DEVELOPMENT ASSESSMENT PANEL

AGENDA FOR MEETING TO BE HELD ON

WEDNESDAY 7 JUNE 2017

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1.3 IN ATTENDANCE

1.4 COMMENCEMENT

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DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 June 2017

Agenda Ref No:	**DAP070617 – 2.1**
Originating Officer:	**Joanne Reid** **Development Officer - Planning**
Applicant:	**Mr Martin de Jaeger**
Development Description:	**To change the use of a building from a shop and warehouse to a fitness centre operating 24 hours, 7 days a week**
Site Location:	**3 Hutt Close Sheidow Park**
Zone:	**Commercial Zone**
Policy Area:	**N/A**
Application Type:	**Category 3 / Consent**
Lodgement Date:	**14/12/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/2354**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions**

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development as the proposal does not fall within a category prescribed by Parts 1 or 2 of Schedule 9, and the nature of the development could not be considered minor in nature, given it would have the potential to unreasonably impact upon the owners or occupiers of land in the locality. As such, the proposal defaults to a Category 3 form of development by virtue of Schedule 9 of the Development Regulations 2008.

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

BACKGROUND

Development Approval for the construction of a building for the purposes of retail sales (shop) and warehouse, with associated car parking and landscaping on the subject land was granted Planning Consent in February 2012. A three-year extension was granted to the Consent and Approval was subsequently granted in February 2016. The building has since been constructed, however the car parking and landscaping is yet to be completed.

Conditions relating to the application restricted operating hours between 8am and 6pm on Monday to Friday and 8am to 12 noon on Saturday.

For the Panel's reference, a building comprising three tenancies, for the purpose of a fitness centre and retail shop tenancies at 7 Hutt Close at the end of the cul-de-sac was approved in August 2014 and construction has commenced. The fitness centre has the capacity to operate over 24 hours in this tenancy and whilst it was the intention of the applicant to move into this building, the applicant wishes to commence operating sooner than the building will be able to be completed and hence, wishes to take up a vacancy in the subject site.

During the assessment process, Council staff requested additional information to consider the merits of the proposal:

Information Requested	Information Provided
Further details relating to signage, deliveries, waste and lighting in the car park.	Information provided.
Acoustic report.	Acoustic report provided.

SUBJECT LAND & LOCALITY

The subject site is located at 3 Hutt Close, Sheidow Park and contains a vacant building with consent to operate as a warehouse and retail (shop) tenancy. The approval shows each use to be a separate tenancy with the warehouse incorporating a floor area of 508 square metres and the retail tenancy maintaining a floor area of 115 square metres, culminating in a total floor area of 623 square metres. The building is sited on a rectangular shaped allotment with a total site area of 1546 square metres.

Although the line marking for car parking has not been established at the time of writing, the approved application includes 20 car parking spaces at 90 degree angles in front of the building. Entry and exit is available via two access points off Hutt Close, each being dual entry and egress.

The approved operating hours consist of 8am and 6pm on Monday to Friday and 8am to 12 noon on Saturday.

The locality is divided into two distinct characters. To the north of the site are residential properties, which are characterised by single storey detached dwellings constructed in the 1970s - 80s, sited on large allotments of approximately 700-800 square metres.

Land to the north-west and west of the subject site consists of various commercial uses, including a chemist and child care centre to either side of the subject site, service station, car wash, doctor's surgery and service trade premises, each of which are sited within the Commercial Zone. Construction of a fitness centre and retail tenancies has commenced on the site at the end of the cul-de-sac. To this end, the entirety of Hutt Close is sited within the Commercial Zone.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to change the use of the entire building from a warehouse and shop to a fitness centre and includes an internal fit-out.

The internal layout is mostly open plan and accommodates an area for cardio machinery, free weights and a 'functional training' area. Additionally, there are three offices, a member's lobby, a separate 'training room' and ancillary wet areas.

The ‘brand’ of the proposed fitness centre models itself on being accessible to patrons over 24 hours.

Two staff members are generally available during the day from Monday to Saturday but there are times when the premise is un-staffed and members use a swipe card system to enter the building.

20 car parking spaces will be available for patrons and entry and exit is gained from two access points directly from Hutt Close.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	18 properties were notified during the Category 3 public notification process.
Representations:	7 representations were received by Council. G McSherry – In favour K Sullivan – In favour A Chen (on behalf of National Pharmacies) – In favour D Byrne (on behalf of Midcoast tyres) – In favour A Blazincic – In favour Blazon Investments – In favour H Hanna – Primarily against although objection would be lessened if certain amendments/provisions were met
Persons wishing to be heard:	H Hanna has indicated a desire to be heard by the Panel.

Summary of representations:	• 24 hour business not supported due to amenity issues.
	• Concern of intrusive music, gym activity and vehicle noise during hours which are ordinarily set aside for sleeping.
	• Existing conditions allow for trading from 8am to 6pm (Monday to Friday) and 8am to 12 noon (Saturday).
	• The owner of the premises agreed to conditions limiting the hours of operation as stated in previous application.
	• Is willing to agree to the following opening hours and conditions of the gym:
	  • 6am to 10pm on Monday to Friday
	  • 7am to 9pm on Saturday; and
	  • 8am to 6m on Sunday
	  • The front gate must be closed after trading hours
	  • No cars to be left in carpark overnight.
	• Not against the proposed gym but strongly opposed to operating hours.
	• Safety concerns raised.
	• Names of 10 residents provided within Spinnaker Circuit claiming to oppose 24-hour operation.
	
	Refer Attachment IV

Applicant’s response:	• Notes that the same use was approved on a lot nearby to subject site. • With regard to noise, the gym would be located in a purpose-built warehouse complete with all the acoustic

	• standards such as proofing and acoustic rubber under the weights area. • All windows and doors will be shut at all times and music is not from loud speakers. • The gym will be managed (as identified in the management plan) to ensure members enter and leave the premises in a respectful way. • Cannot accept staggered opening hours due to business model and whilst the 24 hour access is a convenience point, it is generally very quiet with 1 member on average per hour during the night. • Security is taken very seriously with CCTV cameras over the whole premises and the ability to follow up with members in the event that there are any issues from objectors. • There have never been any issues with the brand and operations with the 450 clubs that exist nationwide. *Refer Attachment V*

ZONE & POLICY AREA ASSESSMENT

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

Commercial Zone		
Objective 1	*A zone accommodating a range of commercial and business land uses.*	**Complies** The proposed use is of a commercial nature.
Objective 2	*Development that minimises any adverse impacts upon the amenity of the locality within the zone.*	**Complies** It is considered that the business will operate in such a manner that it will not result in unreasonable impacts upon the amenity of the locality within the zone and beyond.
PDC 1	*The following forms of development are envisaged in the zone:* ▪ *bulky goods outlet* ▪ *consulting room* ▪ *motor vehicle related business other than wrecking yard* ▪ *office* ▪ *petrol filling station* ▪ *service trade premises* ▪ *shop with a gross leasable area of 250 square metres or less* ▪ *store* ▪ *warehouse.*	**Partially Complies** Although not specifically mentioned as an envisaged use, a fitness centre meets Objective 1 as a commercial or business use.
PDC 3	*Retail development in the zone should not hinder the development or function of any centre zone.*	**Complies** The proposed use is not of a retail nature and will in fact replace a shop use.
PDC 4	*Shops, other than a bulky goods outlet, should have a gross leasable area of 250 square metres or less.*	

Assessment

The proposed fitness centre, whilst not explicitly mentioned as an envisaged use within the zone, is also not a type of development which is discouraged or inappropriate.

The proposed use is of a commercial nature and therefore in my view, is considered to be suitable with a Commercial Zone. However, significant consideration must go to the site's location which directly abuts a residential area. The applicant's ability to demonstrate that the development will not result in activities that detrimentally impact on the adjacent residential area, with respect to noise, traffic and other operational matters will, in part, determine whether the use is an acceptable one.

The applicant has provided information in relation to their operating procedures and participation rates that suggests that the proposed business, despite being available to customers for 24 hours over 7 days a week, will not result in significant impacts upon the neighbouring properties.

To this end, the proposal is considered to satisfy Objective 1 of the Commercial Zone. Further discussion regarding the impacts on the amenity of the nearby residential properties will determine if the proposal displays sufficient merit to satisfy the remaining provisions of the Development Plan.

DEVELOPMENT ASSESSMENT

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

Interface Between Land Uses	
Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following: *(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants* *(b) noise* *(c) vibration* *(d) electrical interference* *(e) light spill* *(f) glare* *(g) hours of operation* *(h) traffic impacts.* *General Section: Interface Between Land Uses: PDC 1*	**Complies** The impacts relating to noise, light spill, hours of operation and traffic impacts are discussed below and I am of the view that they will not result in impacts that will detrimentally affect the amenity of the locality or cause unreasonable interference.
Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality. *General Section: Interface Between Land Uses: PDC 2*	**Complies** The building's design has inherent features that will minimise the impact of noise upon the neighbouring residential land and combined with additional measures as identified in an acoustic report, the proposed use will not significantly impact on the amenity of the adjoining residential land.
Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses. *General Section: Interface Between Land Uses: PDC 6*	

<table>
<tr><td>Noise Generating Activities

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.

General Section: Interface Between Land Uses: PDC 7</td><td rowspan="2">Complies
The acoustic report provided by the applicant incorporates a number of recommendations to ensure that any noise emitted from the building will be within the goal noise limits of the Environment Protection (Noise) Policy with their implementation recommended as a condition on the Planning Consent if the Panel are in support of the application.</td></tr>
<tr><td>Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.

General Section: Interface Between Land Uses: PDC 8</td></tr>
<tr><td>Development proposing music should include noise attenuation measures that achieve the following desired noise levels:

<table><tr><th>Noise level assessment location</th><th>Desired noise level</th></tr><tr><td>Adjacent existing noise sensitive development property boundary</td><td>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.</td></tr><tr><td>Adjacent land property boundary</td><td>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.</td></tr></table>
General Section: Interface Between Land Uses: PDC 10</td><td>Complies
The acoustic report suggests that music played inside the centre is “background music” only, with a maximum music level of 65 dB(A) at any location within the building.</td></tr>
</table>

The proposed change to the operating hours of the fitness centre to remain open to members for 24 hours has the potential to result in impacts on the adjacent residential properties by way of noise, light spill and traffic impacts.

The applicant however, has sought to incorporate measures that would limit the level of interference that would be caused by these interface issues, such that the impacts upon adjacent residential properties would not be unreasonable.

The possible interface issues and their impacts on the nearby residential properties are discussed below.

Noise

The following measures will be implemented to minimise noise intrusion beyond the bounds of the property:

- The gym will have low volume background music playing throughout the gym which is set and locked by the manager in the office.
- All cardiovascular equipment has individual television screens and members wear headphones to listen to the sound.
- There are no group classes, which tend to generate louder noise in terms of group activity and music.
- All the equipment is designed for members to use individually and without the need for spotting.

- High impact acoustic rubber will be used under the free weights area to absorb the impact of dropping weights onto the surface.
- Doors close automatically behind patrons and access is only granted to members outside of staffed hours.
- All windows are non-openable and fixed shut at all times, with air conditioning supplied to filter air.

In response to the issue of noise being raised as concern by representors, the applicant has provided an acoustic report, undertaken by Sonus acoustic engineers to understand the potential noise impacts and determine whether the noise impacts will in fact result in an unreasonable interference during sleep disturbance hours.

The consultant firstly states that the site and building design inherently provide benefit in minimising the noise emissions to the surrounding dwellings by incorporating the following:-

- An existing sheet metal fence at the rear boundary;
- Car parking on the opposite side of the building; and
- Building constructed with:
    - Pre-cast concrete wall panels;
    - Solid metal deck roof with a parapet around the roof perimeter; and
    - No openings (apart from fire exit doors) on the rear and side facades.
    - A new suspended ceiling incorporating insulation above the entire ceiling in combination with the existing solid roof arrangement.

The consultant identifies the *Environment Protection (Noise) Policy* as the guide that provides the relevant objective criteria to determine the unreasonable interference on the amenity of an area.

Principle 7 within the Interface Between Land Use section of the Development Plan is also explicit in stating that noise generating activities should achieve the relevant *Environment Protection (Noise) Policy* criteria when assessed at the nearest existing noise sensitive premises.

The assessment considers environmental noise from the proposed fitness centre, which includes activity inside the building, operation of mechanical service plant and car park activity, and compares that with the requirements of the Development Plan and the *Environment Protection (Noise) Policy 2007.* The consultant stipulates a day time goal noise level of 52 dB(A) and a night time noise level goal of 40dB(A). As part of the assessment, the consultant visited a similarly run facility and considered the noise levels associated with the activity within that gym.

The report concludes that the noise level at the nearby residences from the proposed activity (based on a range of previous noise measurements and observations at similar facilities) are predicted to be less than the day and night time goal noise levels of the Policy if the following acoustic measures are adopted and adhered to at all times:

- Locate all mechanical plant equipment no less than 10m away from the edge of the roof at the rear[1];
- Incorporating acoustic seals to the fire exit doors on the rear façade of the building;
- Ensuring that the rear boundary fence is airtight from bottom to top;
- Incorporating solid ceiling tiles within the new suspended ceiling system inside the building; and
- Ensuring music played inside the centre is “background music” only, with a maximum music level of 65 dB(A) and any location.

[1] The applicant has provided Council with details of the make and model of the proposed air conditioning units and confirmation that the mechanical plant equipment can be installed within the said location on the roof. An assessment was made using the manufacturer’s noise data associated with the mechanical plant selection and assessing noise levels on the make of roof mounted ducted exhaust units which generate the highest noise levels.

As such, the report anticipates that the facility will not result in unreasonable adverse impacts such that the health and amenity of the community will be seriously affected and therefore considers that the relevant environmental noise provisions in the Development Plan are satisfied.

The 24-hour access is a convenience point for members, however, in reality, based on several other facilities currently operating, there are very few people who use the facility between 10pm and 5am, with on average, 1 member per hour during the night.

Accordingly, with the measures proposed to be put in place to minimise the internal noise being emitted from the building and the advice from the acoustic engineer determining that the external noise generated will not exceed the limits set by the *Environment Protection (Noise) Policy*, I am satisfied that the noise impacts will not cause unreasonable interference and conflict between the subject site and the adjacent residential land uses.

Light Spill

Lighting will be provided in the car park in the evening as a matter of safety for patrons.

Given that the building acts as a buffer between the adjoining residential land to the rear and the car park, it is unlikely that there will be any light overspill onto residential properties.

As a matter of prudence, a condition has also been recommended on the consent to ensure that lighting is directed and shielded in a manner such that it does not cause a nuisance on to the adjoining residential land.

Traffic Impacts

Vehicles are only able to access the site via Hutt Close and I consider that there is sufficient car parking on site to accommodate the demand for the facility (discussed in Transportation and Access section). Despite this, in the unlikely event that there is overflow car parking, vehicles are expected to park within the vicinity of the site in Hutt Close and not on Spinnaker Circuit as there is no direct access to the site from this street.

