly 8.1m to the north and thus this should provide for reasonable solar access.</p> <p>The proposal therefore can facilitate solar access for photovoltaic cells and thus is considered to adequately accord with PDC 3.</p>	Generally Compliant
Landscaping, Fences and Walls		
<p>Objective 1:</p> <p>The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.</p>	<p>The landscaping plan submitted as part of this proposal indicates extensive plantings to all boundaries. Planting is proposed to the northern, western and southern boundaries including plantings designed to contribute to the interface with the neighbouring properties both from the perspective of visual privacy and aesthetics.</p> <p>The proposed plantings to the west in particular include species that grow up to 10m in height and are routinely grown in coastal areas to contribute to a softening of this boundary interface and partially screen the dwelling.</p> <p>Not all species proposed are locally indigenous but have been selected for growth properties in a coastal location.</p>	Generally Compliant
<p>Objective 2:</p> <p>Functional fences and walls that enhance the attractiveness of development.</p>	<p>The fences and walls are proposed largely in response the need to retain land and to reduce the incidence of overlooking. To this end they are functional additions to the proposal.</p> <p>The Development Plan contemplates retaining walls to 1.5m. In combination with a 'standard' 1.8m fence this would result in boundary walling/fencing of 3.3m. At the highest point, a small portion of the walling and fencing on this</p>	Partially compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

	Commentary	Degree of Compliance
	<p>site is 3.7m with the majority at 3.5m or less.</p> <p>To achieve the development of the footings on the applicant's site, the retaining walls and subsequent fences need to be constructed 100mm off the boundary. Where neighbouring properties have already constructed fences on the boundary this has the potential to create a gap that could harbour vermin. To overcome this issue the applicant has advised that any resulting gaps will be covered with a stainless-steel mesh product designed to prevent vermin.</p> <p>The walls will be constructed of concrete sleepers. Existing fences on neighbouring properties will sleeve this finish. To the dwelling at 12 Westcliff Court there is no sleeve fencing. The application proposes a natural concrete finish. This could be finished with a painted finish. As the applicant and the owner of that property are the same person this can easily be addressed.</p>	
<p>Principle of Development Control (PDC) 1: Development should incorporate open space and landscaping in order to:</p> <ul style="list-style-type: none"> <li>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components);</li> <li>(b) enhance the appearance of road frontages;</li> <li>(c) screen service yards, loading areas and outdoor storage areas;</li> <li>(d) minimise maintenance and watering requirements;</li> <li>(e) enhance and define outdoor spaces, including car parking areas;</li> <li>(f) provide shade and shelter;</li> <li>(g) assist in climate control within buildings;</li> <li>(h) maintain privacy;</li> <li>(i) maximise stormwater re-use;</li> <li>(j) complement existing native vegetation;</li> </ul>	<p>The landscaping included as part of the proposal is considered to be functional providing amenity for the future occupants of the site as well as privacy and amenity/aesthetics for the occupants of the adjoining properties.</p> <p>The landscaping is proposed as an integrated element of the development and provides for variously a front garden to the street, and screening, shade, privacy and amenity in respect to the other interfaces.</p> <p>Key plantings to the western boundary in particular will be planted as semi-mature specimens of 2.5m.</p> <p>Many of the species are proposed to be planted as advanced growth specimens of 2.5m. The key screening species Banksia Integrifolia and Hibiscus Tilaceus can achieve heights of up to 10m. The key species are reported to grow well in coastal locations.</p> <p>The height will reduce the impacts of the building, will contribute to visual privacy both for the occupants of the proposed dwelling and neighbours and provide shade.</p> <p>Overall the landscaping is considered to be appropriate when tested against this provision.</p>	Generally Compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
(k) contribute to the viability of ecosystems and species; and (l) promote water and biodiversity conservation.	Should approval be granted in respect of the proposal it should include a condition requiring the landscaping to be maintained as in this instance it is considered to be an integral part of the proposal.	
Principle of Development Control (PDC) 2: Landscaping should: (a) include the planting of locally indigenous species where appropriate; (b) be oriented towards the street frontage; and (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.	<p>The plantings include orientations to the street and will provide for a front garden and will provide for appropriate clearances from power lines.</p> <p>Not all of the species appear to be locally indigenous, however they have been selected for an ability to grow in a coastal location and provide specific screening and amenity functions.</p> <p>Overall the landscaping is considered to be appropriate when considered against this provision.</p>	Generally Compliant
Principle of Development Control (PDC) 3: Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.	<p>Landscaping to the front of the dwelling is generally in the order of 4m in width and thus exceeds the 2m noted in this PDC. It is fenced and is unlikely to be damaged by vehicles or pedestrians.</p> <p>On this basis, the proposal is considered to meet the terms of PDC 3.</p>	Compliant
Principle of Development Control (PDC) 4: Landscaping should not: (a) unreasonably restrict solar access to adjoining development; (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding; (c) introduce pest plants; (d) increase the risk of bushfire; (e) remove opportunities for passive surveillance; (f) increase autumnal leaf fall in waterways; and (g) increase the risk of weed invasion.	<p>The landscaping species selected and the location of plantings as proposed are considered unlikely to unreasonably impact solar access to surrounding properties or cause damage.</p> <p>Passive surveillance over the public realm will be retained especially from the upper level of the proposed dwelling.</p> <p>The species are recognised for use in urban situations and not reported as creating damage.</p>	Generally Compliant

## RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

	Commentary	Degree of Compliance
<p>Principle of Development Control (PDC) 5:</p> <p>Fences and walls, including retaining walls, should:</p> <p>(a) not result in damage to neighbouring trees;</p> <p>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality;</p> <p>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance;</p> <p>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street;</p> <p>(e) assist in highlighting building entrances;</p> <p>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites;</p> <p>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land; and</p> <p>(h) be constructed of non-flammable materials.</p>	<p>Fences will be provided to all boundaries.</p> <p>To the Cove Road an 1800mm slat (75mm slats and 8mm gaps) in Knotwood timber look is proposed. This fence will frame the site when viewed from the street and is considered to complement the existing side fences of the adjoining properties to this side. Passive surveillance will occur from the upper level of the dwelling. The gaps between the slats will provide glimpse views of the proposed dwelling and landscaping behind and thus should not present as large unbroken expanse.</p> <p>To the western and northern boundaries, the fences will be provided in association with retaining walls. Retaining walls are a relatively common feature of the locality due to the slope of the land.</p> <p>Fences and associated retaining walls will be offset from the boundary by 100mm to ensure structures are wholly contained on the subject land.</p> <p>There is a large tree existing in the back yard of 13 Westcliff Court. There appears to be no vegetation that can be damaged along the boundary to 12 Westcliff Court. Vegetation to the boundary with 11 Westcliff Court is largely shrubs.</p> <p>The application proposes the removal of the soil in the vicinity of the retaining walls to enable the construction of the retaining walls following which the soil will be replaced. This should minimise damage to adjoining properties during construction.</p> <p>The walls will be constructed of concrete sleepers of varying heights up to 1.6m. Colorbond fences up to 2100mm will be constructed on top of the retaining walls. The walls will be constructed of non-flammable materials and will provide for visual privacy.</p> <p>Due to the level differences between the site and the properties to the west in particular, the wall and fence combined will be up 3.7m at one point although more generally they will be 3.5m or less.</p> <p>The height of fences is an issue for some representors most impacted by this matter and is</p>	<p>Partially Compliant</p>



# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
	considered to be a shortfall of the proposal which is not considered to fully meet the terms of PDC 5(g). However, the proposal is considered to meet the balance of the terms of PDC 5.	
<b>Orderly and Sustainable Development</b>		
Objective 1: Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.	<p>The development is considered to be orderly and economic development being essentially an infill on a site created in an existing residential area.</p> <p>The proposal is considered to accord sufficiently with Objective 1.</p>	Compliant
Objective 2: Development occurring in an orderly sequence and in a compact form to enable the efficient provision of public services and facilities.	<p>The site is an 'undeveloped' site within an existing residential area and thus is considered to be an orderly sequence and contributes to a compact form by not requiring the extension of services.</p> <p>The proposal therefore is considered to accord sufficiently with Objective 2.</p>	Compliant
Objective 3: Development that does not jeopardise the continuance of adjoining authorised land uses.	<p>The proposed development is considered to be compatible with existing land uses ie residential adjacent residential and does not therefore jeopardise the "continuance of existing land uses" and is considered to accord adequately with Objective 3.</p> <p>Notwithstanding, some adjoining residents may feel that their enjoyment of their land has been compromised by virtue of the fact of the height of the walls associated with the development. This is considered to be a different issue to the one addressed as Objective 3.</p>	Compliant
Objective 4: Development that does not prejudice the achievement of the provisions of the Development Plan.	<p>This proposal in general terms accords with the overall direction of the Development Plan and thus does not prejudice the general achievement of the provisions of the Development Plan. In this respect, the proposed development does not compromise the coast, is residential development in a residential zone, provides for continued access to sunlight, does not impact traffic movements or cause pollution etc. It is not considered to preclude the continued use of adjoining land for residential purposes.</p> <p>It is however, likely to change the immediate environment of the adjoining properties to the west by virtue of an increased sense of enclosure to the existing residential property.</p> <p>On balance, the proposal is considered to meet</p>	Compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

	Commentary	Degree of Compliance
	this provision.	
Objective 6: Urban development contained within existing townships and settlements and located only in zones designated for such development.	The site is located within an area set aside for urban development and thus accords generally with Objective 6.	Compliant
Principle of Development Control (PDC) 1: Development should not prejudice the development of a zone for its intended purpose.	This proposal is for a residential development in a residential zone and thus in general terms accords with the overall direction of the Development Plan and does not prejudice the development of the Zone for its intended purpose. To this end, this proposal is not introducing an incompatible land use into the Zone, nor is it introducing a land use that will change the economics of the land and thus the attractiveness for residential development. It is one of the last opportunities for development within the zone in this locality.  The proposal is considered to accord sufficiently with PDC 1.	Compliant
Principle of Development Control (PDC) 5: Urban development should form a compact extension to an existing built-up area.	The proposal is for development within an existing and otherwise generally established residential area. The proposal is considered to accord adequately with PDC 5.	Compliant
Principle of Development Control (PDC) 7: Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure.	The development is within an existing urban area and does not therefore require any extension of services nor does it leapfrog serviced areas. It provides one additional household to use existing services. The proposal is not considered to place undue additional demand on services and is considered to accord appropriately with PDC 7.	Compliant
Principle of Development Control (PDC) 9: Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.	PDC 9 speaks to the development of vacant or underused land in an efficient and coordinated manner. The proposal is considered to be an efficient and orderly use of an infill parcel and thus accords sufficiently with PDC 9.	Compliant

## RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
<b>Residential Development</b>		
Objective 1: Safe, convenient, sustainable and healthy living environments that meet the full range of needs and preferences of a diverse community.	The proposal is consistent with providing a safe, convenient, sustainable and healthy living environment.	Compliant
Objective 2: A diverse range of dwelling types and sizes available to cater for changing demographics, particularly smaller household sizes and supported accommodation.	<p>The proposal provides a dwelling in a residential zone. Whilst the proposal is not for affordable housing, supported accommodation or necessarily catering for a smaller household size it is consistent with the dwellings in the area which is an area of relatively homogenous large detached dwellings on large allotments. This is the form of development that is primarily envisaged by the zone which is essentially a low density residential zone. The proposal is consistent with the primary purpose of the Zone.</p> <p>Furthermore, it accords generally with this provision by providing for a larger dwelling catering for a particular segment of the community.</p>	Generally Compliant
Objective 4: The revitalisation of residential areas to support the viability of community services and infrastructure.	This effectively infill development will not necessarily revitalise the area but will contribute to the area as a residential community. The new residents will support existing community facilities and infrastructure and thus is consistent with Objective 4.	Generally Compliant
<p>Principle of Development Control (PDC) 1: Residential allotments and sites should maximise solar orientation and have the area and dimensions to accommodate:</p> <p>(a) the siting and construction of a dwelling and associated ancillary outbuildings;</p> <p>(b) the provision of landscaping and private open space;</p> <p>(c) convenient and safe vehicle, pedestrian and cycling access and parking; and</p> <p>(d) water sensitive design</p>	<p>The underlying allotment is oriented north-south which is a good orientation in general terms. However, the long axis runs north-south, and this has influenced the orientation of the dwelling resulting in a long western face. The site is nevertheless able to accommodate a dwelling, and landscaping. The proposal has a low site cover and consequently over half of the site is open.</p> <p>On the technical assessment of Council's traffic specialists, the proposal enables forward ingress and egress to the garage that is included under the main roof of the dwelling.</p> <p>The proposal includes water storage in the form of a rainwater tank.</p> <p>On balance, the proposal is considered to accord</p>	Generally Compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
systems that enable the storage, treatment and reuse of stormwater.	with PDC 1.	
Principle of Development Control (PDC) 2: 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.	<p>The court has previously found that the PDC 2 is relevant to this assessment.</p> <p>Whilst the allotment has been created by the division of an existing allotment, the resultant allotment has its own access to The Cove Road and thus does not rely on a traditional handle access. Further it interfaces with the surrounding sites in manner reminiscent of a traditional allotment, ie it materially abuts one dwelling on either side and two on the rear. This is not uncommon in an urban area.</p> <p>It is considered that notwithstanding this provision, the site has characteristics in common with a traditional allotment and thus this provision of itself is not considered to preclude two storey development on this allotment.</p>	Generally Compliant
Principle of Development Control (PDC) 3: Residential allotments and dwellings should be of varying sizes to encourage housing diversity.	<p>This provision, similar to Objective 2 above, is applicable to residential development overall. It is considered not to be as applicable to this particular site as some other provisions given the lot exists and the specifics of the Policy Area that apply which speaks to primarily detached dwellings on larger lots.</p> <p>The proposal accords generally with this PDC by providing a dwelling that is large.</p>	Generally Compliant
Design and Appearance		
Principle of Development Control (PDC) 6: Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following: (a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants; (b) individual entries for ground floor accommodation; and	<p>The proposal contributes to the character of the locality by providing a strong address to the street and the proposed dwelling and front garden will provide for passive surveillance of the street.</p> <p>The front garden is landscaped and provides an easily identifiable entry point.</p> <p>The proposal accords appropriately with PDC 6.</p>	Compliant

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	Commentary	Degree of Compliance
(c) opportunities to overlook adjacent public space.		
Principle of Development Control (PDC) 7: Residential development should be designed to ensure living rooms have an external outlook.	<p>At the ground level the living areas are provided with an outlook over the rear garden.</p> <p>To ensure visual privacy to the neighbours, the west facing windows to the upper level areas, have windows with obscured glazing to 1.7m.</p> <p>The proposal is therefore considered to partly accord with this provision. It could meet this provision in full if the glazing to the upper level rooms was not obscured however, it would then be in contravention of the provisions pertaining to overlooking.</p>	Partially Compliant
<p>Principle of Development Control (PDC) 8: 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.</p> <p>Principle of Development Control (PDC) 9: 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.</p>	<p>The front of the dwelling addresses The Cove Road. This façade includes the front door and windows along with an entry portico. A games room also overlooks the street at the ground level and at the upper level the kitchen overlooks the street.</p> <p>The proposal therefore accords with these provisions.</p>	Generally Compliant
Garages, Carports, Verandas and Outbuildings		
<p>Principle of Development Control (PDC) 10: Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</p> <p>Principle of Development Control (PDC) 11: Outbuildings, including garages and sheds, should</p>	<p>A double garage is integrated into the proposed dwelling. It is accessed from the southern side of the dwelling with the driveway being located at the southern end of the principal frontage.</p> <p>The side access results in the garage not being directly visible from the street and thus cannot be said to dominate.</p> <p>The garage has an area of 41.3m<sup>2</sup> which accords with PDC 12 and a wall height of 3.3m which exceeds PDC 12 by 300mm. This is not considered to be problematic given the garage is</p>	Partially Compliant

## RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

	Commentary	Degree of Compliance
<p>not be constructed unless in association with an existing dwelling.</p> <p>Principle of Development Control (PDC) 12: Garages, carports, verandas and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the parameters set out in the following table. (see table below)</p> <p>Principle of Development Control (PDC) 13: Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users; and (b) provide safe entry and exit.</p>	<p>integrated as part of the dwelling.</p> <p>The garage does not directly front the street but its side wall is setback 5.02m which is considered to accord with the intent of PDCs 12 and 13. The garage is setback from the side boundary of the site by 6.6m, 0.3m of which is dedicated to landscaping.</p> <p>Council staff have undertaken the technical manoeuvring assessment and determined that a car can enter and exit in a forward direction. The proposal therefore is considered to accord with PDC 12 and 13.</p> <p>As the garage is under the main roof the wall length and maximum height are not considered to be directly relevant as these will be addressed elsewhere.</p> <p>Overall the proposal is considered to meet PDCs 10-13.</p>	

### Parameters for PDC 12 above

Parameter	Value
Maximum floor area	60 square metres
Maximum wall or post height	3 metres
Maximum building height	5 metres
Maximum height of finished floor level	0.3 metres
Minimum setback from 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.
Minimum setback from a secondary road frontage	Outbuildings should not protrude forward of any part of the associated dwelling.
Minimum setback from a rear or side vehicle access way	0.9 metres or in-line with the associated dwelling (whichever is the lesser)
Minimum setback from side or rear boundaries (when not located on the boundary)	1 metres
Maximum length on the boundary Maximum frontage width of garage or carport	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall
with an opening facing the street	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)
Maximum frontage width of garage or carport with an opening facing a rear access lane	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)

## RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
Site Coverage		
<p>Principle of Development Control (PDC) 14: Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> <li>(a) pedestrian and vehicle access and vehicle parking;</li> <li>(b) domestic storage;</li> <li>(c) outdoor clothes drying;</li> <li>(d) rainwater tanks;</li> <li>(e) private open space and landscaping; and</li> <li>(f) convenient storage of household waste and recycling receptacles.</li> </ul>	<p>The proposal will result in a site cover of some 26.2%. This provides adequate space for facilities and service areas.</p> <p>Specifically, the proposal has a service yard of some 31.8m<sup>2</sup> that enables clothes drying and storage as required. A rainwater tank is also provided in this area.</p> <p>Separate to the service yard the proposal provides open space in the form of gardens and other landscaped areas.</p> <p>The proposal generally accords with PDC 14.</p>	Compliant
<p>Principle of Development Control (PDC) 15: 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>The provision requires 20 per cent of the site being pervious.</p> <p>Excluding all hard paved surfaces and building approximately 38% of the site is pervious.</p> <p>The proposal therefore meets PDC 15.</p>	Compliant
Private Open Space		
<p>Principle of Development Control (PDC) 16: 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"> <li>(a) to be accessed directly from the internal living rooms of the dwelling;</li> <li>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms);</li> <li>(c) to be located to the side or rear of a dwelling and screened for privacy;</li> <li>(d) to take advantage of, but not adversely affect, natural features of the site;</li> <li>(e) to minimise overlooking</li> </ul>	<p>Private open space is defined by PDC 17 as not including any area covered by a dwelling, car-port, garage or outbuildings, driveways, service areas, common areas or communal open space, any area located forward of the dwelling or any area at ground level with dimension of less than 2.5m.</p> <p>The proposal is provided with a significant amount of unbuilt and landscaped areas as the site cover is 26.2%. Of the unbuilt areas some 230m<sup>2</sup> meets the above definition. An amount of this has a northerly aspect.</p> <p>PDC 17 does not speak to slope however it is noted that the site is sloping and thus some of this area has an aesthetic function.</p> <p>To assist manage the slope of the site and minimise the height of retaining walls to the west a key area of private open space is an area to the</p>	Generally Compliant

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	Commentary	Degree of Compliance
<p>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; and  (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> <p>Principle of Development Control (PDC) 17:  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); and  (e) any area at ground level with a dimension less than 2.5 metres.</p>	<p>west of the dwelling directly accessible from the living areas that has been sunken. This provides a useable, level space and assists to manage issues of overlooking between neighbours.</p> <p>Furthermore, it is behind the house and is therefore protected from noise and traffic.</p> <p>The space is for the exclusive use of the residents of the dwelling.</p> <p>Overall the proposal is considered to accord generally with PDCs 16 and 17. Zone PDC 7 requires open space provision to be addressed in more detail (later).</p>	
<p>Principle of Development Control (PDC) 21:  Private open space at ground level should be designed to provide a</p>	<p>The majority of the open areas as proposed on the site will have deep soil.</p> <p>The proposal is considered to satisfy PDC 21.</p>	Compliant



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Commentary		Degree of Compliance
consolidated area of deep soil (an area of natural ground which excludes areas where there is a structure underneath, pools and non- permeable paved areas) to: (a) assist with ease of drainage; (b) allow for effective deep planting; and (c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings.		
Principle of Development Control (PDC) 22: A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.	<p>None of the open space on the site is shown to be covered.</p> <p>The proposal therefore is considered to generally accord with PDC 22.</p>	Generally Compliant
Noise		
Principle of Development Control (PDC) 27: 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.	<p>The Seaford Rail line runs parallel to the site on the opposite side of The Cove Road.</p> <p>Both of these transport routes have the potential to create noise.</p> <p>The train line is just over 35m from the subject land and the setback of the to the front boundary is variously 5.08m to 6.1m.</p> <p>At the ground level the spaces directed to the east include one bedroom, a bathroom, a games room the entry and rumpus room (the latter buffered by a solid wall) and the garage. Two bedrooms and the rumpus room focus out to the west.</p> <p>Upstairs the Master Bedroom fronts to the east, along with a kitchen/pantry and ensuite. The master suite has been positioned to take advantage of the prospect of clear glazing to this side.</p> <p>It does not appear possible that all living spaces and all bedrooms can be sited to the west.</p>	Generally Compliant

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Commentary		Degree of Compliance
	<p>Other dwellings have similar proximities to these potential noise sources.</p> <p>Windows are proposed to be double glazed which is an accepted method of attenuating for noise.</p> <p>Overall the design as is proposed seeks to balance the need to meet PDC 27, provide suitable amenity to rooms and manage the potential for overlooking. It is considered to be acceptable in this respect.</p>	
<p>Principle of Development Control (PDC) 28: 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.</p>	<p>The proposal includes a landscaped front garden to The Cove Road and an 1800mm slat fence with 75mm slats and 8mm gaps.</p> <p>The double glazing will attenuate noise.</p> <p>It is noted that The Cove Road is at the bottom end of this road category in terms of vehicles and it is therefore considered that the garden, fence and double glazing will sufficiently attenuate noise.</p> <p>The proposal is considered to adequately meet this provision.</p>	Generally Compliant
<p>Principle of Development Control (PDC) 29: Noise generated by fixed noise sources such as air conditioning units and pool pumps should be located, designed and attenuated to avoid nuisance to adjoining landowners and occupiers.</p>	<p>Masterplan has advised that all services will be located in the service yard and screened.</p>	Compliant
<p>Principle of Development Control (PDC) 30: External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</p> <ul style="list-style-type: none"> <li>(a) active communal recreation areas, parking areas and vehicle access ways; and</li> <li>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</li> </ul>	<p>There are no communal areas on the site and the bedrooms are located away from the driveway and garage.</p> <p>Lighting on the site will be controlled by the dwelling's occupants and light from adjoining sites is domestic and thus not different to any other residential situation.</p> <p>The dwelling is considered to be appropriately sited when considering this Principle.</p>	Compliant

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Commentary		Degree of Compliance
<b>Street and Boundary Setbacks</b>		
<p>Principle of Development Control (PDC) 37: Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p>	<p>The proposal is setback from the road by between 5.08 and 6.1m. This is considered an adequate distance to provide visual privacy of habitable rooms. In any case the residents can choose to manage visual privacy with soft furnishings.</p> <p>The proposal is considered to adequately accord with PDC 37.</p>	Generally Compliant
<b>Car Parking and Access</b>		
<p>Principle of Development Control (PDC) 39: 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; and (b) 5 metres wide for a double driveway.</p> <p>Principle of Development Control (PDC) 40: 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>The driveway is shown as 4m at the narrowest point this exceeds the required 3m for a single driveway. It is setback in excess of 2m from the existing street tree.</p> <p>The proposal is therefore considered to accord adequately with PDC 39 and PDC 40.</p>	Generally Compliant
<b>Siting and Visibility</b>		
<p>Objective 1: Protection of scenically attractive areas, particularly natural, rural and coastal landscapes.</p>	<p>The dwelling is to be located in an existing built up area and as such will form another element in amongst existing dwellings.</p> <p>The residential zoning of itself indicates that the primary function of the Zone is the development of dwellings. In a built-up area where there is a collective of dwellings there is some visual impact. As an aside, it would be difficult to see how the development of a dwelling could actually positively protect scenically attractive areas and coastal landscapes and thus the protection is likely to be in the form of minimal detriment.</p> <p>To this end, whilst the proposal does not directly</p>	Generally Compliant

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	Commentary	Degree of Compliance
	support Objective 1 equally it is not considered to be contrary to the intention and will of itself not materially change the impact of residential development in this location.	
<p>Principle of Development Control (PDC) 1: Development should be sited and designed to minimise its visual impact on:</p> <p>(a) the natural, rural or heritage character of the area;</p> <p>(b) areas of high visual or scenic value, particularly rural and coastal areas;</p> <p>(c) views from the coast, near-shore waters, public reserves, tourist routes and walking trails; and</p> <p>(d) the amenity of public beaches.</p>	<p>This Principle seeks the sensitive location of development in areas of high scenic value and coastal areas, and makes note of the impacts when viewed from public areas and beaches.</p> <p>The Residential Zone in this location is relatively narrow taking in a width of some three allotments, a road and rail corridor. To the west it is bound by the Coastal Conservation Zone and to the East, the Hills Face Zone.</p> <p>The Zoning of itself indicates that at the time of zoning, residential development was contemplated as an appropriate form of development in this locality.</p> <p>The subject site is located at one of the higher points within the Zone and slopes generally down to the west. This means the coast and a couple of dwellings are located generally below the site.</p> <p>The site is located within a developed residential area and thus when viewed from surrounding areas the view is one of a generally residential nature.</p> <p>The proposed dwelling of itself is not considered to materially, visually impact, in this context.</p>	Generally Compliant
<p>Principle of Development Control (PDC) 2: Buildings should be sited in unobtrusive locations and, in particular, should:</p> <p>(a) be grouped together; and</p> <p>(b) where possible be located in such a way as to be screened by existing vegetation when viewed from public roads.</p>	<p>This Residential Zone is located on a sloping area adjacent the coast. It is generally quite a visible locality and collectively the sites will have some visual impact.</p> <p>The proposed dwelling is however to be located in amongst existing dwellings and thus is considered to be "grouped". There is limited existing vegetation screening along the western side of the Cove Road, that in this locality is characterised by side fences.</p> <p>The proposal will include landscaping to the Cove Road frontage that is considered to provide an appropriate interface with the road.</p> <p>The proposal is not considered to unduly offend the intent of PDC 2.</p>	Generally Compliant

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	Commentary	Degree of Compliance
<p>Principle of Development Control (PDC) 3: Buildings outside of urban areas and in undulating landscapes should be sited in unobtrusive locations and in particular should be:</p> <ul style="list-style-type: none"> <li>(a) sited below the ridgeline;</li> <li>(b) sited within valleys or behind spurs;</li> <li>(c) sited in such a way as to not be visible against the skyline when viewed from public roads; and</li> <li>(d) set well back from public roads, particularly when the allotment is on the high side of the road.</li> </ul>	<p>PDC 3 has been highlighted as of relevance in previous court proceedings. It relates to land outside of urban areas and with undulating landscapes.</p> <p>The subject land is within a pocket of residential development and is considered to form part of the urban area as distinct from having a rural character. It is noted that it is at a location where due to the narrowing of the coast and the adjoining Marino Conservation Park and Quarry, the locality is less dense than other urban areas. The land continues to grade up to the east of the site.</p> <p>The proposed dwelling and the existing adjoining dwellings to the north and south are visible against the skyline when viewed from a public road. These dwellings are all on the low side of the road and are setback. They are not considered to be inappropriately obtrusive in the context of the residential area of which they form a part.</p> <p>The proposal is not considered to unduly offend this PDC.</p>	Generally Compliant
<p>Principle of Development Control (PDC) 4: Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:</p> <ul style="list-style-type: none"> <li>(a) the profile of buildings should be low and the rooflines should complement the natural form of the land;</li> <li>(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; and</li> <li>(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</li> </ul>	<p>The proposal is for a two-storey dwelling with a maximum height ranging between 6.37m and 6.85m to the top of the roof. This is not unduly high for a modern two storey dwelling. The dwelling comprises floor to ceiling heights of 3.0m to the ground floor and 2.7m to the upper floor and has a relatively flat room form.</p> <p>The roof is raked in line with the prevailing slope of the land and eaves to the west of over 1.2m in width will assist with the creation of shadows to this façade.</p> <p>The dwelling is positioned on a largely filled bench. Based on the cross sections provided the bench for the dwelling would be raised up to 1.6m above notional natural ground level. This will result in the dwelling being up to 1.6m higher when viewed from the west than otherwise would be the case if the dwelling was to be positioned at natural ground level. If the dwelling site were to be benched or stepped down to achieve a level platform it would be slightly lower again.</p> <p>The proposal is not considered to meet the terms of PDC 4 in so far as the building could be lower</p>	Partially Compliant