In regards to noise generated by the vehicles, this was considered by the acoustic engineer who concludes that the car park is well separated from the closest dwellings by the existing building such that noise from vehicles are unlikely to exceed the goal noise levels of the *Environment Protection (Noise) Policy.*

Accordingly, I am satisfied that the proposed use will not result in traffic implications such that it will disturb the amenity of the adjacent residential area.

Transportation and Access	
Access *Development should have direct access from an all-weather public road.* *General Section: Transportation and Access: PDC 22*	**Complies** The proposed use will have direct access from Hutt Close.
Development should be provided with safe and convenient access which: *(a) avoids unreasonable interference with the flow of traffic on adjoining roads* *(b) provides appropriate separation distances from existing roads or level crossings* *(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision*	**Complies** The site has existing approval for two access points that will adequately cater for the likely traffic to be generated by the development and has been sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.

(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties. *General Section: Transportation and Access: PDC 23*	
A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart. *General Section: Transportation and Access: PDC 28*	**Complies** The two vehicle access points provided are a minimum of 6m apart.
Driveways, access tracks and parking areas should be designed and constructed to: *(a) follow the natural contours of the land* *(b) minimise excavation and/or fill* *(c) minimise the potential for erosion from surface runoff* *(d) avoid the removal of existing vegetation* *(e) be consistent with Australian Standard AS: 2890 - Parking facilities.* *General Section: Transportation and Access: PDC 30*	**Complies** The proposed access and parking areas will be adequately sealed and linemarked in accordance with AS:2890 – Parking facilities. The site does not require excavation or fill or the removal of existing vegetation for the purposes of constructing the car park.
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. *General Section: Transportation and Access: PDC 31*	**Complies** The proposed parking area does not incorporate long driveways and the manoeuvring areas allow the proper functioning of the car park.
Access for People with Disabilities *Development should be sited and designed to provide convenient access for people with a disability.* *General Section: Transportation and Access: PDC 32*	**Complies** The building incorporates a level entry to the building from the car park and parking to meet the access requirements of the Disability Discrimination Act.
Vehicle Parking *Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.* *General Section: Transportation and Access: PDC 34*	**Complies** (see comments below)

Table Mar/2 requires the car parking rate for a gymnasium to be '*assessed on a needs basis'*.

The site will incorporate 20 car parking spaces for the use of patrons and staff. The applicant anticipates, based on evidence from existing well established clubs of the same brand that peak demand ranges from 10-15 patrons.

The applicant anticipates two peak periods between the hours of 7am and 9.30am and an afternoon peak between 5pm and 7pm on weekdays.

The applicant does not anticipate these peaks to be as intense as many other gyms, as the proposed gym does not offer group fitness classes and the 24-hour nature of the proposed facility spreads the attendance beyond the peak times as patrons do not have to rush to attend the gym to meet certain operating hours.

A traffic report was provided by Phil Weaver to assess the car parking demand in relation to the proposed fitness centre at 7 Hutt Close. He anticipated that on the basis of a similar level of demand at the subject facility that there would be a peak parking demand equivalent to approximately 20 spaces. He suggests that such a level of demand would likely occur in evening periods on a Monday or Tuesday, when conflict with the adjacent land uses would be low.

To this end, I am satisfied that the number of car parks will more than likely meet the anticipated demand for the site.

Development should be consistent with Australian Standard AS: 2890 - Parking facilities. *General Section: Transportation and Access: PDC 35*	**Complies** The dimensions of the car parking bays and isle widths sufficiently accord with AS: 2890 – Parking facilities.
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. *General Section: Transportation and Access: PDC 38*	**Partially Complies** Lighting has not been specifically identified on the plans (in either the subject or original application), however, the applicant is agreeable to a condition that lighting be provided within the car park to an acceptable standard.
Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance. *General Section: Transportation and Access: PDC 39* *Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.* *General Section: Transportation and Access: PDC 41*	**Complies** The car parking is proposed to be sealed and line marked which will also be incorporated as a condition on the Consent.
Advertisements	
The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be: *(a) consistent with the predominant character of the urban or rural landscape* *(b) in harmony with any buildings or sites of historic significance or heritage value in the area* *(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.* *General Section: Advertisements: PDC 1*	All signage proposed on the building does not constitute Development as per Schedule 3 of the Development Regulations, 2008. Should the applicant wish to erect freestanding signage, it will be subject to a separate application.
Waste	
The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment. *General Section: Waste: PDC 2*	**Complies** Such a facility is unlikely to generate a significant amount of waste and will be able to be removed on a weekly basis through Council collection and external contractors.
Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste. *General Section: Waste: PDC 6*	

Crime Prevention	
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. *General Section: Crime Prevention: PDC 1*	**Complies** Lighting will be provided in the car parking area and at the entrance of the facility. The car park is an open, visible space with clear lines of sight and low level landscaping to avoid entrapment spots. CCTV cameras will be installed throughout the club and overlooking the car park area and monitored by a security company. Each gym user has access to a personal emergency button that when utilised will result in the security monitoring company immediately contacting the police and gym manager.
Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites. *General Section: Crime Prevention: PDC 5*	**Complies** Lighting and signage will be provided within the car park and foyer area to allow for easy identification of the entrance from the car park.
Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians). *General Section: Crime Prevention: PDC 10*	**Complies** The car park is open and the route to and from the car park to the entrance of the building is such that there are no entrapment spots or movement predictors.

REPRESENTOR'S CONCERNS

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

ANALYSIS/CONCLUSION

The proposed change of use to a fitness centre is considered to be appropriate within the Commercial Zone.

The merits of the application however, lay with whether the interface issues of noise, light spill, safety and traffic, can be contained to a point where they do not invoke unreasonable nuisance or harm upon the adjacent residential properties, particularly as the applicant wishes to operate the facility over a 24-hour period.

Whilst the proposed hours will provide patrons with the flexibility of attending over a 24-hour period, it is not anticipated that vast numbers will make use of the additional operating hours.

Notwithstanding this, the design and materials of the existing building and its buffering of the car park will naturally limit noise emanating beyond the confines of the site.

However in saying this, the applicant intends to implement a number of additional measures that will significantly reduce the amount of noise that emanates from the building including operational aspects such as no group fitness classes and the setting of music to low levels, placement of mechanical plant equipment away from the rear of the site, internal insulation of the building and sealing of windows and doors and making the rear boundary fence airtight.

By applying the abovementioned noise attenuation treatments, the acoustic report submitted by the applicant confirms that any noise created as a result of patrons entering and exiting the site will achieve the standard levels prescribed in the *Environment Protection (Noise) Policy*.

In addition to the interface issues being satisfactorily addressed, the proposal is also considered to satisfy the relevant Development Plan provisions relating to access, car parking and safety.

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.

R E C O M M E N D A T I O N

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent for Development Application No: 100/2016/2354 to change the use of a building from a shop and warehouse to a fitness centre operating 24 hours, 7 days a week at 3 Hutt Close Sheidow Park be GRANTED subject to the following conditions:

C O N D I T I O N S

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/2354 except when varied by the following conditions of consent.

2. All acoustic treatments recommended on page 7 and 8 of the Sonus Environmental Noise Assessment report (April 2017) at 3 Hutt Close, Sheidow Park shall be undertaken prior to the commencement of the use herein approved.

3. A final assessment of the proposed air conditioning and ventilation shall be undertaken by an acoustic engineer prior to the commencement of the use herein approved. The assessment shall confirm that installation will achieve the relevant goal noise levels of the Environment Protection (Noise) Policy 2007 when accounting for the cumulative effect of other activity at the site. An acoustic engineer is defined for the purpose of this condition to be an engineer eligible for Membership of both the Australian Acoustical Society and the Institution of Engineers Australia.

4. The noise levels resulting from all activities undertaken at the site, from the use herein approved shall meet the *Environment Protection (Noise) Policy 2007* at all times.

5. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.

6. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.

7. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.

8. 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, prior to the occupation of the premises.

9. 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.

10. **Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 – 2003, prior to occupation of the premises.**

11. **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.**

12. **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.**

13. **The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.**

14. **All deliveries to and from the site (including waste collection) shall be restricted to the following times:**
    - **8.00am – 6.00pm, Monday to Friday**
    - **8.00am – 12.00 noon, Saturday**

15. **All external lighting of the site, including car parking areas, buildings and signage, 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.**

16. **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.**

17. **The area between the northern wall of the building and the northern boundary of the land is not to be used for storage purposes and kept clear of any items including waste and rubbish at all times.**

N O T E S

1. **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.**

2. **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.**

3. **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.**

4. **No hoardings, flags, flashing lights, bunting or other advertising devices or signs (other than fascia signage) are to be erected or displayed on the site unless Development Approval is obtained from the Council pursuant to the Development Act 1993.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 June 2017

Agenda Ref No:	**DAP070617 – 2.2**
Originating Officer:	**Kristen Sheffield** **Development Officer - Planning**
Applicant:	**Yong Guo**
Development Description:	**A two storey building comprising three dwellings and incorporating a wall on the eastern side boundary.**
Site Location:	**19 Clifford Street, Dover Gardens**
Zone:	**Residential Zone**
Policy Area:	**Northern Policy Area 13**
Application Type:	**Category 2 / Consent**
Lodgement Date:	**11/01/2017**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2017/37**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions**

CATEGORISATION & DELEGATION

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

SUBJECT LAND & LOCALITY

The subject site is located at 19 Clifford Street, Dover Gardens. The land comprises a corner allotment, with a northern primary street frontage to Clifford Street of 18.8 metres, a western secondary street frontage to Neath Avenue of 32 metres, and a total site area of 758.5 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to an attached carport gained from Clifford Street, as well as an additional access point to a detached garage towards the rear of the allotment gained from Neath Avenue. The contour of the land is relatively flat, and while several trees are located on the site, these are not classified as regulated pursuant to the current legislation.

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

The site is adjacent the Holdfast Bay Council area, which commences on the western side of Neath Avenue. The subject land is located some 200 metres from McKay Street reserve, which includes a children's playground, and a Neighbourhood Centre Zone is sited approximately 300 metres walking distance to the South. A bus stop is sited adjacent the subject land providing public transport services between Seacliff (and its associated Railway Station) the Marion Regional Centre Zone, which are sited some 1.5 kilometres to the west and 1.7 kilometres to the north-east, respectively.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct three, two-storey row dwellings with associated car parking and landscaping; all incorporating a primary frontage to Clifford Street.

The ground floor proposal for each dwelling includes a single garage, laundry, separate WC and open-plan kitchen, living and dining areas, while the second floor of each dwelling comprises three bedrooms (main with ensuite and WIR) and a bathroom.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	20 properties were notified during the Category 2 public notification process.
Representations:	5 representations were received by Council.
Persons wishing to be heard:	36 Benny Crescent 8 Neath Avenue 10 Neath Avenue 15 Neath Avenue 5/24 Neath Avenue
Summary of representations:	**36 Benny Crescent** • Concerns regarding the impact of increased density within the locality upon traffic flows. **8 Neath Avenue** • Request that the roofing material be amended from Supadeck Metal sheeting to Colorbond or roof tiles. • Concerns regarding increased density and the impact upon traffic within the locality. • Traffic and parking challenges already present from bus stops on Neath Avenue adjacent the subject land and further impacts may arise from the increase in density.

	10 Neath Avenue • Concerns regarding increased density and the impact upon traffic within the locality and in relation to the bus route on Neath Avenue. • Existing crossover on Neath Avenue should be reinstated to Council Kerb. • Upper level windows presenting to the secondary street may overlook living areas and bedrooms of our dwelling. **15 Neath Avenue** • Fencing concerns. **5/24 Clifford Street** • Concerns regarding on-street car parking becoming a traffic hazard due to bus route along Neath Avenue *Refer Attachment IV*
Applicant's response:	See attached *Refer Attachment V*

INTERNAL DEPARTMENT COMMENTS

Engineering:	Council's Development Engineer has reviewed the application and confirmed that while the location of the proposed crossover of Res 3 does not maintain compliance with AS/NZS 2890.1:2004, Fig. 3.1 'Prohibited Locations of Access Driveways', the proposed location is nonetheless an improvement of that of the existing crossover (which may have been utilized by the applicant otherwise).
Open Space:	Council's Arborist has advised that the existing street tree on Clifford Street may be removed subject to payment of $400 + GST in order for Council to undertake removal and replacement of the trees.

ZONE & POLICY AREA ASSESSMENT

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

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

PDC 1	*The following forms of development are envisaged in the policy area:* ▪ *affordable housing* ▪ *dwelling including a residential flat building* ▪ *supported accommodation.*	**Complies**
PDC 2	*Development should not be undertaken unless it is consistent with the desired character for the policy area.*	**Complies**
PDC 3	*Minimum Site Area: 250m^2*	**Does Not Comply** Res 1: 245.4m^2 Res 2: 245.4m^2 **Complies** Res 3: 267.7m^2
	Minimum Frontage: 7m	**Complies** Res 1: 7m Res 2: 7m **Does Not Comply** Res 3: 4.8m
	Minimum Depth: 20m	**Complies** Res 1: 35.052m Res 2: 35.052m Res 3: 32m- 35.052m

Assessment

Objectives & Desired Character

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

The subject land is located within close proximity of public transport opportunities, a public open space reserve and Neighbourhood Centre Zone, with other public transport opportunities (including the Seaford Railway Line) also available within the wider locality. As such, the immediate and wider localities contain features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

Site Areas

A minimum site area of 250 square metres is prescribed for row dwellings in the Northern Policy Area 13, which equates to a shortfall of 4.6 square metres (1.8%) for each Res 1 and 2. It is noted that the overall site area of 758.5 square metres exceeds that required for three row dwellings, indicating that despite the minor individual shortfalls in site area of Res 1 and 2, the proposed density is nonetheless consistent with that sought for the Policy Area.

Frontage width

The frontage width of Res 3, at 4.8 metres, does not meet the prescribed minimum of 7 metres. It is noted that this measurement is reflective specifically of the front boundary (not including the corner cut off) of the proposed allotment, with the width of this allotment increasing to 7.764 metres (exceeding the minimum requirement) at the main face of the dwelling. Accordingly, the shortfall in frontage width should not be readily apparent within the streetscape.

Assessment summary

On balance, the proposed development is considered to adequately comply with the Objectives, Principles and Desired Character of the Northern Policy Area 13. Fundamentally, the ability of the dwellings to accord with a majority of Development Plan criteria demonstrates that the shortfalls in site areas and frontage width do not jeopardise the underlying merit of 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	
Dwellings should be designed to have 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** Res 1: 43% (105.6m^2) **Complies** Res 2: 39.5% (97m^2) Res 2: 37.9% (101.5m^2)

	<u>Floor area ratio:</u> **Does Not Comply** Res1: 0.64 (155.8m^2) Res 2: 0.64 (157m^2) Res 3: 0.62 (165m^2)
Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so: *(a) would not be contrary to the relevant setback and private open space provisions* *(b) would not adversely affect the amenity of adjoining properties* *(c) would not conflict with other relevant criteria of this Development Plan.* *Residential Zone: PDC 9*	**Complies** The proposal maintains appropriate setbacks to boundaries (as discussed further below within this report) and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties.
Site coverage should ensure sufficient space is provided for: *(a) pedestrian and vehicle access and vehicle parking* *(b) domestic storage* *(c) outdoor clothes drying* *(d) rainwater tanks* *(e) private open space and landscaping* *(f) convenient storage of household waste and recycling receptacles.* *General Section: Residential Development: PDC 14*	**Complies** The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.
Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces. *General Section: Residential Development: PDC 15*	**Complies**
Private Open Space	
Dwellings should include POS that conforms to the requirements identified in the following table: **Site area of dwelling** / **Minimum area of POS** / **Provisions** 175 square metres or greater / 20 per cent of site area / Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres. *Residential Zone: PDC 7*	**Complies** Res 1: 40.2% (98.6m^2) Res 2: 47% (115.3m^2) Res 3: 40.8% (109.3m^2) All dwellings feature POS comprising a minimum dimension of 5 by 5 metres directly accessible from a living room.

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. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional. **Does Not Comply** g) h) The proposed POS areas face south and accordingly may be somewhat shaded during winter by the subject dwellings.
A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas. *General Section: Residential Development: PDC 22*	**Complies**
Building Setbacks from Road Boundaries	
Except in areas where a new character is desired, the setback of buildings from public roads should: *(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality* *(b) contribute positively to the function, appearance and/or desired character of the locality.* *General Section: Design and Appearance: PDC 21*	**Complies** The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 6 metres is considered to contribute positively to the function, appearance and desired character of the locality.

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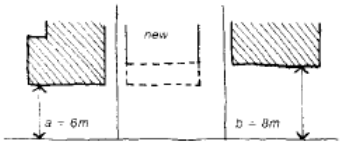
Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:

<table>
<tr><th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th><th>Setback of new building</th></tr>
<tr><td>Up to 2 metres</td><td>The same setback as one of the adjoining buildings, as illustrated below:
 

When b - a≤ 2, setback of new dwelling = a or b</td></tr>
<tr><td>Greater than 2 metres</td><td>At least the average setback of the adjoining buildings</td></tr>
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General Section: Design and Appearance: PDC 22

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Partially Complies
Res 1: 6m
Res 2: 6m
Res 3: 6m

(The dwelling on adjoining land is set back approximately 8 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.

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Minimum setback from secondary road frontage: 2 metres

Residential Zone: PDC 6

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Does Not Comply
Res 3: 0.9m increasing to 1.495m and 1.795m

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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

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Complies
Habitable rooms are adequately separated from pedestrian and vehicle movement.

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Side Setbacks

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Minimum setback from side boundaries:

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

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Does Not Comply
<u>Wall height between 3 metres and 6 metres</u>
Res 1: 1.8m

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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

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Complies
Res 1: Length: 6.9m, Height 3m (from natural ground level)

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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

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Complies
Although the upper level side setback of Res 1 does not comply with quantitative criteria, I am of the opinion that the separation from the side boundary is considered sufficient to minimise the visual impact of bulk and scale on the adjacent property as well as 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 0.2m 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.

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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**
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). In addition 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 dwellings incorporate a maximum building height of 7.8 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** Each 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*	**Complies**
Maximum wall or post height	*3 metres*	**Complies**
Minimum setback from a primary road frontage	*Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.*	**Complies** Res 1: 6.5m (0.5m behind main face) Res 2: 6.5m (0.5m behind main face) Res 3: 6.5m (0.5m behind main face)

Maximum length on the boundary	*8 metres or 45 per cent of the length on that boundary (whichever is the lesser)*	**Complies** Res 1: 6.9m
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)*	**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		
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** Each dwelling features three bedrooms and two on-site car parking spaces (one of which is covered).
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.*	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
On-site vehicle parking should be provided having regard to: *(a) the number, nature and size of proposed dwellings* *(b) proximity to centre facilities, public and community transport within walking distance of the dwellings* *(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons* *(d) availability of on-street car parking* *(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).* *General Section: Transportation & Access: PDC 43*		**Complies** a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.
A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). *General Section: Land Division: PDC 22*		**Complies** 2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.
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 crossovers are set back a minimum of 1 metre from existing street infrastructure, while Council's Arborist has confirmed that the existing street tree may be removed subject to payment of $400 +GST
The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking. *General Section: Transportation and Access: PDC 28*		**Complies** Vehicle access points are separated by a minimum distance of 6 metres.

Design & Appearance	
Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: *(a) building height, mass and proportion* *(b) external materials, patterns, colours and decorative elements* *(c) roof form and pitch* *(d) façade articulation and detailing* *(e) verandahs, eaves, parapets and window screens.* *General Section: Design & Appearance: PDC 1* *The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.* *General Section: Design & Appearance: PDC 3*	**Complies** The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance: • Mixture of sandstone veneer and rendered finishes on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding portico and cantilevered window awnings • Eave overhang and pitched roof form at 25 degree slope • Fenestration The proposed materials should not result in glare to neighbouring properties, drivers or cyclists. On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.
Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers. *General Section: Residential Development: PDC 8* *Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.* *General Section: Residential Development: PDC 9*	**Complies**
Relationship to the Street and Public Realm	
Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated. *General Section: Design & Appearance: PDC 13* *Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.* *General Section: Design & Appearance: PDC 14* *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.* *General Section: Design & Appearance: PDC 15* *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.* *General Section: Design & Appearance: PDC 16*	**Complies** The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street. The elevations of the dwellings feature a mixture of render, cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

Overshadowing	
The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: *(a) windows of habitable rooms* *(b) upper-level private balconies that provide the primary open space area for a dwelling* *(c) solar collectors (such as solar hot water systems and photovoltaic cells).* *General Section: Design & Appearance: PDC 9* *Except where otherwise specified in a zone, policy area or precinct, development should ensure that:* *(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June* *(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:* *(i) half of the existing ground level private open space* *(ii) 35 square metres of the existing ground level private open space* *(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.* *General Section: Design & Appearance: PDC 10*	**Complies** The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that: a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June b)) Given that south forms the rear boundary of the subject land, a majority of winter shadow will be cast within the rear yards of the proposed dwellings. While some shadow will be cast into the eastern adjoining property, this only occurs in in afternoon hours. The extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.
Visual Privacy	
Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures: *(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct* *(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms* *(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.* *General Section: Design & Appearance: PDC 11*	**Complies** The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the eastern side and rear elevations. Upper storey windows on the front and western side elevations remain unobscured to provide surveillance to the primary and secondary streets, and therefore should not result in direct overlooking of habitable areas of adjacent properties. A representor has raised concern with the unobscured glazing presenting to the secondary street, stating that this may cause overlooking of their living area and bedroom windows (on the western side of Neath Avenue). However, it is not considered necessary to obscure windows presenting to the street. The distance between dwellings on opposite sides of the road is sufficient to minimise direct overlooking, and overlooking of the representors windows facing the street may nonetheless occur from passers-by in the street or any dwelling designed to face the street. In addition, unobscured glazing facing the street provides public benefit in casual surveillance. In my opinion the dwellings have been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.

Energy Efficiency	
Development should provide for efficient solar access to buildings and open space all year around. *General Section: Energy Efficiency: PDC 1* *Buildings should be sited and designed:* *(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 site's orientation (with the front boundary oriented north) makes it difficult to provide energy efficient dwelling orientation with typical modern dwelling layouts (living areas located at the rear of the dwellings, opening out onto the POS area). A southern orientation means that these living/POS areas will receive limited sunlight in winter months. That being said, the generous rear setbacks of the dwellings result in at least a portion of the POS of each dwelling receiving sunlight each day during winter months. The dwellings also feature north-facing windows to one of the upper level bedrooms for exposure to winter sunlight. On balance, the energy efficiency of the proposed dwellings is considered adequate. As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.
Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by: *(a) taking into account overshadowing from neighbouring buildings* *(b) designing roof orientation and pitches to maximise exposure to direct sunlight.* *General Section: Energy Efficiency: PDC 3*	**Complies** The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.
Landscaping, Fences and Walls	
Development should incorporate open space and landscaping in order to: *(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)* *(b) enhance the appearance of road frontages* *(c) screen service yards, loading areas and outdoor storage areas* *(d) minimise maintenance and watering requirements* *(e) enhance and define outdoor spaces, including car parking areas* *(f) provide shade and shelter* *(g) assist in climate control within buildings* *(h) maintain privacy* *(i) maximise stormwater re-use* *(j) complement existing native vegetation* *(k) contribute to the viability of ecosystems and species* *(l) promote water and biodiversity conservation.* *General Section: Landscaping, Fences & Walls: PDC 1* *Landscaping should:* *(a) include the planting of locally indigenous species where appropriate* *(b) be oriented towards the street frontage* *(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.* *General Section: Landscaping, Fences & Walls: PDC 2* *Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.* *General Section: Landscaping, Fences & Walls: PDC 3*	**Complies** The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

Fences and walls, including retaining walls, should: *(a) not result in damage to neighbouring trees* *(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality* *(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance* *(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street* *(e) assist in highlighting building entrances* *(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites* *(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land* *(h) be constructed of non-flammable materials.* *General Section: Landscaping, Fences & Walls: PDC 5*	**Complies** The application proposes retaining walls varying in height to a maximum 650 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.45 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

TABLE DISCUSSION

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

- Site coverage
- Floor area ratios
- Secondary street setback
- Upper level side setback (Res 1)

Site coverage

The Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas Res 1 comprises site coverage of 43%. In my opinion, the excess in building footprint of Res 1 is of minor extent and consequence given the overall site coverage equates to 40.1%, only marginally above that prescribed by the Development Plan. This is reinforced by the fact that the proposal substantially exceeds minimum POS requirements and that the proposed dwellings achieve sufficient setbacks from boundaries (as discussed further below). Accordingly, the excess in built form should not result in any significant impact on the function or amenity of the proposed dwellings nor that of adjacent land.

Floor area ratios

Floor area ratio (FAR) should not exceed 0.6 for dwellings within the Northern Policy Area 13. Each proposed dwelling surpasses this limit, with FAR's equating to 0.64 for each Res 1 and 2, and 0.62 for Res 3. These excesses do not result in direct impacts to adjacent land, the street or the proposed dwellings, and as such, suggests the size of the dwellings is acceptable having regard to the form of development proposed.

Secondary street setback

The Development Plan prescribes a minimum secondary street setback of 2 metres for dwellings within the Northern Policy Area 13, whereas Res 3 comprises a secondary street setback varying from 0.9 metres for a portion of the lower level, to 1.495 metres for a portion of the upper level and up to 1.795 metres for the remainder of the western elevation of the dwelling. In my opinion, it is appropriate to have regard to the secondary street setback 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 a secondary street setback of 0.9 metres. As such, it is considered that the proposal incorporates a greater setback to the secondary street than that which could feasibly be constructed on the subject land “as of right” (i.e. without an assessment against Development Plan criteria). Further, the protruding portions of the lower and upper levels of the dwelling provide variation and articulation to the secondary street façade.

Upper level side setback (Res 1)

The upper level side setback requirement of 2 metres is not met by Res 1, with a side setback of 1.8 metres observed. The shortfall in upper level rear setback should not result in unreasonable overshadowing, overlooking or significant visual impacts upon the locality or upon that of the adjoining property and is therefore considered acceptable.

REPRESENTOR’S CONCERNS

The concerns raised by the representors in relation to density, privacy and increased on-street parking resulting from the proposal, have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

Concerns regarding increased traffic hazards resulting from the proposed development in relation to the bus route and stops located on Neath Avenue are noted. However, it is considered that an additional two dwellings will not have a severe increase upon traffic in the locality. Any unauthorised parking in relation to the location of bus services is a matter for Council’s Community Safety Inspectorate, and falls outside the scope of this assessment given that adequate on-site and authorised on-street car parking is maintained by the proposed development.

The representors have also raised concerns over the replacement of fencing. While these concerns are noted (and have been addressed by the applicant in the response to representations) a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

A N A L Y S I S / C O N C L U S I O N

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 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/excesses, including site area, site coverage, floor area ratios, secondary street setback and upper level side 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.

R E C O M M E N D A T I O N

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent for Development Application No: 100/2017/37 for a two storey building comprising three dwellings and incorporating a wall on the eastern side boundary at 19 Clifford Street, Dover Gardens, be GRANTED subject to the following conditions:

C O N D I T I O N S

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/37, except when varied by the following conditions of consent.

2. Any wall on the property boundary is to be finished in a professional manner, similar to that of the subject dwelling.

3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

4. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.

5. 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.

6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

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

NOTES

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

2. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**

3. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**

4. **Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).**

5. **Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**

6. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 June 2017

Agenda Ref No:	**DAP070617 – 2.3**
Originating Officer:	**Kristen Sheffield** **Development Officer - Planning**
Applicant:	**TK Building Design**
Development Description:	**A two-storey building comprising three dwellings**
Site Location:	**18 Cobham Avenue, Morphettville**
Zone:	**Residential Zone**
Policy Area:	**Northern Policy Area 13**
Application Type:	**Category 2 / Consent**
Lodgement Date:	**02/11/2015**
Development Plan:	**Consolidated – 19 March 2015**
Application No:	**100/2012/2015**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions**

CATEGORISATION & DELEGATION

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

BACKGROUND

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

Amendments Requested	Amendments Made
Site coverage should be reduced to more closely align with Council's Policies	Site coverage reduced from 60%, 61.9% and 61.2% to 57%, 57.6% and 55.9% for Lot 1, 2 and 3 respectively.
Floor area ratios should be reduced.	FAR of each dwelling reduced from 0.69, 0.71, 0.68 to 0.67, 0.68 and 0.66 for Lot 1, 2 and 3 respectively.
Side setbacks should be increased to 1 metre, with the height of the lower level walls reduced.	Side setbacks unchanged, lower level wall heights reduced from 3.5 metres to 2.7 metres.

Improved streetscape presentation of the dwellings should be provided through increased articulation, stepping and fenestration where appropriate.	Minor changes only.
The location of the proposed crossovers should allow for at least one on-street car parking space.	Proposed crossovers relocated to allow for one on-street car parking space.

SUBJECT LAND & LOCALITY

The subject site is located at 18 Cobham Avenue, Morphettville. The land comprises an irregular allotment with a northern primary street frontage of 22.86 metres, a depth of 41.148 metres, and a total site area of 755.7 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access along the eastern side boundary to an attached garage. 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 current legislation.

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

The subject land is located within reasonable walking distance of public transport opportunities, with Morphett Road located some 300 metres to the west, providing bus services between the Regional Centre Zone and the Adelaide CBD. The subject land is located adjacent the Morphettville Oval and within close proximity of Kellett Reserve, which includes tennis courts and a children's playground. The Sturt Linear Park is also located 250 metres east of the subject land. Furthermore, the Denham Avenue Neighbourhood Centre Zone is located approximately 350 metres walking distance to the north-west of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct three, two-storey row dwellings with associated car parking and landscaping. The ground floor proposal for each dwelling includes a single garage, a bedroom with WIR and ensuite, laundry, separate WC and open-plan kitchen, living and dining areas, while the second floor of each dwelling comprises two bedrooms, a lounge, a bathroom as well as a balcony presenting to the primary street frontage.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	11 properties were notified during the Category 2 public notification process.
Representations:	3 representations were received by Council, 1 in favour of the application subject to certain amendments or provisions being met, 1 neutral regarding the outcome of the application although noting certain concerns, and 1 against the application.