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	Commentary	Degree of Compliance
	and could be designed to more closely complement the contours of the land. That said the garden does grade down the slope.	
Principle of Development Control (PDC) 5: The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.	The building materials are considered to be appropriate to the site and locality and thus the proposal accords sufficiently with PDC 5.	Generally Compliant
Principle of Development Control (PDC) 7: Driveways and access tracks should be designed and surfaced to blend sympathetically with the landscape and to minimise interference with natural vegetation and landforms.	<p>The driveway is proposed to be properly formed and paved and will have a grade of some 17.5%. Council engineers have verified that this is technically appropriate.</p> <p>The colours of the paving are not provided. It would be desirable for such paving to not be a colour that is bright or reflective.</p> <p>Landscaping is to be provided along the southern boundary of the driveway.</p> <p>If the DAP is of a mind to approve the development the colour of this paving could be conditioned.</p>	Generally Compliant
Principle of Development Control (PDC) 8: Development should be screened through the establishment of landscaping using locally indigenous plant species: (a) around buildings and earthworks to provide a visual a screen as well as shade in summer, and protection from prevailing winds; and (b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads.	<p>Landscaping is proposed to all boundaries. This is to provide amenity of the occupants of the dwelling and to screen and soften the site when viewed from the neighbouring properties.</p> <p>Planting to the west in particular will offer some shade, screening and weather protection.</p> <p>Some of the species listed are native species, whilst others are non-native, however are reported as species that will grow in coastal locations.</p> <p>The proposal is considered to accord with this provision.</p>	Generally Compliant
<b>Sloping Land</b>		
Objective 1: Development on sloping land which minimises environmental and visual	The site has been found to have a natural slope of between 1:8.5 and 1:10.5. To enable the positioning of the dwelling on the site benching has occurred that has resulted in an amount of fill	Partially Compliant

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	Commentary	Degree of Compliance
impacts and protects soil stability and water quality.	<p>up to some 1.6m in places and this is considered to result in higher level of visual impact that might otherwise be the case, had the dwelling been positioned on a series of benches stepping down in line with gradient.</p> <p>The development will be landscaped and this should assist with erosion management and visual amenity and the garden is graded down the slope.</p> <p>As a dwelling in amongst a collective of other dwellings the dwelling of itself will be viewed from the distance and key public spaces as one of a series of dwellings. When viewed from close proximity from the west (ie the backyards of neighbouring dwellings) there is a greater visual impact.</p> <p>The proposal is not considered to address this objective as well as it could.</p>	
<p>Principle of Development Control (PDC) 1: Development and associated driveways and access tracks should be sited and designed to integrate with the natural topography of the land and minimise the need for earthworks.</p> <p>Principle of Development Control (PDC) 2: Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</p> <ul style="list-style-type: none"> <li>(a) minimises their visual impact;</li> <li>(b) reduces the bulk of the buildings and structures;</li> <li>(c) minimises the extent of cut and/or fill;</li> <li>(d) minimises the need for, and the height of, retaining walls;</li> <li>(e) does not cause or contribute to instability of any embankment or cutting;</li> <li>(f) avoids the silting of</li> </ul>	<p>The natural slope of the site underpins a requirement for earthworks to enable suitable flat areas to construct a dwelling.</p> <p>The dwelling is proposed to be constructed on one level bench. This has necessitated earthworks to enable a slab of over 200m<sup>2</sup> to accommodate the dwelling and garage, paths and some flat areas surrounding the dwelling. This has necessitated filling of the site to in places 1.6m.</p> <p>A design that steps the building down the slope in accord with the natural slope through a series of cut benches, would be preferable in that it would both minimise the earthworks required and also sit the dwelling slightly lower on the land. This would better reduce the bulk and minimise the visual impact when viewed from the west, and would minimise the need for retaining walls. The proposal does not meet this aspect of this provision.</p> <p>That said the building is of a relative size that is comparable with dwellings in the locality. The bulk and scale per se not are not considered to be unduly excessive. The siting of the dwelling on the fill does however make the structure more imposing than would otherwise be the case.</p> <p>The site is graded beyond the dwelling to the</p>	Partially Compliant

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	Commentary	Degree of Compliance
watercourses; and (g) protects development and its surrounds from erosion caused by water runoff.	western boundary and this should make an appreciable difference to the sense of enclosure felt on the adjoining properties.  As proposed the application is considered to be deficient in terms of PDC 1 and PDC 2.	
Principle of Development Control (PDC) 3: Driveways and access tracks across sloping land should be accessible and have a safe, all-weather trafficable surface.	The driveway is proposed to be paved and thus will be trafficable and accessible in all weather conditions.  The proposal is considered to accord adequately with PDC 3.	Generally Compliant
Principle of Development Control (PDC) 4: Development sites should not be at risk of landslip.	The development proposes retaining walls. These will need to comply with the Building Code of Australia and as such if constructed in accord with that Code should prevent land slip.  The proposal therefore is considered to not be at risk of land slip if constructed pursuant to recognised engineering standards and thus accords sufficiently with PDC 4.	Generally Compliant
Principle of Development Control (PDC) 5: Development on steep land should include site drainage systems to minimise erosion and avoid adverse impacts on slope stability.	Stormwater is to be collected at the north-western corner of the site and pumped to discharge to the Council's stormwater system in The Cove Road at the north-eastern corner of the site.  This is considered to adequately address PDC 5.	Compliant
Principle of Development Control (PDC) 7: The cutting and/or filling of land should: (a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation; (b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment; (c) only be undertaken if the resultant slope can be	The cut and fill on the land appears to exceed the recommended 1.5m by at least 0.1m in places. There is no native vegetation on the site.  The earthworks appear to facilitate the construction of a dwelling and will not necessarily follow the natural slope of the land.  The resultant slopes will be stabilised through the construction of the proposed retaining walls.  The open space is however graded down the slope to the west and landscaping is proposed to be developed on the resultant slopes.  The proposal therefore accords somewhat with PDC 7 (c) and PDC 7 (d), however is not considered to accord well with PDC 7 (a) or PDC 7 (b).	Partially Compliant



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Commentary		Degree of Compliance
stabilised to prevent erosion; and (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.		
Principle of Development Control (PDC) 8: Retaining walls should: (a) not exceed 1.5 metres in height; (b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total; (c) be constructed to a high standard from high amenity materials; and (d) be landscaped to enhance their appearance.	<p>The proposal includes one retaining wall RW2 that will be 1.6m high. This is 0.1m higher than the PDC 8 maximum of 1.5m and thus is a departure from PDC 8 (a). The balance of the retaining walls will be less than 1.5m ranging between 300mm and 1.4m.</p> <p>The northern end of the western boundary is retained as a series of two walls, that are stepped one (RW1) up to 1.4m and the second (RW4) to 300mm a total of 1.7m. This approach is considered to meet the intent of PDC 8 (b).</p> <p>The sunken outdoor space to the southern end of the western side also provides a stepping of retention down the subject land and reduces the extent of RW3 to less than 1.0m. The retaining wall to the sunken garden RW5 is 750mm. This stepping again is in accord with the intent of PDC 8.</p> <p>The northern retaining wall RW6 is 1250mm at the highest point.</p> <p>The retaining walls as proposed appear to be constructed of concrete sleepers no finished appears to be proposed for the sleepers. To some properties these will be sleeved by existing fences.</p> <p>The area to be retained is proposed to be landscaped.</p>	Partially Compliant
<b>Transportation and Access</b>		
Objective 2: Development that: (a) provides safe and efficient movement for all transport modes; (b) ensures access for vehicles including emergency services, public infrastructure maintenance	<p>The proposal is for a domestic dwelling it provides for adequate access as would be expected of any dwelling. The driveway is 4.8m wide and of a gradient of 17.5%.</p> <p>On street parking bays have been provided at the expense of the applicant as part of previous negotiations for development of this site. Hence visitors can park safely out the front of the</p>	Generally Compliant

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Commentary		Degree of Compliance
and commercial vehicles; (c) provides off-street parking; (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks; and (e) provides convenient and safe access to public transport stops.	property.  Commercial vehicles are not expected to routinely need access to the site and if required loading can occur from the street and the safety of the indented parking bay.  The proposal is considered to respond adequately to Objective 2.	
Land Use		
Principle of Development Control (PDC) 1: Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.	The proposed land use is the addition of one dwelling to an existing residential area. Its occupants can support existing transport network being located in proximity to both the Marino Rocks train station and the Hallett Cove train station.  The proposal is considered to accord sufficiently with PDC 1.	Compliant
Movement Systems		
Principle of Development Control (PDC) 8: Development should provide safe and convenient access for all anticipated modes of transport.	The proposal provides access for domestic vehicles as would be expected from a residential development and thus is considered to accord sufficiently with PDC 8.	Compliant
Principle of Development Control (PDC) 9: Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.	Access to the allotment has been reviewed by the Council's technical staff and is considered to be technically acceptable. The proposal is therefore considered to accord sufficiently with PDC 9.	Compliant
Principle of Development Control (PDC) 10: Driveway crossovers affecting pedestrian footpaths should maintain the level and surface colour of the footpath.	The driveway crossing at its intersection with the road reserve can meet the terms of PDC 10 and thus is considered to appropriately accord.	Compliant

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Commentary		Degree of Compliance
Access		
<p>Principle of Development Control (PDC) 22: Development should have direct access from an all-weather public road.</p> <p>Principle of Development Control (PDC) 23: Development should be provided with safe and convenient access which:</p> <ul style="list-style-type: none"> <li>(a) avoids unreasonable interference with the flow of traffic on adjoining roads;</li> <li>(b) provides appropriate separation distances from existing roads or level crossings;</li> <li>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision; and</li> <li>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</li> </ul>	<p>The site is access from a sealed public road. The access is designed and is appropriate for the site and land use and will not negatively impact road users or neighbours.</p> <p>The proposal is considered to accord sufficiently with PDCs 22 and 23.</p>	Compliant
<p>Principle of Development Control (PDC) 24: Development should not restrict access to publicly owned land such as recreation areas.</p>	<p>The proposal does not alter any access to public land and thus accords sufficiently with PDC 24.</p>	Compliant
<p>Principle of Development Control (PDC) 26: Development with access from roads with existing or projected traffic volumes exceeding 6000 vehicles per day should be sited to avoid the need for vehicles to reverse onto or from the road.</p>	<p>Based on the technical assessment by the Council traffic engineers the proposal provides sufficient room on site to enable vehicles to manoeuvre in and out of the site in a forward direction.</p> <p>Accordingly, it is considered to accord sufficiently with PDC 26.</p>	Compliant
<p>Principle of Development Control (PDC) 28: The number of vehicle</p>	<p>The crossover to this site is in accord with PDC 28 as the sites adjoining do not take access from The Cove Road.</p>	Compliant

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	Commentary	Degree of Compliance
access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.		
<p>Principle of Development Control (PDC) 30: Driveways, access tracks and parking areas should be designed and constructed to:</p> <ul style="list-style-type: none"> <li>(a) follow the natural contours of the land;</li> <li>(b) minimise excavation and/or fill;</li> <li>(c) minimise the potential for erosion from surface runoff;</li> <li>(d) avoid the removal of existing vegetation; and</li> <li>(e) be consistent with Australian Standard AS: 2890 - Parking facilities.</li> </ul> <p>Principle of Development Control (PDC) 31: The length of driveways should be minimised and together with manoeuvring areas be only sufficient to allow the proper functioning of the parking areas and their access.</p>	<p>As a single dwelling site, it is not practicable for the driveway to be constructed to following the contours of the land.</p> <p>It is considered that the cut and fill for the driveway has been minimised to that required to form a functional access to the dwelling.</p> <p>Runoff is proposed to be managed as part of a holistic approach to stormwater management for the site.</p> <p>Council technical staff have confirmed the access arrangements conform to AS2890 – parking facilities.</p> <p>The driveway as proposed is considered to accord sufficiently with PDC 30 and PDC 31.</p>	Generally Compliant
Vehicle Parking		
<p>Principle of Development Control (PDC) 34: 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>Principle of Development Control (PDC) 35: Development should be consistent with Australian</p>	<p>Table Mar/2 Off-street parking provides that a four-bedroom dwelling should be provided with 3 car parking spaces one of which is covered. This proposal is for two covered spaces. Given the proximity to two train stations it is considered that this is adequate for the development. The proposal therefore is considered to accord sufficiently with PDC 34.</p> <p>Council technical staff have confirmed the access arrangements conform to AS2890 – parking facilities. The proposal therefore accords sufficiently with PDC 35.</p> <p>PDC 36 was identified by the Court as of interest to the assessment. In many respects, this</p>	Partial Compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

	Commentary	Degree of Compliance
<p>Standard AS: 2890 - Parking facilities.</p> <p>Principle of Development Control (PDC) 36: Vehicle parking areas should be sited and designed to:</p> <ul style="list-style-type: none"> <li>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development;</li> <li>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network;</li> <li>(c) not inhibit safe and convenient traffic circulation;</li> <li>(d) result in minimal conflict between customer and service vehicles;</li> <li>(e) avoid the necessity to use public roads when moving from one part of a parking area to another;</li> <li>(f) minimise the number of vehicle access points onto public roads;</li> <li>(g) avoid the need for vehicles to reverse onto public roads;</li> <li>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points;</li> <li>(i) not dominate the character and appearance of a site when viewed from public roads and spaces; and</li> <li>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas.</li> </ul>	<p>provision appears directed more towards commercial development. Nonetheless the car parking on site is safe and convenient, allows for forward access and egress, minimises the number of vehicle points onto public roads, does not dominate the character or appearance of the site when viewed from a public road and includes landscaping to the southern boundary. Thus the proposal is considered to accord adequately with PDC 36.</p> <p>The parking area will be paved and thus is considered to accord sufficiently with PDC 39.</p>	

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
Principle of Development Control (PDC) 39: Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.		
Vehicle Parking for Residential Development		
Principle of Development Control (PDC) 43: 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; and (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).	<p>These provisions are considered to be more specific than PDCs 34, 35, 36 and 39 above as they relate specifically to residential development.</p> <p>This proposal provides car parking commensurate with one single detached dwelling. The proximity to the train station is also noted.</p> <p>As part of earlier negotiations over the development of this site, the applicant has constructed two indented car parking bays in front of the property. There has been no loss in on street car parking and it could in fact be concluded that this has been increased due to the construction of the dedicated indented spaces.</p> <p>The proposal is considered to accord with PDC 43.</p>	Compliant
Principle of Development Control (PDC) 45 (a): 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; and (c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.	<p>The car park does not face the street being positioned on the southern side of the dwelling.</p> <p>The proposal is considered to accord adequately with PDC 45(a).</p>	Generally Compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary Degree of Compliance

## ZONES

### Residential Zone

Objective 1: An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.	The proposal is for residential development within the Residential Zone and will contribute to the attractive zone. As one dwelling, there is no need for it necessarily to be affordable.  The proposal is considered to accord with Objective 1.	Compliant
Objective 2: Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.	The dwelling is well located within respect to public open space. It is also within proximity of two train stations and therefore is considered to accord with Objective 2.	Compliant
Land use		
Principle of Development Control (PDC) 1: The following forms of development are envisaged in the zone: ▪ affordable housing ▪ outbuilding in association with a dwelling ▪ domestic structure ▪ dwelling including a residential flat building ▪ dwelling addition ▪ small scale non-residential uses that serve the local community, for example: - child care facilities - health and welfare services - open space - primary and secondary schools - recreation areas - shops ▪ supported accommodation.	Dwelling including a residential flat building is specifically listed as an envisaged land use. The proposal there is in accord with PDC 1.	Compliant
Principle of Development Control (PDC) 2: Development listed as non-complying is generally inappropriate.	The proposal is not non-complying and thus accords with PDC 2.	Compliant
Principle of Development Control (PDC) 3:	The proposal is for the development of an otherwise underutilised parcel of land. The	Compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.	<p>proposal provides for the development of a dwelling that is at a density compatible with adjoining residential development.</p> <p>The proposal is considered to accord with PDC 3.</p>	
Form and Character		
<p>Principle of Development Control (PDC) 6: Dwellings should be designed within the parameters described in the following table.</p>	<p><u>Front Setback</u> In relation to a front setback where there is no established streetscape character, the plan calls for a setback of 8m. The proposal provides for a setback of between 5.02m and 6.1m from The Cove Road.</p> <p>The two adjoining properties either side of the subject proposal side onto the Cove Road with setbacks slightly closer than the proposed dwelling. To this end the proposal is consistent with the prevailing setbacks. The frontage to The Cove Road is seen to be positive. In addition, given the shape of the subject land pushing the dwelling further back from the Cove Road will adversely affect the rear setback and amount of private open space.</p> <p>Therefore, notwithstanding the proposal has a front setback of less than 8m its setback of 5m is supported in this instance for the reasons outlined above. The non-conformity with this aspect of PDC 1 is therefore considered to be acceptable.</p> <p><u>Side setbacks</u> The proposal is setback from the side boundaries by some 8.0m to the north and 6.3m to the south. The PDC calls for a setback of 2.0m to the northern boundary and a setback of 2.7m to the southern boundary. The proposal exceeds both of these measures and thus accords with this element.</p> <p><u>Rear setback</u> The PDC calls for a setback of 8m from the rear boundary. The proposal is variously setback to the rear by 7.8m at the southern end, increasing to 8.3m in the centre and decreasing back to 5.2m at the northern end.</p> <p>The setback to the northern end is therefore less than desirable and the proposal is considered to</p>	Partially Compliant



# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
	<p>fall short on this provision.</p> <p>Rear setbacks in the area do vary, however, from 0m to over 16m.</p> <p>The rear setback(s) for this proposal are therefore within this range.</p> <p>The impacts at the northern end are potentially exacerbated to the property at 12 Westcliff Court because it has no setback to the rear in places.</p> <p>On balance therefore the rear boundary is considered to acceptable notwithstanding that at 5.3m that section is materially less than the required 8m.</p> <p><u>Maximum building height</u> The PDC establishes a maximum building height of two storeys of not more than 9m. The proposal is 2 storeys and has a total height of 6.85m from the stated natural ground level.</p> <p>Based on the natural ground level being correctly identified, this is considered to accord with this provision.</p>	

Parameters for PDC 6 above

Parameter	Value
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. 5 metres in all other circumstances.
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.
Minimum setback from side boundaries	Where the wall height is not greater than 3 metres. Where the wall height is between 3 metres and 6 metres: (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
Minimum setback from rear boundary	(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), and (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres, subject to the following variations: (i) within Hills Policy Area 11 - (a) is 8 metres; (ii) within Medium Density Policy Area 12 and Regeneration Policy Area 16 - (b) is 6 metres; (iii) within Medium Density Policy Area 12, Northern Policy Area 13, Racecourse Policy Area 15, Regeneration Policy Area 16, Southern Policy Area 18, Worthing Mine Policy Area 20 - (a) may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary.
Maximum building height (from natural ground level)	Within: (a) Medium Density Policy Area 12: (i) 2 storeys of not more than 9 metres (ii) 2 storeys with an ability to provide a 3-storey addition within the roof space of not more than 10 metres (b) Regeneration Policy Area 16, 3 storeys of not more than 12 metres (c) Residential Character Policy Area 17: (i) within the suburb of Marion, 2 storeys of not more than 9 metres  (ii) in all other areas, one storey with an ability to provide a 2-storey addition within the roof space subject to Principles of Development Control within the policy area of not more than 7 metres (d) all other policy areas, 2 storeys of not more than 9 metres.

RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

	Commentary	Degree of Compliance
Principle of Development Control (PDC) 7: Dwellings at ground level should provide private open space in accordance with the following table:	PDC 7 requires 20% of the site to be private open space, with one part accessible from a living area in the dwelling and having an area of equal or greater to 10% of the site area. This area should have a minimum dimension of 5m and a maximum gradient of 1 in 10. (In accord with the General Section – Residential Development PDC 17 open space forward of the dwelling does not count as private open space.)  Excluding driveways and service areas, areas	Partially Compliant

## RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
	<p>forward of the dwelling and areas with a minimum dimension of less than 2.5 m overall there is in excess of 230m<sup>2</sup> of open space on the site. This open space provides for a range of functions including recreating (the patio garden and other flatter areas adjacent the dwelling), and aesthetics, screening, visual privacy and outlook (the steeper areas towards the boundaries). Open areas meeting the minimum dimensions comprise almost 30% of the site.</p> <p>This PDC also requires that one area should equate to 10% of the site area or greater (ie 79m<sup>2</sup> or more) and be accessible off a living room, have a minimum dimension of 5m and a maximum grade of 1 in 10.</p> <p>Whilst no one area meets this provision exactly, the sunken garden space generally meets the terms of this provision. It is under on area at almost 50m<sup>2</sup> but this is nonetheless considered to be a good sized and functional area. It also has the added advantage of contributing to better slope management and site interface to the west.</p> <p>The space is for the exclusive use of the residents of the dwelling.</p> <p>In terms of open space it is considered that the occupants of the proposed dwelling will be well provided with outdoor space.</p>	

### Parameters for PDC 7 above

Site area of dwelling	Minimum area of private open space	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>

Site Cover		
Principle of Development Control (PDC) 9: Site coverage should not exceed the amount specified by the relevant policy area unless it is	The site cover requirement established by the policy area is 35%. The proposal has a site cover of 26.2% and is thus considered to adequately meet this provision.	Compliant

## RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
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; and (c) would not conflict with other relevant criteria of this Development Plan.		
<b>POLICY AREA</b>		
<b>Hills Policy Area 11</b>		
Objective 1: A policy area primarily comprising detached dwellings at low densities.	The proposal is for a detached dwelling at a low density and thus is considered to accord with this Objective.	Compliant
Objective 2: Residential development which is sensitive to the particular topography of the locality.  Objective 3: Residential development which has minimal visual and environmental impacts.	<p>This development is for a detached dwelling on a sloping site. The site has been benched to accommodate the dwelling. The benching is one level bench incorporating up to 1.6m of fill as distinct from a number of benches that follow the natural land form.</p> <p>The colours and materials are earthy/natural tones and are considered to blend into the landscape.</p> <p>Viewed in conjunction with its surrounds the dwelling will form one dwelling in an elevated area of dwellings. Notwithstanding, the extensive use of retaining walls and the height of these in combination with fences for privacy screening will be quite visible from the adjoining properties to the west and this is considered to be less than desirable and indicates that the proposal does not accord with Objectives 2 and partially accords with Objective 3.</p> <p>Notwithstanding, the Development Plan does contemplate retaining walls of 1.5m and this higher boundary wall/fence combinations to address overlooking.</p>	Non-Compliant/Partially Compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
Objective 4: Development that contributes to the desired character of the policy area.	<p>The Desired Character Statement in general terms speaks to a high quality residential environment at a low density. It talks about houses being site appropriate and set in attractive landscaped large gardens.</p> <p>Generally speaking the proposal meets this section of the Desired Character.</p> <p>It then goes on to talk to the importance of landscape character particularly in areas that form a backdrop to the Adelaide Plains and suggests that it should be protected against inappropriate earthworks. It then speaks directly to the desirability of split level buildings to reduce visual bulk and reduce the need for cut and fill.</p> <p>This proposal is not for a split-level dwelling and does involve material amounts of filling particularly to the western portion of the site. The earthworks associated with this proposal may be seen to be inappropriate when tested against this part of the Desired Character however the stepping down of the open space results in retaining walls that are generally compliant.</p> <p>The dwelling is considered to be of appropriate materials and finishes when considered against the fifth paragraph and it is questioned whether the site of itself is highly visible in the context of its locality.</p> <p>Development is required to reduce the potential impacts on privacy of existing dwellings. The proposal includes screening to prevent undue overlooking. This may reduce amenity for residents of the dwelling, due to reduced outlooks to the west from the upper floor.</p> <p>The Desired Character also seeks development to reduce the potential impacts on the amenity of existing dwellings. The retaining walls, fences and screens are considered to have an impact on the amenity of the adjoining neighbours.</p> <p>In relation to the last paragraph the proposal is of a similar scale to nearby development.</p> <p>Overall the proposal meets portions of the</p>	Partially Compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
	Desired Character but not all the components. In particular, it does not accord with some key elements of it and as a consequence this provides a perceived decrease in visual amenity for some neighbours.	
Land Use		
Principle of Development Control (PDC) 1: The following forms of development are envisaged in the policy area: ▪ detached dwelling ▪ group dwelling.	A detached dwelling is a land use specifically contemplated within this Policy Area and thus the proposal is considered to accord with this provision.	Compliant
Form and Character		
Principle of Development Control (PDC) 2: Development should not be undertaken unless it is consistent with the desired character for the policy area.	The development is consistent with the Desired Character in most regards, however is inconsistent in terms of earthworks for the benching of the site.	Partially Compliant
Principle of Development Control (PDC) 3: 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; and (b) the amount of cutting and filling of the natural ground profile is minimised.	<p>The development as proposed is not particularly site specific. The site has been built up to provide a bench upon which the dwelling has been constructed. The natural ground profile has been altered and the amount of fill in particular is considered to be material.</p> <p>Notwithstanding, of itself the bulk and scale of the dwelling is not considered to be excessive and is similar to that found within the general locality.</p> <p>The sinking of the garden and double retention system along the western boundary does however go some way to mitigate the impacts of non-compliance with provisions pertaining to stepping the building down the site.</p>	Partially Compliant
Principle of Development Control (PDC) 4: Wherever possible, existing vegetation should be used to screen buildings and excavation or filling from view.	<p>There is little existing vegetation on the site.</p> <p>No street trees will be impacted.</p> <p>The proposal is not considered to unduly offend this provision.</p>	Generally Compliant

# RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

	Commentary	Degree of Compliance
<p>Principle of Development Control (PDC) 5: Development that would be prominently visible from the Adelaide Plains should:</p> <ul style="list-style-type: none"> <li>(a) achieve a profile that blends with the topography of the land;</li> <li>(b) avoid the use of bright and highly reflective external materials and finishes; and</li> <li>(c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.</li> </ul>	<p>As discussed previously the development when viewed from the Plains (these are really distant views along the coast), as a collective with the other dwellings in the locality will form part of a general residential viewscape, this is despite the site being built up such that the profile of the proposed dwelling does not really blend with the topography of the land.</p> <p>The materials and finishes are considered to be appropriate. The etching of the glazing will minimise glare.</p> <p>There is little existing vegetation in the locality that contributes to this development, however, landscaping is proposed as part of the development that is considered to be helpful in assisting with reducing the visibility of the dwelling and site works.</p>	Compliant
<p>Principle of Development Control (PDC) 6: 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:</p> <ul style="list-style-type: none"> <li>(a) incorporating stepping in the design in accordance with the slope of the land; and</li> <li>(b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.</li> </ul>	<p>The dwelling is considered to be of a similar scale to many dwellings within the area.</p> <p>As is discussed the dwelling itself does not step down the site but the garden treatments have been designed at various levels to assist the proposal to acknowledge this provision.</p> <p>The upper storey has been variously proposed to setback to the western and northern facades is therefore generally set back further than the ground floor.</p>	Partially Compliant
<p>Principle of Development Control (PDC) 7: 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.</p>	<p>The proposal has a site cover of 26% thus is under the 35% listed in this provision.</p> <p>The floor area ratio is 0.41. This is 0.01 above the ratio contemplated by PDC 7. This is not considered to be a material variation and is considered to be acceptable.</p>	Generally Compliant
<p>Principle of Development Control (PDC) 8; A dwelling should have a minimum site area, a frontage to a public road</p>	<p>The dimensions of the allotment are considered acceptable for a detached dwelling when considered against this provision (on the basis that the site has a gradient of between 1 in 10 and 1 in 5)</p>	Partially Compliant

## RELEVANT PROVISIONS - MARION (CITY) DEVELOPMENT PLAN

Commentary		Degree of Compliance
and an allotment depth not less than that shown in the following table.	<p>however the area at 793 m<sup>2</sup> is almost 9% below the stated minimum of 900m<sup>2</sup>.</p> <p>As has been previously discussed the orientation of this lot has impacted the siting of the dwelling.</p> <p>The proposal meets the allotment dimensions but does not meet the minimum site area.</p>	

### Parameters for PDC 8 above

Dwelling Type	Site Gradient	Minimum Site Area (m <sup>2</sup> )	Minimum Frontage Width (m)	Minimum Site Depth (m)
Detached	less than 1-in-10	700	18	20
	between 1-in-10 and 1-in-5	900	20	20
	more than 1-in-5	1100	20	20
Group	less than 1-in-10	700	24	45
	between 1-in-10 and 1-in-5	900	26	45
	more than 1-in-5	1100	26	45

## DISCUSSION

This proposal has a history and it is a finely balanced matter.

There is little question that a dwelling on this site is an appropriate land use for the area. The underlying allotment that has been approved results in a sloping site that meets the minimum dimensions for width and depth but is nonetheless undersized when considered against the provisions of the Development Plan. It is also a lot that is comparatively wide and narrow. These underlying preconditions have in part contributed to the design of the dwelling.

The question in terms of this assessment that arises now is how well this dwelling fits the site and locality in terms of the earthworks required and the resultant visual impact and amenity and overlooking.

These are essentially the concerns of the representors.

As a detached dwelling in a coastal location, the house is considered to be of a similar scale and bulk to the majority in the area. It is also considered to be of an appropriate design idiom for the locality.

The materials and finishes are considered to be appropriate to the locality and the muted tones are unlikely to be unduly reflective. The upper level glazing will be acid etched and this will reduce the reflectiveness of windows.

The key concern is that the dwelling sits largely on a flat filled bench rather than stepping down in accord with the slope. There are many provisions that speak to of the desire for buildings to follow the topography.

In terms of this assessment I have concentrated on the impacts of lack of compliance with this element to determine the appropriateness of the proposal. In essence, the impacts of non-



compliance with these provisions are that this could lead essentially to overlooking and visual amenity impacts including visual dominance.

In terms of the impacts this has on views and vistas generally it is my opinion that this one dwelling amongst many will not have a noticeable impact in its own right. It will not in my view appear visually dominant at any distance including from the approaches along The Cove Road or from public areas of Westcliff Court. It therefore generally accords with the Development Plan in this respect.

In terms of more localised impacts, the dwelling will sit higher than existing dwellings and in particular those to the west. The dwelling will sit higher, in part due to the natural topography of the site, however, it is acknowledged that the height is exaggerated by the way the bench is proposed to be achieved. Notwithstanding, the overall height of the building from the accepted natural ground level remains below the maximum height envisaged. The wall heights are not considered to be excessive and are reflective of floor to ceiling heights in contemporary dwellings.