Persons wishing to be heard:	**20 Cobham Avenue**
Summary of representations:	**1A McKellar Terrace** • Concerns regarding overshadowing during morning hours • Concerns regarding overlooking **1B McKellar Terrace** • Upper level windows should incorporate obscured glazing to prevent overlooking **20 Cobham Avenue** • Against the application *Refer Attachment IV*
Applicant's response:	Refer Attachment V *Refer Attachment V*

INTERNAL DEPARTMENT COMMENTS

Open Space:	The street trees sited within the nominated driveway crossovers may be removed and replaced subject to payment of $300 + GST.

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

PDC 1	*The following forms of development are envisaged in the policy area:* ▪ *affordable housing* ▪ *detached dwelling* ▪ *group dwelling* ▪ *residential flat building* ▪ *row dwelling* ▪ *semi-detached dwelling* ▪ *supported accommodation.*	**Complies**
PDC 3	*Minimum Site Area: 250m^2*	**Does Not Comply** Lot 1: 246.7m^2 **Complies** Lot 2: 253.1m^2 Lot 3: 255.9m^2
	Minimum Frontage: 7m	**Complies** Lot 1: 7.62m Lot 2: 7.62m Lot 3: 7.62m
	Minimum Depth: 20m	**Complies** Lot 1: 39.817m Lot 2: 40.395m Lot 3: 41.148m

Objectives & Desired Character

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

The subject land is located in close proximity to a number of areas of public open space as well as a Neighbourhood Centre, with public transport opportunities also located within a reasonable walking distance of the site. As such, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

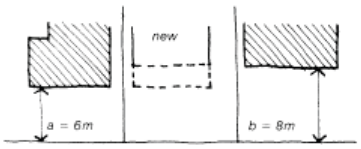
Site Areas

A minimum site area of 250 square metres is prescribed for row dwellings in the Northern Policy Area 13, which equates to a shortfall of 3.3 square metres (1.3%) for Lot 1. It is noted that the overall site area of 755.7 square metres exceeds that required for three row dwellings, indicating that despite the minor individual shortfalls in site area of Lot 1, the proposed density is nonetheless consistent with that sought for the Policy Area.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:	Assessment:
Site Coverage	
Maximum site coverage: 40% *Northern Policy Area 13: PDC 4*	**Does Not Comply** Lot 1: 57% (140.7m^2) Lot 2: 57.6% (145.8m^2) Lot 3: 55.9% (143m^2)
Maximum floor area ratio: 0.6 *Northern Policy Area 13: PDC 4*	**Does Not Comply** Lot 1: 0.67 (165m^2) Lot 2: 0.68 (172.5m^2) Lot 3: 0.66 (169m^2)
Site coverage should ensure sufficient space is provided for: *(a) pedestrian and vehicle access and vehicle parking* *(b) domestic storage* *(c) outdoor clothes drying* *(d) rainwater tanks* *(e) private open space and landscaping* *(f) convenient storage of household waste and recycling receptacles* *General Section: Residential Development: PDC 13*	**Complies** The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.
A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces. *General Section: Residential Development: PDC 14*	**Complies**
Private Open Space	
Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed: *(a) to be accessed directly from a habitable rooms of the dwelling* *(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy* *(c) to take advantage of, but not adversely affect, natural features of the site* *(d) to minimise overlooking from adjacent buildings* *(e) to achieve separation from bedroom windows on adjacent sites* *(f) to have a northerly aspect to provide for comfortable year round use* *(g) not to be significantly shaded during winter by the associated dwelling or adjacent development* *(h) to be partly shaded in summer* *(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality* *(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.* *General Section: Residential Development: PDC 15*	**Complies** a) All POS areas are directly accessible from habitable rooms of the associated dwelling. b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy. c) The subject land does not maintain natural features which warrant preservation. d) The POS areas should not be directly overlooked by adjacent buildings. e) POS areas are not located next to bedrooms of dwellings on adjacent sites. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional. **Does Not Comply** f) g) The proposed POS areas face south and accordingly may be somewhat shaded during winter by the subject dwellings.

Site Area 250 m² or greater: *Minimum area of POS: 20% of the site area* *Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.* *One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.* ***Site area less than 250 m²:*** *20%of the site area or 35 m², whichever is the greater* *Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.* *One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.* *General Section: Residential Development: PDC 17*	**Complies** Lot 1: 21.4% (53.5m^2) Lot 2: 24.9% (62.9m^2) Lot 3: 22.2% (56.7m^2) All dwellings feature POS comprising a minimum dimension of 5 by 5 metres directly accessible from a living room.
Street Setbacks	
Except in areas where a new character is desired, the setback of buildings from public roads should: *(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality* *(b) contribute positively to the function, appearance and/or desired character of the locality.* *General Section: Design and Appearance: PDC 23*	**Complies** The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setbacks are similar to that of new dwellings in the locality. As such, the proposed front setbacks are considered to contribute positively to the function, appearance and desired character of the locality.
Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table: **Setback difference between buildings on adjacent allotments** / **Setback of new building** Up to 2 metres / The same setback as one of the adjacent buildings, as illustrated below:  *When b - a≤ 2, setback of new dwelling = a or b* Greater than 2 metres / At least the average setback of the adjacent buildings *General Section: Design and Appearance: PDC 25*	**Complies** Lot 1: 6.4 metres Lot 2: 5.2 metres Lot 3: 5.3 metres *Taken from closest point of the main face of each dwelling* (The dwelling on adjoining land to the east is set back approximately 5.5 metres) PDC 25 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 allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement. *General Section: Residential Development: PDC 36*	**Complies** Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks	
Where the wall height is not greater than 3 metres: 1 metre *Where the wall height is between 3 metres and 6 metres:* *(a) 3 metres if adjacent southern boundary* *(b) 2 metres in all other circumstances.* = *Residential Zone: PDC 7*	**Does Not Comply** <u>Wall height not greater than 3 metres:</u> Lot 1: 0.674m increasing thereafter Lot 3: 0.6m increasing thereafter **Complies** <u>Wall height between 3 and 6 metres:</u> Lot 1: 2.037m increasing thereafter Lot 3: 2.314m increasing thereafter
Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise: *(a) the visual impact of the building as viewed from adjacent properties* *(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.* *General Section: Design & Appearance: PDC 2*	**Complies** Although the side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.
Rear Setbacks	
6 metres for a single storey dwelling *Residential Zone: PDC 7*	**Complies** Lot 1: 9.984m increasing thereafter Lot 2: 10.507m increasing thereafter Lot 3: 9.266m increasing thereafter
8 metres for a 2 or more storey dwelling *Residential Zone: PDC 7*	**Complies** Lot 1: 17.9m increasing thereafter Lot 2: 21.6m increasing thereafter Lot 3: 18.8m increasing thereafter
Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following: *(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary* *(b) a minimum of 8 metres for two storey components of dwellings* *General Section: Residential Development: PDC 37*	**Complies**
Building Height	
Maximum building height (from natural ground level): *2 storeys of not more than 9 metres* *Residential Zone: PDC 7*	**Complies** The proposed dwellings incorporate a maximum building height of 7.2 metres, which is less than the maximum permitted in the Policy Area.

Garages, Carports and Outbuildings	
Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters: *Minimum setback from primary road frontage:* *8 metres for a freestanding structure.* *5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.* *Residential Zone: PDC 8*	**Partially Complies** Lot 1: 5.665m (0.735m forward of main face) Lot 2: 5.509m (0.309m behind main face) Lot 3: 5.503m (0.203m behind main face) While the proposed garages are not strictly located 0.5 metres behind the main face of the associated dwelling, the dwellings nonetheless incorporate protruding balconies, and stepped facades at an angle to the street, which minimises potential garage dominance.
Carports and garages should be setback from road and building frontages so as to: *(a) not adversely impact on the safety of road users* *(b) provide safe entry and exit.* *General Section: Residential Development: PDC 12*	**Complies**
Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling. *General Section: Residential Development: PDC8*	**Complies** Each proposed garage is incorporated under the main roof of the associated dwelling.
Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance. *Residential Zone: PDC 6*	**Complies**
Car Parking	
Minimum number of on-site car parking spaces (one of which should be covered) : *2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.* *Residential Zone: PDC 7*	**Complies** Each dwelling features three bedrooms and two on-site car parking spaces (one of which is covered).
On-site vehicle parking should be provided having regard to: *(a) the number, nature and size of proposed dwellings* *(b) proximity to centre facilities, public and community transport within walking distance of the dwellings* *(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons* *(d) availability of on-street car parking* *(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).* *General Section: Transportation & Access: PDC 43*	**Complies** a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. **Does Not Comply** d) e) 1 on-street car parking space remains available adjacent the subject land.
A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). *General Section: Land Division: PDC 22*	**Does Not Comply** 2 on-street car parking spaces are required by PDC 22 (rounded up from 1.5), whereas only 1 on-street car parking space remains available adjacent the subject land.

Access	
The width of driveway crossovers should be minimised and have a maximum width of: *(a) 3 metres wide for a single driveway* *(b) 5 metres wide for a double driveway.* *General Section: Residential Development: PDC 39*	**Partially Complies** Lot 1: 3.2m Lot 2: 3.6m Lot 3: 3.1m
Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits. *General Section: Residential Development: PDC 40*	**Complies** The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and Council's Arborist has confirmed that the existing street trees may be removed subject to payment of $300 +GST
A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart. *General Section: Transportation and Access: PDC 28*	**Partially Complies** Two of the vehicle access points are separated by a minimum distance of 6 metres providing for one on-street car parking space.
Design & Appearance	
Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: *(a) building height, mass and proportion* *(b) external materials, patterns, colours and decorative elements* *(c) roof form and pitch* *(d) façade articulation and detailing* *(e) verandas, eaves, parapets and window screens.* *General Section: Design & Appearance: PDC 1* *The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.* *General Section: Design & Appearance: PDC 3* *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.* *General Section: Design & Appearance: PDC 17*	**Complies** The proposed dwellings reflect the desired character of the locality, and incorporate a relatively contemporary design. The dwelling façades incorporate a mixture of face brickwork to the lower levels in Little Hampton 'Ash', with rendered Hebel panels to the upper levels in Dulux 'Old Ruin' 1.5 strength. The portico/balcony elements protrude forward of the main face of each dwelling. The design of the dwellings includes stepping of upper and lower storeys to reduce building height, mass and proportion as well as eave overhang and pitched roof forms at 25 degree slope to soften the overall bulk of the buildings. The side 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. The proposed materials should not result in glare to neighbouring properties, drivers or cyclists. On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.
Balconies should: *(a) be integrated with the overall form and detail of the building* *(b) include balustrade detailing that enables line of sight to the street* *(c) be recessed where wind would otherwise make the space unusable.* *General Section: Design & Appearance: PDC 5*	**Complies** The proposed balconies are integrated into the portico design, with clear glass balustrades that enable line of sight to the street.

Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated. *General Section: Design & Appearance: PDC 15* *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.* *General Section: Design & Appearance: PDC 18* *Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.* *General Section: Residential Development: PDC 6*	**Complies** The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.
Overshadowing	
The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: *(a) windows of habitable rooms* *(b) upper-level private balconies that provide the primary open space area for a dwelling* *(c) solar collectors (such as solar hot water systems and photovoltaic cells).* *General Section: Design & Appearance: PDC 9* *Except where specified in a zone, policy area or precinct, development should ensure that:* *(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June* *(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:* *(i) half of the existing ground level open space* *(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)* *(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.* *General Section: Design & Appearance: PDC 10*	**Complies** The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). 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 of the subject land, a majority of winter shadow will be cast within the rear yards of the proposed dwellings. Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.
Visual Privacy	
Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures: *(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct* *(b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms* *(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.* *General Section: Design & Appearance: PDC 12*	**Complies** The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties. The balcony on the front façade is oriented to obtain views of the streetscape. The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.

Energy Efficiency	
Development should provide for efficient solar access to buildings and open space all year around. *General Section: Energy Efficiency: PDC 1* *Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.* *General Section: Energy Efficiency: PDC 2* *Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.* *General Section: Energy Efficiency: PDC 3*	**Partially Complies** The site's orientation (with the front boundary oriented north) makes it difficult to provide energy efficient dwelling orientation with typical modern dwelling layouts (living areas located at the rear of the dwellings, opening out onto the POS area). A southern orientation means that these living/POS areas will receive limited sunlight in winter months. That being said, the generous rear setbacks of the dwellings result in at least a portion of the POS of each dwelling receiving sunlight each day during winter months. The dwellings also feature north-facing windows to one of the upper level bedrooms for exposure to winter sunlight. On balance, the energy efficiency of the proposed dwellings is considered adequate. As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.
Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells. *General Section: Energy Efficiency: PDC 4* *Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.* *General Section: Energy Efficiency: PDC 5*	**Complies** The dwellings each incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.
Landscaping, Fences and Walls	
Development should incorporate open space and landscaping in order to: *(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)* *(b) enhance the appearance of road frontages* *(c) screen service yards, loading areas and outdoor storage areas* *(d) minimise maintenance and watering requirements* *(e) enhance and define outdoor spaces, including car parking areas* *(f) provide shade and shelter* *(g) assist in climate control within buildings* *(h) maintain privacy* *(i) maximise stormwater re-use* *(j) complement existing native vegetation* *(k) contribute to the viability of ecosystems and species* *(l) promote water and biodiversity conservation.* *General Section: Landscaping, Fences & Walls: PDC 1* *Landscaping should:* *(a) include the planting of locally indigenous species where appropriate* *(b) be oriented towards the street frontage* *General Section: Landscaping, Fences & Walls: PDC 2*	**Complies** The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

TABLE DISCUSSION

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

- Site coverage
- Floor area ratios
- Lower level side setbacks
- On-street car parking

Site coverage

Site coverage considerably exceeds criteria; the Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas the proposal comprises site coverage of 57%, 57.6% and 55.9% for Lot 1, 2 and 3 respectively. The following considerations are noted with regard to the discrepancy in site coverage;

a) The proposed dwellings each include an undercover verandah area. Were these to be deleted from the proposal, site coverage would reduce to 52.5%, 53.2% and 51.5% for Lot 1 to 3 respectively. While this level of site coverage more closely aligns with Council's policies, it does not necessarily improve outcomes, resulting in less functional areas of POS with no shading provided to enhance year-round usability.

   Furthermore, verandahs are anticipated structures within areas of POS. Should future residents apply to construct verandahs similar to the proposed terraces; such structures are likely to comply with Schedule 1A of the Development Regulations 2008 and therefore would not require Development Plan Consent. Accordingly, whilst removal of the proposed terraces would reduce site coverage, it would ultimately be inconsequential and therefore does not affect the merit of the subject application.

b) The proposal exceeds minimum POS requirements and the proposed dwellings achieve sufficient setbacks from boundaries. Accordingly, the excess in built form should not result in any significant impact on the function or amenity of the proposed dwellings nor that of adjacent land.

c) The proposal is considered to 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, private open space, landscaping 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.

Floor area ratio

Floor area ratio (FAR) should not exceed 0.6 for dwellings within the Northern Policy Area 13. Each proposed dwelling surpasses this limit, with FAR's equating to 0.67, 0.68 and 0.66 for Lot 1, 2 and 3 respectively. These excesses do not result in direct impacts to adjacent land, the street or the proposed dwellings, and as such, suggests the size of the dwellings is acceptable having regard to the form of development proposed.

Lower level side setbacks

The lower level side setback requirement of 1 metre is not maintained by Lots 1 and 3, with a side setback of 0.674 metres and 0.6 metres observed at the closest point for each of these dwellings respectively. It is noted that the side setback of each dwelling increases from this point and does not result in unreasonable overshadowing, or significant visual impacts upon the locality or upon that of the adjoining properties and is therefore considered acceptable.

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. Given that the proposed development provides adequate on-site car parking, and that the dwellings are located an acceptable walking distance to public transport and centre facilities, the shortfall in on-street car parking is deemed acceptable.

REPRESENTOR'S CONCERNS

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

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 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/excesses, including site coverage, floor area ratios, lower level side setback and on-street car parking, 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.

R E C O M M E N D A T I O N

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent for Development Application No: 100/2015/2012 for a two-storey building comprising three dwellings at 18 Cobham Avenue, Morphettville, be GRANTED subject to the following conditions:

C O N D I T I O N S

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/2012 except when varied by the following conditions of consent.

2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.

4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.

5. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

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

NOTES

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

2. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**

3. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**

4. **The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.**

5. **Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**

6. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 June 2017

Agenda Ref No:	**DAP070617 – 2.4**
Originating Officer:	**Dylan O'Brien** **Development Officer - Planning**
Applicant:	**Alpha Industries**
Development Description:	**Freestanding Shed (9m x 21m x 4.2m wall height), located within the rear yard, setback 2m from the western side boundary**
Site Location:	**59 Woodend Road Sheidow Park**
Zone:	**Residential Zone**
Policy Area:	**Worthing Mine Policy Area 20**
Application Type:	**Category 3 / Consent**
Lodgement Date:	**25/02/2016**
Development Plan:	**Consolidated – 3 December 2015**
Application No:	**100/2016/337**
Recommendation:	**That Development Plan Consent be Granted subject to conditions**

CATEGORISATION & DELEGATION

The subject application has been processed as a Category 3 form of development by virtue of Schedule 9 of the Development Regulations 2008, as the proposed development was not considered to be of a minor nature, and could have an unreasonable impact upon the owners or occupiers of land in the locality of the site of the development.

BACKGROUND

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

Amendments Requested	Amendments Made
Reduction in footprint	The proposal has been amended to include: • A reduction in dimension of the structure from 24.1m by 12.1m, to 21m by 9m resulting in a reduction in the footprint from 291.6m^2 to 189m^2; • Neutral roof colour/finish to minimise reflectivity and visual standing.

SUBJECT LAND & LOCALITY

The subject land has a frontage to Woodend Rood of 43.67 metres, a depth of 185.34 metres and a total area of approximately 8093.7 square metres.

The subject land is located on the southern side of Woodend Road, between Overland Crescent to the west, Young Street to the east, and north of the Field River Valley.

The subject land and neighbouring allotments to the south of Woodend Road are peculiar in-so-far as they are considerably larger than the standard suburban allotments in the greater locality, and can be described as more closely resembling a typical semi-rural/peri urban setting.

The land is gently undulating, incorporating a fall of approximately 6 metres overall, from the north/eastern corner (Woodend Road boundary) to the south/western corner (rear boundary) over a distance of approximately 185 metres.

The site includes a recently constructed single storey detached dwelling located approximately 14 metres from the front property boundary.

There are no regulated or significant trees on the subject land or located on adjoining land that would be impacted upon by the proposed development.

Vehicle access is provided to the site via a crossover on the eastern side of the property to Woodend Road.

Refer Attachment I & II

PROPOSED DEVELOPMENT

Proposed is a freestanding garage (9.0m x 21m x 4.2m wall height) located approximately 58 metres to the rear of the associated dwelling and 2.0 metres from the western side boundary. The garage is to be used for general storage, including vehicles and equipment storage for the occupants of the associated dwelling.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	7 properties were directly notified during the Category 3 public notification process, along with the general public via a notice in the Messenger newspaper.
Representations: *Refer Attachment III*	2 representations were received by Council.
Persons wishing to be heard:	1 person has indicated that they wish to be heard
Summary of representations:	1 person (who wishes to be heard) has indicated that they are 'against the application' as the: proposed shed is grossly outside Council guidelines in all dimensions, the nature of the larger lots changing because of an encumbrance being removed, and that the proposal will result in an industrial look, as well as, concerns re: the possible non-residential use of the structure into the future.

	1 person (who does not wish to be heard), has indicated that they are 'against the application' due to the visibility of the proposed shed from their house not being in keeping with a residential setting and the size of the shed which has the potential to store trucks, heavy equipment and that the associated traffic would not be acceptable at Woodend Road. *Refer Attachment IV*
Applicant's response:	The shed will be used for storage of parents' caravan, boat, camper trailer, furniture and belongings from deceased family members, quad bike trailer, quad bikes, standard trailer and a small handy man's workshop to tinker on cars with our two sons. At this stage we have all the above furniture, deceased belongings, handy man supplies and quad bike inside our house and we would really love to just get it into a shed where it belongs. The shed will not be used to run any form of business from as we have our own business and factory workshop down at Woodville North. The use for the shed will be no different to our two neighbour's sheds on Woodend Road, storage and general handy man work. *Refer Attachment V*

DEVELOPMENT ASSESSMENT

The relevant provisions of the Marion Council Development Plan are listed in the following table and discussed in further detail below:

Principles of Development Control:	Assessment:
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 will incorporate a gabled roof form, finished in a grey 'Colorbond' roof, similar in colour and pitch to the associated dwelling roof. Whilst the walls of the garage will be cream, the overall shape, roof pitch and darker roof colour is considered to be sufficiently complementary to the associated dwelling.
Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters: *General Section: Residential Development: PDC 12*	**Complies** The garage is no higher than that sought by the Development Plan (PDP 12) and given the level of boundary separation and size of the allotment, the proposal will have limited impact over the streetscape.
Parameter / ***Value***	
Maximum floor area / *60 square metres*	**Does Not Comply** 189m^2

Maximum wall or post height	*3 metres*	**Does Not Comply** 4.2m
Maximum building height	*5 metres*	**Complies** 4.913m
Maximum height of finished floor level	*0.3 metres*	**Complies** The structure will be located on a section of the site that is relatively flat. To this end, it is unlikely that the structure will require a finished floor level above 300mm.
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** The structure will be set approximately 58m behind 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*	**Complies** Side boundary: 2.0m Rear boundary: approx. 55m
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** The structure sits well behind the associated dwelling and the opening which is to the eastern side of the shed, will not be readily viable from the street.
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**
Site Coverage		
Dwellings should be designed to have a maximum site coverage of 50% per cent of the allotment area. *Worthing Mine Policy Area 20: PDC 6*		**Complies**
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** In the context of the subject land, the proposed garage, whilst large in the conventional sense, covers only a small fraction of the associated allotment area (approximately 1.9%). At least 80% of the site or approximately 6600 square metres of private open space will be retained. Sufficient space is therefore retained in accordance with Residential Zone: PDP 9
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** Sufficient space currently exists for, vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage. The proposal will not interfere with these aspects of the site.

Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces. *General Section: Residential Development: PDC 15*	**Complies**
Private Open Space	
Dwellings should include POS that conforms to the requirements identified in the following table: **Site area of dwelling** / **Minimum area of POS** / **Provisions** 175 square metres or greater / 20 per cent of site area / Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres. *Residential Zone: PDC 7*	**Complies** • Approx. 80% (6600m^2) • 43.67m minimum dimension • Less than 1-in-10 gradient
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**
Design & Appearance	
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 proposed garage is to be setback from the eastern side and rear property boundaries by approximately 32 metres and 55 metres respectively, and 2.0 metres from the western side boundary. As viewed from neighbouring land to the west and south, the garage will appear nestled into the natural slope of the land thereby reducing overall bulk and visual standing within the immediate locality. To this end the visual impact of the garage should be somewhat reduced, and in my view is deemed reasonable particularly given the overall level of separation between dwellings and allotment sizes in the immediate locality on the southern side of Woodend Road. In terms of maintaining the existing character / pattern, the garage albeit larger than a domestic garage in the conventional sense is typical of other such shed / garage structures in terms of its position, height and footprint. To this end, the proposed wall/overall height in relation to natural ground level is in keeping with the other such structures and acceptable

	for the locality. For these reasons, the likely visual impact of the garage as viewed from or upon adjoining properties is considered acceptable and the proposal is considered to sufficiently reconcile Principles 2 (a), (b) and (c) above.
The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists. *General Section: Design & Appearance: PDC 3*	**Complies** The external walls of the garage are proposed to incorporate a 'colorbond' (cream) colour/finish, whereas, the roof material is to be finished in 'Colorbond' Woodland Grey, similar to the associated dwelling (not considered highly reflective). Whilst the proposed lighter wall colour/finish is considered to be more reflective, the impact is deemed negligible due to the limited exposure of the walls beyond the subject land and lack of direct sunlight beyond early mornings and late afternoons. In my opinion, the inclusion of a darker non-reflective material/finishes to the whole roof sufficiently reconciles the above provision.

TABLE DISCUSSION

The proposal satisfies a number of the applicable quantitative criteria contained within the Marion Council Development Plan. The proposal however fails to comply with the following provisions:

- *Maximum floor area; and*
- *Maximum wall height (from natural ground level).*

The proposed floor area, and wall height is considerably larger and higher than is sought by the Development Plan. However, in this instance regard is given to the nature of the locality and in particular, the total size / context of the subject land and locality south of Woodend Road.

Specifically, the subject land can be described as a uniquely large allotment, which is in keeping with eight (8) other allotments on the southern side of Woodend Road that more closely resembles semi-rural / peri urban setting. Whilst the proposal is considered excessive in a conventional setting, in this instance the structure is comparatively scaled in relation to the overall size of the subject land / locality.

For example, there are eight (8) similar properties located on the southern side of Woodend Road that also feature ancillary outbuildings in association with the dwelling that range in size from approximately 72 square metres up to approximately 185 square metres.

Whilst the proposed structure is larger than many similar freestanding garages in the locality, it is nonetheless comparable with a number of existing garages in the locality, namely, at 57, 63 and 71 Woodend Road. Furthermore, because of the gentle slope of the land down towards the rear of the allotment, and location of the structure well behind the associated dwelling to the rear of the site, the proposed garage is likely to be mostly concealed from street view and properties located north of Woodend Road behind the associated dwelling.

The proposed structure will also be situated 32.67 metres from the eastern side boundary and 2.0 metres from the western side boundary and situated on a relatively flat part of the land that sits below the front section of the site. As viewed from Woodend Road, the proposed structure should

mostly be obscured by the associated detached dwelling, and where visible, it should appear somewhat nestled into the natural slope of the land. This should further reduce visual standing of the garage when viewed from the east and west, as the wall height above natural ground in relation to the western side boundary will appear reduced. Therefore, given the size of the subject land and level of boundary separation, likely visual and overshadowing impacts upon the neighbouring properties and including the locality are considered to be negligible, and therefore acceptable.

For these reasons, the excess in floor area and wall height are not considered to result in an unreasonable impact upon adjoining land.

REPRESENTOR'S CONCERNS

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

The representors have also raised concerns in relation to nature of the some of the larger lots on the southern side of Woodend Road changing because of an encumbrance being removed, and that the proposal will result in an industrial look, as well as, concerns re: the possible non-residential use of the structure into the future, and traffic issues on Woodend Road as a result of the potential to store trucks, heavy equipment. While these concerns are noted, there is no indication that the structure is to be used for any other purpose than those ancillary to a residential use as outlined in the applicant response to the representations. This is to be confirmed by way of conditions. Nevertheless, in the event that the proposed structure was to be used for any other purpose, avenues are available to Council under the Development Act 1993 to take action if considered necessary / appropriate.

ANALYSIS / CONCLUSION

As noted in this report the subject land is a uniquely large allotment in keeping with eight (8) other allotments on the southern side of Woodend Road which more closely resembles semi-rural/peri urban setting.

Whilst the size and height of the proposed garage would be considered excessive in a conventional setting, in this instance the garage covers no more than 1.9% of the allotment and is comparatively scaled in relation to the overall size of the subject land and similar allotments. The size of the garage is also similar to a number of existing ancillary outbuildings dotted throughout the larger allotments on the southern side of Woodend Road.

Given the level of separation and position over a lower section of the land towards to the rear of the site, the visual impact of the proposed garage is considered acceptable and will not have a detrimental impact upon the amenity of any neighbouring properties or the locality.

The proposed roof form / colour is sufficiently in keeping with the associated dwelling and not considered to be highly reflective.

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

RECOMMENDATION

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent for Development Application No: 100/2016/337 for Freestanding Shed (9m x 21m x 4.2m wall height), located within the rear yard, setback 2m from the western side boundary at 59 Woodend Road Sheidow Park be Granted subject to the following conditions:

CONDITIONS

1. **The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/337, except when varied by the following conditions of consent.**

2. **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.**

3. **Stormwater must be disposed of in such a manner that does not flow or discharge into land of adjoining owners, lie against any building, or create insanitary conditions.**

4. **The structure has been granted consent as a domestic outbuilding only and therefore shall not be used for human habitation or for purposes not reasonably incidental to the use of the land for residential purposes, unless the further development approval of the Council is obtained.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 June 2017

Agenda Ref No:	**DAP070617 – 2.5**
Originating Officer:	**Rob Tokley** **Team Leader - Planning**
Applicant:	**Alan Raymond Glover**
Development Description:	**To demolish the existing dwelling and structures (33 Barry Road), to make alterations and additions to the existing dwelling (31 Barry Road) and to construct five (5) two storey dwellings with associated car parking and landscaping**
Site Location:	**31-33 Barry Road, Oaklands Park**
Zone:	**Residential Zone**
Policy Area:	**Medium Density Policy Area 12**
Application Type:	**Category 2 / Consent**
Lodgement Date:	**11/08/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/1472**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions**

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a 2 storey building comprising dwellings and development comprising 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high 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
Reduction in the expanse of the upper level built form of Dwellings 2, 3 and 4 to reduce	Separation provided between upper level roof forms of Dwellings 2, 3 and 4

visual impact upon adjoining properties to the north	
The southern façade of Dwelling 1 should incorporate treatments to avoid large expanse of uninterrupted walling	Contrasting section of render provided to western 'corner' of building with obscure glazing included
The rear setback of Dwellings 3 and 4 should be increased to no less than 3.0 metres	Rear setback of Dwellings 3 and 4 increased from 1.8 and 1.2 metres, respectively, to 2.5 metres save for a small incursion (setback at 2.1 metres)
The front fencing of Dwelling 1 should be setback no less than 500mm to the front boundary, to enable landscape plantings street-side	Fencing setback 500mm and landscaping provided forward of fence
The driveway servicing Dwelling 1 must be situated no closer than 2.0 metres from the existing street tree	Garage detached from dwelling, providing appropriate clearance to street tree
Increase in landscaping adjacent common driveway	Landscaping increased

SUBJECT LAND & LOCALITY

Land subject to the application is situated at 31 (Lot 19) and 33 (Lot 18) Barry Road, Oaklands Park. The combined allotments have a total frontage width of 39.01 metres, depth of 45.72 metres; providing a total site area of approximately 1783.5 square metres.