The Development Plan contemplates that allotments for dwellings where the grade is between 1 in 5 and 1 in 10 should have an area of 900 square metres with a frontage and depth of 20m. This site is less than the referenced 900 square metres, but at almost 800 square metres the site is not considered small. The depth and frontage meet the minimums set out in the Development Plan.

In this regard, the dwelling is proposed to have comfortable setbacks when considering its streetscape and locality context. It is noted that it does not numerically achieve the front setback, although in this case that is considered a positive. It is also noted that it does not numerically meet the rear setback. In context, however a number of existing dwellings do not meet the rear setback requirements as currently apply in the Development Plan (it is noted that those dwellings would potentially have been subject to different provisions) with two being notably closer than the proposed dwelling. This is in part due to the fact these dwellings have been located to the rear of the allotment to take advantage of the natural slope of the land that is generally higher to the rear enabling the dwellings to focus towards the western and northern ocean views and in one case an awkward shaped site. The rear setbacks of the proposed dwelling are considered to be within the range existing in the locality.

In addition, the dwelling as is proposed has a lower site cover than is contemplated by the Development Plan and a floor ratio of 0.41 which is almost the noted 0.4.

The retaining walls are also considered to be key element in this assessment as are the fences and screening to preclude overlooking. In seeking to address the impacts to these boundaries, the applicant has sought to step the site down toward the western boundary as part of the garden treatments. This keeps the vast majority of the walls below the 1.5m contemplated by the Development Plan and the one small exceedance is limited to 0.1m.

The walls can be painted to reduce their impact, however in some cases, will be sleeved by existing boundary fencing.

Fences are proposed atop the walls to ensure overlooking is minimised. This does increase the extent of "walling" on the boundary and has a visual impact however, it also provides additional acoustic and visual privacy to all outdoor areas.

There are no direct overlooking opportunities provided by the dwelling, however views to the ocean beyond are possible through the slat screens. The internal living spaces on the first floor have been arranged to enable access to light and views to the east. Short range views are available to the west from the ground floor.

The boundaries are to be well landscaped with plants. The plants selected are noted to grow in coastal areas. The key screening plants will be planted as semi-mature at 2.5m in height and grow to in the order of 8 - 10m. This will soften and mitigate the appearance of the dwelling when viewed from neighbouring dwellings below.

The proposed dwelling does not undermine the attainment of the Zone objectives.

## REPRESENTOR'S CONCERNS

The concerns raised by the representor(s) have been addressed somehow, with overlooking managed, and retaining wall heights reduced; although it is noted this is probably still not to their satisfaction.

## CONCLUSION

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. Whilst this assessment demonstrates that the proposal may not provide the absolute best result it is nonetheless finely balanced and on careful assessment is considered to meet the terms of the Development Plan sufficiently on balance as to warrant approval subject to conditions.

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/408/2017 for a two storey detached dwelling, with associated fencing, retaining walls, earthworks (filling) and landscaping at 73 The Cove Road, Marino be approved 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. 100/408/2017, being drawing number(s) SK01 – SK06 (inclusive) dated 27 July 2017 prepared by Oxford Architecture, and documentation by Masterplan dated 10 March 2017, 27 April 2017, 13 June 2017, 24 July 2017 and 24 August 2017, each as varied by the next except when varied by the following conditions of consent.
- 2. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 3. 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.
- 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. The car parking, driveway and vehicle manoeuvring area shall be a natural colour to blend with the surrounds.
- 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 boundary fences, shall be a natural tone to blend with the landscape in a non-reflective hue.
- 9. Privacy screens shall be finished so as to be non-reflective and blend with the landscape.

10. Any gaps between fences of 100mm or more shall be enclosed in a manner that will preclude vermin.

## NOTES

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

## Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph &amp; Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plans and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations from first notification period</i>
<i>Attachment V:</i>	<i>Applicant's Responses to Representations</i>
<i>Attachment VI:</i>	<i>Statement of Representations from second notification period</i>
<i>Attachment VII:</i>	<i>Applicant's Responses to Representations</i>
<i>Attachment VIII:</i>	<i>Response from Minister's delegate</i>
<i>Attachment IX:</i>	<i>ERD Court decision Paor and Anor v The Corporation of the City of Marion and Anor SAERDC 4, 23 January 2017</i>

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 6 September 2017

<b>Agenda Ref No:</b>	<b>DAP060917 – 2.2</b>
<b>Originating Officer:</b>	<b>Alex Wright Development Officer - Planning</b>
<b>Applicant:</b>	<b>City of Marion</b>
<b>Development Description:</b>	<b>Demolition of all existing sporting and community structures and subsequent construction of a two storey multi-function building comprising function room facilities with associated office use, commercial kitchen, storage, and amenities for public and sporting groups, new cycling and cricket facilities comprising freestanding storage outbuilding and temporary cricket nets, freestanding groundskeeper outbuilding, modifications to existing velodrome track (including new surface), alterations and expansion of existing carpark, associated landscaping including remodelling of the existing Soldiers Memorial Gardens, removal of a regulated tree, pruning of a regulated tree and general earthworks and associated retaining.</b>
<b>Site Location:</b>	<b>93 Raglan Avenue, South Plympton</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 3/ Consent</b>
<b>Lodgement Date:</b>	<b>04/07/2017</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/1205/2017</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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### CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development by virtue of the proposal not meeting the criteria of Parts 1 or 2 of Schedule 9 of the Development Regulations 2008 as a Category 1 or 2 form of Development. As the proposal cannot be considered minor in nature, pursuant to clause 2(g) of Part 1, the application has been processed as a Category 3/ Consent form of Development.

Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

## BACKGROUND

The site has been historically used for open space and recreation activities. The Recreation Ground was bequeathed to Council in 1944 by a group of community members who purchased the land in 1920 to provide a recreation resource for soldiers returning from World War 1. The land ownership was transferred to Council in 1944 on the condition that the land remains as a Recreation Ground that is accessible to the public. In subsequent years various sporting clubrooms and a community building have been erected on the site.

The proposed works as part of the subject application are being undertaken by the City of Marion in conjunction with the Federal Government as part of the National Stronger Regions Fund program.

During the assessment process, Council staff requested the following information;

Information Requested	Information Provided
Scale information for site plans and elevations, including clarification of building heights.	Partial information provided.
Confirmation of the location of the grounds-keeping storage shed.	Information provided.
Scale elevations of the grounds-keeping storage shed.	Information not provided.
Scale elevations of the cricket/cycle shed.	Information not provided.
Confirmation of the proposed hours of operation.	Hours of operation is consistent with the existing licensed hours.
Confirmation of the proposed colours and materials for all structures.	Information provided.
Confirmation if external boundary fencing to the site will be removed.	Information provided.
Confirmation of the fencing colour, material and height of the refuse enclosure.	Information provided.
Confirmation of landscaping proposed for the landscape areas and hedge planting.	Information provided.
Clarification of the likely times and days required for following sporting clubs/uses; <ul style="list-style-type: none"> <li>Football games and trainings</li> <li>Cricket games and trainings</li> <li>Lawn bowling activities</li> <li>Cycling Activities</li> </ul>	The applicant has confirmed the different sports operate on a seasonal basis and are generally as follows; <ul style="list-style-type: none"> <li>Football: Thursday-Sunday</li> <li>Cricket: Training Thursday evening, Games Saturday and Sunday.</li> <li>Cycling: Early morning and late afternoon on weekdays, Competitions etc as required on Weekends.</li> <li>Lawn bowls: Wednesday nights and regular usage on weekdays.</li> </ul>
Confirmation if works to the Gates of Remembrance will occur as part of this development application.	Alterations to the gates are no longer part of the subject application.
Confirmation if public toilets are readily accessible, and is so, their hours of accessibility.	The toilets will be publicly available between the hours of 7am to 6pm.
Clarify car park and cricket net light location and Lux level/intensity.	Light location and lux intensity plan provided.

## SUBJECT LAND & LOCALITY

The land subject of the proposal is situated at 93 Raglan Avenue, South Plympton and is bound by Raglan Avenue to the north, Robert Street to the east, Wood Street to the south and East Terrace to the west. The land is rectangular in shape (save for the corner cut-off to the southeast), spans an area of some 36,400 square metres and currently incorporates the following;

- Three large detached buildings located to the western side of the site adjacent East Terrace, two of which are used as clubrooms for the existing lawn bowls and football clubs, and the third as a community building.
- Three lawn bowling greens located to the north and north-west of the site adjacent Raglan Avenue and the Raglan Avenue and East Terrace intersection.
- RSL Memorial Garden to the north-east of the site, including the Gates of Remembrance which are listed as a Local Heritage Item.
- AFL oval with cricket pitch to the centre of the site (running north/south).
- Outdoor cycle velodrome track running around the perimeter of the oval.
- Existing playground to the south-eastern corner of the site.
- Existing outdoor multi-purpose courts to the south-western corner of the site catering for tennis, netball and basketball.
- Car parking to the western side of the site adjacent East Terrace.

Whilst not forming part of the subject land or application, the existing cricket club practice nets are located on a separate allotment on the eastern side of Towers Terrace.

Post and wire fencing ranging in height from 1.8 metres to 3 metres is afforded to a majority of site boundaries, with the exception of fencing adjacent the lawn bowling greens which consists of an approximately 1 metre high masonry wall, and the north-eastern corner of the allotment where the Gates of Remembrance are sited.

Various form of vegetations are provided throughout the subject site, with a majority of vegetation adjacent the oval and velodrome boundaries. Multiple Regulated and Significant Trees are located within the site.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes the following;

- Demolition of all existing buildings (lawn bowling club rooms, football change rooms/clubrooms and community hall) and removal of existing vegetation and non-regulated trees adjacent the velodrome and existing landscape bay adjacent the western boundary.
- Construction of a two storey multi-function building to the north-western side of the site adjacent the velodrome, existing lawn bowling greens and East Terrace. The building comprises shared community space, function room facilities with associated office use, commercial kitchen, storage, and amenities for public and sporting groups (i.e. club and change rooms). The building is to be constructed over two levels and consists of the following;

Ground Level	Lobby, shared community room, function room 1 and verandah, general amenities, store, club canteen, club gymnasium, sporting change rooms and associated amenities, supplementary sporting rooms, fire tanks and refuse storage area.
First Level	Upper lobby, office/meeting room, function rooms 2 and 3 (rooms

with the ability to operate independently or joined), commercial kitchen and bar, store, general amenities and three external decked areas (overlooking the oval and lawn bowling green's respectfully).

- New cycling and cricket facilities located adjacent the western side of the velodrome and carpark comprising freestanding storage shed and temporary cricket nets,
- New grounds-keeping storage shed located to the northern side of the velodrome/oval adjacent the multi-function building,
- Modifications to existing velodrome track (including new surface),
- Alterations and expansion of existing carpark located to the western side of the site to provide a total of 84 spaces. Access to the carpark is proposed via two crossovers to the northern and southern sections of East Terrace,
- General landscaping including the remodelling of the existing Soldiers Memorial Gardens (any repair work to the Gates of Remembrance which are listed as a Local Heritage Item, will be lodged as a separate application),
- Removal of a Regulated tree and pruning of a second Regulated tree,
- General earthworks and associated retaining to accommodate modifications to the velodrome and new landscaping.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b> 71 properties were notified during the Category 3 public notification process.
<b>Representations:</b> 5 representations were received by Council. Of that; <ul style="list-style-type: none"><li>• 1 representation was in favour</li><li>• 3 representations were in favour subject to certain amendments or provisions being met.</li><li>• 1 representation was primarily against the proposal</li></ul>
<b>Persons wishing to be heard:</b> <ul style="list-style-type: none"><li>• Ms Shae Taylor</li></ul>
<b>Summary of representations:</b> <ul style="list-style-type: none"><li>• Information provided by the applicant is limited, vague and lacks detail.</li><li>• Restrictions on the access and hours of use should be considered.</li><li>• Smoking and loud music should be prohibited.</li><li>• Traffic, particularly street parking needs to be properly policed as vehicles parked on the street create safety issues.</li><li>• Community area should be given greater consideration with regard to its user needs.</li><li>• Traffic flow on East terrace will be a risk to pedestrians, particularly children using the playground. It is suggested the new entry/exit point be exit only and a 'no parking' zone be made a minimum of one car space either side of the exit.</li><li>• Wood and Nelson Streets should be made 'no parking' on one side to minimise risk to pedestrians and motorists. Two parcels of land are located on the east side of Robert</li></ul>



Street that could be used for additional parking. Council could consider converting the exercise area on the corner of Wood Street and Roberts street into parking as this area has had little or no use since it was redeveloped.

- Plans submitted lack detail (scales, materials building heights etc) and the Architects Statement differs from the drawings provided. As such, it is difficult to determine the actual extent of works as the site plan, landscape concepts and velodrome drawings differ.
- Lack of landscape detail provided (i.e. type and location of plantings, physical structure locations such as shelters).
- Proposal lacks the appropriate provision of on-site car parking spaces. The likely increase in patronage will result in greater on-site and on-street parking demands.
- Location of new carpark entry/exit points is inappropriate and will create safety issues with the adjacent playground.
- Works to the velodrome and surrounding pathways should be undertaken simultaneously, rather than staged.
- It is unclear what uses will occur within the proposed community room, and how they will be supported.
- It is unclear how the entry/lobby will operate and secure the facility as the main office is located on the second floor. A greater entry statement to the lobby should be provided, in addition to wayfinding signage.
- The material selection for the multi-function centre is unclear.

*Refer Attachment IV*

### **Applicants Response**

The applicant has provided a detailed response to the issues raised by the representors.

*Refer Attachment V*

## INTERNAL DEPARTMENT COMMENTS

### **Engineering**

#### Stormwater

- The existing stormwater system will not be surcharged by the development, however site works and stormwater drainage plan should include these elements of the drainage system that the new development will utilise.
- It should be confirmed that surface stormwater from the carpark will be picked up and prevented from being surface discharged through the driveway access roads.
- If possible rainwater retention tanks should be installed and be plumbed into toilets (1000 litres/toilet).

#### Car parking and Vehicular Manoeuvrability

- The cricket nets are non-permanent and retractable. They are only used during cricket season outside the main parking demand of the football season and therefore should not impact the provision of adequate car parking.
- The approval should be conditioned as follows:
  1. Service delivery vehicles should be restricted to visiting the site during off peak
  2. Pedestrian access from the disabled parking bays should be provided for in accordance with AS1428.
  3. Supplementary parking restrictions on East Terrace at the entrances should be implemented to facilitate turning movements of service vehicles
  4. Formalisation of footpath access along the eastern side of the carpark between the entrance points should be planned.

### Coordinator Traffic & Parking

The following changes are proposed to improve parking access around ESMRG and to complement the impending development of the ESMRG:

1. **Wood Street (south side)** – Currently there are “no stopping 1-5pm Sat” parking restrictions on the southern side of Wood Street from No 40 to No 60 Wood Street. Residents have indicated a need to have the operational times extended to also include Friday evenings and Sunday mornings.

PROPOSAL: consult on a proposal to extend the parking restriction operational times.

2. **Wood Street (north side)** – currently there are “no stopping 12noon-10pm Sat and 8am-12noon Sun” parking restrictions on the northern side of Wood Street from the side of 10 East Tce heading west to the end of Wood Street.

PROPOSAL: consult on a proposal to extend the parking restriction operational times

3. **East Terrace (east side)** – the proposed design for the redevelopment of the site indicates two vehicular access points in new locations, and a new pedestrian access point (opposite Nelson street intersection).

The following matters have been discussed:

- a. The northern most kerb section will need to be marked as a “no stopping” zone, as it will not be indented car park and it is the location where bins will be placed for kerbside collection.
- b. Investigate if there is enough width in the road cross section of East Terrace to accommodate a north-south footpath on the eastern side of the road.
- c. A pram ramp (not indicated on the design) is proposed to be installed at the pedestrian access point to the playground and tennis courts.
- d. Review design in terms of where on-street (indented parallel car parks) will be located (parking markings)

PROPOSAL: As these matters fall outside the scope of the project and within the Council road reserve, it is proposed to create a design to indicate the proposed arrangements. Consultation may be required.

### Coordinator Arboriculture:

The following protection measures are required during demolition and construction adjacent the spotted gum adjacent the new building – these should be included as conditions of development approval.

1. Temporary fencing is to be installed at the edge of the tree crown during the demolition of the adjacent building to prevent machinery coming in contact with the tree. Temporary fencing shall consist of chain-mesh panels with concrete or similar feet and only be moved with the permission of Council's Coordinator Arboriculture.
2. The current carpark surface is to be pulled up without disturbing the sub-grade within the TPZ. No machinery excavation, including scraping or levelling is to be carried out within the TPZ and any new surface is to be constructed above the current grade.
3. The current stairs are to be demolished without disturbing the soil below them. Temporary fencing shall be installed between the tree trunk and stairs during this demolition to prevent machinery contact with the trunk.
4. The footing of the retaining wall is to be pier and beam construction or similar to localise excavation. Excavation for piers is to be carried out with hydrovac or similar and tree roots greater than 50mm diameter to be left in-situ and worked around.
5. Backfill between the retaining wall and the tree is to be gap graded material with no fines for porosity, backfill is not to cover the root collar at the base of the trunk.
6. All works carried out to replace the walking track at the top of the embankment must be carried out by hand within the TPZ.
7. New surfaces constructed within the TPZ are to be permeable.

Tree pruning works will be carried out by a Council approved contractor as directed by the Coordinator Arboriculture.

The following protection measures are to be adhered to for the construction of the path adjacent to the river red gum on the northern embankment

1. A temporary fence is to be installed between the tree trunk and the work area to prevent damage to the above ground parts of the tree. Temporary fencing shall consist of chain-mesh panels with concrete or similar feet and only be moved with the permission of Council's Coordinator Arboriculture.
2. Excavation through the TPZ is to be kept to a minimum to achieve grades appropriate for DDA compliance. Construction above the current grade is preferred. If excavation is necessary within the TPZ it shall be carried out non-destructively by hand or hydrovac.
3. Any retaining required shall be constructed above current grade or a pier and beam or similar footing system used. Excavation for piers is to be carried out with hydrovac or similar and tree roots greater than 50mm diameter to be left in-situ and worked around.
4. Any fill added within the TPZ is to be gap graded with no fines, where compaction is required it shall be installed into a cellular confinement system such as Tensar Triax Geogrid or similar.
5. The finished surface is to be permeable.

## ZONE & POLICY AREA ASSESSMENT

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

### Residential Zone

#### **Objectives**

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

#### **Principles**

- 1 The following forms of development are envisaged in the zone:
  - Small scale non-residential uses that serve the local community, for example;
  - Open space
  - Recreation areas
- 4 Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:
  - (a) Primarily serves the needs of the local community
  - (b) Is consistent with the character of the locality
  - (c) Does not detrimentally impact on the amenity of nearby residents

### Northern Policy Area 13

#### **Objectives**

- 1 A policy area primarily comprising low scale, low to medium density housing.
- 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.
- 3 Development that minimises the impact of garaging of vehicles on the character of the locality.
- 4 Development densities that support the viability of community services and infrastructure.
- 5 Development that reflects good residential design principles.
- 6 Development that contributes to the desired character of the policy area.

#### **Desired Character**

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

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>dwelling including a residential flat building</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<b>Does Not Comply</b>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<b>Does Not Comply</b>

## Assessment

Whilst the proposed development does not align with the applicable Objectives, Desired Character and Principles of the Northern Policy Area 13, small scale non-residential uses that serve the local community, including open space and recreation areas are nonetheless an envisaged use within the Residential Zone.

As discussed within the Background section of this report, the site has been historically used for open space and recreation activities. The existing football club, lawn bowling club and community buildings have been located at their current location for some time, whilst the velodrome has been in operation since 1980.

Residential Zone Principle 4 identifies that non-residential development in the Zone should (a) “*primarily [serve] the needs of the local community*”, (b) “*is consistent with the character of the locality*” and (c) “*does not detrimentally impact on the amenity of nearby residents*”.

In this respect, it is noted the redevelopment of the site will maintain the current uses (i.e. sporting and community uses will remain) whilst the various detached buildings will be replaced with a single multi-function building. Whilst the existing facilities are already used to hold non-sporting activities (i.e. birthday celebrations and general community uses), on occasion, it is anticipated the expanded facilities will result in larger and/or more frequent occurrences of these types of activities.

The proposed redevelopment will also provide the potential for small scale commercial activities to occur (such as a small scale café), and leasable facilities for occupation by small businesses such as cycle repairers, cycle storage and hire, private gym/personal trainers (or similar). Potential uses such as these would be considered appropriate as they would be of a low intensity and scale, be complementary to the predominant use of the site and provide opportunities for site activation. It should be noted, permanent small scale uses/activities are not

proposed as part of the subject application, and would require subsequent development authorisation.

In my opinion, the proposed development reasonably satisfies Residential Zone Principle 1 as the proposal seeks the redevelopment of an existing non-residential use that provides a range of functions that service the local community.

Whilst the physical built form of the multi-purpose building is significant (discussed within the Design and Appearance Chapter of this report) and not consistent with the character of the locality as sought by Residential Zone Principle 4, the proposal is not considered to be of an unreasonable nature and/or scale when considering the current individual uses (sporting and community) are to be combined and will function/operate from a single building.

As discussed further within the Interface Between Land Uses and Traffic and Access Chapters of this report, primarily only the nature and scale of the built form will change, with the various sporting and community uses largely continuing their existing operations, and will not generate additional traffic and noise impacts over and above what is already experienced.

This notwithstanding, the multi-function building will enable additional sporting, community, private events (such as birthday celebrations etc) and corporate events (i.e. Council/ business training, vocational training sessions etc) to occur. Small scale events are unlikely to be held simultaneously with large sporting and community events (i.e. football games) due to the associated logistical issues (i.e. use of buildings/car parking etc). These potential uses/activities will be of a complementary nature to the primary use of the building and, in my opinion, will not result in detrimental impacts on the amenity of nearby residents and are considered to be consistent with the small scale and local nature and character sought within the locality.

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

Open Space and Recreation	
<p><i>Public open space and recreation areas should be of a size, dimension and location that:</i></p> <ul style="list-style-type: none"><li><i>(a) facilitate a range of formal and informal recreation activities to meet the needs of the community</i></li><li><i>(b) provide for the movement of pedestrians and cyclists</i></li><li><i>(c) incorporate existing vegetation and natural features, watercourses, wildlife habitat and other sites of natural or cultural value</i></li><li><i>(d) link habitats, wildlife corridors, public open spaces and existing recreation facilities</i></li><li><i>(e) enable effective stormwater management</i></li><li><i>(f) provides for the planting and retention of large trees and vegetation.</i></li></ul> <p><i>Open space and Recreation PDC: 2</i></p>	<p><b>Complies</b></p> <p>To enhance pedestrian access throughout the site a minimum 1.5 metre (up to 2m) wide pathway will be established around the top of the velodrome. The path will provide pedestrian access to all aspects of the site, including the Memorial Gardens and multi-function centre. Additionally, external boundary fencing will be removed where possible to encourage pedestrian access and connectivity.</p> <p>Whilst the proposed development will result in the removal of some vegetation throughout the site, additional landscaped areas will be provided, whilst the remaining areas of landscaping will be formalised and enhanced. Two Regulated Trees within close proximity to the proposed works will be retained, with one pruned to improve its aesthetic appearance.</p> <p>Bike racks will be provided at key entry points to provide for the movement of, and encourage the use of, cyclists.</p>

<p><i>Buildings in open space, including structures and associated car parking areas, should be designed, located and of a scale that is unobtrusive and does not detract from the desired open space character.</i></p> <p><i>Open space and Recreation PDC: 10</i></p>	<p><b>Complies</b></p> <p>Although discussed further in the Design and Appearance Chapter of this report, the multi-purpose building has, in my opinion, been designed and located to minimise visual impacts on the open space character of the site.</p> <p>Whilst the overall bulk, scale and size of the built form is considerable, this is anticipated and expected, given the building is being constructed to combine all existing uses on the site. The two storey building replaces three separate structures, therefore reducing the extent of built form present throughout the site. The building is located to the north-western corner of the allotment and does not result in obtrusive or unreasonable bulk/scale impacts on the remaining area of open space given the open nature of the site and raised velodrome which assists in the visual transition from natural ground level to building's built form.</p> <p>Car parking is provided to the western side of the site adjacent the velodrome and East Terrace and essentially formalises and expands on the existing car parking. The car park is located at grade and will provide greater opportunities for formalised landscaping bays. The provision of car parking is an anticipated element of the proposal and does not, in my opinion, result in adverse visual or amenity impacts on the site.</p> <p>The cycle/cricket storage facility which is located to the western side of the site between the car park and velodrome is approximately 54m<sup>2</sup> and achieves a maximum height of 4.5 metres. Considering the storage sheds size and height, the structure is unlikely to result in inappropriate visual impacts.</p>
<p><i>Development in open space should:</i>  <i>(a) be clustered where practical to ensure that the majority of the site remains open</i>  <i>(b) where practical, be developed for multi-purpose use</i>  <i>(c) be constructed to minimise the extent of hard paved areas.</i></p> <p><i>Open space and Recreation PDC: 11</i></p>	<p><b>Complies</b></p> <p>(a) The two-storey building replaces three separate structures, therefore reducing the extent of built form present throughout the site.</p> <p>(b) The multi-function building and cricket/cycling storage shed provides facilities for multiple sports/uses (community, commercial etc), whilst the overall site accommodates multiple sport and non-sport related activities.</p> <p>(c) A majority of the site will remain open and free of hard paved areas.</p>
<p><i>Development of recreational activities in areas not zoned for that purpose should be compatible with surrounding activities.</i></p> <p><i>Open space and Recreation PDC: 14</i></p>	<p><b>Complies</b></p> <p>Whilst new structures are proposed, the existing uses that occur on the site will remain.</p>
<p><i>Recreation facilities development should be sited and designed to minimise negative impacts on the amenity of the locality.</i></p> <p><i>Open space and Recreation PDC: 15</i></p>	<p><b>Complies</b></p>

## Community Facilities

*Location of community facilities including social, health, welfare, education and recreation facilities where they are conveniently accessible to the population they serve.*

*Community Facilities Objective 1*

**Complies**

*Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.*

*Community Facilities PDC: 1*

*Community facilities should be integrated in their design to promote efficient land use.*

*Community Facilities PDC: 2*

*Design of community facilities should encourage flexible and adaptable use of open space and facilities to meet the needs of a range of users over time.*

*Community Facilities PDC: 3*

**Complies**

The proposed multi-function building is easily accessible for pedestrians, cyclists and public transport (bus) users.

In addition to function rooms and sporting facilities, the building includes a dedicated shared community space that will enable the continuation of local community based activities that currently occur from the site. Located on the ground floor adjacent the lobby, the shared space is easily identifiable and accessible to the community and the wider public.

The building incorporates multiple function rooms which can be adapted to meet current and future user needs. In addition, the building contains office space and a commercial kitchen which could be adapted for an alternative use if necessary.

## 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.*

*Design & Appearance: PDC 1*

**Complies**

*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.*

*Design and Appearance: PDC 2*

**Complies**

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

*Design & Appearance: PDC 3*

**Partially Complies**

The multi-function building incorporates extensive glazing and off-white cladding which, in my opinion, will create a moderate level of glare visible within the wider locality and motorists using Raglan Avenue and East Terrace.

This notwithstanding, extensive separation from Raglan Avenue, and a lesser extent from East Terrace (which is not a highly frequented road) has been afforded and will reasonably assist in reducing potential impacts.

<p><i>Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.</i></p> <p><i>Design &amp; Appearance: PDC 4</i></p>	<p>No information in relation to the location of plant equipment has been provided.</p> <p>Should the Panel be supportive of the application it is suggested a condition be attached to the consent requesting an amended site plan (and elevations if required) be provided nominating the location of the plant equipment required for the multi-function building.</p>
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including 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><i>Design &amp; Appearance: PDC 11</i></p>	<p><b>Complies</b></p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>Design &amp; Appearance: PDC 13</i></p>	<p><b>Partially Complies</b></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>Design &amp; Appearance: PDC 14</i></p>	<p><b>Complies</b></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>Design &amp; Appearance: PDC 15</i></p>	<p><b>Complies</b></p>
<p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>Design &amp; Appearance: PDC 16</i></p>	<p><b>Complies</b></p>
<p><i>Outdoor storage, loading and service areas should be:</i></p> <p><i>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</i></p> <p><i>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</i></p> <p><i>(c) sited away from sensitive land uses.</i></p> <p><i>Design &amp; Appearance: PDC 21</i></p>	<p><b>Complies</b></p>



<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>Design and Appearance: PDC 21</i></p>	<p><b>Complies</b></p> <p>Whilst the site is located within the Residential Zone the Development Plan is silent on setbacks to boundaries in relation to non-residential development.</p>
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The development proposes the construction of three separate buildings;

- A two storey multi-function building located to the north-western side of the site adjacent the velodrome, existing lawn bowling greens and East Terrace.
- A single storey groundskeeper store located adjacent the multi-function building to the northern side of the oval/velodrome
- A cricket/cyclist storage shed located to the western side of the site adjacent the velodrome/oval and carpark

The multi-function building is two storeys in nature and consists of the following;

Ground Level	Lobby, community room, function room 1 and verandah, general amenities, store, club canteen, club gymnasium, sporting change rooms and associated amenities, supplementary sporting rooms, fire tanks and refuse storage area.
First Level	Upper lobby, office/meeting room, function rooms 2 and 3 (rooms with the ability to operate independently or joined), commercial kitchen and bar, store, general amenities and three external decked areas (overlooking the oval and lawn bowling green's respectively).

The multi-function building is proposed to replace and combine the existing buildings which currently consist of lawn bowling clubrooms, football/cricket clubrooms and a community building.

The multi-purpose building is proposed to achieve an approximate 6.3 metre setback from the western façade to East Terrace and an approximate 22.5 metre setback from the northern façade to Raglan Avenue. The building achieves an approximate ground level footprint of 990 square metres (including verandahs) and achieves a maximum height of 8.1 metres (9.5 metres when considering the associated flue).

The building is sited in a similar location to the existing lawn bowling club which currently achieves an approximate 2.5 metre setback to East Terrace. The primary façade of the lawn bowling clubrooms is orientated internal to the site (south), with the East Terrace (western) façade incorporating a concrete brick finish with several high-level windows and two rainwater tanks separating the structure from the street boundary.

The proposed 6.3 metre ground floor setback to East Terrace is considered appropriate given the extent of separation afforded. The overall design, appearance and streetscape outcome is a significant improvement to what is presently provided. Furthermore, the upper level is setback a minimum 10.6 metres, and is provided sufficient separation from the streetscape to minimise potential bulk/scale impacts associated with the built form's two storey nature.

The proposed lobby/ main entry point is located to the southern façade and is designed and orientated to face the internal car park whilst providing visibility from East Terrace and the wider streetscape. Additional streetscape presentation and visual interest has been afforded through the inclusion of extensive glazing to both the ground and upper façades.

The ground façade of the multi-function building incorporates grey/blue concrete bricks, a mixture of colorbond custom orb sheeting in 'Monument' (grey) colour and high level panels coloured off-white with expanded mesh screens on 'Monument' (grey) colour frames. To maintain consistency, the various roller-shutters will also consist of 'Monument' colour to reflect the concrete bricks. The upper level façade incorporates vertical off-white colorbond, charcoal grey 'Trespa' panel lightweight infill, 'Monument' colour powdercoat window frames, Viridian E-Vantage (blue tint) glass and off-white powdercoat finish expanded mesh screens on 'Monument' colour frames. The structure roof utilizes klip-lock profiled steel in a 'Surfmist' (white) colour.

The proposed built form is considerable in its overall size, scale and height and, in my opinion, will be a dominant feature of the site and highly visible within the immediate locality. The northern façade facing the bowling greens and Raglan Avenue, and particularly the south-eastern façade facing the oval/velodrome, which achieves a maximum wall height of 8 metres, will present considerable bulk. This notwithstanding, the visual bulk impacts of both facades are reduced through a variety of elements and the provision of balconies and roof overhang, all of which assist in providing adequate articulation and variation.

The use of darker coloured concrete blocks, predominantly to the lower façade, and lightweight and light coloured materials and glazing to the upper façade will assist in reducing the built form's overall bulk and scale, and complement the open nature of the topography.

#### Grounds-Keeper Store and Cricket/Cycling Storage Shed

The cricket/cycling storage shed is located to the western side of the site and positioned between the velodrome/oval and carpark. The structure is approximately 58 square metres in area and achieves a maximum height of 3.65 metres. Given its location adjacent the carpark, in my opinion, sufficient separation from East Terrace has been provided to minimise any potential bulk/scale impacts.

The structure maintains similar colours and materials to the multi-function building and is predominantly clad in Off-white standing-seam profiled steel with a concrete brick base and 'Monument' colour roller doors. Whilst the structure is essentially a storage shed and presents as such, a skillion roof form has been incorporated to provide increased articulation and visual interest.

The proposed grounds keeper store is located to the northern edge of the oval/velodrome to the east of the multi-function building. The structure is approximately 48 square metres in area and achieves a maximum height of 4 metres. Given the minimal extent of separation afforded from the proposed structure and the multi-function building, the height and size is proportionate and will not result in any visual bulk/scale or amenity impacts. The structure maintains similar colours and materials to the multi-function centre and is predominantly clad in Off-white standing-seam profiled steel with a concrete brick a base and 'Monument' colour roller doors.

## Interface Between Land Uses

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

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

*Interface Between Land Uses: PDC 1*

**Partially Complies**  
(see comments below)

*Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.*

*Interface Between Land Uses: PDC 2*

**Complies**

*Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.*

*Interface Between Land Uses: PDC 7*

**Complies**

*Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.*

*Interface Between Land Uses: PDC 9*

**Partially Complies**  
(see comments below)

*Development proposing music should include noise attenuation measures that achieve the following desired noise levels:*

**Noise level  
assessment  
location**

*Adjacent existing  
noise sensitive  
development  
property boundary*

**Desired noise level**

Less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and  
Less than 5 dB(A) above the level of background noise (LA90,15min) for the overall (sum of all octave bands) A-weighted level.  
Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum  
or  
less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level.

*Adjacent land  
property boundary*

*Interface Between Land Uses: PDC 10*

**Partially Complies**  
(see comments below)

*Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:*

- (a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere*
- (b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses.*

*Interface Between Land Uses: PDC 12*

**Complies**

The flue required for the commercial kitchen is located to the centre of the building and is setback a minimum 35 metres from the closest street boundary (East Terrence).

The proposed development is located in the Residential Zone, within close proximity to existing residential allotments and has therefore been assessed against the relevant Interface Between Land Uses Principles of Development Control.

Noise

The multi-function building is significantly larger and provides greater capacity to undertake a range of uses varying in size compared to the existing uses on the site. It is anticipated that these events will create noise impacts greater than currently experienced.

The report provided by Resonate (acoustic experts) on behalf of the applicant demonstrates the proposed use will achieve the goal noise levels outlined within the Environment Protection (Noise) Policy 2007.

The potential noise emissions generated from the proposed use have been assessed against the requirements of the South Australian Environment Protection (Noise) Policy 2007 (EPP) and the applicable noise criteria outlined within Interface Between Land Uses section of the Development Plan. The EPP recommends an average noise level for frequent and regular activity at the site of 47 dB(A) during the day (7am to 10pm) and 40dB(A) at night (10pm to 7am).

As part of the Noise Impacts Assessment the acoustic experts have assumed that the facilities will potentially operate until 12 am the following day (the existing lawn bowling club is licensed to operate until 12:30am), the function rooms operating to a maximum combined capacity of 250 patrons, and that live or amplified music may be played within the function rooms.

The report suggests the proposed development would easily achieve the goal noise levels for general patron use required by the EPP for all scenarios during the hours of 7am to 10pm, however, to achieve compliance during the hours of 10pm to 7am, patrons would need to remain inside the building, with the balcony and entry doors closed except for allowing people to enter and exit the facility.

The Noise Impact Assessment has determined the potential noise emissions generated from the car park (general movements and idling) meet the applicable criteria.

To achieve compliance with the music noise criteria, the maximum internal music noise levels (L10), within the function centre, are proposed to be limited. Amplified music with intent to be the dominating soundspace (i.e. typical wedding reception with a DJ or small band) will require the doors adjacent the balconies to remain shut. For music that is for background purposes only, the doors to the deck may be kept open. Additionally, the Noise Impact Assessment has recommended maximum allowable internal music noise levels based on the balcony doors opened or closed. It is recommended that if the Panel are supportive of the proposal that a condition be attached to the consent requiring operation of the multi-function centre be

undertaken in accordance with the recommendations outlined in the Environmental Noise Impact Assessment, prepared by Resonate Acoustics.

The applicant has not provided information regarding the location and potential noise emissions of the mechanical plant equipment. The noise emissions generated from this equipment must comply with the Environment Protection (Noise) Policy 2007. It is recommended that if the Panel are supportive of the proposal that two conditions be attached to the consent requiring; 1) an amended site plan (and elevations if required) be provided nominating the location of the plant equipment, and 2) the noise emissions of the plant equipment shall not exceed the applicable criteria outlined within the Environment Protection (Noise) Policy 2007, or subsequent legislation.

The Environment Protection (Noise) Policy 2007 (EPP) restricts the hours of rubbish collection from the site to 7am to 7pm Monday to Saturday and 9am to 7pm Sunday.

Provided the multi-function building is operated in accordance with the recommendations outlined within the Noise Impact Assessment, I am of the opinion the use and operation of the building will not result in unreasonable noise impacts on adjacent allotments.

#### Hours of Operation

The current Edwardstown Bowling Club (License: 50901167) and Edwardstown Football Club (License: 50901696) have separate club licences which permits Extended Trading Authorisation, Thursday to Saturday from midnight to 12.30am the following day, and Sunday 10am to 11am and 8pm to 11.30pm, and Sunday 10am to 11am and 8pm to 11pm, respectively.

The applicant has confirmed, at present, there will be no extension to the current hours permitted by the Club licences. It is the Administration's view that the amended liquor license will be reflective of the new building and layout and provide suitable controls for noise, maximum patron capacity and additional controls such as external access and hours of use.

The potential for the multi-function building to hold activities and events, outside of the typical and more traditional sporting events, is considered appropriate as these will be of a complementary nature to the primary use of the building.

The likely hours are not considered to be unreasonable as the various sporting and community uses are largely continuing their existing operations and will therefore not result in adverse traffic and noise impacts over and above what is already experienced.

Whilst there will be an increase in patron numbers, in my opinion, the increase in patron numbers, the likely use and hours of operation will not result in detrimental impacts on the amenity of nearby residents to the extent where refusal is warranted.

#### Traffic

As discussed in the Parking and Access chapter of this report, the associated traffic impacts are not considered to detrimentally affect the amenity of the locality or cause unreasonable interference to the occupants of adjacent residential properties.

Whilst the combined uses of the multi-function building result in a significant lack of on-site car parking, it is unlikely activities of a high attendance/capacity will occur simultaneously and it is anticipated a majority of community activities and training events/functions will occur during week days, and/or at night at periods when the demand for on-site parking will be lower and therefore unlikely to conflict with higher traffic generating activities (i.e. AFL/lawn bowling events).

The uses proposed to operate from the multi-function building, in of themselves, will not unreasonably increase the overall capacity of the site required to accommodate additional persons; rather, the secondary/supplementary activities will enable a greater number of people to enjoy the facilities throughout the week.

As such, whilst it can be concluded that use of the multi-function building will generate an increased traffic to the site over a 24-hour period, the peak traffic generated should be no greater, to any significant degree, than the number of vehicles currently attending the site during peak events.

In my view, the noise and traffic generated by onsite activities will be similar to what is currently experienced, whilst a number of conditions on the use have been attached to further aid in minimizing noise and the use of the site, particularly when operating during non-waking hours. These conditions will further protect the adjacent residential properties from unreasonable and undesirable noise and traffic impacts.

### Lighting

As discussed earlier in this report, carpark lighting will be provided that complies with *Australian Standard 1158.3.1 Category P11b and 12* - Values of light technical parameters and permissible luminaire types for outdoor car parks. The applicant has provided a carpark light location sight plan and Lux illumination plan. The cricket training area will achieve an average lux of 200. The light poles achieve an approximate height of 8m, with two poles achieving a height of 12 metres adjacent the cricket nets.

The cricket nets are located approximately 20-25 metres from the closest façade of residential dwellings to the west, and the extent of separation is considered sufficient to prevent unreasonable light spill impacts and maintain an average lux level of 7 or less.

This level of illumination created by the proposed carpark and cricket practice lighting is considered to be of an intensity and direction that will not result in unreasonable nuisance to adjacent properties or users of the parking area.

The applicant has confirmed the proposed carpark lighting shall automatically be switched on at dusk (and are altered bi-annually for daylight savings) and switched off approximately 30 minutes after the prescribed licenced hours.

Additionally, general security lighting shall be attached to the building that will remain on from dusk to dawn. It is anticipated this lighting shall not be of an intensity that will unreasonably affect the amenity of adjacent residential properties.

### Conclusion

On balance, I consider the matters of noise, hours of operation and traffic to be adequately addressed by the proposed plans and intended conditions, and I am of the opinion the amenity of adjacent allotments within the locality will not be adversely compromised to the extent where refusal is warranted.

Transportation and Access	
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>Transportation and Access: PDC 8</i></p>	<p><b>Complies</b></p>
<p><i>Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.</i></p> <p><i>Transportation and Access: PDC 9</i></p>	<p><b>Complies</b></p> <p>The applicant has provided an independent Traffic Impact Assessment by GHD. The design of the new driveway crossovers for this site, signage and line marking management controls will enable the development site traffic to merge to and from the adjacent road with minimal impact. GHD considers the variations to traffic patterns sustainable and not offer an unreasonable degree of road safety risk.</p>
<p><i>Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</i></p> <p><i>Transportation and Access: PDC 11</i></p>	<p><b>Complies</b></p> <p>Approximately 120 metres separates the proposed cross-access points.</p>
<p><i>Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.</i></p> <p><i>Transportation and Access: PDC 13</i></p>	<p><b>Partially Complies</b></p> <p>Although commercial vehicle movements have not been separated from passenger vehicle car parking areas, these movements will generally be limited to off-peak times and to the northern end of the car park. A dedicated loading zone in a parallel format is proposed adjacent the disability parking spaces and will offer some level of separation (albeit service vehicles parked in this location will impact on the ability for vehicles parked opposite to reverse in a safe and convenient manner.</p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>Transportation and Access: PDC 14</i></p>	<p><b>Partially Complies</b></p> <p>Small rigid vehicles can load, unload and undertake vehicular movements on site, however restrictions on these activities are required to limit deliveries to off peak periods as to provide appropriate and convenient vehicular manoeuvrability. Additionally, further works are required by Council to implement additional parking restrictions on East Terrace adjacent the entry/exit points to facilitate safe and convenient access.</p> <p>Refuse collection trucks cannot be accommodated internally and will be required to stop adjacent the western boundary of the site on East Terrace (similar to the current situation).</p>
<p><i>Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:</i></p> <p><i>(a) showers, changing facilities and secure lockers</i></p> <p><i>(b) signage indicating the location of bicycle facilities.</i></p> <p><i>Transportation and Access: PDC 19</i></p>	<p><b>Partially Complies</b></p> <p>Whilst bicycle racks have been provided, no end of journey facilities (such as showers and lockers) will be made available for public use.</p> <p>The applicant has not confirmed if the proposed amenities will be available for staff use.</p>

<p><i>Development should have direct access from an all-weather public road.</i></p> <p><i>Transportation and Access: PDC 22</i></p>	<p><b>Complies</b></p>
<p><i>Development should be provided with safe and convenient access which:</i></p> <p><i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i></p> <p><i>(b) provides appropriate separation distances from existing roads or level crossings</i></p> <p><i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i></p> <p><i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i></p> <p><i>Transportation and Access: PDC 23</i></p>	<p><b>Complies</b></p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>Transportation and Access: PDC 28</i></p>	<p><b>Complies</b></p>
<p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i></p> <p><i>(a) follow the natural contours of the land</i></p> <p><i>(b) minimise excavation and/or fill</i></p> <p><i>(c) minimise the potential for erosion from surface runoff</i></p> <p><i>(d) avoid the removal of existing vegetation</i></p> <p><i>(e) be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>Transportation and Access: PDC 30</i></p>	<p><b>Complies</b></p> <p>The proposed parking spaces will be desired to achieve compliance with Australian Standard AS: 2890 - Parking facilities.</p>
<p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>Transportation and Access: PDC 32</i></p>	<p><b>Complies</b></p>
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>Transportation and Access: PDC 34</i></p>	<p><b>Does Not Comply</b></p>
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>Transportation and Access: PDC 35</i></p>	<p><b>Complies</b></p>
<p><i>Vehicle parking areas should be sited and designed to:</i></p> <p><i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i></p> <p><i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i></p> <p><i>(c) not inhibit safe and convenient traffic circulation</i></p> <p><i>(d) result in minimal conflict between customer and service vehicles</i></p>	<p><b>Complies</b></p>



<p>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</p> <p>(f) minimise the number of vehicle access points onto public roads</p> <p>(g) avoid the need for vehicles to reverse onto public roads</p> <p>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</p> <p>(i) not dominate the character and appearance of a site when viewed from public roads and spaces</p> <p>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</p> <p>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</p> <p>Transportation and Access: PDC 36</p>	
<p>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</p> <p>Transportation and Access: PDC 38</p>	<p><b>Complies</b></p> <p>Car park lighting will be provided that accords with Australian Standard 1158.3.1 Category P11b - Values of light technical parameters and permissible luminaire types for outdoor car parks. The average horizontal illuminance across the carpark will be 7 lux and is considered to be of an intensity and direction that will minimise nuisance to adjacent properties or users of the parking area.</p>
<p>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</p> <p>Transportation and Access: PDC 39</p>	<p><b>Complies</b></p>
<p>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</p> <p>Transportation and Access: PDC 40</p>	<p><b>Complies</b></p>
<p>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</p> <p>Transportation and Access: PDC 41</p>	<p><b>Complies</b></p>
<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>Transportation and Access: PDC 42</p>	<p><b>Complies</b></p>

## Parking demand

The redevelopment proposes the reconfiguration and formalisation of the current disjointed and largely unmarked parking areas into a single sealed and line marked carpark accommodating a total of 84 spaces (including 3 disabled spaces). The existing entry/exit point adjacent the Nelson Street intersection will be replaced with two dual entry/exit points located to the northern

and southern ends of the carpark and provide for simultaneous vehicular movements to East Terrace.

The site currently incorporates three separate buildings – football/cricket clubrooms, lawn bowling clubrooms and a community building. In addition to their principle use, secondary events such as private functions, infrequent community events/courses, and local dance/fitness activities (or similar) can occur. The oval and velodrome provide a range of opportunities for dedicated sports (AFL, cricket, cycling), general fitness, leisure activities and family use. It should be noted that it is unlikely secondary uses will occur during primary and highly patronised events such as AFL games.

The multi-function building is proposed to incorporate a small administration office, a shared community space and multiple function rooms varying in size (two of which are provided with direct access to the commercial kitchen) that are anticipated to cater for a range of activities. Car parking requirements for these uses are listed in the Off Street Vehicle Parking Requirements table contained within the Marion Development Plan, and are listed below;

Use	Numerical requirement	Floor area/total	Total Parking Required
Bowling Green	10 per bowling green	3 greens	30 spaces
Shared Community Space	10 per 100 square metres	80m <sup>2</sup> (internal)	8 spaces
Function Rooms (combined)	1 per 3 seats or 1 per 15 square metres (whichever provides the greater number of spaces).	320m <sup>2</sup> (Function 1: 70m <sup>2</sup> ) (Function 2: 120m <sup>2</sup> ) (Function 3: 130m <sup>2</sup> ) 250 seat capacity	83 spaces
Office	4 per 100 square metres	59m <sup>2</sup>	2.36 (3) spaces
Gymnasium	Assess on needs basis		Assessed on needs basis.
<b>Total</b>			124 spaces.

Based on the above, a total of 124 spaces would be required, significantly exceeding the 84 spaces proposed within the proposed car park, and therefore resulting in a shortfall of 40 spaces.

The applicant has provided an independent Traffic Impact Assessment by GHD. Council's Development Engineer has reviewed the independent Traffic Impact Assessment report and has not raised significant concerns with the proposed car park layout, number of spaces and general circulation/egress.

It should be noted Council's assessment differs from the independent Traffic Impact Assessment report in that the area designated as sporting amenities/facilities has not been included within the assessment figures. The oval/velodrome and cricket/football clubrooms do not have a defined or listed use within the Off Street Vehicle Parking Requirements table, and have no quantitative figure in which to make an assessment against.

A common sense approach in this regard has been taken, and it should be noted the site enjoys existing use rights as a recreation area, and importantly, the primary aspect of the proposal (multi-function building) will not increase the peak capacity of the site to any significant degree, but will rather result in an increase in activity during weekdays when the site is underutilised.

### Sporting Use

It is noted the highest capacity sporting use for the site, AFL, is generally conducted during March to September, with cricket and lawn bowling generally operating October to March. Whilst lawn bowling may sometimes occur during the winter months, it is unlikely (but still possible) to operate in tandem with AFL matches. Likewise, cricket and cycling activities are

unlikely to occur simultaneously, however, given the lower anticipated demand for both, it is conceivable both could operate without creating unreasonable traffic and parking issues.

The applicant has confirmed AFL games on weekends (generally played March to September) generates the highest average attendance, and in my opinion, it is unlikely the proposed redevelopment will significantly increase the average peak attendance. It is acknowledged the new facilities and specific games (i.e. finals or special events such as an ANZAC round) may generate a higher peak attendance than existing, however, the current peak average is anticipated to remain.

During the cricket season, temporary cricket nets will be erected to the south-eastern corner of the carpark and result in the loss of 13, and potentially up to 18, spaces. Given the ample provision of on-street parking and the likely lower demand required for cricket training, it is unlikely the loss of these spaces will result in unreasonable traffic and parking impacts to the extent where refusal is warranted.

Additionally, the applicant has confirmed cricket training is usually held on Thursday evenings, meaning the loss of these spaces will be limited. Furthermore, Council's Development Engineer has not raised concerns with the retractable and non-permanent nature of the cricket nets as their use is limited to the non-football period which is outside the main parking demand during winter months, and therefore generally not impacting on the provision of adequate car parking.

#### Sporting and secondary uses

The applicant has indicated the two most likely events to occur simultaneously is use of the multi-function building for community and/or private functions whilst lawn bowling activities are occurring. It is considered the full use of the administration/community areas during the working week could occur in conjunction with mid-week bowling events and would not unreasonably impact on the existing road network or result in a significant demand for parking (when considering on and off site parking availability). Ample on-street parking along Raglan Avenue and East Terrace is provided immediately adjacent the lawn bowling greens and are likely to be utilised by participants given their proximity to the site.

Assessment has identified the uses anticipated to operate from the multi-function building, in of themselves, will not unreasonably increase the overall capacity of the site; rather, the secondary/supplementary activities will enable a greater number of people to enjoy the facilities throughout the week.

Whilst the proposed secondary uses may increase the total number of persons attending the site during a 24-hour period, it has been established above that the proposal will not increase the peak demand for on-site/on-street car parking, to any significant degree, over and above what can occur at present, or 'as of right'.

As such, whilst it can be concluded that use of the multi-function building will generate increased traffic to the site over a 24-hour period, the peak traffic generated should be no greater to any significant degree than the number of vehicles currently attending the site during peak events.

For the reasons above, I am of the opinion the proposal will not result in unreasonable or adverse impacts upon adjacent land as a result of traffic movements and/or the need for on-street parking.

#### Access

As previously mentioned the existing entry/exit point adjacent the Nelson Street intersection will

be replaced with two dual entry/exit points located to the northern and southern ends of the carpark and provide for simultaneous vehicular movements.

Whilst the carpark has been designed (layout and spaces) in accordance with the applicable Australian Standards, the relocation of the entry/exit points to the northern and southern sections of the car park will require modifications to the existing road reserve to ensure vehicles, particularly a small rigid vehicle (SRV), can access the site in a safe and convenient manner whilst providing for simultaneous two way movements.

Council's Development Engineer has noted the issues identified in the Traffic Impact Assessment in relation to the time of service deliveries and the potential egress issues of service vehicles.

GHD and Council's Development Engineer have, independently, recommended service delivery vehicles be restricted from visiting the site during peak activity periods (i.e. deliveries should not occur when the main oval and/or the multi-function building is operating at capacity).

It is recommended that if the Panel are supportive of the proposal, a condition be attached to the consent restricting access by service delivery vehicles to the site to the hours of 7am to 6pm (Monday to Saturday) and 9am to 6pm Sunday, and excluding peak activity periods.

GHD and Council's Development Engineer have also recommended additional parking restrictions, and potential modifications to the existing parking/road reserve, along East Terrace adjacent the proposed carpark entry/exist points to facilitate safe and convenient turning movements of service vehicles.

Council's Coordinator Traffic & Parking has reviewed the proposal and advised a proposal to create a design to illustrate the proposed/required arrangements will be undertaken. Consultation with the community in relation to potential traffic restrictions (i.e. further parking restrictions including a 'no stopping' zone) and modifications to the Council verge may also be required.

Crime Prevention	
<p><i>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</i></p> <p><i>Crime Prevention: PDC 1</i></p>	<p><b>Partially Complies</b></p>
<p><i>Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.</i></p> <p><i>Crime Prevention: PDC 2</i></p>	<p><b>Complies</b></p>
<p><i>Development should provide a robust environment that is resistant to vandalism and graffiti.</i></p> <p><i>Crime Prevention: PDC 3</i></p>	<p><b>Partially Complies</b></p>
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>Crime Prevention: PDC 5</i></p>	<p><b>Complies</b></p> <p>Wayfinding signage will be erected throughout the site to identify key entry and exit points. Lighting, to the relevant Australian Standards, will be provided to the carpark areas and is considered sufficient to enable appropriate casual surveillance and reduce potential anti-social activities.</p>

<p><i>Landscaping should be used to assist in discouraging crime by:</i></p> <p><i>(a) screen planting areas susceptible to vandalism</i></p> <p><i>(b) planting trees or ground covers, rather than shrubs, alongside footpaths</i></p> <p><i>(c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.</i></p> <p><i>Crime Prevention: PDC 6</i></p>	<p><b>Partially Complies</b></p>
<p><i>Public toilets should be located, sited and designed:</i></p> <p><i>(a) to promote the visibility of people entering and exiting the facility (eg by avoiding recessed entrances and dense shrubbery that obstructs passive surveillance)</i></p> <p><i>(b) near public and community transport links and pedestrian and cyclist networks to maximise visibility.</i></p> <p><i>Crime Prevention: PDC 9</i></p>	<p><b>Complies</b></p> <p>Toilets located within the multi-function building will be readily accessible to the general public.</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><b>Complies</b></p> <p>The site is relatively open in nature and does not provide opportunities for pedestrian entrapment spots.</p>

The multi-function building has been designed to maximise surveillance of the site through the incorporation of extensive glazing to a majority of ground and upper level facades. Furthermore, low to medium level landscaping and permeable boundary fencing (where fencing is proposed) has been incorporated to provide clear lines of sight and differentiate between the site boundaries and different on-site uses.

The south-eastern ground level façade is predominately set below the velodrome and results in a lack of visibility from the oval and surrounds. Furthermore, as the section of the building incorporates the change room facilities no glazing has been afforded to the façade. In my opinion, this area of the site does not provide adequate casual surveillance opportunities or appropriate lines of sight, and therefore provides increased opportunities for potential vandalism or other anti-social activities.

This notwithstanding, increased activity during the daylight hours will limit opportunities for anti-social behaviour and the measures taken are considered sufficient and will ensure the proposed land use provides an overall appropriate level of safety and amenity to the users and reasonably accords with Principles 1 and 2.

The multi-function building incorporates reinforced concrete blocks, in a darker colour, and glazing to the ground level facades. As previously discussed, the ground level south-eastern façade is primarily blank and lacks appropriate surveillance, and as such in my opinion, visually promotes the opportunity to be subject to vandalism. Likewise the cricket/cyclist storage shed incorporates off-white seam profiled steel and concrete walls and 'Monument' colour roller shutters to the façades. Given its size, height and location in an open and highly visible area, the structure may promote the opportunity to be subject to graffiti or vandalism. The applicant has not confirmed if the material will incorporate anti-graffiti materials.

In my opinion, as the proposal provides the potential opportunities for graffiti and vandalism, it fails to adequately comply with Principle 3.

It is recommended that if the Panel are supportive of the proposal, a condition be attached to the consent requesting the exterior of buildings to be constructed incorporate anti-graffiti treatment to assist in the removal of graffiti.

Regulated Trees	
<p><i>The conservation of regulated trees that provide important aesthetic and/or environmental benefit.</i></p> <p><i>Regulated Trees: Objective 1</i></p> <p><i>Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:</i></p> <p><i>(a) significantly contributes to the character or visual amenity of the locality</i></p> <p><i>(b) indigenous to the locality</i></p> <p><i>(c) a rare or endangered species</i></p> <p><i>(d) an important habitat for native fauna.</i></p> <p><i>Regulated Trees: Objective 2</i></p>	<p><b>Complies</b> (see comments below)</p>
<p><i>Development should have minimum adverse effects on regulated trees.</i></p> <p><i>Regulated Trees: PDC 1</i></p> <p><i>A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:</i></p> <p><i>(a) the tree is diseased and its life expectancy is short</i></p> <p><i>(b) the tree represents a material risk to public or private safety</i></p> <p><i>(c) the tree is causing damage to a building</i></p> <p><i>(d) development that is reasonable and expected would not otherwise be possible</i></p> <p><i>(e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.</i></p> <p><i>Regulated Trees: PDC 2</i></p> <p><i>Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.</i></p> <p><i>Regulated Trees: PDC 3</i></p>	<p><b>Complies</b> (see comments below)</p>

As part of the assessment process, the applicant engaged an independent Arborist to assess all Regulated and Significant Trees located within the proposed site of development.

A Regulated *Agonis flexuosa* (WA Willow Myrtle), located to the western side of the site adjacent the western boundary is proposed to be removed, whilst a Regulated *Corymbia maculata* (Spotted Gum), located adjacent the velodrome and immediately south of the proposed multi-function building, is proposed to be retained but undertake amenity pruning.

### Removal

The Regulated *Agonis flexuosa* is located to the western side of the site adjacent the western boundary; achieving a height of 5-10 metres and canopy width of approximately 5-10 metres. The tree has multiple trunks which, when combined, exceed a circumference of 2 metres and is therefore a Regulated Tree.

Although adjacent East Terrace, the tree forms one of several, and due to the tree's minimal height and poor aesthetic appearance, it maintains limited streetscape presence and is not easily identifiable within the immediate locality as a Regulated Tree.

The independent Arborist, whilst indicating the tree's health and structure is fair, has suggested the tree provides no aesthetic or habitat value, and is not indigenous to the local area. The tree is not considered to significantly contribute to the character of visual amenity of the locality.

The tree is deemed to represent limited value, and does not comply with the provisions that would justify its retention. As such, removal of the Regulated Tree is considered acceptable.

### Pruning

The Regulated *Corymbia maculata* (Spotted Gum) is located adjacent the velodrome and immediately south of the proposed multi-function building. It is proposed to undertake selective crown pruning to improve the aesthetic appearance of the tree and enable greater line of sight from the multi-purpose building to the oval and velodrome. The extent of pruning is not considered unreasonable and will maintain the health, aesthetic appearance and structural integrity of the tree.