An attractive single storey detached dwelling, constructed circa 1925, is situated at 31 Barry Road. A later addition is affixed to the rear of the dwelling. An in-ground swimming pool and outbuilding are situated within the rear yard. Vegetation of varying heights and quality is scattered throughout the property.

A single storey detached dwelling, constructed circa 1955 is situated at 33 Barry Road. Vegetation of varying heights and quality is located throughout the front, side and rear yards of the property.

The locality is defined by single storey detached dwellings, typically constructed in 1950-60 (although dwellings at 29, 27 and 23 Barry Road were constructed between 1920-30) on large allotments of 600 – 800 square metres and an increasing mix of single storey and two storey row dwellings and residential flat dwellings.

Two aged care aged care buildings are located in close proximity to the subject site – the Oaklands Residential Care Facility (single storey building) between Conigrave and Jean Streets and the Rembrandt Court Dutch Aged Care (single and two storey building) between Madras, Campbell and Doreen Streets.

The Seaford-Adelaide train line is situated 400 metres south of the site. The Sturt Drain is situated 500 metres to the east, whilst Morphett Road, accommodating Local and Neighbourhood Centre Zones and bus routes is located 250 metres to the west.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to retain the existing dwelling and swimming pool at 31 Barry Road and to construct a double garage to the north of the dwelling.

The existing dwelling at 33 Barry Road is to be demolished.

A total of five, two storey dwellings are proposed to be constructed on the remaining area of the site.

Dwelling 1 incorporates a conventional two storey form – comprising an open plan kitchen/living/dining area and typical wet areas on the ground floor. A detached, single-width garage is located to the north of the dwelling. The upper floor incorporates three bedrooms with bathroom and water closet.

Dwellings 2, 3, 4 and 5 incorporate the upper floor within the 'attic' space, whereby the dwellings incorporate a roof pitch in the order of 37.5 degrees.

Dwellings 2 and 3 incorporate an open plan kitchen/living/dining area, bedroom, laundry and bathroom on the ground floor. The upper floor incorporates two bedrooms and bathroom.

Dwelling 4 incorporates an open plan kitchen/living/dining area, bedroom, laundry and bathroom on the ground floor. A swimming pool is to be constructed to the north of the dwelling. The upper floor incorporates a bedroom, 'office' and bathroom and water closet.

Dwelling 5 is to be constructed south of the existing in-ground swimming pool (which is to be retained) and incorporates an open plan kitchen/living/dining area, 'office', laundry and bathroom on the ground floor. The upper floor incorporates two bedrooms and bathroom.

All dwellings will maintain the same colour/material scheme, including; rendered Hebel walls in 'Surf Mist' at half strength (with Dwelling 1 also incorporating 'Hog Bristle' for a section on southern elevation), Colorbond roofs in 'Surfmist', feature stone walling adjacent each entry door and 'Platinum' panel-lift garage doors.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	33 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council (1 was later withdrawn as concerns were addressed by applicant)
Persons wishing to be heard:	Neither representor identified they wish to address the Panel.
Summary of representations:	• Proposal will result in inappropriate parking hazards for local residents *Refer Attachment IV*
Applicant's response:	The applicant has provided a response to the representations received – please refer to Attachment V

INTERNAL DEPARTMENT COMMENTS

Open Space:	The driveway of Dwelling 1 must maintain a minimum 2.0 metres clearance to the existing street tree

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

1 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.

Medium Density Policy Area 12

Objectives

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

Desired Character

This policy area encompasses areas especially suitable for a wide range of low and medium-density housing, such as detached, semi-detached, row and group dwellings, residential flat buildings, supported accommodation and student and other special purpose housing. Medium density development is especially suited to areas in proximity to centres and public transport, and to areas where such development already occurs (as in the area redeveloped by the former South Australian Housing Trust in Mitchell Park).

The desired character 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. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic are appropriate where located centrally within a large site.

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

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

Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

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

PDC 1	*The following forms of development are envisaged in the policy area:* ▪ *affordable housing* ▪ *dwelling including a residential flat building* ▪ *supported accommodation.*	**Complies**

PDC 2	*Development should not be undertaken unless it is consistent with the desired character for the policy area.*	**Complies**
PDC 3	*Medium density development should be in the form of 2 storey buildings with an ability to provide a 3rd storey addition within the roof space.*	**Complies**
PDC 5	*In the case of more than one dwelling on one site, access to parking and garaging areas from public streets should be via a minimum number of common driveways.*	**Does Not Comply**
PDC 6	*Minimum Site Area:*	**Complies** Dwg 4: 284 sq metres Dwg 5: 289 sq metres Ex Dwg: 436 sq metres (Average excl driveway: 263 sq metres) (Average incl driveway: 297 sq metres) **Does Not Comply** Dwg 1: 194 sq metres Dwg 2: 188 sq metres Dwg 3: 187 sq metres
	Minimum Frontage: *Detached dwelling: 10 metres* *Hammerhead: 6.6 metres*	**Complies** Dwg 1: 22.2m Dwgs 2 – 5: 6.7m Ex Dwg: 16.83m
	Minimum Depth:	**Complies** Dwgs 2 – 5: 45.72 metres Ex Dwg: 27.22 metres **Does Not Comply** Dwg 1: 11.6 metres

Assessment

The subject land is located within 500 metres walking distance (or less) from; the Oaklands Train Station and bus routes on Morphett Road; two Neighbourhood Centre Zones (corner of Jewell and Morphett Road and corner of Prunus Street and Morphett Road) and a Local Centre Zone (corner of Keynes Avenue and Morphett Road); and two areas of public open space (being the Rajah Street reserve and the Sturt Drain linear park).

The subject land is located in close proximity to centres, public transport routes and public open space, and as such, the proposed increase in dwelling density accords with Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12.

Whilst there are individual shortfalls in site area, the average site area (excluding the common driveway) exceeds that sought for residential flat dwellings. Furthermore, the proposal results in the amalgamation of two allotments to facilitate "*appropriately designed medium density development*" as sought by the Desired Character of the Policy Area. (The appropriateness of the form of development will be assessed throughout this report).

The range of two storey dwellings and retention of the existing bungalow will further advance the Desired Character, which seeks to "*promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys …*"

The built form of Dwellings 2 – 5 (with rooms within an attic space), in my view, are appropriately described as two storey dwellings, albeit with a single storey form with a generous roof pitch (37.5 degrees).

The Desired Character statement acknowledges that two storey buildings are appropriate "*subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development…"* and that *"[b]uildings with two storeys plus attic are appropriate where located centrally within a large site."*

The development seeks to accommodate two storey dwellings throughout the site, whereby the buildings are located adjacent the side and rear yards of adjacent dwellings. To avoid repetition, discussion regarding the appropriateness of the two storey nature of the proposal is discussed in the Development Assessment section of this report.

It is acknowledged that Policy Area Principle 5 seeks to minimise driveways, and the proposal results in three driveways servicing a total of six dwellings. The Development Assessment section of this report will also identify that two on-street parking spaces will remain available. However, 18 on-site spaces will remain available, whereas 12 spaces are required when assessed against the Development Plan. As such, whilst the lack in on-street parking spaces is not ideal, the shortfall is compensated for in on-site parking.

It is also acknowledged the site accommodating Dwelling 1 incorporates a depth of 11.6 metres; significantly less than the minimum 20 metres sought.

The rear of the dwelling abuts the side wall of Dwelling 2, whilst all private open space is located between the dwelling and garage and street-side of the dwelling. Whilst the location of a majority of the private open space area is discouraged by Council's Development Plan, the built form proposed will not, in my view, have an unreasonable impact upon adjoining land, as the building's footprint is sited adjacent the side path of the dwelling to the north (see discussion in Development Assessment section of this report).

For these reasons, the shortfall in depth is considered acceptable.

In conclusion, the subject site is located in convenient reach of all facilities that warrant increased housing densities. Whilst individual allotments display shortfalls in site area, the average site area (excluding the common driveway) well exceeds that sought, whilst the resultant built form provides variety in housing choice.

The proposal is considered to appropriate embody the aims of the Medium Density Policy Area 12.

DEVELOPMENT ASSESSMENT

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

<table>
<tr><th>Principles of Development Control:</th><th>Assessment:</th></tr>
<tr><td colspan="2">Site Coverage</td></tr>
<tr><td>

Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:

<table>
<tr><th>Site area</th><th>Maximum Site Coverage</th><th>Maximum Floor Area Ratio</th></tr>
<tr><td rowspan="2">> 325 m²</td><td>building up to 2 storeys: 40%</td><td>0.6</td></tr>
<tr><td>2 storey building with a 3rd storey within the roof space: 40%</td><td>0.8</td></tr>
<tr><td>250 - 325 m²</td><td>130 m²</td><td>0.6</td></tr>
<tr><td>< 250 m²</td><td>100 m²</td><td>0.7</td></tr>
</table>

Medium Density Policy Area 12: PDC 7

(40% is applicable for the Existing Dwelling)
(130m² and 0.6 is applicable for Dwellings 4 and 5)
(100m² and 0.7 is applicable for Dwellings 1, 2 and 3)

</td><td>

<u>Site coverage:</u>

Complies
Dwg 1: 86.1m² (44.4%)
Dwg 5: 121.3m² (41.9%)

Does Not Comply
Dwg 2: 112.5m² (59.8%)
Dwg 3: 112.5m² (60.1%)
Dwg 4: 155.1m² (54.6%)
Ex Dwg: 198.0m² (50.1%)

(Site coverage for whole of site: 806m² = 45.2%)

<u>Floor area ratio:</u>

Complies
Dwg 1: 0.644
Dwg 2: 0.649
Dwg 3: 0.652
Dwg 4: 0.496
Dwg 5: 0.432

(FAR for whole of site (excl Ex Dwg site): 0.471)

</td></tr>
<tr><td>

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

</td><td>

Complies

</td></tr>
<tr><td>

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

</td><td>

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

</td></tr>
<tr><td>

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

</td><td>

Does Not Comply
267 sq metres (14.9%)

</td></tr>
</table>

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** Dwg 1: 53 sq metres (27.3%) Dwg 2: 50 sq metres (26.6%) Dwg 3: 50 sq metres (26.7%) Dwg 4: 102 sq metres (35.9%) Dwg 5: 134 sq metres (43.6%) Average for whole of site: 460 sq metres (25.8%) **Does Not Comply** Ex Dwg: 75 sq metres (17.2%)
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) The POS areas of Dwelling 2-5 and the Existing Dwelling are located to the side/rear of the dwelling 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. 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. **Does Not Comply** c) A majority of the POS area of Dwelling 1 is located forward of the building. f) POS areas of Dwellings 2, 3 and 4 are located next to bedrooms of dwellings on adjacent sites.
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	
Minimum setback from primary road frontage where an established streetscape exists: *5 metres within* ***Medium Density Policy Area 12*** *8 metres from arterial roads shown on Overlay Map – Transport* *Residential Zone: PDC 6*	**Partially Complies** Dwg 1: Min front setback 4.7 metres, increasing to 5.5 metres
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 subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 4.7 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.
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 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* *Residential Zone: PDC 6*	**Complies** Dwgs 2, 3 and 4: Min 2.7 metres Dwg 5: Min 900mm **Complies** Dwg 1: Min 6.0 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 considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Rear Setbacks	
Minimum setback from rear boundary: *(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary* *(b) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres* *Residential Zone: PDC 6*	**Does Not Comply** Dwg 4: Min 2.1 metres (Garage on boundary) Dwg 5: Min 2.1 metres Buildings setback at 0.0m (garage): 6m length (15.4%) Buildings setback at 2.1m (dwelling): 7m length (17.9%) Buildings setback at 2.5m (dwelling): 12.8m (32.8%) No buildings adjacent boundary: 13.0m (33.3%)
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*	**Partially Complies** (a) The location of the dwellings east of the adjoining properties at 10 and 12 Sherwood Drive will ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report). (b) Due to the built form proposed, Dwellings 4 and 5 will be highly visible from the rear yards of the adjoining properties, at 10 and 12 Sherwood Drive. (c) The location of the dwellings will maintain the character of the locality with regards to patterns of space, as sites to the north and south incorporate the similar placement of dwellings within 4.0 metres of their respective western boundaries. Refer to Table Discussion for assessment.
Building Height	
Maximum building height (from natural ground level): *(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 than10 metres* *Residential Zone: PDC 7*	**Complies** The proposed dwellings incorporate a maximum building height of 7.5 metres, which is less than the maximum permitted in the Policy Area.
Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties. *General Section: Residential Development: PDC 2*	**Does Not Comply** Dwellings 2-5 are located on battleaxe sites, and as such, fail to satisfy Residential Development Principle 2. Please refer to Table Discussion for assessment.
Garages, Carports, Verandas and Outbuildings	
Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling. *General Section: Residential Development: PDC 10*	**Complies**

Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters: *General Section: Residential Development: PDC 12*		
Parameter	***Value***	
Maximum floor area	*60 square metres*	**Complies**
Maximum wall or post height	*3 metres*	**Complies**
Maximum building height	*5 metres*	**Complies**
Maximum height of finished floor level	*0.3 metres*	**Complies**
Minimum setback from a primary road frontage	*Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.*	**Complies**
Minimum setback from side or rear boundaries (when not located on the boundary)	*0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall*	**Complies**
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.* *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**
Detached dwelling (Whilst Dwelling 1 is not defined as a detached dwelling pursuant to Schedule 1, this dwellings is akin to a detached dwelling, given it has exclusive vehicular access to the street)	*2 per dwelling containing up to 3 bedrooms one of which is to be covered.*	**Complies** Ex Dwg: 4 on-site spaces, 2 of which are undercover (min 2 required) Dwg 1: 2 on-site spaces, 1 of which is undercover (min 2 required)
Group *Residential flat building*	*1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.*	**Complies** Dwgs 2-5: 11 on-site spaces, 6 of which are undercover (min 8 required)
Table Mar/2 - Off-street Vehicle Parking Requirements.		