Crown pruning will occur in accordance with, and under the direction of, Council's Coordinator Arboriculture.

Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <li><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></li> <li><i>(b) enhance the appearance of road frontages</i></li> <li><i>(c) screen service yards, loading areas and outdoor storage areas</i></li> <li><i>(d) minimise maintenance and watering requirements</i></li> <li><i>(e) enhance and define outdoor spaces, including car parking areas</i></li> <li><i>(f) provide shade and shelter</i></li> <li><i>(g) assist in climate control within buildings</i></li> <li><i>(h) maintain privacy</i></li> <li><i>(i) maximise stormwater re-use</i></li> <li><i>(j) complement existing native vegetation</i></li> <li><i>(k) contribute to the viability of ecosystems and species</i></li> <li><i>(l) promote water and biodiversity conservation.</i></li> </ul> <p><i>Landscaping, Fences &amp; Walls: PDC 1</i></p>	<p><b>Partially Complies</b></p>
<p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <li><i>(a) include the planting of locally indigenous species where appropriate</i></li> <li><i>(b) be oriented towards the street frontage</i></li> <li><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></li> </ul> <p><i>Landscaping, Fences &amp; Walls: PDC 2</i></p>	<p><b>Partially Complies</b></p>
<p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>Landscaping, Fences &amp; Walls: PDC 3</i></p>	<p><b>Partially Complies</b></p>

<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>Landscaping, Fences &amp; Walls: PDC 5</i></p>	<p><b>Complies</b></p> <p>With the exception of 1.8 metre high timber rail fencing to the refuse area, the remainder of the site will not incorporate fencing. Fencing to the refuse area is considered appropriate as it will provide screening to the collection bins etc and reduce undesirable visual impacts.</p> <p>The applicant has confirmed external boundary fencing will be removed to provide a greater level of connectivity from the site to the surrounding streets.</p>
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Removal of landscaping (trees, ground covers etc), replacement and the creation of new formal landscape bays is proposed, with a majority of works located adjacent the carpark and velodrome.

The applicant has provided a recommended planting schedule, which has been based on information and planting preferences contained within the City of Marion Streetscape Framework.

The landscape plan illustrates the extent of existing trees and areas of landscaping to be removed. A total of 27 trees, including a Regulated Tree (as discussed within the Regulated Tree chapter of this report) will be removed. Approximately 23 new trees will be planted, with a majority located to the northern western side of the site adjacent the northern section of the car park. Approximately 10 trees will be planted within the landscaped areas adjacent the velodrome and will complement the trees nominated to be retained.

Whilst specific detail is limited, the nominated landscaped areas will consist a mixture of native and exotic species. It is anticipated garden beds will consist of ground covers and low shrubs, with the exception of *Viburnum tinus* which will be used as a structure element across the site as it is acknowledged the need for passive surveillance to East Terrace.

The provision of new trees and landscaping to the south-west of the multi-function building will complement and assist in reducing the visual impact of the built form.

Whilst a greater provision of landscaping throughout the site, particularly to the south and west of the multi-function building is preferable and would achieve greater compliance with Council's Landscaping Principles, it is acknowledged the overall redevelopment of the site and provision of formal landscape bays will considerably enhance the car parking area and general realm and improve the appearance of the land when viewed from East Terrace.

In my opinion, the provision of landscaping is considered to reasonably accord with the intent of Principles 1, 2 & 3.

Nevertheless, as limited landscape details have been provided - such as specific planting locations, estimated growing heights and heights at planting - it is recommended that if the Panel are supportive of the proposal, a condition be attached to consent controlling minimum heights at planting and the provision of a detailed landscape plan.



## Energy Efficiency

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

*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.*

*Energy Efficiency: PDC 2*

**Complies**

*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.*

*Energy Efficiency: PDC 3*

**Complies**

The multi-function building incorporates sufficient roof area in which photovoltaic cells could be sited.

## Waste

*Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:*  
*(a) avoiding the production of waste*  
*(b) minimising waste production*  
*(c) reusing waste*  
*(d) recycling waste*  
*(e) recovering part of the waste for re-use*  
*(f) treating waste to reduce the potentially degrading impacts*  
*(g) disposing of waste in an environmentally sound manner.*

*Waste: PDC 1*

**Complies**

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

*Waste: PDC 6*

**Complies**

The nominated waste refuse area is of an appropriate size to accommodate a range of general waste and recycle receptacles

## Natural Resources

*On land north of Seacombe Road, all new buildings and building extensions of 40 square metres or more in floor area, should incorporate sufficient on-site stormwater detention/retention to limit the rate of stormwater runoff from the subject land so that flows determined using the following runoff coefficients are not exceeded:*

- (a) within residential zones*
  - (i) 5 year average return interval flood event (runoff coefficient 0.25)*
  - (ii) 100 year average return interval flood event (runoff coefficient 0.45)*
- (b) within non-residential urban zones*
  - (i) 5 year average return interval flood event (runoff coefficient 0.65)*
  - (ii) 100 year average return interval flood event (runoff coefficient 0.85).*

Council's Development Engineer has reviewed the subject application and advised the existing stormwater system will not be increased by the development. Council's Development Engineer has requested a site works and stormwater drainage plan be provided that includes elements of the drainage system that the new development will utilise and confirm that surface stormwater from the carpark will be picked up and prevented from being surface discharged through the driveway access roads.

Given a site works and drainage plan has not been provided and overall stormwater details are lacking, it is recommended the Panel attach a condition to consent requesting the provision of a fully engineered site works and drainage plan be provided to Council for consideration prior to the issuing of Development

Natural Resource: PDC 17	<p>Approval.</p> <p>The above notwithstanding, it should be acknowledged several large buildings and sealed car parking areas already exist on the subject land, and the multi-function building, various outbuildings and expanded formalised car park proposed are unlikely to create significant additional stormwater collection and disposal issues.</p>
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## REPRESENTOR'S CONCERNS

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

It is my respectful position that representors' concerns relating to traffic, increased demand for on-street parking and reduced on-road safety, whilst legitimate issues, cannot be totally attributed to the increased use of the multi-function centre, but rather are a factor of living adjacent a highly utilised sporting and community facility. The site enjoys existing use rights as a recreation area, and importantly, the primary aspect of the proposal (multi-function building) will not increase the peak capacity of the site to any significant degree, but will rather result in an increase in activity during weekdays when the site is underutilised.

The representors have also raised concerns over existing parking issues associated with use of the site. Council's Traffic & Parking Coordinator acknowledges there are considerable traffic challenges surrounding the subject site and has proposed to undertake investigations and changes to improve parking and circulation around the precinct. However, such potential works are outside the scope of the applicant.

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## ANALYSIS/CONCLUSION

The application proposes a comprehensive redevelopment of the site with the primary feature the construction of a two storey multi-function building comprising a shared community space, function room facilities with associated office use, commercial kitchen, storage, and amenities for public and sporting groups (i.e. club and change rooms).

Whilst the proposed development does not align with the applicable Objectives, Desired Character and Principles of the Northern Policy Area, open space and recreation areas are nonetheless an envisaged use within the Residential Zone.

The proposed built form is considerable in its overall size, scale and height and, in my opinion, will be a dominant feature of the site and highly visible within the immediate locality. The use of darker coloured concrete blocks, predominantly to the lower façade, and lightweight and light coloured materials and glazing to the upper façade will assist in reducing the built form's overall bulk and scale, and complement the open nature of the topography.

Whilst the physical built form of the multi-purpose building is considerable, the proposal is not considered to be of an unreasonable nature and/or scale when considering the previous structure are to be combined and function/operate from a single building.

Additional small scale events are unlikely to be held simultaneously with large sporting and community events due to the associated logistical issues. These potential uses/activities will be of a complementary nature to the primary use of the building and, in my opinion, will not result in detrimental impacts on the amenity of nearby residents and are considered to be consistent with the small of non-residential uses sought within the locality.

The associated traffic impacts are not considered to detrimentally affect the amenity of the locality or cause unreasonable interference to the occupants of adjacent residential properties. Whilst the infrequent combined uses of the multi-function building will result in a lack of on-site car parking, it is unlikely activities of a high attendance/capacity will occur simultaneously and it is anticipated a majority of community activities and training events/functions will occur during week days, and/or at night at periods when the demand for on-site parking will be lower and therefore unlikely to conflict with higher traffic generating activities (i.e. AFL/lawn bowling events). The uses proposed to operate from the multi-function building, in of themselves, will not unreasonably increase the overall capacity of the site required to accommodate additional persons; rather, the secondary/supplementary activities will enable a greater number of people to enjoy the facilities throughout the week.

The applicant has provided a Noise Impact Assessment by an acoustic expert which demonstrates the proposed use will achieve the goal noise levels outlined within the Environment Protection (Noise) Policy 2007, subject several recommendations. The potential for the multi-function building to hold activities and events, outside of the typical and more traditional sporting events, is considered appropriate as these will be of a complementary nature to the primary use of the building. In my opinion, the likely use and hours of operation will not result in detrimental impacts on the amenity of nearby residents to the extent where refusal is warranted. The likely hours are not considered to be unreasonable as the various sporting and community uses are largely continuing their existing operations and will therefore not result in adverse traffic and noise impacts over and above what is already experienced.

The matters of noise, hours of operation and traffic are considered to be adequately addressed throughout the proposal and, subject to several conditions, are considered to reasonable accord with the applicable Principles of Development Control, and will not adversely compromise the amenity of adjacent allotments within the immediate locality.

The provision of enhanced landscaped areas will improve visual presentation of the site to the street and create a higher public realm to what is currently provided. The removal of one Regulated Tree and pruning of a second is considered appropriate.

Assessment relating to the qualitative Principles of Development Control have concluded the development satisfies a majority of the relevant and applicable Development Plan criteria. In my opinion, the use of the multi-function building will not be of an intensity that will create significant amenity and /or traffic impacts on adjacent land uses.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/1205/2017 for the demolition of all existing sporting and community structures and subsequent construction of a two storey multi-function building comprising function room facilities with associated office use, commercial kitchen, storage, and amenities for public and sporting groups, new cycling and cricket facilities comprising freestanding storage outbuilding and temporary cricket nets, freestanding groundskeeper outbuilding, modifications to existing velodrome track (including new surface), alterations and expansion of existing carpark, associated landscaping including remodelling of the existing Soldiers Memorial Gardens, removal of a regulated tree, pruning of a regulated tree and general earthworks and associated retaining at 93 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. 100/1205/2017, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. An amended site plan (and elevations if required) shall be provided to Council that nominates location of the plant equipment required for the multi-function building.
- 4. All uses operating from within the multi-function building shall be undertaken in accordance with the noise mitigation measures outlined within the Environmental Noise Impact Assessment prepared by Resonate Acoustics, dated 22 May 2017.
- 5. Noise generated from the site shall not exceed the maximum noise levels stipulated within the Environment Protection (Noise) Policy 2007, or subsequent legislation.
- 6. Noise emissions generated from the plant equipment shall comply with the applicable criteria outlined within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
- 7. Access by service delivery vehicles to the site shall be limited to the hours of 7am to 6pm Monday to Saturday and 9am to 6pm Sunday, and excluding peak activity periods.

- 8. The exterior of the buildings to be constructed shall incorporate anti-graffiti treatment to assist in the removal of graffiti.**
- 9. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.**
- 10. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 "Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines". Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.**
- 11. A detailed landscaping plan shall be submitted to Council for consideration prior to Development Approval being issued, detailing a mix of native medium and low-level plantings throughout the site.**
- 12. 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.**
- 13. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council**
- 14. 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.**
- 15. 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.**
- 16. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).**
- 17. All loading and unloading of vehicles associated with the subject premises (excluding waste) shall be carried out entirely upon the subject land.**
- 18. Wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council.**
- 19. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.**
- 20. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.**
- 21. 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.**

22. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
23. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
24. Directional signs indicating the location of car parking spaces, including the nominate delivery bay, must be provided on the subject land and maintained in a clear and legible condition at all times.
25. Bicycle facilities shall be provided in accordance with Australian Standard AS 1742.9-2000 "Manual of uniform traffic control devices Part 9: Bicycle facilities".
26. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
27. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment to the reasonable satisfaction of the Council.
28. All waste and other rubbish shall be screened from public view to the reasonable satisfaction of Council.
29. 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.
30. 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.
31. A trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order to the reasonable satisfaction of the Council.
32. 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.
33. All works to, or within, close proximity to the Spotted Gum and River Red Gum shall be undertaken in accordance with the recommendations made by the City of Marion Coordinator Arboriculture, dated 8/08/2017.
34. Temporary fencing is to be installed at the edge of the Spotted Gum (adjacent the multi-function building) tree crown during the demolition of the adjacent building to prevent machinery coming in contact with the tree. Temporary fencing shall consist of chain-mesh panels with concrete or similar feet and only be moved with the permission of Council's Coordinator Arboriculture.
35. The current carpark surface is to be removed without disturbing the sub-grade within the Spotted Gum TPZ. No machinery excavation, including scraping or levelling is to

be carried out within the TPZ and any new surface is to be constructed above the current grade.

## NOTES

1. It is recommended rainwater retention tanks be installed and be plumbed into toilets (1000 litres required per toilet).
2. 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.
3. 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).
4. 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.
5. 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.).
6. 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.
7. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

## Attachments

- |                        |   |
|------------------------|---|
| <i>Attachment I:</i>   | <i>Aerial Photograph &amp; Site Locality Plan</i> |
| <i>Attachment II:</i>  | <i>Proposal Plan and supporting documentation</i> |
| <i>Attachment III:</i> | <i>Statement of Representations</i>               |
| <i>Attachment IV:</i>  | <i>Applicant's Response to Representations</i>    |

DEVELOPMENT ASSESSMENT PANEL  
Wednesday 6 September 2017

**Agenda Ref No:** DAP060917 – 2.3

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

**Applicant:** Metricon Homes Pty Ltd

**Development Description:** A two storey detached dwelling with associated earthworks, retaining walls and fencing

**Site Location:** 6 Ashcroft Court, Hallett Cove

**Zone:** Residential Zone

**Policy Area:** Hills Policy Area 11

**Application Type:** Category 2 / Consent

**Lodgement Date:** 13/07/2016

**Development Plan:** Consolidated – 28 April 2016

**Application No:** 100/1268/2016

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

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CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development incorporating earthworks and/or retaining walls that are not considered minor in nature and will not unreasonably impact on owners or occupiers of adjacent land 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
Prevent overlooking of adjoining land	Proposal submitted initially sought for a balcony on the western (rear) elevation of the building that overlooked the adjoining property. The revised proposal seeks for the balcony to be located on the northern façade of the



	building, with the floor level of the building lowered and retaining, fill and fence/screen provided to north of building to prevent direct downwards views of the neighbouring property to the north.
Treat earthworks to minimise height of retaining	Retaining walls accommodating cut south of dwelling tiered to provide two, one metre-high retaining structures.

## SUBJECT LAND & LOCALITY

The subject land is situated at 7 (Lot 340) Ashcroft Court, Hallett Cove, at the south-western portion of the cul-de-sac. The land incorporates a combined frontage to Ashcroft Court of 15.2 metres, an average depth in the order of 34 metres and a total site area of 900 square metres.

The land incorporates a considerable fall, from south to north of approximately 1:7.5 (13.3%) and is devoid of any vegetation of note.

The locality is characterised by modern (post 1990) split-level and two storey dwellings of a variety of architectural styles. Many dwellings are generous in proportion and designed to take advantage of the attractive views available to the north and west.

Due to the desire to obtain these views, a majority of dwellings incorporate balconies and elevated terraces. There is a varying degree of overlooking between properties – both from existing ground level and from built form.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to construct a two storey detached dwelling with associated earthworks and retaining walls.

The ground floor of the dwelling is to incorporate an open plan kitchen/living/dining area, two additional living areas, a study, typical wet areas and a triple-width garage.

The upper floor comprises four bedrooms (main with 'dressing room'), living area, typical wet areas and two balconies – one on the front façade and the other on the northern side façade.

The dwelling will incorporate exposed brick and render to all facades and a tiled roof in 'monument' colour.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	8 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	2 representations were received by Council.
<b>Persons wishing to be heard:</b>	Neither representor identified they wish to address the Panel

<b>Summary of representations:</b>	<ul style="list-style-type: none"> <li>• Concerns with overlooking from balcony on northern façade;</li> <li>• Concerns with overlooking from upper level windows on southern façade;</li> <li>• Concerns with extent of excavation and stability of land.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	Please refer Attachment V

## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p><b>Objectives</b></p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>
Hills Policy Area 11
<p><b>Objectives</b></p> <p><i>1 A policy area primarily comprising detached dwellings at low densities.</i></p> <p><i>2 Residential development which is sensitive to the particular topography of the locality.</i></p> <p><i>3 Residential development which has minimal visual and environmental impacts.</i></p> <p><i>4 Development that contributes to the desired character of the policy area.</i></p>
<p><b>Desired Character</b></p> <p><i>The policy area encompasses parts of the escarpment which forms an east-west band through the centre of the council area, including elevated land visible from the Adelaide Plains in the suburbs of Seacliff Park, Seaview Downs, Seacombe Heights and Darlington. The policy area also contains undulating to steep land along the coast from Marino to Hallett Cove. Many dwelling sites have good views of the Adelaide Plains or the coast.</i></p> <p><i>The desired character is a high quality residential environment containing site appropriate houses set in attractively landscaped, relatively large gardens. This desired character is derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the re-vegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</i></p> <p><i>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>

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

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

PDC 1	The following forms of development are envisaged in the policy area: ▪ detached dwelling ▪ group dwelling	<b>Complies</b>
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	<b>Partially Complies</b> See comments below
PDC 3	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.	<b>Partially Complies</b> See comments below
PDC 4	Wherever possible, existing vegetation should be used to screen buildings and excavation or filling from view.	<b>Not applicable</b> No vegetation on land
PDC 5	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.	<b>Not applicable</b>
PDC 6	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.	<b>Does Not Comply</b> See comments below

## Assessment

The proposed development seeks to construct a single, two storey dwelling on an existing allotment. The dwelling incorporates adequate articulation, and appropriate materials such that it will not dominate the landscape, nor have an unreasonable impact upon the setting of the locality. In this respect, the proposal finds compliance with some Objectives, parts of the Desired Character and Principles of the Hills Policy Area.

The proposal does seek to accommodate a significant amount of earthworks to accommodate the building. This is due, in part, to the preference to 'sink' the building into the site to assist in reducing the fill required and the extent of overlooking into adjoining land (discussed below and further in this report).

The proposal seeks to provide retaining (in cut) of up to 2.0 metres in height. However, the extent of cut is treated via two, one metre-high retaining structures; reducing the visual impact of one structure and providing opportunities for landscaping to be planted between the walls. In this regard, whilst the extent of cut is considerable – and could be reduced via a split-level or stepped floor plan – the applicants have sought to appropriately treat the excavation via a tiered design.

Furthermore, the cutting of the land is situated adjacent the southern side of the dwelling and will not be highly visible from the street or adjoining land, nor is it located in close proximity to the primary area of private open space for that land. As such, the extent of cut will not have an adverse impact upon the amenity of the subject or adjoining land.

The extent of fill, up to 1.2 metres in height is proposed in part to provide flat, usable private open space and to provide privacy to land to the west, which when fencing is constructed atop, is intended to provide adequate privacy to that land (discussed below and further in this report).

The proposed retaining accommodating fill is to be constructed on the northern and western boundaries of the land; adjacent the private open space areas of adjoining land at 7 Ashcroft Court and 7 Balboa Drive. The retaining is 200mm higher than a structure that does not constitute 'development', albeit it is acknowledged the fencing atop results in a structure some 3.0 metres in height.

The proposal enables the future occupants a substantial area of flat, usable, north-facing private open space, whilst the height of the retaining structure is similar to others in the locality. The impact upon adjoining land is considered acceptable (please refer to the Retaining Walls and Fences section of this report).

Whilst the dwelling does not incorporate a split-level design, nor stepping-in of the upper floor, it is my view the low position of the building on the site is appropriate, and will not lead to the building having an unreasonable impact upon adjoining land.

The dwelling to the south (5 Ashcroft Court) incorporates a floor level some 3.0 metres above the proposed dwelling, whilst a majority of the private open space is located in an enclosed verandah structure to the rear of the building. The dwelling to the north (7 Ashcroft Court) incorporates living rooms and the primary area of private open space oriented to the west.

For the above reasons, I consider that whilst the extent of earthworks and 'single-slab' design of the dwelling could be considered to fail Objective 2, parts of the Desired Character and Principle 3 of the Hills Policy Area, the failure to do so, assist the building in addressing effects such as visual impact and overlooking of adjoining land and is not of such a magnitude as to warrant refusal of the application.

In my view, the proposal finds general conformity with that sought in the Policy Area, in accordance with Objectives 1, 3 and 4, parts of the Desired Character and Principles 1, 2 and 3(a).

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## DEVELOPMENT ASSESSMENT

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

## Site Coverage

*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.*

*Hills Policy Area 11: PDC 7*

### Site coverage:

#### **Complies**

31.8% (286.7 sq metres / 900 sq metres)

### Floor area ratio:

#### **Does Not Comply**

0.417 (375.6 sq metres / 900 sq metres)

Whilst the floor area ratio is marginally above that sought, the setbacks from a majority of boundaries meets or exceeds that sought in the Zone, whilst there remains ample private open space to the north and west of the dwelling. Through this report it will be identified that the proposed dwelling will not have an unreasonable impact upon adjoining land by way of building bulk, and furthermore, the building's size is akin to a majority of dwellings within the locality. As such, it is my view that the floor area ratio is acceptable.

*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**

*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:*

#### **Complies**

53.8% (485 sq metres)

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

*Residential Zone: PDC 7*

<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><b>Complies</b></p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) POS is located at ground level and via balconies</p> <p>c) All POS is located to the side/rear of the dwelling and capable of being screened for privacy.</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 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><b>Partially Complies</b></p> <p>d) The proposal results in extensive earthworks, however, it is my view the cut is appropriately treated, whilst the fill will not unreasonably impact upon neighbouring properties and provides ample usable private open space for the future occupants.</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><b>Complies</b></p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p><b>Complies</b></p>
<p><b>Building Setbacks from Road Boundaries</b></p>	
<p><i>Minimum setback from primary road frontage where no established streetscape exists:</i></p> <p><i>8 metres from arterial roads shown on Overlay Map – Transport and any road within Hills Policy Area 11.</i></p> <p><i>Minimum setback from primary road frontage where an established streetscape exists:</i></p> <p><i>8 metres from arterial roads shown on Overlay Map – Transport and any road within Hills Policy Area 11.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Does Not Comply</b></p> <p>Min setback 7.4 metres to main face</p>

Whilst the front setback proposed does not meet the minimum 8.0 metres sought, a majority of dwellings in the locality comprise setbacks from the primary street frontage much less than 8.0 metres. As such, the shortfall in setback (600mm) will not be overly apparent, nor to the detriment of the streetscape.

*Except in areas where a new character is desired, the setback of buildings from public roads should:*  
*(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*  
*(b) contribute positively to the function, appearance and/or desired character of the locality. 34*

*General Section: Design and Appearance: PDC 21*

**Complies**

The proposed front setback of 7.4 metres is similar to that of dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

*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:  
2 metres*

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

*Residential Zone: PDC 6*

**Complies**

Min setback 2.6 metres

**Complies**

Min setback 3.0 metres

*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 sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is 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).

## Rear Setbacks

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

*Residential Zone: PDC 6*

**Complies**

Minimum setback 11.4 metres

*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 rear boundary is sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is 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).

## Building Height

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

*Residential Zone: PDC 6*

### **Complies**

In accordance with the established interpretation of the definition of 'building height' pursuant to Schedule 1 of the Development Regulations the proposed dwelling incorporates a maximum building height of 8.7 metres, which is less than the maximum permitted in the Policy Area.

## Garages, Carports, Verandas and Outbuildings

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

*General Section: Residential Development: PDC 10*

### **Complies**

*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*

<b>Parameter</b>	<b>Value</b>
Maximum floor area	60 square metres
Maximum wall or post height	3 metres
Maximum building height	5 metres
Maximum height of finished floor level	0.3 metres
Minimum setback from 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.
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
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**

### **Complies**

### **Complies**

### **Complies**

### **Complies**

### **Complies**

### **Complies**

*Carports and garages should be setback from road and building frontages so as to:*  
(a) not adversely impact on the safety of road users  
(b) provide safe entry and exit.

*General Section: Residential Development: PDC 13*

### **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 &amp; Access: PDC 34</i></p>		<p><b>Complies</b></p>
<p><i>Detached Semi-detached Row</i></p>	<p><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>		
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>		<p><b>Complies</b></p> <p>1 on-street car parking space is provided, which satisfies PDC 22.</p>
Access		
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>		<p><b>Complies</b></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><b>Complies</b></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></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p>		<p><b>Complies</b></p> <p>The proposed dwelling reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance design and appearance:</p> <ul style="list-style-type: none"> <li>• Mixture of brick and render on all façades</li> <li>• Protruding portico and balconies</li> <li>• Eave overhang and pitched roof form at 22.5 degree slope</li> <li>• Fenestration</li> </ul> <p>The dwelling incorporates a 22.5 degree tiled roof in 'monument', with rendered facades. 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>  <i>(a) be integrated with the overall form and detail of the building</i>  <i>(b) include balustrade detailing that enables line of sight to the street</i>  <i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 5</i></p>	<p><b>Complies</b></p> <p>The front balcony is integrated into the portico design, with clear glass balustrade that enables line of sight to the street.</p> <p>The side balcony will be partially protected from the south-westerly coastal winds by the associated dwelling.</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>  <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><b>Complies</b></p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p><b>Complies</b></p>
<p><b>Relationship to the Street and Public Realm</b></p>	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 16</i></p>	<p><b>Complies</b></p> <p>The dwelling is designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The elevations of the dwelling features a mixture of render, exposed brick 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**

The applicant has not provided shadow diagrams, however, it is of value to acknowledge that the setback to the southern side boundary, at 3.0 metres, meets that sought for residential development.

Furthermore, the adjoining property to the south accommodates a two storey dwelling with a ground floor level 3.0 metres above that of the proposed dwelling.

As such the proposed dwelling will have a similar shadow impact to the adjoining property akin to a single storey dwelling on flat land.

It can therefore be concluded that the proposal will ensure;

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 side yard of the subject land, albeit some shadow in early morning hours will reach the property at 8 Balboa Drive and some shadow may be cast upon the side and rear yard of the adjoining property at 5 Ashcroft Court.

## 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*

### **Partially Complies**

The dwelling incorporates obscured glazing to the south and west elevations. Whilst some windows on the southern façade will be openable, these relate to wet areas only and limited to a maximum awning opening of 125mm. As such, I do not consider these windows to allow any meaningful view of the adjoining property, which combined with the private use of the rooms, will afford appropriate privacy to the adjoining property to the south.

During the processing of the application, the primary balcony was relocated from the western (rear) façade to the northern (side) façade. Further assessment regarding privacy/overlooking can be found in the 'Table Discussion' below.

*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**

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

*Buildings should be sited and designed:*

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

*General Section: Energy Efficiency: PDC 2*

### **Complies**

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

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

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

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

*General Section: Energy Efficiency: PDC 3*

### **Complies**

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

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

### **Partially Complies**

Whilst a landscape plan has not been provided, there remains ample area outside the building's footprint to accommodate vegetation that will assist in improving the appearance of the site and, over time, soften view of the building.

<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not result in damage to neighbouring trees</i></li> <li><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></li> <li><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></li> <li><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></li> <li><i>(e) assist in highlighting building entrances</i></li> <li><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></li> <li><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></li> <li><i>(h) be constructed of non-flammable materials.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 5</i></p>	<p><b>Complies</b></p> <p>The application proposes retaining walls varying in height to a maximum 1.2 metres in height which satisfy the applicable criteria contained in Principle 5.</p>
<h2>Sloping Land</h2>	
<p><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <ul style="list-style-type: none"> <li><i>(a) minimises their visual impact</i></li> <li><i>(b) reduces the bulk of the buildings and structures</i></li> <li><i>(c) minimises the extent of cut and/or fill</i></li> <li><i>(d) minimises the need for, and the height of, retaining walls</i></li> <li><i>(e) does not cause or contribute to instability of any embankment or cutting</i></li> <li><i>(f) avoids the silting of watercourses</i></li> <li><i>(g) protects development and its surrounds from erosion caused by water runoff.</i></li> </ul> <p><i>General Section: Sloping Land: PDC 2</i></p>	<p><b>Partially Complies</b></p> <p>The proposed dwelling results in an extensive amount of earthworks. Whilst this does assist in minimising the building's visual impact in accordance with Principle 2(a) and (b), the proposal does not "minimise" the height or extent of cut/fill and retaining.</p> <p>For reasons previously identified however, I consider the cutting of the land has been appropriately treated, whilst the fill is not excessive in height and is akin to other retaining structures found in the locality.</p>
<p><i>The cutting and/or filling of land should:</i></p> <ul style="list-style-type: none"> <li><i>(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation</i></li> <li><i>(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment</i></li> <li><i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i></li> <li><i>(d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i></li> </ul> <p><i>General Section: Sloping Land: PDC 7</i></p>	<p><b>Complies</b></p> <p>The extent of cut adjacent the southern side boundary equates to a height of 2.2 metres, however, the overall height is addressed via the grading of the land and incorporation of two tiered retaining walls, each of 1.0 metre in height.</p> <p>This assists in reducing the overall height of the building.</p> <p>The earthworks and retaining is not expected to result in environmental impacts.</p>
<p><i>Retaining walls should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not exceed 1.5 metres in height</i></li> <li><i>(b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total</i></li> <li><i>(c) be constructed to a high standard from high amenity materials</i></li> <li><i>(d) be landscaped to enhance their appearance.</i></li> </ul> <p><i>General Section: Sloping Land: PDC 8</i></p>	<p><b>Complies</b></p> <p>The grading of the land and incorporation of two tiered retaining walls enables appropriate landscaping to soften view of the retaining structures.</p>

## Siting and Visibility

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

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

*General Section: Siting and Visibility: PDC 4*

### **Partially Complies**

- (a) The hipped roof incorporates a northern pitch which complements the natural fall of the land, however, the three remaining pitch orientations do not. Many dwellings in the locality comprise flat roofs and as such, the hipped roof design will nonetheless soften the building's standing in the locality.
- (b) The dwelling incorporates a single-slab design that does not reflect the natural fall in the land.
- (c) The dwelling incorporates generous 600mm-wide eaves, balcony and verandah protrusions to reduce the bulky appearance of the building.