On-site visitor parking spaces should be sited and designed to: *(a) not dominate internal site layout* *(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling* *(c) be accessible to visitors at all times.* *General Section: Transportation & Access: PDC 42*	**Partially Complies** Whilst Dwellings 2-5 incorporate a greater number of visitor spaces than required, there are no visitor parking spaces that are independently accessible.
On-site vehicle parking should be provided having regard to: *(a) the number, nature and size of proposed dwellings* *(b) proximity to centre facilities, public and community transport within walking distance of the dwellings* *(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons* *(d) availability of on-street car parking* *(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).* *General Section: Transportation & Access: PDC 43*	**Complies** a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. **Partially Complies** d) e) 2 on-street car parking spaces shall remain available adjacent the subject land, however, the shortfall of 1 on-street space is provided for on-site.
Vehicle parking areas servicing more than one dwelling should be of a size and location to: *(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely* *(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area* *(c) reinforce or contribute to attractive streetscapes.* *General Section: Transportation & Access: PDC 44*	**Complies** (a) (b) The development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner. (c) Whilst three separate driveways are proposed, there is ample area available for landscaping to be visible from the street.
The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should: *(a) not face the primary street frontage* *(b) be located to the rear of buildings with access from a shared internal laneway* *(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.* *General Section: Transportation & Access: PDC 45*	**Complies** The parking areas servicing Dwellings 2 – 5 are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.
A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). *General Section: Land Division: PDC 22*	**Partially Complies** 2 on-street car parking spaces are provided for the proposed allotments, which is 1 less than that sought by PDC 22, however, the shortfall of 1 on-street space is provided for on-site.
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** Dwg 1: 3.0m Ex Dwg: 4.6m **Does Not Comply** Common driveway: 5.5m
Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.). *General Section: Residential Development: PDC 40*	**Complies** The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.

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

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***		
4 – 7	*6*	*5*	*3*	*0.8*

General Section: Residential Development: PDC 41

Partially Complies
Whilst the driveway marginally exceeds the 5m wide x 6m long criteria, ample landscaping areas are provided on both sides which should nonetheless soften the appearance of hard-stand areas.

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

General Section: Residential Development: PDC 42

Complies

The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.

General Section: Transportation and Access: PDC 28

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

Design & Appearance

Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:
(a) building height, mass and proportion
(b) external materials, patterns, colours and decorative elements
(c) roof form and pitch
(d) façade articulation and detailing
(e) verandas, eaves, parapets and window screens.

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Partially Complies
Dwellings 2-5 incorporate a steep roof pitch (37.5 degrees) to avoid exposed second storey walls (excepting the western façade). Due to this design technique, and the location of Dwellings 2-4, when viewed from the north, the proposal provides a large expanse of built form – much of which is at the same plane.

At the request of administration during the assessment process, the upper level portions of Dwellings 1, 2, 3 and 4 were separated to provide some relief to the expanse of the built form.

Whilst the separation is limited, it is acknowledged that a majority of the built form is adjacent the side paths or the common driveway of the adjacent dwellings to the north.

Please refer to the Table Discussion section of this report for further discussion regarding the built form and impact upon adjoining land.

The design of Dwelling 1, and the materials employed on all facades of the dwellings reflects the desired character of the locality, incorporating an attractive presentation to the streetscape.

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

- Mixture of render, horizontal cladding and timber screens
- Placement of the upper levels within the attic space to minimise building height
- Fenestration

	The dwellings incorporate a 27.5 degree (Dwelling 1) and 37.5 degree (Dwellings 2-5) Colorbond roof in 'Surfmist'. The garage of each dwelling features Platinum Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.
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* *(c) opportunities to overlook adjacent public space.* *General Section: Residential Development: PDC 6*	**Complies**
Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers. *General Section: Residential Development: PDC 8* *Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.* *General Section: Residential Development: PDC 9*	**Partially Complies** The entries to all dwellings, excepting Dwelling 5 are highly visible from the street or common driveway. The entry of Dwelling 5 is somewhat hidden by the adjacent fencing surrounding the in-ground swimming pool. Nonetheless, the curvature of the private open space of the Existing Dwelling should nonetheless lead the visitor's eyes to the entrance area of Dwelling 5.
Relationship to the Street and Public Realm	
Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated. *General Section: Design & Appearance: PDC 13* *Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.* *General Section: Design & Appearance: PDC 14* *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.* *General Section: Design & Appearance: PDC 15* *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.* *General Section: Design & Appearance: PDC 16*	**Complies** The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street. The elevations of the dwellings feature a mixture of render and horizontal cladding and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.
Overshadowing	
The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: *(a) windows of habitable rooms* *(b) upper-level private balconies that provide the primary open space area for a dwelling* *(c) solar collectors (such as solar hot water systems and photovoltaic cells).* *General Section: Design & Appearance: PDC 9*	**Complies** An assessment of the projected shadow cast by the development identifies that a majority of shadow cast by Dwellings 1, 2, 3 and 4 will fall within the development site. It is acknowledged that properties to the west will experience an amount of shadow cast by Dwellings 4 and 5 in morning hours, however, by midday these properties will be free from shadow.

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*	In winter months, Dwelling 5 will cast a substantial amount of shadow upon the adjacent dwelling at 2/27A Barry Road. Review of the floor plan of that dwelling identifies two small windows on the northern façade; servicing a water closet and bathroom. As such, there are no north-facing windows to living rooms that will be affected by the shadow cast by Dwelling 5. Shadow will also be cast upon the western area of private open space until approximately 2.00pm, whereby for the remainder of the day the private open space will be free from shadow. The extent of shadow cast by Dwelling 5 nonetheless satisfies Principle 10(b), as less than half of the private open space will experience shadow in winter months. Furthermore, approximately 80% of the private open space is roofed via sheet metal. As such, the private open space experiences very little direct sunlight throughout the day.
Visual Privacy	
Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures: *(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct* *(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms* *(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.* *General Section: Design & Appearance: PDC 11*	**Complies** The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation of Dwelling 1 remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties. The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.
Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes. *General Section: Design & Appearance: PDC 12*	**Complies**
Noise	
External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from: *(a) active communal recreation areas, parking areas and vehicle access ways* *(b) service equipment areas and fixed noise sources on the same or adjacent sites.* *General Section: Residential Development: PDC 30*	**Complies** Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 4 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 access to its rear garden via side gates or through the garage. 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* *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* *(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** Dwellings 2-5 incorporate a roof set at a 37.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently (albeit, not the optimum pitch). Dwelling 1 incorporates a small north-facing roof section, in which solar collectors could be sited.
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*	**Complies** Landscaping areas throughout the common driveway area and at the front of the site incorporate appropriate space in which taller, broader plantings can be placed adjacent the two storey buildings. The landscaping has the ability to provide an attractive entrance to the site, and by providing a level of privacy to occupants of the dwelling, and conversely, an attractive outlook from the dwellings to the common driveway area. The landscape plan does not identify proposed planting species, and as such, it has been included as a recommended condition of consent that a revised landscape plan, detailing the location, species and projected growing heights of all plantings be provided to Council, for consideration and approval, prior to Development Approval being issued.

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*	
Fences and walls, including retaining walls, should: *(a) not result in damage to neighbouring trees* *(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality* *(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance* *(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street* *(e) assist in highlighting building entrances* *(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites* *(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land* *(h) be constructed of non-flammable materials.* *General Section: Landscaping, Fences & Walls: PDC 5*	**Complies** The first engineered siteworks plan submitted with the application (now superseded) identified the need for retaining walls varying in height to a maximum 200 millimetres. It is not expected that the current dwelling design will result in a need to increase the floor levels of the dwellings. As such, if a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.0 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. The fencing proposed forward of Dwelling 1 will incorporate attractive elements that complement the associated dwelling. Fencing forward of the Existing Dwelling is tubular steel, providing appropriate line-of-sight to/from the street.

TABLE DISCUSSION

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

- Site coverage of Dwellings 2, 3 and 4;
- Amount of pervious land surface;
- Amount of private open space for the Existing Dwelling;
- Private open space forward of Dwelling 1;
- Private open space of Dwellings 2, 3 and 4 adjacent bedrooms of neighbouring dwellings;
- Rear setback;
- Two storey dwellings on a battleaxe site; and
- Design and Appearance/Bulk and scale.

Site coverage of Dwellings 2, 3 and 4
Dwellings 2 and 3 incorporate a site coverage of 112.5 square metres, which exceeds the maximum 100 square metres sought. Dwelling 4, incorporating a site coverage of 155.1 square metres exceeds the maximum 130 square metres sought.

Whilst the site coverage figures exceed that sought, it is of value to acknowledge that the total site coverage for the whole of the land equates to 45.2%, which is reflective of more recent development in the locality, and marginally above that sought for sites exceeding 325 square metres.

Importantly, the private open space for Dwellings 2, 3 and 4 equate to 26.6%, 26.7% and 35.9%, respectively, whilst private open space for the whole of the land equates to 25.8%;

indicating the individual excesses in site coverage do not result in any meaningful impacts upon the function of the sites.

Furthermore, the capacity of the rainwater tanks (as discussed below) should sufficiently cater for the additional stormwater run-off from the excess in roof area.

Amount of pervious land surface
The proposal results in approximately 14.9% of the land remaining 'undeveloped' with landscaping only. Whilst this figure is less than that sought by a substantial margin, the applicant's plans indicate a generous amount of paved areas in the rear yards of all dwellings.

To assist in compensating for the extent of hard surfaces proposed, the applicant is providing retention tanks substantially exceeding the minimum capacity sought by Council's Development Plan and the National Construction Code (NCC), combined.

Dwelling 1 will incorporate a 5,000 litre rainwater tank, Dwellings 2 and 3 10,000 litres and Dwellings 4 and 5, 15,000 litres. The capacity of these tanks exceed the combined Council and NCC detention/retention requirements by between 3,000 litres and 12,000 litres.

In this regard, whilst the amount of hard surfaces is not ideal, the amount of stormwater re-use available for the future occupants of the dwellings is commendable and significantly greater than the minimum required, and as such, will, in my view, provide a greater environmental benefit over meeting the minimum 20% pervious surface area and minimum detention/retention requirements.

Amount of private open space for the Existing Dwelling
The Existing Dwelling is provided with 75 square metres of private open space, which equates to 17.2% of the land area.

Whilst this figure is less than that sought, the area provided incorporates appropriate dimensions to be functional for the occupants of the dwelling, whilst incorporating a northern orientation for year-round optimum solar access.

Furthermore, the building comprises two functional bedrooms only; suggesting the number of persons residing in the dwelling is unlikely to be a large family where needs for a larger area of private open space would be higher.

As such, it is my view that despite the numeric shortfall in private open space, the area provided is functional, usable and will provide an appropriate level of amenity for the future occupants of the dwelling.

Private open space forward of Dwelling 1
Dwelling 1 incorporates a majority of the private open space forward of the dwelling. This is at variance to Residential Development Principle 16(c), which seeks for private open space to be located to the side and/or rear; to maintain an open streetscape. Having said this, Residential Development Principle 17(d) states that private open space should not include any area at the front of the dwelling (forward of the building line).

Whilst the location of the private open space is not ideal, the applicant has nonetheless incorporated a number of features to minimise the impact, including;

- Incorporating an attractive, timber slat and render fence at the front of the site, which will complement the associated dwelling in terms of colours and materials;
- Setting the fence back 500mm from the front boundary to enable landscape plantings street-side to minimise the opportunity for graffiti; and
- Incorporating a 'patio' courtyard area between the dwelling and garage, avoiding the need for a roofed structure forward of the dwelling.

It is also acknowledged that dwellings to the north incorporate their respective private open space east (street-side) of the dwelling, and in this respect, the placement of fencing forward of Dwelling 1 will maintain the existing streetscape positioning of fencing.

In conclusion, the placement of private open space forward of the dwelling does not meet that sought by Council's Development Plan, and this area of non-conformity with the Development Plan is considered in context with the overall merit of the proposal.

Private open space of Dwellings 2, 3 and 4 adjacent bedrooms of neighbouring dwellings
Dwellings 2, 3 and 4 incorporate private open space north of the dwelling, which is adjacent the dwellings situated at 5/15A and 6/15A Doreen Street.

A review of the floor plans of the dwellings at 5/15A and 6/15A Doreen Street confirm that a bedroom is situated in the south-east and south-west corner of the dwellings, respectively. These bedrooms incorporate windows facing their respective private open space areas, and not to the south towards the proposed dwellings.

As such, combined with the level of separation provided, the orientation of the bedroom windows of 5/15A and 6/15A Doreen Street should provide an adequate level of privacy and amenity for those occupants.

Rear setback and Design and Appearance/Bulk and Scale
Dwellings 4 and 5 incorporate a setback to the western (rear) boundary between 2.1 – 2.5 metres. Dwelling 4 also incorporates the garage wall on this boundary.

Given the built form proposed, whereby the gable end of the dwellings are adjacent the western boundary, an 'exposed' two storey wall of Dwellings 4 and 5, raking up to 6.73 metres in height, will be visible from the adjoining properties at 10 and 12 Sherwood Drive.

These setbacks fail to meet the minimum 3.0 metres sought for walls up to 3.0 metres in height, and much less than the minimum 6.0 metres sought walls up to 6.0 metres in height.

Due to the height of the dwellings, and the shortfall in rear setbacks, the dwellings will be readily visible from parts of the rear yards of the adjoining properties at 10 and 12 Sherwood Drive.

The position and design of Dwellings 4 and 5 are a finely-balanced element of the proposal. Combined with the shortfall in rear setback, the dwellings are (in part) two storey in height on a battleaxe site, which is discouraged by Residential Development Principle 2 (see assessment below). All other dwellings on adjoining sites are single storey in height and therefore the buildings will be reasonably 'exposed' within the local landscape.

In my opinion, it is the gable-end (western) walls of Dwellings 4 and 5 which is the part of the proposal which finds most conflict with the Development Plan criteria – the northern and southern facades incorporate a pitched roof design, with dormer window protrusion to assist in softening the two storey height and provide articulation and visual interest. Whereas the western walls comprise little treatment (excepting the centrally placed 'colorbond' (in 'hog bristle') section), and are in close proximity to the external boundaries of the land.

For the following reasons, however, I am of the opinion that the dwelling design and rear setbacks proposed, and impacts upon adjoining land are tolerable, and do not significantly offend the qualitative criteria of Design and Appearance Principle 2, which seeks for rear setbacks 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."

As can be seen from the aerial photograph below (footprint of Dwellings 4 and 5 drafted by administration), a majority of Dwelling 4 is sited adjacent a paved/concreted service yard; accommodating a small shed on the property at 10 Sherwood Drive. A majority of the private open space of this property (10 Sherwood Drive) is sited to the north-east and north of the dwelling; oriented away from proposed Dwelling 4. As such, whilst Dwelling 4 will nonetheless be quite visible from the property at 10 Sherwood Drive, it will be less prominent when one is within the primary area of private open space, whereby the angled roof form (rather than the 'upright' two storey western wall) will be most visible.

As identified in the Overshadowing section of the table above, shadow cast by Dwelling 4 will subside throughout the morning, such that shadow will not be cast onto adjoining land after midday. Furthermore, by positioning Dwelling 4 as proposed, the private open space area of that dwelling enjoys a northern orientation; gaining solar access throughout the day.

The garage of Dwelling 4 adjoins the western boundary of the land. The northern wall of the garage abuts the boundary where the side boundary between 10 and 12 Sherwood Drive meet. Whilst the garage does not meet that sought by Council's Development Plan in terms of rear setbacks, the length and height of the garage wall on the boundary is within that permitted 'as of right' pursuant to Schedules 1A and 4 of the Development Regulations 2008, and as such, the impact of the garage wall upon the adjoining property (12 Sherwood Drive) is considered acceptable, as an outbuilding or similar structure can be erected in this position without regard to the potential impacts.