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

*General Section: Siting and Visibility: PDC 5*

### **Complies**

## TABLE DISCUSSION

The proposal satisfies a majority of the applicable principles of development control contained within the Marion Council Development Plan. The two areas, in my view, that warrant greatest consideration are overlooking and the extent of earthworks required. I have addressed the proposal's compliance with the earthworks criteria of the Development Plan throughout this report and have concluded the proposal is acceptable in this regard. Below is consideration of overlooking to the north and west.

When lodged with Council, the proposal incorporated a balcony on the southern (rear) elevation. Concern was raised regarding the potential for overlooking to the south, and due to the slope of the land and loss of privacy likely to be experienced by the occupants of 8 Balboa Drive.

In consultation with administration, the proposal was amended to incorporate a balcony to the northern façade. In combination with this change, the floor level of the dwelling was lowered, and fill was extended to the northern and western boundaries of the land, to enable fencing atop the retaining to act as a screening device to provide privacy of the adjoining allotments.

Prior to assessing overlooking, I consider it appropriate to identify that in my view, this locality does not embody the existing character described for the Hills Policy Area 11. A high number of dwellings comprise balconies and elevated terraces designed to gain the attractive views available. There appears to be an amount of acceptance and anticipation of overlooking given the opportunity to achieve pleasant views available to the north to west.

As such, I consider that part of the Desired Character which states, “[i]t 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” carries a reduced weighting in this locality, compared to other areas that typify the Hills Policy Area accommodating modest, generally single storey dwellings constructed in the 1960s.

## **Overlooking to the north**

The two storey dwelling and balcony will afford substantial view into the rear yard of 7 Ashcroft Court.

At its closest point, the balcony will be located 6.0 metres from the northern side boundary, and approximately 15 metres from the primary area of private open space – an elevated deck oriented to the west.

This deck (and the upper level balcony directly above) is likely to be visible from the proposed balcony at an acute angle only. Further, the protruding section of the building (south-west of the deck/balcony) will generally screen these spaces from view. As such, the primary areas of private open space will maintain an appropriate level of privacy.

It is acknowledged however, that the remainder of the private open space – the turfed area west and south of the dwelling will be highly visible from the proposed balcony.

In this regard, it is noted that, at present, some view of these spaces remains available from existing ground level on the subject site – due to the steep slope.

A benefit of the proposed filling to the northern side boundary will prevent this overlooking from ground level, and as such, it is likely that when occupants of both properties utilise their primary areas of private open space, mutual privacy will be maintained – it is only the infrequent use of the balcony of 6 Ashcroft Court that view of the ground level private open space of 7 Ashcroft Court that will be exposed to view.

In this regard, whilst infrequent privacy loss may be experienced when occupants are utilising the proposed balcony at 6 Ashcroft Court, during the general day-to-day use of the property, mutual privacy between the two properties will be provided.

## **Overlooking to the west**

As part of the applicant's response to the representations received, a line-of-sight diagram was provided to demonstrate that a 300mm screen affixed to the boundary fencing along the western rear fence will prevent view into the rear yard (including alfresco) area of the dwelling (nearing completion) at 7 Balboa Drive.

From my own calculations, I consider this to be accurate.

Whilst the privacy of the adjoining property at 7 Balboa Drive will be maintained by the retaining, fencing and screen, regard must be had as to the visual impact the collective height of these structures will have upon that property.

The fencing and retaining structure will equate to a maximum height of 3.3 metres, measured at the point where the northern and western boundaries of the subject land adjoin. The further south along the western boundary, the lower the retaining height on this boundary. Please refer to Appendix VI for administration's image illustrating the anticipated retaining/fence height at this boundary.

As the western boundary of the subject land aligns with approximately half the rear yard of 7 Balboa Drive, the remaining length of fencing will maintain its current height of 1.8 metres (it is noted the fence along this portion of the boundary results in the dwelling at 7 Ashcroft Court overlooking the rear yard of 7 Balboa Drive).

The combined fence/retaining structure will result in some overshadowing additional to that expected for a standard boundary fence, however, this shadow will subside during the morning, such that by midday there should be little to no overshadowing into 7 Balboa Drive resulting.

To this end, I am satisfied the privacy treatments proposed as part of the development will provide a reasonable level of privacy to the adjoining property to the west, when taking into account the amount of view gained from existing ground level, the separation provided between the balcony and primary area of private open space of 7 Balboa Drive (approximately 22 metres) and the level of overlooking that currently exists between a large number of properties within the locality.

The proposal results in overlooking to the north

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## REPRESENTOR'S CONCERNS

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

A representor has also raised concerns over the stability of land due to the cutting of the site. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

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## ANALYSIS/CONCLUSION

The proposed dwelling satisfies a majority of Council's design criteria, including private open space, front setback, building height, car parking, privacy, energy efficiency, minimisation of earthworks, overshadowing and design and articulation.

In attempting to address overlooking of adjoining land, the proposed dwelling has been lowered into the site – increasing the amount of cut required south of the building. In my view, the tiered retaining wall design assists in reducing the overall height of the excavation required and enables landscaping to be provided between the structures.

Overlooking to the north and west will occur as a result of the proposed upper level balcony and clear glazing to the northern façade.

For the reasons identified in this report, I consider the overlooking to the north is acceptable, as the earthworks proposed will prevent ground-level overlooking (currently available), whilst views from the balcony will gain restricted, oblique views into the primary area of private open space (deck) only.

Overlooking to the north has been addressed, in part, by the proposed filling to the western rear boundary and inclusion of a 300mm screen atop the fence to be constructed above the retaining structure. As identified in the applicant's response to the representations, a high percentage of the private open space of 7 Balboa Drive will maintain privacy from the upper level balcony and windows.

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.

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/1268/2016 for a two storey detached dwelling with associated earthworks, retaining walls and fencing at 6 Ashcroft Court, Hallett Cove be GRANTED subject to the following conditions:**

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1268/2016, 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, including the screen affixed to the boundary fencing, shall be installed and in use prior to occupation of the premises.**
- 3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**
- 4. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**
- 5. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**

## 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

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph &amp; Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment VI:</i>	<i>Photograph/image - Estimated height/location of new retaining, fencing and screening</i>

DEVELOPMENT ASSESSMENT PANEL  
Wednesday 6 September 2017

<b>Agenda Ref No:</b>	<b>DAP060917 – 2.4</b>
<b>Originating Officer:</b>	<b>Kai Wardle Planning Cadet</b>
<b>Applicant:</b>	<b>City Of Marion</b>
<b>Development Description:</b>	<b>Removal of a significant tree River Red Gum in front of 17 Ella Street Dover Gardens</b>
<b>Site Location:</b>	<b>17 Ella Street, Dover Gardens</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>26/06/2017</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/1145/2017</b>
<b>Recommendation:</b>	<b>That Development Plan Consent and Development Approval be GRANTED subject to conditions</b>

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#### CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development pursuant to Schedule 9 of the Development Regulations 2008, which assigns development that comprises a tree-damaging activity in relation to a regulated tree on land owned or occupied by a council where the council is the relevant authority in relation to the development. The application is to be determined by the Development Assessment Panel as there were representations received during the public notification process that could not be satisfied by modification to the proposal or conditions of consent.

#### BACKGROUND

The application for the removal of the subject tree was prompted by the assessment of two applications relating to the site at 17 Ella Street:

- Application #100/847/2017 for three single storey row dwellings.
- Application #100/1136/2017 for land division.

The Council has sought advice from an independent aboricultural consultant, Mr Colin S. Thornton, who has provided an aboricultural report detailing the subject tree's context, health, risk to public safety and future outlook from a visual inspection and assessment of the tree on 22 June 2017.

Council has received one (1) representation against the tree's removal in response to the Category 2 public notification process.

## SUBJECT TREE & LOCALITY

The subject tree is a *Eucalyptus camaldulensis* (River Red Gum) located within the road verge adjacent to the frontage of 17 Ella Street, Dover Gardens.

The trunk of the tree is situated some 12 metres south of the northern side boundary of the allotment at 17 Ella Street, 1.9 metres west of the western front boundary and 1.75 metres east from the kerb line and road water table.

The tree incorporates a trunk circumference of 3.17 metres, height of 14 metres, and crown spread of between 8 and 9 metres in the direction of all four compass points from the centre of the trunk.

The tree is situated in a streetscape devoid of large established trees of a comparable stature, which are also uncommon along other streetscapes in the locality. Specimens of similar species of comparable size are largely concentrated to a nearby public reserve on Crown Street to the east, or along parts of Clacton Road to the south.

The locality has seen a recent uptake in subdivision, with the locality's original housing stock of ageing single detached dwellings on medium-large allotments typically being replaced with semi-detached and row dwellings.

*Refer Attachment I*

## PROPOSED DEVELOPMENT

The application seeks to remove a significant tree – a River Red Gum.

*Refer Attachment II*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	16 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	1 representation was received by Council.
<b>Persons wishing to be heard:</b>	N/A
<b>Summary of representations:</b>	<p>1 against the application.</p> <p>Issues raised:</p> <ul style="list-style-type: none"><li>• Tree adds character to the area</li><li>• Tree appears to be in good condition</li><li>• Tree has a heritage lifespan of many years</li></ul> <p><i>Refer Attachment III</i></p>
<b>Applicant's response:</b>	Not provided.

## DEVELOPMENT ASSESSMENT

The relevant provisions of the Marion Council Development Plan are listed in the following table and discussed and assessed thereafter:

Provisions:

Assessment:

Significant Trees	
<b>OBJECTIVES</b> <b>1</b> The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.	<b>Partially Complies</b> See comments below.
<b>2</b> The conservation of significant trees in balance with achieving appropriate development.	<b>Not Applicable</b> See comments below.
<b>PRINCIPLES OF DEVELOPMENT CONTROL</b> <b>1</b> Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes: (a) makes an important contribution to the character or amenity of the local area; or (b) is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species (c) represents an important habitat for native fauna (d) is part of a wildlife corridor of a remnant area of native vegetation (e) is important to the maintenance of biodiversity in the local environment (f) forms a notable visual element to the landscape of the local area.	<b>Partially Complies</b> See comments below.
<b>2</b> Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.	<b>Does Not Comply</b> See comments below.
<b>3</b> Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless: (a) in the case of tree removal: (i) the tree is diseased and its life expectancy is short (ii) the tree represents an unacceptable risk to public or private safety (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area (iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value (v) all other reasonable remedial treatments and measures have been determined to be ineffective (vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.	<b>Partially Complies</b> See comments below.

## TABLE DISCUSSION

As part of his arboricultural report, Mr Colin S. Thornton made a number of comments on the status of the tree in regard to selected Development Plan provisions. For the benefit of this assessment, each Objective and Principle relating to Significant Trees is listed below, with administration comments provided with regard to the findings of the arboricultural report.

**Objective 1 – The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.**

The tree is an established, mature specimen, with good shape and form. The tree is one of few large mature trees remaining on road verges in the local area, with a number of comparable specimens removed from the immediate locality in recent years. For that reason, the tree is currently a unique aesthetic and environmental asset in the immediate locality.

In recent years however, the tree's health has deteriorated significantly. Visible symptoms of its declining health include heavily reduced foliage density and the growing presence of ineffectively healed wounds which are beginning to compromise the tree's important structural components. These symptoms were observed during the arboricultural tree inspection on 22 June 2017.

Due to the observable characteristics of the specimen's declining health, its 'useful' life expectancy is 'short', which supports the conclusion that the aesthetic and environmental benefit it currently provides to the locality will continue to deteriorate on a short-term timeframe. The tree's aesthetic quality – in the form of foliage density, shade provision, and its general form and appearance - is anticipated to continue to progressively decline. Furthermore, as the tree's health diminishes further, its utility as a habitat and food source for local fauna will also decline. Therefore, with regard to the tree's anticipated future outlook, the importance of its aesthetic and environmental benefit in the context of Objective 1 is diminished.

**Objective 2 – The conservation of significant trees in balance with achieving appropriate development.**

Whilst the application for tree removal has come about following an inspection of the tree due to an application for development on the adjoining allotment, the development on the land is not a factor in seeking removal of the tree, rather it is the growing risk the tree poses to pedestrians, motorists and nearby residents due to its declining health.

**Principle of Development Control 1 – Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:**

**(a) makes an important contribution to the character or amenity of the local area;**

*NO* – The subject tree is one of few remaining large established trees within the locality's residential streetscapes. The tree is highly prominent in the context of the immediate locality due to its location close to the intersection of Ella and Bessie streets, and its sizeable height of 14 metres, with the highest portion of its crown visible above rooflines for up to 100 metres away. In addition, there are no trees of comparable height or stature remaining within the nearby vicinity of the tree, which contribute to the tree's prominence.

While it is noted in the arboricultural report that the "tree adds character to the local streetscape in the form of relief to the adjacent built structures", the surrounding streetscape is better characterised, and provided better amenity, by more prolific small *Celtis australis* street trees, which generally demonstrate fuller and lower positioned foliage which provide more effective visual relief and shade to the public realm during warmer months. In addition, while comparable trees are somewhat uncommon on residential street verges in the locality, there are a number of comparable specimens of better health in more appropriate nearby locations, such as within the Crown Street and Scarborough Terrace public reserves, and in front of Patrilli Wines on Clacton Road, which are more proactive in contributing to the locality's leafy character. Furthermore, the subject tree's foliage is anticipated to become increasingly sparse as its health continues to decline. Therefore, the tree's contribution to the immediate locality's character, its notability from afar, and its amenity in terms of shade production, will continue to diminish in importance

**(b) is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species;**

*NO* – The arboricultural report notes that, "the tree is a species that is indigenous to the local area but is not listed as rare or endangered in the National Parks and Wildlife Act."

**(c) represents an important habitat for native fauna;**

*YES* – The arboricultural report notes that, “the tree is a species indigenous to the local area and as such is considered to contribute important habitat, in the form of roosting and fessing opportunities, for native fauna.”

**(d) is part of a wildlife corridor of a remnant area of native vegetation;**

*NO* – The arboricultural report notes that, “the tree could be considered to contribute to the local wildlife corridor within the area, but is not identified as forming part of the remnant vegetation in the area.”

**(e) is important to the maintenance of biodiversity in the local environment;**

*NO* – While the arboricultural report attributes the tree’s importance in this regard to its indigeneity, since the tree is not rare or endangered, it cannot, in a planning context, be deemed to make an “important contribution” to the maintenance of biodiversity in the local environment.

**(f) forms a notable visual element to the landscape of the local area.**

*YES* – As noted, there are no trees of comparable height or stature in the immediate vicinity, and the top portion of the tree’s crown can be seen over rooflines from up to 100 metres away. The arboricultural report notes that, “the tree is a large mature specimen that is highly visible in the local streetscape, and as such is considered to form a notable visual element within the local area.” It is not unique to the local area however – comparable trees in the local area exist, but are generally located in well-defined clusters which are not as individually prominent as this specimen. Furthermore, as noted, the tree’s visibility from afar is expected to decline with foliage in the crown already becoming sparser in correlation with its declining health.

**Principle of Development Control 2 – Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.**

*NO* – The development in the context of this particular application is the removal of the significant tree. Therefore, the proposed development does not comply in this regard.

**Principle of Development Control 3 – Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless: (a) in the case of tree removal;**

**(i) the tree is diseased and its life expectancy short;**

*YES* – The tree’s open and sparse crown structure, which is in “an advanced state of decline”, is one of many symptoms of its ailing health. The arboricultural report notes that cambial dieback and bark necrosis are extensive around major structural joints, including the main union. Kino weeping from exit wounds is a sign of major borer activity, notable on the main stem. Each of these symptoms demonstrates that the tree’s natural defences have been severely weakened subject to disease or defect, and that its remaining life expectancy is short.

**(ii) the tree represents an unacceptable risk to public or private safety;**

*NO* – While, as noted in the arboricultural report, the tree does not pose an “unacceptable” risk to safety, it should be noted that this particular species of tree are known to shed significant portions of their structure without warning. Considering the existing poor condition of the tree, and its anticipated limited life expectancy, the risk of limb failure and therefore the risk to public and private safety will increase over time.

**(iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area;**

NO – The arboricultural report notes that, “the tree is not identified within the Marion Development Plan as being within a Bushfire Protection Area, and is not considered to form a major bushfire hazard.”

**(iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value;**

NO – The arboricultural report notes that, “the tree is not within close proximity to the residential property to the east and outside of the influence of the tree, and as such has little potential to cause damage to the adjacent structures of value.”

**(v) all other remedial treatments and measures have been determined to be ineffective;**

YES – The arboricultural report notes that, “no treatments are available that would assist in prolonging the life expectancy of the tree, due to the level of decline it is currently exhibiting.”

**(vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.**

YES – No reasonable alternatives to the proposed development of tree removal exist; as stated in the arboricultural report, “no treatments are available that would assist in prolonging the life expectancy of the tree”.

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## REPRESENTOR’S CONCERNS

The concerns raised by the representor in relation to the removal of the tree have been addressed in the body of the report, and whilst removal of the tree is unfortunate, the arboricultural assessment concludes there are no appropriate treatments available to prolong the useful life expectancy of the tree. The condition of the tree is deteriorating and as such, its contribution to the character of the locality is projected to diminish significantly. Furthermore, comparable specimens, which contribute more significantly to the local area’s leafiness and character, are readily found in more appropriate locations nearby.

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## ANALYSIS/CONCLUSION

In regard to the above considerations, the Development Plan sufficiently justifies the removal of the significant tree given the tree’s poor and declining health, and the lack of alternative solutions for its recovery.

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. Furthermore, the proposed development satisfies PDC 3(a) (i), (v) and (vi) under *General Section – Significant Trees* in the Development Plan, therefore warranting Development Plan Consent and Development Approval subject to conditions.

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/1145/2017 for Removal of a significant tree River Red Gum in front of 17 Ella Street Dover Gardens at 17 Ella Street DOVER GARDENS 5048 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. 100/1145/2017, except when varied by the following condition of consent.
2. Three replacement trees shall be planted to compensate for the removal of the Significant tree. One replacement tree shall be planted in the same or similar place as the removed tree, and the remaining trees planted in a nearby Council reserve.
3. The replacement tree planting shall occur within twelve months of the tree's removal and shall be maintained in good condition at all times and replaced if necessary.
4. The replacement trees must not be exempt species listed under regulation 6A clause (5)(b) of the Development Regulations 2008, or a tree belonging to a class of plant declared by the Minister under section 174 of the Natural Resources Management Act 2004.

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## Attachments

*Attachment I: Aerial Photograph*  
*Attachment II: Proposal Plan, supporting documentation and photographs*  
*Attachment III: Statement of Representations*

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 6 September 2017

<b>Agenda Ref No:</b>	<b>DAP060917 – 2.5</b>
<b>Originating Officer:</b>	<b>Kristen Sheffield Development Officer - Planning</b>
<b>Applicant:</b>	<b>Scott Salisbury Homes</b>
<b>Development Description:</b>	<b>Two-storey dwelling additions and alterations incorporating a wall on the eastern boundary</b>
<b>Site Location:</b>	<b>129 Cliff Street, Glengowrie</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>20/06/2017</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2017</b>
<b>Application No:</b>	<b>100/1106/2017</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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### CATEGORISATION & DELEGATION

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

### SUBJECT LAND & LOCALITY

The subject land is located at 129 Cliff Street, Glengowrie. The allotment is rectangular with a width of 16.86 metres, depth of 38.47 metres, and total site area of 648.6 square metres.

The subject land accommodates a single-storey detached dwelling in average to good condition with vehicular access to a carport sited forward of the dwelling adjacent the eastern side boundary. The dwelling itself comprises four bedrooms, a bathroom, separate WC, laundry and open plan kitchen/meals/living areas which open to a terrace and swimming pool within the rear private open space. The dwelling also currently incorporates a wall on the eastern side boundary for a length of 15.3 metres.

The locality is primarily residential in nature, comprising a mixture of dwelling types including original detached dwellings on large allotments and older established group dwellings which are particularly prevalent in the immediate vicinity, as well as detached, semi-detached and row dwellings on smaller redeveloped allotments.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to undertake an extension to the existing dwelling, in the form of a two storey addition, with the upper level to incorporate a bedroom (with WIR and ensuite) and a theatre room.

The additions also incorporate alterations to the ground floor to accommodate a double garage (through the demolition of the existing carport forward the dwelling and Bed 4), resulting in an additional 3.9 metres of wall on the eastern boundary as well as an extension to the existing terrace area to the rear of the dwelling

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	29 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	1 representation against the application was received by Council.
<b>Persons wishing to be heard:</b>	None
<b>Summary of representations:</b>	<p><b>7/135 Cliff Street</b></p> <ul style="list-style-type: none"> <li>• Concerns regarding privacy impacts</li> <li>• Concerns regarding overshadowing</li> <li>• Concerns regarding reduction in property value</li> </ul> <p><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	See attachment V

## DEVELOPMENT ASSESSMENT

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

Residential Zone
<p><b>Objectives</b></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	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>dwelling including a residential flat building</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<b>Complies</b>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<b>Complies</b>

### Site Coverage

*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.*

*Northern Policy Area 13: PDC 4*

#### Site coverage:

#### **Does Not Comply**

Existing: 45% (292m<sup>2</sup>)

Proposed: 47.9% (310.5m<sup>2</sup>)

#### Floor area ratio:

#### **Complies**

Existing: n/a

Proposed: 0.42 (274m<sup>2</sup>)

<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p><b>Partially complies</b></p> <p>The proposal results in an additional length of boundary wall (as discussed further below within this report), but otherwise maintains appropriate setbacks to boundaries and adequate POS. In my view, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report</p>						
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p> <p>The proposal maintains sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>						
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p>						
<p><b>Private Open Space</b></p>							
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>	<p><b>Complies- unchanged</b></p> <p>29.9% (194m<sup>2</sup>)</p>						
<table><tr><th>Site area of dwelling</th><th>Minimum area of POS</th><th>Provisions</th></tr><tr><td>175 square metres or greater</td><td>20 per cent of site area</td><td>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></table>		Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.
Site area of dwelling		Minimum area of POS	Provisions				
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>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p><b>Complies</b></p>						

## 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

Existing: 9.95m  
Proposed garage: 9.25m  
Upper level: 10.335m

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

*General Section: Residential Development: PDC 37*

### Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

## Side Setbacks

*Minimum setback from side boundaries:*

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

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

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

*Residential Zone: PDC 6*

### Complies

Wall height not greater than 3 metres  
Eastern side: 0m (extending existing boundary wall)  
Western side: unchanged

Wall height between 3 metres and 6 metres (upper level)  
Eastern side: 2.5m  
Western side: 2.54m

*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*

### Does Not Comply

Existing height: 4.76m (to top of gable)  
Existing length: 15.3m

Proposed height: 2.7m increasing to 3.46m (to meet existing gable ended wall)  
Proposed length: 3.9m

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

## Rear Setbacks

*Minimum setback from rear boundary:*

*(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary*

*(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres*

*Residential Zone: PDC 6*

### Complies

Wall height not greater than 3 metres  
10.1m (unchanged)

Wall height between 3 metres and 6 metres (upper level)  
20.625m

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

## Building Height

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

*Residential Zone: PDC 6*

### Complies

The proposed dwelling incorporates a maximum building height of 7.9 metres, which is less than the maximum permitted in the Policy Area.

## Garages, Carports, Verandas and Outbuildings

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

*General Section: Residential Development: PDC 10*

### Complies

The proposed garage is incorporated under the main roof of the associated dwelling.

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

*General Section: Residential Development: PDC 12*

Parameter	Value
Maximum floor area	60 square metres
Maximum wall or post height	3 metres
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

**Does Not Comply**  
2.7m increasing to 3.46m (to meet existing gable ended wall)

**Partially Complies**  
9.25m (0.7m forward of the main face)

Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	<b>Complies</b> 3.9m
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)	<b>Complies</b> 5.85m (34.7%)
<i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i>  <i>General Section: Residential Development: PDC 13</i>		<b>Complies</b>
<b>Vehicle Parking</b>		
<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>  <i>General Section: Transportation &amp; Access: PDC 34</i>		<b>Complies</b> Three spaces provided, two covered spaces within the garage and one visitor space within the driveway.
<i>Detached Semi-detached Row</i>	<i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i>	
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		
<i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i>  <i>General Section: Transportation &amp; Access: PDC 43</i>		<b>Complies</b> a) Sufficient car parking is provided for the nature and size of the dwelling, 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.
<b>Design &amp; Appearance</b>		
<i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i> <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>  <i>General Section: Design &amp; Appearance: PDC 1</i>  <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>  <i>General Section: Design &amp; Appearance: PDC 3</i>		<b>Complies</b> The proposed dwelling additions and alterations reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling incorporates stepping between the upper and lower storeys to minimise building height, mass and proportion as well as a protruding portico element and fenestration to the front façade to provide appropriate articulation and visual interest. Accordingly, the design and appearance of the dwelling additions/alterations are considered to appropriately satisfy relevant Development Plan criteria.



## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

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) Given that south forms the rear boundary and that the proposed second storey additions maintain a generous rear setback of 20.625 metres, a majority of winter shadow will be cast over the roof of the lower level of the subject dwelling, and within the rear yard of the subject land. 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 additions 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 additions have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.

## Energy Efficiency

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

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

*General Section: Energy Efficiency: PDC 3*

### **Complies**

The dwelling additions incorporate a hipped roof form set at a 27.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

## 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:

### **Wall length/height on the boundary**

The proposed wall located on the eastern boundary comprises a length of 3.9 metres; whilst this in itself does not exceed requirements, the length of wall is in addition to an existing wall sited on the same boundary for a length of 15.3 metres, with a resulting total of 19.2 metres. In addition, the proposed wall height, which increases from 2.7 metres to 3.46 metres (to meet the existing gable ended wall), exceeds the maximum 3 metres sought for boundary walls.

The excess in boundary wall height has been designed in order to meet the height of the existing gable ended boundary wall, which already significantly exceeds criteria at 4.76 metres. Accordingly, the excess wall height should not result in significant impacts over and above that of the existing wall height.

It is noted that the eastern boundary of the subject land forms a side boundary of the adjacent dwelling, which incorporates a driveway and garage adjacent to the existing and proposed boundary wall. Approximately 11 metres of the existing boundary wall is sited to the rear of the garage of the adjacent dwelling, accordingly, 8.2 metres (increasing from 4.3 metres) of the boundary wall will be visible from the front yard of the adjoining dwelling and the streetscape. In this regard, it is of worth to note that pursuant to Schedule 4- 2A, walls located on a boundary with a length of up to 8 metres can be built 'as of right' without any consideration as to the impacts on the adjoining land and/or streetscape. Nonetheless, I am satisfied that the variance in boundary wall length is not of such severity to result in unreasonable impacts upon the occupiers of the adjoining property.

### **Garage setback**

The Development Plan specifies that garages should not dominate the streetscape, and should be set at least 0.5 metres behind the main face of the dwelling, or in line with the main face if the dwelling incorporates minor elements such as projecting porticos which provide articulation to the building as it presents to the street.

The proposed double garage is sited 0.7 metres forward of the main face of the dwelling. Whilst not complying with numerical criteria, I am of the view that the proposed garaging does not dominate the streetscape, with the generous portico element protruding forward of the garage. The upper-level additions also provide an improved ratio of habitable portions of the dwelling to garaging, further reducing potential garage dominance. Furthermore, it is noted that the proposal seeks to replace an existing carport sited forward of the dwelling, again reducing the impact of the garaging of vehicles upon the streetscape and providing for a more cohesive presentation of the dwelling.

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## REPRESENTOR'S CONCERNS

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

The representor also raised concerns over property values. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

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## ANALYSIS/CONCLUSION

The proposed dwelling additions and alterations will, in my view, improve the appearance and internal function of the dwelling for the enjoyment of the occupants. The proposal is compliant with the majority of the Development Plan Principles and where there are variances, particularly in relation to the length of the wall on the boundary, I am satisfied that this will not cause unreasonable impacts upon neighbouring property.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/1106/2017 for two-storey dwelling additions and alterations incorporating a wall on the eastern boundary at 129 Cliff Street, Glengowrie, be GRANTED subject to the following conditions:

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1106/2017, 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](http://www.marion.sa.gov.au/page.aspx?u=181)*

- 4. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

## 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.

#### Attachments

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

DEVELOPMENT ASSESSMENT PANEL  
Wednesday 6 September 2017

**Agenda Ref No:** DAP060917 – 2.6

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

**Applicant:** Mr Chad Clark

**Development Description:** A two storey detached dwelling

**Site Location:** 10 Gawler Street, Seaview Downs

**Zone:** Residential Zone

**Policy Area:** Hills Policy Area 11

**Application Type:** Category 1 / Consent

**Lodgement Date:** 13/01/2017

**Development Plan:** Consolidated – 28 April 2016

**Application No:** 100/45/2017

**Recommendation:** That Development Plan Consent be REFUSED

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CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i) of the Development Regulations 2008, which assigns the construction of detached dwellings as Category 1 development. The subject application is to be determined by the Development Assessment Panel as staff have exhausted options in reaching a compromise with the applicant.

BACKGROUND

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

Amendments Requested	Amendments Made
Substantial reduction in the bulk, scale and mass of the building	Minor reduction in dwelling floor area (total reduction of 26 square metres (from 828 metres to 802 square metres)
Reduction in site coverage and floor area ratio	Site coverage decreased from 49.4% to 47.6% (reduction of 17 square metres)  Floor area ratio decreased from 0.675 to 0.658 (reduction of 13 square metres)

Increase setbacks to side boundaries	Garage removed from boundary and provided with 1.0 metre setback.  No other amendments made to the side setbacks of the dwelling.
Reduction in the extent of earthworks required to accommodate building	Step in floor plan reduces cut to rear of site

## SUBJECT LAND & LOCALITY

The subject land is situated at 10 (Lot 496) Gawler Street, Seaview Downs. The land comprises a frontage width of 19.51 metres, a depth of 48.77 metres and a total site area of 951.5 square metres.

A single storey detached dwelling, constructed circa 1960, and associated outbuilding, are located on the land, with minimal vegetation to the north and south of the buildings.

The land incorporates a gentle slope in the order of 7.3% (1:13.7), grading down from the rear to the front of the site.

The locality is defined by modest, single storey detached dwellings located on large, gently sloping allotments between 700 – 900 square metres. Recent development (typically constructed in the 1980s and 1990s) includes single storey dwellings constructed on corner sites and hammerhead allotments and more generously-proportioned dwellings, typically two storey in height and designed to take advantage of the attractive views to the north and west.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to construct a two storey detached dwelling.

The ground floor incorporates bedroom with en-suite, two living areas (lounge and home theatre), double garage and an open plan kitchen/living/dining area and 'alfresco' verandah to the rear.

The upper floor incorporates eight bedrooms, living room and two balconies (to the rear and front of the building).

The dwelling incorporates a brick exterior (in 'surfmist'), with rendered 'blueboard' elements (also in 'surfmist') and a tiled roof at a 22.5 degree pitch, in 'woodland grey'.

*Refer Attachment III*

## 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.*



PDC 1	<i>The following forms of development are envisaged in the policy area:</i> ▪ detached dwelling ▪ group dwelling	<b>Complies</b>
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	<b>Partially Complies</b> See comments below
PDC 3	<i>Development should be designed and sited to relate to the slope of the land, so that:</i> (a) <i>the bulk and scale of the buildings do not dominate the landscape</i> (b) <i>the amount of cutting and filling of the natural ground profile is minimised.</i>	<b>Partially Complies</b> See comments below
PDC 4	<i>Wherever possible, existing vegetation should be used to screen buildings and excavation or filling from view.</i>	<b>Partially Complies</b> See comments below
PDC 5	<i>Development that would be prominently visible from the Adelaide Plains should:</i> (a) <i>achieve a profile that blends with the topography of the land</i> (b) <i>avoid the use of bright and highly reflective external materials and finishes</i> (c) <i>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>	<b>Not applicable</b> The dwelling is not prominently visible from the Adelaide Plains
PDC 6	<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:</i> (a) <i>incorporating stepping in the design in accordance with the slope of the land</i> (b) <i>where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.</i>	<b>Does Not Comply</b> See comments below

## Assessment

The proposed development comprises a detached dwelling on an individual allotment with generous gardens areas around the building, and therefore the essential nature of the proposal remains complementary to Objective 1, Principle 1 and parts of the Desired Character of the Hills Policy Area.

It is acknowledged that the dwelling complies with a number of quantitative criteria (discussed further in this report) relating to front and rear setbacks, car parking and private open space. However, it is the scale, proportion and the generous north-south axis of the building, which in my view, finds conflict with the qualitative criteria of Council's Development Plan and fails to align with the form of development sought in the Hills Policy Area.

Objective 1 of the Policy Area specifies that dwellings should be constructed at low densities. The concept of density relates not only to site areas, but also to other aspects of a development, such as proximity of buildings to boundaries, the height, bulk and scale of buildings and site coverage and floor area ratio. Given that the proposed dwelling maintains a significant size and visual bulk/scale, it cannot be asserted that the application comprises an entirely "low density" development.

The Hills Policy Area seeks to accommodate dwellings that have "minimal visual...impacts" (Objective 3) and that "pay considerable attention to, and reduce the potential impacts on, the privacy and amenity of existing development" (Desired Character). This is reinforced by

Principles 3 and 6, which respectively seek for the “bulk and scale of buildings [to] not dominate the landscape” and include “setting back upper storeys a greater distance...than the lower storey”.

The building is at odds with that sought in the Policy Area, due to its size and failure to provide appropriate stepping/articulation to soften the mass of the dwelling and provide visual interest.

The building is set within a landscape that comprises modest dwellings, typically single storey in height.

It is my view that the generous proportions of the dwelling will dominate the landscape, and will have an unreasonable impact upon neighbouring properties due to the expanse and mass of the building.

The failure to recess the upper level in from the ground floor, the enclosure of the rear balcony and use of ‘surfmist’ colour on a majority of the elevations further exacerbates the length, scale and bulk of the building.

In my view, it will be identified through this report that the proposed building dominates the landscape and does not take adequate account of its height and bulk, failing to satisfy Objective 2, the Desired Character and Principles 3 and 6 of the Hills Policy Area 11.

## 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><b><u>Site coverage:</u></b></p> <p><b>Does Not Comply</b> 47.6% (453 sq metres)</p> <p><b><u>Floor area ratio:</u></b></p> <p><b>Does Not Comply</b> 0.658 (626.1 sq metres)</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><b>Does Not Comply</b></p> <p>(a) The single storey portions of the dwelling (closer to the street frontage), and the wall exceeding a height of 6.0 metres, do not meet that sought for new dwellings.</p> <p>(b) As identified above and throughout this report, the bulk of the building is considered to have an unreasonable impact upon adjoining land.</p> <p>(c) As per above, the excess in site coverage (although modest for smaller allotments) results in the proposal being at odds with a number of Development Plan criteria.</p>

<p>Site coverage should ensure sufficient space is provided for:</p> <p>(a) pedestrian and vehicle access and vehicle parking</p> <p>(b) domestic storage</p> <p>(c) outdoor clothes drying</p> <p>(d) rainwater tanks</p> <p>(e) private open space and landscaping</p> <p>(f) convenient storage of household waste and recycling receptacles.</p> <p>General Section: Residential Development: PDC 14</p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>						
<p>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><b>Complies</b></p>						
<p>Private Open Space</p>							
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>	<p><b>Complies</b></p> <p>45.3% (430 square metres (including balconies))</p>						
<table><tr><th>Site area of dwelling</th><th>Minimum area of POS</th><th>Provisions</th></tr><tr><td>175 square metres or greater</td><td>20 per cent of site area</td><td>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></table>		Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.
Site area of dwelling		Minimum area of POS	Provisions				
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<p>Residential Zone: PDC 7</p>							
<p>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</p> <p>(a) to be accessed directly from the internal living rooms of the dwelling</p> <p>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</p> <p>(c) to be located to the side or rear of a dwelling and screened for privacy</p> <p>(d) to take advantage of, but not adversely affect, natural features of the site</p> <p>(e) to minimise overlooking from adjacent buildings</p> <p>(f) to achieve separation from bedroom windows on adjacent sites</p> <p>(g) to have a northerly aspect to provide for comfortable year round use</p> <p>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</p> <p>(i) to be partly shaded in summer</p> <p>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</p> <p>(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> <p>General Section: Residential Development: PDC 16</p>	<p><b>Complies</b></p> <p>a) The POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) POS areas are located at ground level and via balconies</p> <p>c) POS areas are 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 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>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><b>Partially Complies</b></p> <p>(g) (h)</p> <p>The primary area of private open space is located to the south of the dwelling – receiving considerable shadowing throughout winter</p>						

<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>months. This being said, there is ample POS to the east and west of the building, as well as a north-facing upper level balcony providing opportunities for day-long sunlight.</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><b>Complies</b></p>

## Building Setbacks from Road Boundaries

<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 and any road within Hills Policy Area 11.</p> <p><i>Minimum setback from primary road frontage where an established streetscape exists:</i></p> <p>8 metres from arterial roads shown on Overlay Map – Transport and any road within Hills Policy Area 11.</p> <p>Residential Zone: PDC 6</p>	<p><b>Partially Complies</b></p> <p>Front setback: 7.99 metres</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. 34</p> <p>General Section: Design and Appearance: PDC 21</p>	<p><b>Complies</b></p> <p>The proposed front setback of 7.99 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>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><b>Complies</b></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:</i></p> <p>2 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p>(a) 3 metres if adjacent southern boundary</p> <p>(b) 2 metres in all other circumstances.</p> <p><i>Where the wall height is greater than 6 metres:</i></p> <p>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</p> <p>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p>Residential Zone: PDC 6</p>	<p><b>Does Not Comply</b></p> <p>Western side setback (dwelling): 1.0m</p> <p><b>Does Not Comply</b></p> <p>Eastern side setback (garage): 1.0m</p> <p><b>Complies</b></p> <p>Eastern side setback (dwelling): 3.48m</p> <p>Western side setback: min 2.1m</p> <p><b>Does Not Comply</b></p> <p>Eastern side setback (dwelling wall above garage): 2.0m</p>
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<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Does Not Comply</b></p> <p>Whilst the side setbacks generally comply with that sought, in my view, these are insufficient to minimise the visual impact of bulk and scale of the building on adjacent properties. Whilst appropriate access to sunlight is available (as discussed further in the Overshadowing and Visual Privacy sections of this report), due to the expanse of the building, the shortfall in setback is likely to result in unreasonable impacts to adjacent properties.</p>
<h2>Rear Setbacks</h2>	
<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><b>Complies</b></p> <p>Min 12.9 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><b>Complies</b></p> <p>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).</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Does Not Comply</b></p> <p>The proposed dwelling incorporates a maximum building height of 9.9 metres, which exceeds the maximum permitted in the Policy Area.</p> <p>This measurement is calculated using the established approach regarding the building height definition in Schedule 1 of the Development Regulations.</p> <p>When determining the height of the building from natural ground level, the building incorporates a height of approximately 9.5 metres, which also exceeds that sought.</p>
<h2>Garages, Carports, Verandas and Outbuildings</h2>	
<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><b>Complies</b></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><b>Complies</b> Approx 44 square metres</p> <p><b>Does Not Comply</b> 4.0 metres</p> <p><b>Complies</b> 4.0 metres</p> <p><b>Does Not Comply</b> 0.8 metres above ground level</p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p>
<b>Parameter</b>	<b>Value</b>	
Maximum floor area	60 square metres	
Maximum wall or post height	3 metres	
Maximum building height	5 metres	
Maximum height of finished floor level	0.3 metres	
Minimum setback from 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.	
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	<b>Complies</b>
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)	<b>Complies</b>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>		<b>Complies</b>
<b>Vehicle Parking</b>		
<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 &amp; Access: PDC 34</i></p>		<p><b>Complies</b> Minimum of four on-site parking spaces</p>
Detached Semi-detached Row	3 per dwelling containing 4 or more bedrooms one of which is to be covered.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		

## 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

*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 driveway will utilise the existing crossover and invert

## 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*

### Partially Complies

The proposed dwelling incorporates reasonable levels of fenestration and ample features on the front façade to present attractively to the street.

The dwelling incorporates a 22.5 degree tiled roof in Woodland Grey, with brick facades. These materials should not result in glare to neighbouring properties, drivers or cyclists.

However, the building, of some 32 metres in length, lacks appropriate articulation and stepping-in of the upper floor to assist in softening the bulk of the building and the resultant visual impact upon adjoining land.

The visual impact of the building is exacerbated by the use of brick and render in 'surfmist' (light grey) colour, which diminishes the effectiveness of any façade articulation.

The building will be highly visible from adjoining properties to the east and west and for the reasons above, I consider that insufficient regard has been paid to the building's height, mass and proportion and façade articulation and detailing.

*Balconies should:*

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

*General Section: Design & Appearance: PDC 5*

### Partially Complies

The proposed front balcony is integrated into the portico design. However, the solid/impervious nature of the balustrade limits line-of-sight to the street and adds to the bulk of the building when viewed from the north.

In order to address concerns regarding privacy, the rear balcony incorporates a rendered blueboard screen to 1.7 metres above floor level. This enclosure adds to the bulk of the building, and presents as a 'foreign element' when viewed from the east and west.

<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><b>Complies</b></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><b>Complies</b></p>
<p><b>Relationship to the Street and Public Realm</b></p>	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p>General Section: Design &amp; 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 &amp; 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 &amp; Appearance: PDC 15</p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p>General Section: Design &amp; Appearance: PDC 16</p>	<p><b>Complies</b></p> <p>The dwelling is designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The elevations of the dwelling features brick, 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**

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 rear yard of the subject land. 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*

### **Partially Complies**

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

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

The balcony on the rear elevation incorporates solid screening (via rendered blueboard) to prevent overlooking of adjoining land. This adds to the bulk of the building.

*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*

### **Does Not Comply**

The rear balcony incorporates a rendered blueboard screen to 1.7 metres above floor level. This enclosure adds to the bulk of the building, and presents as a 'foreign element' when viewed from the east and west.

## 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 to the south of the building, however, two living areas within the dwelling do incorporate a northern orientation with shading via the porch/verandah structures.

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

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

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

*General Section: Energy Efficiency: PDC 3*

### **Complies**

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

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

### **Partially Complies**

The applicant has provided a planting list, however, a landscape plan has not been provided to identify the location of the intended plantings.

This having been said, there is ample area outside the building's footprint to accommodate landscaping that can satisfy the applicable Landscaping criteria and that sought in the Hills Policy Area.

In the event the Panel were of the view the application warrants Development Plan Consent, it may wish to include a condition of consent requiring a landscape plan to be provided prior to Development Approval being issued.

<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not result in damage to neighbouring trees</i></li> <li><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></li> <li><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></li> <li><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></li> <li><i>(e) assist in highlighting building entrances</i></li> <li><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></li> <li><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></li> <li><i>(h) be constructed of non-flammable materials.</i></li> </ul> <p>General Section: Landscaping, Fences &amp; Walls: PDC 5</p>	<p><b>Complies</b></p> <p>The application proposes retaining walls varying in height to a maximum 1000 millimetres – retaining cut at the rear of the site. Retaining walls accommodating fill adjacent the eastern and western side boundaries incorporate a height of up to 900mm.</p> <p>If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.8 metres.</p> <p>A majority of the retaining proposed is accommodating cut, and as such, the greatest impact of the combined retaining-fence structure will be upon the occupants of the subject land.</p> <p>Retaining accommodating fill (up to 900mm) is located adjacent the hammerhead driveway of 12A Gawler Street, and as such, I do not anticipate any negative amenity impacts arising from this structure.</p>
<h2>Sloping Land</h2>	
<p><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <ul style="list-style-type: none"> <li><i>(a) minimises their visual impact</i></li> <li><i>(b) reduces the bulk of the buildings and structures</i></li> <li><i>(c) minimises the extent of cut and/or fill</i></li> <li><i>(d) minimises the need for, and the height of, retaining walls</i></li> <li><i>(e) does not cause or contribute to instability of any embankment or cutting</i></li> <li><i>(f) avoids the silting of watercourses</i></li> <li><i>(g) protects development and its surrounds from erosion caused by water runoff.</i></li> </ul> <p>General Section: Sloping Land: PDC 2</p>	<p><b>Does Not Comply</b></p> <p>The proposed dwelling incorporates a 600mm step in the floor plan to assist in reducing the extent of earthworks. The dwelling, however, results in approximately 75% fill and 25% cut, rather than achieving a balance between the two.</p> <p>Furthermore, the dwelling incorporates a height of 9.5 metres above natural ground level – 500mm high than that sought. This height, combined with the extensive north-south axis of the building, limited stepping and articulation and heavy use of 'surfmist' colour on the façade of the building, will not, in my view, reduce the bulk or visual impact of the building.</p> <p>The building and associated earthworks are not anticipated to cause environmental problems.</p>
<p><i>The cutting and/or filling of land should:</i></p> <ul style="list-style-type: none"> <li><i>(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation</i></li> <li><i>(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment</i></li> <li><i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i></li> <li><i>(d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i></li> </ul> <p>General Section: Sloping Land: PDC 7</p>	<p><b>Complies</b></p>

<p><i>Retaining walls should:</i></p> <p>(a) not exceed 1.5 metres in height</p> <p>(b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total</p> <p>(c) be constructed to a high standard from high amenity materials</p> <p>(d) be landscaped to enhance their appearance.</p> <p>General Section: Sloping Land: PDC 8</p>	<p><b>Complies</b></p>
<p><b>Siting and Visibility</b></p>	
<p><i>Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:</i></p> <p>(a) the profile of buildings should be low and the rooflines should complement the natural form of the land</p> <p>(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</p> <p>(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</p> <p>General Section: Siting and Visibility: PDC 4</p>	<p><b>Partially Complies</b></p> <p>(a) The building incorporates a roof pitch at 22.5 degrees, which is similar to a majority of dwellings in the locality. Due to the gentle slope of the locality, a roof pitch complementary to the local topography is difficult to achieve.</p> <p>(b) The bulk of the building has not been sufficiently minimised by stepping-in of the upper floor, articulation to the building's facades or use of materials.</p> <p>(c) The building does incorporate 450mm-wide eaves and verandah/balcony structures on the front and rear elevations. The use of solid balustrades/screening to both balconies however, adds to the bulk of the building.</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>General Section: Siting and Visibility: PDC 5</p>	<p><b>Complies</b></p> <p>The tiled roof, in Woodland Grey, and brick façade in surfmist is unlikely to detract from the visual character and amenity of the landscape, however, the singular use of the 'surfmist' colour on the building facades, will, in my view, exacerbate the bulk and scale of the building.</p>

## TABLE DISCUSSION

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

### Site Coverage and Floor Area Ratio

The proposed dwelling equates to site coverage of 47.6% (453 square metres) and a floor area ratio of 0.658 (626.1 square metres). The Hills Policy Area prescribes a maximum site coverage of 35% and floor area ratio of 0.4.

The excess in building footprint reflects the generous size of the building. The Hills Policy Area purposefully has conservative site coverage and floor area ratio provisions, to guide dwellings to be 'low density', acknowledging that allotments should incorporate a minimum site area of 700 square metres.

The site coverage and floor area ratio figures reflect the generous proportion and unreasonable bulk of the dwelling and for the reasons identified above, I consider the site coverage and floor area ratio to be demonstrative of the inappropriate size of the building and the resultant impact upon adjoining land.

## **Side Setbacks**

### ***Ground floor side setback (Garage and single storey wall - western side)***

The garage wall and (single storey) western side wall of the dwelling are setback 1.0 metre from the side boundary, where 2.0 metres is sought.

It is my view the 1.0 metre setback for the single storey portions of the dwelling are not out of character with a majority of other dwellings in the locality.

Given the positioning of dwellings on adjoining land, I do not consider the 1.0 metre setback will have an unreasonable impact upon neighbouring land.

### ***Upper floor side setback (eastern side)***

The two storey wall on the eastern façade above the garage incorporates a height of 6.8 metres above ground level – requiring a setback of 2.8 metres in accordance with Principle 6.

Whilst the wall is setback 800mm less than sought, as this part of the dwelling is adjacent the carport of the neighbouring property, I do not consider the shortfall in setback will have an unreasonable impact upon the amenity of that property by way of visual bulk or overshadowing.

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## **ANALYSIS/CONCLUSION**

The preceding assessment has illustrated the proposed development meets a high number of applicable criteria, including front and rear setbacks, private open space, car parking, energy efficiency, overlooking and overshadowing.

However, in my view, the proposal finds conflict with the applicable criteria of the Development Plan relating to 'density' – being the bulk and scale of the building and resultant impacts upon adjoining properties.

The dwelling incorporates a generous north-south axis, resulting in site coverage of 47.6% (453 square metres) and a floor area ratio of 0.658 (626.1 square metres), both substantially exceeding that sought in the Hills Policy Area.

The Hills Policy Area seeks for “[b]uildings...[to] reflect the existing pattern and scale of nearby development...”, that “*the bulk and scale of the buildings do not dominate the landscape*”, and that “*new buildings...pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development...*” whilst Principle 6 seeks for the bulk of buildings to be minimised via “*setting back upper storeys a greater distance from all boundaries than the lower storey*”.

The considerable size of the building, positioning in relation to adjoining properties, failure to provide appropriate stepping and articulation, and the use of a singular colour, ‘surfmist’, on all four facades of the building, will, in my view, result in a building bulk that is not anticipated in the Policy Area, and will have an unreasonable bearing upon the amenity of adjoining land by way of building bulk and visual impact.

As a result of the above considerations, it is my view that whilst the proposed development is not seriously at variance to the Development Plan, in accordance with Section 35 (2) of the Development Act 1993, however, the proposed development does not sufficiently accord with the relevant provisions of the Development Plan, and refusal of Development Plan Consent is warranted.

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/45/2017 for a two storey detached dwelling at 10 Gawler Street, Seaview Downs be REFUSED for the following reasons:
  - 1. The development comprises a bulk and mass that results in a built form inconsistent with that sought in the Policy Area, will dominate the landscape and will have an unreasonable visual impact upon adjoining properties and finds conflict Objective 3, the Desired Character and Principles 2, 3(a) and 6(b) of the Hills Policy Area 11 and Sloping Land Principles 2(a) and 2(b).
  - 2. The proposed dwelling has not been designed in a sensitive manner cognisant with the slope of the land and is therefore at variance to Objective 2, Objective 3, Principle 2, Principle 3(a), Principle 3(b) and the Desired Character of the Hills Policy Area and Siting and Visibility Principle 4(b).
  - 3. The site coverage and floor area ratio proposed exceeds that sought in the Policy Area, resulting in unreasonable impacts upon adjoining land and is therefore at variance to Residential Zone Principle 9 and Principle 7 of the Hills Policy Area 11.

### Attachments

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

**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 6 September 2017**

<b>Agenda Ref No:</b>	<b>DAP060917 – 2.7</b>
<b>Originating Officer:</b>	<b>Kristen Sheffield Development Officer - Planning</b>
<b>Applicant:</b>	<b>Urban Planning &amp; Design</b>
<b>Development Description:</b>	<b>Two-storey dwelling incorporating a garage wall on the western side boundary and a single-storey residential flat building comprising two dwellings</b>
<b>Site Location:</b>	<b>33A Deloraine Road, Edwardstown</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>19/04/2016</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/687/2016</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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**CATEGORISATION & DELEGATION**

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

The subject application is required to be determined by the Development Assessment Panel by virtue of one of the proposed new dwellings 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.

It is noted that an associated land division application is yet to be lodged for the subject land. Accordingly, Dwelling 1 is currently defined as a two-storey dwelling. However, given that this dwelling is proposed to be self-contained and to maintain exclusive access from the road frontage, for assessment purposes within this report, Dwelling 1 has been assessed against the provisions required of detached dwellings.

## BACKGROUND

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

Amendments Requested	Amendments Made
Site coverage of Dwellings 2 and 3 should be reduced to more closely align with Council's policies.	Site coverage of Dwellings 2 and 3 reduced from 60.1% to 47.2%.
The rear setback of Dwellings 2 and 3 should be increased in order to reduce overshadowing and noise impacts from the adjacent Industry building/activities.	Rear setbacks of Dwellings 2 and 3 increased from 5.5 metres to 9.2 metres.
POS should comprise a minimum 20% of the site area.	POS of Dwellings 2 and 3 increased from 18.6% to 31.2%.
Garaging should not dominate the streetscape and be sited at least 0.5 metres behind the main face of the dwelling.	The garage of Dwelling 1 relocated from 1.7 metres forward of the main face to 0.5 metres behind the main face of the dwelling.
2 x 0.5 metre landscaping strips should be incorporated on either side of the common driveway.	Landscaping strips provided.
The aisle width of the vehicle manoeuvring area provided to Dwellings 2 and 3 should be increased to comply with applicable Australian Standards.	Aisle width of the vehicle manoeuvring area of Dwellings 2 and 3 increased from 4 metres to 5.7 metres.

## SUBJECT LAND & LOCALITY

The subject land is located at 33A Deloraine Road, Edwardstown. The allotment is rectangular in shape with a width of 15.24 metres, depth of 60.76 metres, and total site area of 926 square metres.

The subject land currently accommodates a single-storey detached dwelling in poor to average condition with vehicular access to an attached garage adjacent the eastern side boundary. Several other ancillary structures are located to the rear of the existing dwelling. The land is relatively flat, and does not include any trees classified as regulated pursuant to the current legislation.

The locality is comprised of a mixture of residential dwelling types including original detached dwellings on large allotments and older established group dwellings, as well as detached, semi-detached and group dwellings on smaller redeveloped allotments. Immediately north of the subject land, and further to the west, is the Industry Zone, generally comprised of a range of industrial and warehouse uses.

The subject land is sited 300 metres to the south-west of Weaver Street reserve, which includes a children's playground and tennis courts. The Woodlands Park Railway Station is located approximately 700 metres walking distance to the north-east of the subject land, while a District Centre Zone (Castle Plaza) is sited 1 kilometre to the north-east.

*Refer Attachments I & II*



## PROPOSED DEVELOPMENT

The application seeks for the construction of a two-storey dwelling (Dwelling 1) facing Deloraine Road, and a single storey residential flat-building comprising two dwellings (Dwellings 2 and 3) to the rear.

It is noted that an associated land division application is yet to be lodged for the subject land. Accordingly, Dwelling 1 is currently classified as a two-storey dwelling. However, given that Dwelling 1 is self-contained and maintains exclusive access from the road frontage, for assessment purposes within this report, this dwelling has been assessed against the provisions required of detached dwellings.

Dwelling 1 is two-storey in nature and incorporates three bedrooms (main with balcony, ensuite and WIR) and a bathroom on the upper level whilst the ground level incorporates a laundry, WC, formal lounge and open plan kitchen/living/meals area with direct access to the main area of private open space. A double garage is incorporated under the main roof of the dwelling, which seeks to gain access via a new crossover located adjacent the western side boundary.

Dwellings 2 and 3 (residential flat dwellings) are single-storey in nature and each incorporate two bedrooms, a formal lounge, laundry, bathroom and open plan kitchen/living/meals areas with direct access to the associated area of private open space. Both dwellings are provided with single width garages and an associated visitor space. Vehicular access is achieved through an internal common driveway running the length of the eastern boundary.

Low through to high level landscaping has been provided throughout the subject site, and along both sides of the common driveway.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	17 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	No representations were received by Council.

## INTERNAL DEPARTMENT COMMENTS

<b>Open Space:</b>	The proposed crossover to Dwelling 1 should maintain a minimum 2 metres clearance from the existing street tree forward of the subject land.
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## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p><b>Objectives</b></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	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>dwelling including a residential flat building</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<b>Complies</b>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<b>Complies</b>
PDC 5	<p><i>Residential development located on land within 60 metres of <b>Marion Road Policy Area 1, South Road Policy Area 2, Sturt/Marion Road Corner Policy Area 3, Industry Commerce Policy Area 4, Industry/Commerce Edwardstown Policy Area 5 and Light Industry Policy Area 6</b> should incorporate appropriate noise attenuation measures noise sensitive rooms and private open spaces should be located away from potential noise sources.</i></p>	<p><b>Does not Comply</b></p> <p>Noise attenuation measures have not been proposed within the application. It is recommended as a condition of consent that the windows and sliding doors of Dwellings 2 &amp; 3 facing the rear boundary be double-glazed for sound attenuation purposes, details of which should be provided to Council for consideration and approval prior to the issue of Development Approval.</p>

PDC 6	<i>Residential development on land abutting of <b>Marion Road Policy Area 1, South Road Policy Area 2, Sturt/Marion Road Corner Policy Area 3, Industry Commerce Policy Area 4, Industry/Commerce Edwardstown Policy Area 5 and Light Industry Policy Area 6</b>, should provide for a continuous solid wall or fence of at least 2 metres in height along the abutting boundary.</i>	<b>Partially Complies</b> The rear boundary of the subject land (abutting the Industry/Commerce Edwardstown Policy Area 5) is for the most part comprised of an existing solid wall.
PDC 7	<i>Bedroom windows that face the boundary of <b>Marion Road Policy Area 1, South Road Policy Area 2, Sturt/Marion Road Corner Policy Area 3, Industry Commerce Policy Area 4, Industry/Commerce Edwardstown Policy Area 5 and Light Industry Policy Area 6</b> should be setback at least 3 metres from this boundary.</i>	<b>Complies</b>
PDC 3	<i>Minimum Site Area: Detached dwellings (Dwelling 1): 375m<sup>2</sup> Residential flat dwellings (Dwelling 2 &amp; 3): 300m<sup>2</sup></i>	<b>Does Not Comply</b> Dwelling 1: 299.5m <sup>2</sup> Dwelling 2 & 3: 225m <sup>2</sup>  <b>Partially Complies</b> Average site areas of Dwelling 2 and 3: 313.25m <sup>2</sup> (including common driveway)
	<i>Minimum Frontage: Detached dwellings (Dwelling 1): 12m Residential flat dwellings (Dwelling 2 &amp; 3): 4m (hammerhead handle width)</i>	<b>Does Not Comply</b> Dwelling 1: 11.36m  <b>Complies</b> Dwellings 2 & 3: 4m
	<i>Minimum Depth: Detached dwellings (Dwelling 1): 20m Residential flat dwellings (Dwelling 2 &amp; 3): 45m</i>	<b>Complies</b> Dwelling 1: 27.23m Dwellings 2 & 3: 60.76m

## Assessment

### **Objectives & Desired Character**

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

Given that the subject land is located within an acceptable walking distance of public open space, public transport routes and centre facilities, 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**

The site area of each proposed allotment fails to meet the minimum prescribed for detached and residential flat dwellings within the Northern Policy Area 13.

Detached dwellings require a minimum 375 square metres whereas Dwelling 1 comprises an allotment area of 299.5 square metres, which equates to a shortfall of 75.5 square metres (20.1%). Although the undersized nature of the allotment is substantial, the allotment generally presents a frontage width reflective of that required for detached dwellings within this policy area (as discussed below). As such, in my opinion, the undersized nature of the allotment will not be as apparent from the street as the predominant pattern of wider frontages for detached dwellings will be maintained.

Dwellings 2 and 3 each maintain an average site area of 225 square metres each, 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 75 square metres per dwelling, or 25% less than the minimum sought. 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 and manoeuvring areas were to be included within site area calculations, the combined allotment and driveway area of allotments 2 and 3 would equate to 626.5 square metres, or 313.25 square metres per allotment –above the minimum 300 square metres sought.

Nonetheless, given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. The subject land maintains an overall site area of 926 square metres; resulting in an average site area of 308.7 square metres per dwelling, satisfying the average site area requirement of 300 square metres for group and residential flat dwellings in the Northern Policy Area 13. Therefore, it may be 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.

In my opinion, the above considerations may 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**

Detached dwellings should maintain a minimum frontage width of 12 metres, whereas a frontage width of 11.36 metres is observed for Dwelling 1. The 0.64 metre shortfall itself is considered relatively minor, and in my view, will not be particularly apparent within the streetscape, maintaining the predominant pattern of wider frontages for detached dwellings within this locality.

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## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>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><b>Site coverage:</b> <b>Does Not Comply</b> Dwelling 1: 46.9% (140.4m<sup>2</sup>) Dwelling 2: 47.2% (106.2m<sup>2</sup>) Dwelling 3: 47.2% (106.2m<sup>2</sup>)</p> <p><b>Complies</b> Average site coverage (including common driveway): 38.1%</p> <p><b>Floor area ratio:</b> <b>Complies</b> Dwelling 1: 0.55 (166m<sup>2</sup>)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p><b>Complies</b> The proposal generally maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i> <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> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b> The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b> 27.4% (254m<sup>2</sup>)</p>

## Private Open Space

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

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

*Residential Zone: PDC 7*

### Complies

Dwelling 1: 29.3% (87.7m<sup>2</sup>)  
Dwelling 2: 31.2% (70.1m<sup>2</sup>)  
Dwelling 3: 31.2% (70.1m<sup>2</sup>)  
5 x 5 metre POS dimension achieved by each dwelling.

*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) 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 area of Dwelling 1 should not be significantly shaded during winter by the associated dwelling or adjacent development.
- i) POS areas are capable of being shaded during summer.
- k) The POS areas are considered to have sufficient shape and area to be functional.
- j) Traffic, industry or other business activities should not affect the POS of Dwelling 1.

### Does Not Comply

- h) The POS areas of Dwellings 2 and 3 may be shaded for most of the day during winter by adjacent development north of the subject land.
- j) Industry/business activities may affect the POS of Dwellings 2 and 3.

*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. While a majority of older dwellings within the locality comprise setbacks of 7 metres or more, newer dwellings (at number 37 Deloraine Road) comprise front setbacks of 5 metres. In my view, the proposed front setback of 6 metres is considered to contribute positively to the function, appearance and desired character of the locality, despite being located somewhat forward of the dwellings on adjoining land.

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

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

General Section: Design and Appearance: PDC 22

### Partially Complies

Dwelling 1: 6 metres

(Dwellings on adjoining land set back approximately 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.

*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

Wall height not greater than 3 metres

### Complies

Dwelling 1: 1m  
 Dwelling 2: 0.9m  
 Dwelling 3: 0.9m

Wall height between 3 metres and 6 metres  
 (Dwelling 1 only)

### Complies

Eastern side setback: 5m  
 Western side setback: 2.5m

*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

Dwelling 1 only  
 Length: 6.3m

### Does not Comply

Height: 3.15m (from natural ground level)

<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><b>Complies</b></p> <p>Despite the upper level of Dwelling 1 achieving limited separation from the internal boundary (located adjacent the common driveway servicing Lots 2 and 3), it is also acknowledged that the two storey wall will be setback 5m from the existing eastern allotment boundary. As such, any overshadowing/visual impacts are considered to be contained within the subject land and adjacent an area used for vehicle movements, and should therefore maintain the character of the locality in relation to patterns of space.</p>
<b>Rear Setbacks</b>	
<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><u>Wall height not greater than 3 metres</u></p> <p><b>Complies</b></p> <p>Dwelling 1: 6.65m Dwelling 2: 9.2m Dwelling 3: 9.2m</p> <p><u>Wall height greater than 3 metres</u> Dwelling 1: 9.725m</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><b>Complies</b></p>
<b>Building Height</b>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 7.89 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><b>Complies</b></p>



## Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

### Complies

Each proposed garage is incorporated under the main roof of the associated dwelling.

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

General Section: Residential Development: PDC 12

Parameter	Value
Maximum floor area	60 square metres
Maximum wall or post height	3 metres
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.
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)
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

### Complies

### Complies

Dwelling 1: Garage set back 6.5 metres, 0.5 metre behind the main face of the dwelling

### Complies

Dwelling 1: Garage sited on the boundary for a length of 6.3 metres.

### Complies

Dwelling 1: 42.3% (4.8m)

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

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

General Section: Residential Development: PDC 13

### Complies

## Vehicle Parking

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

General Section: Transportation & Access: PDC 34

### Complies

Dwelling 1: Four spaces provided, two covered spaces within the garage and two visitor spaces within the driveway.

Dwellings 2 and 3: Each dwelling provides one garage space and one open visitor space, which equals a total of 4 on-site parking spaces. However, no independently accessible visitor parks are available.

Note: 1.5 resident spaces x 2 dwellings = 3  
Plus 0.6 visitor spaces required for 2 dwellings = 3.6 on-site spaces required

Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered.
<b>*Applies for Dwelling 1</b>	
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.
<b>*Applies for Dwellings 2 and 3</b>	
Multiple dwelling	0.7 per bedroom

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

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> <li><i>(a) the number, nature and size of proposed dwellings</i></li> <li><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></li> <li><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></li> <li><i>(d) availability of on-street car parking</i></li> <li><i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></li> </ul> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</li> <li>b) Centre facilities and public transport are located within acceptable walking distance of the dwellings</li> <li>c) The likely occupants are anticipated to have standard mobility and transport requirements.</li> </ul> <p><b>Does Not Comply</b></p> <ul style="list-style-type: none"> <li>d) e) The proposed development results in a loss of on street car parking, as only one on-street car parking space shall remain available adjacent the subject land, where two spaces are currently available.</li> </ul>
<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"> <li><i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i></li> <li><i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i></li> <li><i>(c) reinforce or contribute to attractive streetscapes.</i></li> </ul> <p><i>General Section: Transportation &amp; Access: PDC 44</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>(a) (b) The development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</li> <li>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</li> </ul>
<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"> <li><i>(a) not face the primary street frontage</i></li> <li><i>(b) be located to the rear of buildings with access from a shared internal laneway</i></li> <li><i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></li> </ul> <p><i>General Section: Transportation &amp; Access: PDC 45</i></p>	<p><b>Complies</b></p> <p>The parking areas of Dwelling 2 and 3 are located to the rear of Dwelling 1 with access from a shared internal laneway, and therefore do not face the primary street frontage.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p><b>Does not Comply</b></p> <p>1 on-street car parking space is provided for the proposed allotments, which does not satisfy PDC 22.</p>
<p><b>Access</b></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"> <li><i>(a) 3 metres wide for a single driveway</i></li> <li><i>(b) 5 metres wide for a double driveway.</i></li> </ul> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b></p> <p>Dwelling 1: 4.5m Dwellings 2 and 3: Existing crossover utilized for the proposed common driveway.</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><b>Complies</b></p> <p>The proposed crossover is set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>

<i>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</i>					<b>Complies</b> 3-metre-wide common driveway and 0.5 metre landscaping strips along the eastern and western sides of the driveway.
<b>Dwellings served</b>	<b>Trafficable width (metres)</b>			<b>Minimum landscape strips on both sides of driveway (metres)</b>	
	<b>Intersection with public road and first 6 metres</b>		<b>Width beyond first 6 metres</b>		
	<b>Arterial roads</b>	<b>Other roads</b>			
1 – 3	6	3	3	0.5	
General Section: Residential Development: PDC 41					
<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>					<b>Complies</b> Vehicle access points are separated by a minimum distance of 6 metres.
General Section: Transportation and Access: PDC 28					
<b>Design &amp; Appearance</b>					
<i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i> (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.					<b>Complies</b> The proposed dwellings reflect the desired character of the locality, and incorporate a relatively contemporary design.
General Section: Design & Appearance: PDC 1					
<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>					
General Section: Design & Appearance: PDC 3					
					Dwelling 1 incorporates render to both the lower and upper levels of the front façade with feature tiles provided to the portico/balcony blade wall. The remaining facades incorporate a mixture of face brickwork to the lower level and render to the upper level, with a vertical band of feature tiling provided to the eastern elevation. Stepping is provided between the lower and upper levels of the western side of the dwelling. While it is acknowledged that stepping between the lower and upper levels of the eastern elevation of this dwelling is limited, a reasonable level of articulation is nonetheless provided due to a mixture of face brickwork, render, tiling and fenestration to this elevation, avoiding extensive areas of uninterrupted walling exposed to public view.
					Dwellings 2 and 3 also incorporate a mixture of render and face brickwork.
					All dwellings incorporate Colorbond roof sheeting at a 22.5-degree pitch and panel lift garage doors.
					The proposed materials should not result in unreasonable glare to neighbouring properties, drivers or cyclists.
					On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.

<p><i>Balconies should:</i>  <i>(a) be integrated with the overall form and detail of the building</i>  <i>(b) include balustrade detailing that enables line of sight to the street</i>  <i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p>General Section: Design &amp; Appearance: PDC 5</p>	<p><b>Complies</b></p> <p>The proposed balcony to the front façade of Dwelling 1 is integrated into the portico design, with clear glass balustrade that enables line of sight to the street.</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><b>Complies</b></p>
<p><b>Relationship to the Street and Public Realm</b></p>	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p>General Section: Design &amp; 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 &amp; 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 &amp; Appearance: PDC 15</p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p>General Section: Design &amp; Appearance: PDC 16</p>	<p><b>Complies</b></p> <p>Dwelling 1 is designed so that the main facade faces the primary street frontage, presenting an entrance door, portico, balcony and habitable windows to the street.</p> <p>The elevations of the dwellings feature a mixture of face brickwork, render, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

The 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) 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.

*Note: Whilst not applicable against PDC 9 and 10, the shadow diagrams illustrate that the proposed private open space areas of Dwellings 2 and 3 will be largely overshadowed by the existing development to the north of the subject land during winter months. This is discussed further within the Table Discussion of this report.*

## 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*

### **Partially Complies**

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

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

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

## Noise

*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.*

*General Section: Residential Development: PDC 27*

### **Partially Complies**

Dwellings 2 and 3 incorporate POS facing/abutting the Industry Zone. It is acknowledged that limited opportunity is available to locate the POS of these dwellings away from the rear boundary. The limited width of the subject land means that dwellings located down the length of the block would have an inefficient layout and may not be able to achieve appropriate vehicular manoeuvrability.

While the POS of these dwellings is located in close proximity to the adjacent Industry Zone, this layout does at least provide for some separation between the Industry activities and the habitable rooms of the dwelling. As previously outlined, recommended condition of consent 3 has been included to ensure the rear elevations and associated habitable spaces within the dwelling are appropriately sound proofed.

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

*General Section: Residential Development: PDC 30*

### **Complies**

Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1.6 metres and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

## Site Facilities and Storage

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

*General Section: Residential Development: PDC 31*

### **Partially Complies**

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

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

*Buildings should be sited and designed:*

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

*General Section: Energy Efficiency: PDC 2*

### **Partially Complies**

The dwellings are oriented so that their open spaces and main activity areas face north for exposure to winter sun, however as previously outlined, the POS of Dwellings 2 and 3 remain in shadow for the majority of the day during winter months.

As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of 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 hipped roof forms set at 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

<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 &amp; Walls: PDC 5</i></p>	<p><b>Complies</b></p> <p>The application proposes retaining walls varying in height to a maximum 400 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.2 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>
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## 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
- POS amenity adjacent the Industry Zone
- On-street car parking

### Site coverage

The Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas Dwelling 1 comprises site coverage of 46.9%, while site coverage of 47.2% is observed for the curtilage of Dwellings 2 and 3. The following considerations are noted with regard to the discrepancy in site coverage;

- Overall site coverage equates to some 38.1% of the total site area (including the common driveway), below the prescribed maximum of 40%.
- The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries. 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.
- The proposal is considered to generally comply with PDC 13 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, landscaping, private open space and convenient storage of household waste and recycling receptacles.

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.

### POS amenity adjacent the Industry Zone

Principle of Development Control 16 (h) and (j) within the General Section (Residential Zone) of the Development Plan specify that POS should not be significantly shaded during winter by the adjacent development and that POS should be sited to minimise noise or air quality impacts that may arise from industry activities within the locality.



Dwelling 2 and 3 each incorporate private open space facing/abutting the Industry Zone, with the adjoining industrial property comprising a wall some 6 metres in height on the rear (northern) boundary of the subject land. As demonstrated within the attached shadow diagrams, the POS of Dwelling 2, and particularly that of Dwelling 3, will be significantly shaded by the wall of the Industrial premises on the adjacent land during winter months. Whilst the overshadowing of the POS of Dwellings 2 and 3 during winter months is not an ideal outcome, the proposal has nonetheless been amended to incorporate more generous rear setbacks to these dwellings such that the north facing glazing of the habitable areas will receive sunlight over a portion of their surface for at least 3 hours on the 21<sup>st</sup> of June. Further, the living areas and POS of the dwellings benefit from the northern orientation of these areas for the majority of the year.

In addition to overshadowing impacts, the POS of these dwellings may be impacted by noise arising from the industrial activities occurring on the adjoining land. As previously noted within this report, limited opportunity is available to locate the POS of these dwellings away from the rear boundary. The limited width of the subject land means that dwellings located down the length of the block would have an inefficient layout and may not be able to achieve appropriate vehicular manoeuvrability. The proposed layout does at least provide for some separation between the dwellings and the rear boundary, thereby reducing noise impacts from the Industry activities and the habitable rooms of the dwelling, albeit not addressing the impacts of noise upon the POS of the dwellings.

Notwithstanding the above, the amenity afforded to the POS of each Dwelling 2 and 3 is not ideal. This element of the proposed development is noted and considered accordingly with the overall merit of the proposal.

### **On-street car parking**

The proposed increase in density requires the provision of two (2) (rounded up from 1.5) on-street parking spaces adjacent the subject land (i.e. one on-street space per two allotments). However, only one on-street car park is maintained by the proposal. It is acknowledged that the proposed development exceeds the total on-site parking requirements (albeit not including independently accessible on site visitor parks), and that the dwellings are located an acceptable walking distance to public transport and centre facilities, which may to some extent may provide justification for accepting a shortfall of one on-street car parking space. Nonetheless the non-compliance is noted and considered accordingly with the overall merit of the proposal.

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## ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it achieves an increase in dwelling densities within close proximity to public transport routes, as well as providing further diversity in dwelling types.

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 several non-compliances including site areas, site coverage, and on-street car parking. 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 to the extent where refusal is warranted, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

In my view, the most significant impact of the proposal is that of the adjacent Industry Zone upon the POS amenity of Dwellings 2 and 3. It is acknowledged that outside of winter months, the POS and living areas of the dwellings will benefit from northern solar access. Further, the dwellings themselves achieve a reasonable level of separation from the Industry Zone and associated overshadowing and noise impacts. Ultimately, I am of the view that the impacts upon the amenity of the POS are outweighed by the overall compliance of the proposal when considered on balance against relevant Development Plan provisions.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/687/2016 for a two-storey dwelling incorporating a garage wall on the western side boundary and single-storey residential flat building comprising two dwellings located to the rear at 33A Deloraine Road, Edwardstown, be GRANTED subject to the following conditions:

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/687/2016, 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. The rear elevation windows and sliding doors of Dwellings 2 and 3 shall be double glazed for sound attenuation purposes, details of which shall be provided to Council for consideration and approval prior to the issue of Development Approval.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 6. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 7. 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.

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*

**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 6 September 2017**

**Agenda Ref No:** DAP060917 – 2.8

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

**Applicant:** Yong Guo

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

**Site Location:** 48 Condada Avenue, Park Holme

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 1 / Consent

**Lodgement Date:** 04/07/2017

**Development Plan:** Consolidated – 28 April 2016

**Application No:** 100/1206/2017

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

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**CATEGORISATION & DELEGATION**

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed detached dwelling 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
The POS of Res 1 should comprise a minimum 20% of the site area and incorporate a minimum dimension of 5m x 5m.	POS of Res 1 increased from 18.6% to 20.1% and provided with a minimum dimension of 5m x 5m.

The finished floor levels of Lot 2 and 3 should be reduced to prevent overlooking of the adjoining property to the north.	FFL's of Lot 2 and 3 reduced from 100.4 to 100.2.
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## SUBJECT LAND & LOCALITY

The subject site is located at 48 Condada Avenue, Park Holme. The land is a rectangular shaped allotment with a frontage width of 18.29m and a depth of 45.72m, culminating in a total site area of 836 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to an attached carport adjacent the western side boundary. Several other ancillary structures are located to the rear of the existing dwelling. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

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

The subject land is sited 500 metres to the west of Marion Road, which includes bus services to the Adelaide CBD. Ascot Park Railway Station is located approximately 1 kilometre to the south-east of the site, while a Neighbourhood Centre Zone is located 1 kilometre walking distance to the south.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to construct a single-storey dwelling at the front of the site presenting to and with exclusive access from Condada Avenue. Additionally, a single-storey residential flat building comprising two dwellings is proposed to the rear of the site with shared driveway access from Condada Avenue.

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

*Refer Attachment III*

## INTERNAL DEPARTMENT COMMENTS

<b>Open Space:</b>	The proposal seeks for the removal of an existing street tree in order to construct the common driveway/crossover to Dwellings 2 and 3. Council's Arborist has advised that the street tree may be removed subject to payment of \$450 + GST to undertake removal and replacement of the tree.
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## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<b>Objectives</b> <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		
<b>Objectives</b> <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>		
<b>Desired Character</b> <p>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</p> <p>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.</p> <p>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>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.</p> <p>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.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ dwelling including a residential flat building</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	<b>Complies</b>
PDC 3	<p>Minimum Site Area:</p> <p>Detached dwellings: 375 m<sup>2</sup></p> <p>Residential flat dwellings: 300 m<sup>2</sup></p>	<p><b>Does Not Comply</b></p> <p>Dwelling 1: 280.7m<sup>2</sup></p> <p>Dwellings 2 &amp; 3: 192.1m<sup>2</sup></p> <p>Average site areas of Dwellings 2 and 3: 277.8m<sup>2</sup> (including common driveway)</p>

	<i>Minimum Frontage:</i> Detached dwelling: 12m Hammerhead driveway: 4m	<b>Complies</b> Dwelling 1: 14.29m Dwellings 2 & 3: 4m
	<i>Minimum Depth:</i> Detached dwelling: 20m Residential flat dwellings: 45m	<b>Does Not Comply</b> Dwelling 1: 19.72m  <b>Complies</b> Dwellings 2 & 3: 45.72m

## Assessment

### **Objectives & Desired Character**

The application proposes to replace an existing single storey detached dwelling in average condition, with a detached dwelling and a residential flat building comprising two dwellings, both of which are forms of development anticipated by PDC 1. Further, 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 reasonable walking distance of public transport routes and centre facilities, 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**

A minimum site area of 375 square metres is prescribed for detached dwellings, whereas the site area of Dwelling 1 equates to 280.7 square metres. This represents a considerable shortfall of 94.3 square metres; 25% below that sought. However, it is noted that the allotment maintains a frontage width of 14.29 metres, where a minimum width of 12 metres is prescribed for detached dwellings. Accordingly, the undersized nature of the allotment should not be apparent when viewed from the streetscape, and therefore should not detract from the character of the locality.

The site areas of the residential flat dwellings (Dwellings 2 and 3) equate to 192.1 square metres each. Whereas an average site area of 300 square metres applies for residential flat dwellings in this Policy Area. This equates to a shortfall of 112.5 square metres (37.5%) for each dwelling. It is considered that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

If the driveway were to be included in site areas, Dwellings 2 and 3 would maintain an average site area of 277.8 square metres each; closer to the prescribed minimum site area.

Given the size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is acknowledged that were Dwelling 1 to share access with the rear dwellings, it would be classified as a group dwelling where a minimum site area of 300 square metres would be sought; it is only by the configuration of the site that Dwelling 1 requires a site area of 375 square metres. The subject land maintains an overall site area of 836 square metres; resulting in an average site area of 278.7 square metres per dwelling; 7.1% less than the minimum site area sought for three group dwellings in the Northern Policy Area 13.



It is further noted that the same configuration of dwellings, on the same allotment sizes, have previously been approved at 1, 5, 15 and 16 Condada Avenue by both previous and the current Development Assessment Panels.

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

## 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><b>Site coverage:</b></p> <p><b>Does Not Comply</b>  Dwelling 1: 52.2% (146.5m<sup>2</sup>)  Dwelling 2: 56.5% (108.5m<sup>2</sup>)  Dwelling 3: 56.5% (108.5m<sup>2</sup>)</p> <p>Overall site coverage (including common driveway): 43.5% (363.5m<sup>2</sup>)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i>  (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.</p> <p><i>Residential Zone: PDC 9</i></p>	<p><b>Complies</b></p> <p>The setbacks of the proposal are considered to be acceptable (as discussed within the table discussion) and the excess in the building footprint does not adversely impact upon the POS of the dwellings or upon the amenity of adjoining properties.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i>  (a) pedestrian and vehicle access and vehicle parking  (b) domestic storage  (c) outdoor clothes drying  (d) rainwater tanks  (e) private open space and landscaping  (f) convenient storage of household waste and recycling receptacles.</p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p>

## Private Open Space

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

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

*Residential Zone: PDC 7*

### Complies

Dwelling 1: 20.1% (56.4m<sup>2</sup>)  
Dwelling 2: 21.9% (42.1m<sup>2</sup>)  
Dwelling 3: 21.9% (42.1m<sup>2</sup>)

Minimum dimensions of 5x5 metres provided for each dwelling.

*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) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.
- h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- i) POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities should not affect the subject land.
- k) The POS areas are considered to have sufficient shape and area to be functional.

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

*General Section: Residential Development: PDC 22*

### Complies

## Building Setbacks from Road Boundaries

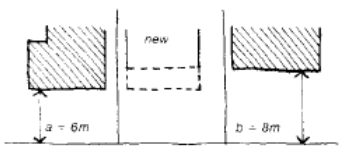
*Except in areas where a new character is desired, the setback of buildings from public roads should:*  
 (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality  
 (b) contribute positively to the function, appearance and/or desired character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

General Section: Design and Appearance: PDC 21

### Complies

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

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

Setback difference between buildings on 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>When <math>b - a \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p>	
Greater than 2 metres	At least the average setback of the adjoining buildings

General Section: Design and Appearance: PDC 22

### Partially Complies

Dwelling 1: 5 metres

(Dwellings on adjoining land set back approximately 5.5 and 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.

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

General Section: Residential Development: PDC 37

### Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

## Side Setbacks

*Minimum setback from side boundaries:*

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

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

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

Residential Zone: PDC 6

### Complies

Dwelling 1: 0.9m (to common driveway) + an additional 4m to the existing eastern side boundary.  
 Dwelling 2: 0.9m (western side)  
 Dwelling 3: 0.9m (eastern side)

<p><i>Maximum length and height when wall is located on side boundary:</i>  (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.</p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b>  Dwelling 1 incorporates a garage wall on the western side boundary comprising a length of 6.3m and height of 2.9m (from the natural ground level).</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><b>Complies</b>  The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). 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>
<h2>Rear Setbacks</h2>	
<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</p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Partially complies</b>  Dwelling 1: 3.1m (for 25.2% of the allotment width) increasing to 3.63m (for 35%) and 5m thereafter.  Dwellings 2 &amp; 3: 4.13m (for 45.3% of the allotment width) increasing to 5m</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><b>Complies</b>  Although the rear setbacks do not strictly 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 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>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i>  2 storeys of not more than 9 metres</p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b>  The proposed dwellings incorporate a maximum building height of 5.3 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><b>Complies</b>  The residential flat building located on the battleaxe allotment is single storey and designed to maintain the privacy of adjoining residential properties.</p>

## Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

### Complies

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

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

General Section: Residential Development: PDC 12

Parameter	Value
Maximum floor area	60 square metres
Maximum wall or post height	3 metres
Maximum building height	5 metres

### Complies

### Complies

### 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

Dwelling 1: 5.5m and 0.5m behind the main face of the dwelling.

Maximum length on the boundary

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

### Complies

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

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.

### Complies

General Section: Residential Development: PDC 13

## Vehicle Parking

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

General Section: Transportation & Access: PDC 34

### Complies

Dwelling 1: Two spaces provided, one covered space within the garage and one visitor spaces within the driveway.

Dwellings 2 and 3: Each dwelling provides one garage space and one open visitor space, which equals a total of 4 on-site parking spaces. However, no independently accessible visitor parks are available.

Note: 1.5 resident spaces x 2 dwellings = 3  
Plus 0.6 visitor spaces required for 2 dwellings = 3.6 on-site spaces required

Detached Semi-detached Row	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.
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 vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p>				<p>General Section: Transportation &amp; Access: PDC 43</p>	
<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</p> <p>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</p> <p>(c) reinforce or contribute to attractive streetscapes.</p>				<p>General Section: Transportation &amp; Access: PDC 44</p>	
<p>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>	
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>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>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p>				<p>General Section: Residential Development: PDC 41</p>	
Dwellings served	Trafficable width (metres)			Minimum landscape strips on both sides of driveway (metres)	
	Intersection with public road and first 6 metres		Width beyond first 6 metres		
	Arterial roads	Other roads			
1 – 3	6	3	3	0.5	
General Section: Residential Development: PDC 41					

<p><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><b>Complies</b></p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>
<h2>Design &amp; Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) building height, mass and proportion</i></li> <li><i>(b) external materials, patterns, colours and decorative elements</i></li> <li><i>(c) roof form and pitch</i></li> <li><i>(d) façade articulation and detailing</i></li> <li><i>(e) verandas, eaves, parapets and window screens.</i></li> </ul> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. Whilst Dwellings 2 and 3 are not readily visible from the streetscape, Dwelling 1 incorporates the following elements to enhance design and appearance:</p> <ul style="list-style-type: none"> <li>• Face brick front façade in ‘Domino Black’;</li> <li>• Protruding portico with render piers;</li> <li>• Eave overhang and pitched roof form at 22.5 degree slope</li> <li>• Fenestration</li> </ul> <p>These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p><b>Complies</b></p>
<h2>Relationship to the Street and Public Realm</h2>	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 16</i></p>	<p><b>Complies</b></p> <p>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.</p> <p>The elevations of the dwellings feature a mixture of fenestration and stepping 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**

An assessment of the projected extent of overshadowing on 21 June (winter solstice) illustrates that:

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

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

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

## 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**

Dwelling 3 features bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 3.2 metres and incorporate landscaping between the driveway and bedroom window. In addition, these windows include double glazing to provide further noise attenuation measures for future occupants. This, in combination with the proposed separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

## Site Facilities and Storage

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

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

*General Section: Residential Development: PDC 31*

### **Partially Complies**

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



## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

*Buildings should be sited and designed:*

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

*General Section: Energy Efficiency: PDC 2*

### **Complies**

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

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

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

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

*General Section: Energy Efficiency: PDC 3*

### **Complies**

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

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

## 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
- Front setback

### Site coverage

The Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas the proposal comprises site coverage of 52.2% for Dwelling 1 and 56.5% for each Dwellings 2 and 3. The following considerations are noted with regard to the discrepancy in site coverage;

- (a) The abovementioned figures are based upon the curtilage of the dwellings only, the overall site coverage equates to 43.5% of the total site area (including the common driveway), closely aligning with the Council's policies.
- (b) 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 and convenient storage of household waste and recycling receptacles.
- (c) The proposal generally 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.
- (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.

### Front setback

The front setback of Dwelling 1 fails to comply with quantitative criteria as PDC 22 (General Section: Design and Appearance) stipulates that street setbacks should be at least the same setback as one of the adjacent buildings, if the difference between the setbacks of the adjoining buildings is less than 2 metres.

The adjoining dwellings comprise front setbacks of 5.5 and 7 metres respectively. Hence, the proposed dwelling should aim to incorporate a front setback of at least 5.5 metres. The 0.5 metre shortfall in front setback is considered relatively minor in my opinion, and will not result any meaningful impacts upon the streetscape.

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## ANALYSIS/CONCLUSION

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

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

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

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/1206/2017 for a single-storey detached dwelling incorporating a garage wall on the western boundary and a single-storey residential flat building comprising two dwellings at 48 Condada Avenue, Park Holme, be GRANTED subject to the following conditions:

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1206/2017, 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](http://www.marion.sa.gov.au/page.aspx?u=181)*

- 4. 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.
- 5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
- 7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

## NOTES

1. **Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.**
2. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**
3. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**
4. **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*

DEVELOPMENT ASSESSMENT PANEL  
Wednesday 6 September 2017

**CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES**

**Agenda Ref No: DAP060917 – 3.1**

**Reason for confidentiality**

It is recommended that this Report be considered in CONFIDENCE in accordance with Section 56A (12) of the Development Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (vii) provision of legal advice
- (viii) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.

**RECOMMENDATION**

1. The Development Assessment Panel orders pursuant to Section 56A (12) of the Development Act 1993, that the public, with the exception of the Manager of Development Services, Team Leader Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Executive Officer, of the Development Assessment Panel.
2. Under Section 56A (12) of the Development Act 1993 an order be made that item 8 including the report, attachments and discussions having been dealt with in confidence under Section 56A (12) (ix) of the Development Act 1993, and in accordance with Section 56A(16) shall be kept in confidence until a decision of the Environment Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session the meeting be re-opened to the public.