The placement of Dwelling 5 aligns adjacent a shed (3.0m x 5.0m x 2.0m wall height) and a later addition (family room) to the rear of the dwelling at 12 Sherwood Drive. Review of the floor plan of this dwelling (12 Sherwood Drive) identifies that the family room incorporates glazing on the southern and northern facades – there are no windows on the eastern elevation oriented towards proposed Dwelling 5.

There is a small courtyard area of private open space adjacent the north-east corner of the property, whilst the larger, primary area of private open space is west of the shed, and comprises the turfed area north of the swimming pool and the swimming pool itself.

Whilst the shed will provide occupants of 12 Sherwood Drive some separation from the rear boundary and therefore proposed Dwelling 5, the building will nonetheless be quite prominent when viewed from the primary area of private open space. View of the gable-end of the building will be visible above the shed and boundary fence.

As identified in the Overshadowing section of the table above, shadow cast by Dwelling 5 will subside throughout the morning, such that shadow will not be cast onto adjoining land after midday. Whilst the position of Dwelling 5 will enable the private open space area to enjoy a northern orientation; gaining solar access throughout the day.

Turning to the applicable assessment criteria of Design and Appearance Principle 2, I am satisfied the position of proposed Dwelling 4 is adjacent the lesser-used area of private open space, whilst Dwelling 5 is not in direct line-of-sight from the living room of the adjacent dwelling. The proposed dwellings will not result in excess noise impacts upon neighbouring properties, whilst all upper level windows are treated to prevent overlooking, and adjoining sites will maintain adequate solar access. As such, I am of the view that the proposal satisfies Design and Appearance Principle 2(a).

In my opinion the design of Dwellings 4 and 5 (and including 2 and 3) have reduced the overall height and bulk of a conventional two storey dwelling, however, due to the placement of the gable-end wall in close proximity to the rear boundary of the land, I cannot conclude the proposal has "minimise[d] the impact of bulk and scale of development on adjoining properties" (my underline).

The buildings will be visible from the private open space areas of the adjoining properties and the exposed two storey western wall may result in a sense of enclosure experienced by adjoining land. In my view, a design technique that could assist in reducing the impact of the built form would be to incorporate a hipped roof form on the western elevation, with the possibility of a Dutch-gable or similar to assist in providing visual interest and appropriate ceiling heights within the upper level. (Although I acknowledge this may not be a 'simple' solution and may result in substantial changes to the floor plan of the dwelling).

The positioning of the buildings, as described above however, will somewhat reduce the prominence of the built form when one is within the primary area of private open space of adjoining properties.

In conclusion, it is my view that the proposal has not "minimise[d] the impact of bulk and scale of development on adjoining properties" (my underline), and as such, the proposal fails to satisfy Design and Appearance Principle 2(b) and this failure will be considered in context with the overall merit of the proposal.

With respect to Design and Appearance Principle 2(c), it is acknowledged that sites to the north and south incorporate dwellings sited between 3.5 – 3.8 metres from their respective western boundaries.

In this regard, whilst the setback of Dwellings 4 and 5 are less than that of adjacent dwellings to the north and south, the pattern of development resulting from the proposal will not appear incongruous with that which has occurred on adjoining land, whilst the area west of the proposed dwellings will nonetheless enable landscaping to contribute to the character of the locality and soften the built form.

As such, it is my view that the rear setbacks proposed finds reasonable compliance with Design and Appearance Principle 2(c).

In addition to the rear setback of Dwellings 4 and 5, and the visual impact of Dwellings 1-4 upon adjoining land, it is acknowledged that when viewed from the north, the development presents as a relatively dense cluster of built form.

The applicant has identified the silhouette of dwellings at 5/15A and 6/15A Doreen Street on the northern elevation, which assists in demonstrating how the built form is positioned in relation to

adjacent dwellings. When considering this plan in combination with the aerial photograph in Attachment II, it is evident that a majority of the two storey form proposed will align with the side paths of the adjacent dwellings and the common driveway.

In this regard, the dwellings will not directly align with the private open space of adjoining properties, nor will they be readily visible from the habitable rooms of the adjacent dwellings. This, combined with the separation of Dwellings 1-4 from the northern boundary of the land (ranging from 2.7 metres – 5.4 metres), will in my view, adequately prevent an unreasonable visual impact upon neighbouring properties to the north.

Two storey dwellings on a battleaxe site

The two storey nature of Dwellings 2-5 finds conflict with Residential Development Principle 2, which seeks for dwellings on battleaxe sites (or the like) to "*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.*"

As discussed above, it is my view the proposal has not "minimise[d] the impact of bulk and scale of development on adjoining properties" (my underline) as sought by Design and Appearance Principle 2(b).

As such, it could be concluded the proposed dwellings (Dwellings 4 and 5 in particular) are not appropriate, having regard to the prominence of the built form when viewed from adjoining land to the west.

Having said this, whilst the buildings will be prominent, for the reasons identified above, I do not consider the dwellings will not be so overbearing as to substantially diminish the visual amenity of the adjacent rear yards to a degree where refusal is warranted.

I am of the view that the height and position of proposed Dwellings 4 and 5 is tolerable. With reference to Residential Development Principle 2, I believe that in addition to the reasons above, the appropriateness of the two storey nature of the dwellings is justified in part by the desire of the Medium Density Policy Area 12 to accommodate "dwellings *of a variety of architectural styles* [and] *allowing for a variety in housing forms and styles, such as buildings of up to two storeys, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development*".

Whilst finely balanced, I consider the proposal meets these aims.

REPRESENTOR'S CONCERNS

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

A N A L Y S I S / C O N C L U S I O N

The preceding assessment has identified that whilst the individual site areas of Dwellings 1, 2 and 3 are less than that sought, the average site area (whether including or excluding the common driveway) exceeds that sought for the dwelling types proposed.

Whilst the position of the private open space of Dwelling 1 is not ideal, and the Existing Dwelling is provided with private open space less than that sought, for the reasons in this report, these aspects of the proposal are considered acceptable.

Site coverage of Dwellings 2, 3 and 4 exceeds that sought, however, for the whole of the land the figure is marginally above that sought. Furthermore, the extent of hard surfaces on the subject land is greater than desired by the Development Plan. To compensate for these 'excesses', there is ample private open space provided to a majority of dwellings, whilst there is a commendable use of rainwater tanks, the capacity of which significantly exceeds that collectively required by Council's Development Plan and the National Construction Code.

The element of the proposal which finds most conflict with the Development Plan is the two storey nature of the dwellings, and the setback of Dwellings 4 and 5 to the rear (western) boundary of the land. These dwellings will be readily visible from the rear yards of the adjoining properties (10 and 12 Sherwood Drive). This element of the proposal is finely balanced.

Through this report, I have identified that whilst the dwellings will be prominent, the visual impact upon adjoining land will not be so severe as to unreasonably compromise the amenity of those properties. In my view, whilst prominent, the dwellings will not be so overbearing as to substantially diminish the visual amenity of the adjacent rear yards, whilst the proposed dwellings nonetheless provide appropriate privacy and maintain adequate access to natural light to all adjoining properties.

The Medium Density Policy Area 12 anticipates dwellings of a range of styles up to two storey in height (three storey where within an attic space), including in the form of group and residential flat dwellings.

In conclusion, whilst the two storey nature of Dwellings 4 and 5 is finely balanced, I am of the view that the overall merit and compliance of the proposal, on balance, is sufficient to warrant the granting of Development Plan Consent.

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

RECOMMENDATION

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent for Development Application No: 100/2016/1472 to demolish the existing dwelling and structures (33 Barry Road), to make alterations and additions to the existing dwelling (31 Barry Road) and to construct five (5) two storey dwellings with associated car parking and landscaping at 31-33 Barry Road, Oaklands Park be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1472, except when varied by the following conditions of consent.

2. A revised landscaping plan detailing the species, location and projected growing heights of all plantings, shall be provided to Council, for consideration and approval, prior to Development Approval being issued.

3. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.

4. 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. 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.

6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

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

NOTES

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

2. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**

3. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**

4. **Vehicle crossovers should be setback a minimum 2 metres from existing street trees, 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: *Certificates of Title*
Attachment II: *Aerial Photograph & Site Locality Plan*
Attachment III: *Proposal Plan and supporting documentation*
Attachment IV: *Statement of Representation*
Attachment V: *Applicant's Response to Representation*

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 June 2017

Agenda Ref No:	**DAP070617 – 2.6**
Originating Officer:	**Rob Tokley** **Team Leader - Planning**
Applicant:	**Strategy Urban Projects**
Development Description:	**Two, two storey residential flat buildings, each comprising four dwellings, with associated car parking and landscaping**
Site Location:	**10-12 Mulcra Avenue, Park Holme**
Zone:	**Residential Zone**
Policy Area:	**Regeneration Policy Area 16**
Application Type:	**Category 3/Consent**
Lodgement Date:	**17/03/2017**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2017/463**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions**

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development by virtue of an Environment, Resources and Development Court decision (Cheesman v City of Walkerville), which determined that an application for two or more two storey buildings, comprising dwellings, was not identified as a Category 2 form of development, pursuant to Clause 18(a) of the Development Regulations. As the proposal cannot be considered a minor form of development pursuant to Clause 2(g), the application defaulted to a Category 3 form of development.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 200 square metres required for two storey residential flat dwellings within the Regeneration Policy Area 16. 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 expanse and bulk of the development should be reduced to minimise the visual impact of the built form upon adjoining land	With the exception of Dwellings 2 and 3 and Dwellings 6 and 7, separation was provided between the upper levels of all adjoining dwellings (which were previously abutting one another)
The overlooking of adjoining properties should be avoided, albeit surveillance of the common driveway should be maintained	Upper levels treated to prevent overlooking of adjoining land. Whilst the applicants acknowledge the benefit of surveillance over the driveway, the privacy between dwellings was considered of greater benefit, hence all upper level windows prevent downwards view
In addition to providing a break in the built form to reduce visual impact, amendments should also result in a reduction in the extent of overshadowing of the rear yards of Dwellings 2 and 3 and adjoining land, and the setback of the dwellings from the southern side boundary should be no less than 3.0 metres	Please refer to Point 1 above, and Dwelling 4 amended for the upper level to be setback 3.0 metres (increased from 2.0 metres) from southern side boundary
The variety of housing offered should increase, such that some dwellings should incorporate two bedrooms only	No change
The provision of private open space should increase such that Dwellings 2, 3, 6 and 7 incorporate no less than 35 square metres	Private open space of these dwellings amended to achieve minimum Development Plan criteria of 35 square metres
The proposal must ensure a minimum 5m x 5m area is available on-site to enable the simultaneous passing of vehicles	Passing bay provided adjacent car parking areas of Dwellings 2 and 7
Increased area adjacent the car parking areas of Dwellings 2 and 7 to ensure the safe and convenient ingress and egress of vehicles	Appropriate increase in area free of structures/fencing to enable safe and convenient access provided
The stobie poles within the road reserve aligning with the common driveway and the driveway of Dwelling 8 should be removed to ensure safe and convenient access and to maximise on-street parking	Correspondence received confirming stobie pole aligning with common driveway can be removed/relocated. The applicant has advised that due to the stobie pole that aligns with the Driveway of Dwelling 8 accommodating a transformer, relocation of this infrastructure is cost-prohibitive. Width of garage increased to improve ingress/egress

SUBJECT LAND & LOCALITY

The land subject to the application is situated at 10 (lot 505) and 12 (Lot 504) Mulcra Avenue, Park Holme. The combined allotments have a total frontage width of 36.57 metres, an average depth of 42.41 metres; providing a total site area of approximately 1551 square metres.

A single storey detached dwelling, constructed circa 1955, is situated at 10 Mulcra Avenue. Large outbuildings are situated within the rear yard towards the rear boundary. Vegetation of varying heights and quality is scattered throughout the property.

A single storey detached dwelling, constructed circa 1955 is situated at 12 Mulcra Avenue. Vegetation of varying heights and quality is located throughout the front, side and rear yards of the property.

The locality is defined by single storey detached dwellings, typically constructed in 1950-60 on large allotments of 600 – 800 square metres in area and an increasing mix of single storey and two storey detached, row and residential flat dwellings. A large aged care aged care facility is located to the west, with access from Austral Terrace.

Three areas of public open space are available within convenient walking distance of the site; the Mulcra Avenue reserve is located 100 metres to the south, the Cowra Crescent reserve some 350 metres to the east and the Appleby Road reserve (which, in the next 18 months will be redeveloped with new playground facilities and kick-about areas) is located 470 metres to the west.

Hendrie Street (to the west) and Bray Street (to the north) provide bus services to the CBD and Marion Regional Centre.

To the south-west of the site, Renewal SA have recently been granted an exemption from Development Plan Consent to re-subdivide a large swathe of land to the south-west of the site. This land is generally bound by the aged care centre to the north, Hendrie Street to the east, Carlisle Avenue to the south and Appleby Road to the west.

This division will accommodate a range of allotment sizes and dwellings types – with new allotments ranging from (approximately) 80 square metres to 450 square metres. A copy of the plan of division will be available for Members to view at the meeting.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to demolish both existing dwellings and to construct a total of eight, two storey dwellings.

All dwellings incorporate an open plan kitchen/living/dining area, water closet, laundry and garage on the ground floor. In addition to these features, Dwellings 4 and 5 incorporate a bedroom on the ground floor.

With the exception of Dwellings 4 and 5, all dwellings incorporate three bedrooms on the upper floor, with associated wet areas. Dwellings 4 and 5 incorporate two bedrooms and wet areas on the upper floor.

Dwellings 1 and 8 incorporate garages with direct vehicular access to the street, whilst all other dwellings will rely upon the common driveway, to be constructed centrally within the site.

All dwellings are provided with one undercover parking space, and one open, visitor parking space.

All dwellings will maintain the same colour/material scheme, including; rendered walls in ‘Simply White’ at half strength, ‘Charcoal’ exposed brickwork, ‘Scyon’ matrix cladding in two colours (‘Grey’ and ‘Smoke Silver Metallic’), ‘Shadow clad’ wall cladding, ‘Colorbond’ roofs in ‘Shale Grey’ and ‘Platinum’ panel-lift garage doors.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	16 properties were notified during the Category 3 public notification process.
Representations:	5 representations (all in favour) were received by Council.
Persons wishing to be heard:	Nil
Summary of representations:	All in favour *Refer Attachment IV*
Applicant's response:	Not required

INTERNAL DEPARTMENT COMMENTS

Engineering:	Vehicle manoeuvring areas enables the safe ingress and egress of all parking spaces

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Regeneration Policy Area 16

Objectives

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

Desired Character

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

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

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

The desired character of the policy area is one of a high quality and distinctive living environment at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. It will be characterised by residential development at low-medium and medium densities, with a variety of architectural styles and a wide range of dwelling types to meet a variety of accommodation needs.

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

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

Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

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

PDC 1	*The following forms of development are envisaged in the policy area:* ▪ *affordable housing* ▪ *dwelling including a residential flat building* ▪ *student housing* ▪ *supported accommodation.*	**Complies**
PDC 2	*Development should not be undertaken unless it is consistent with the desired character for the policy area.*	**Complies**
PDC 5	*Allotments should be amalgamated to facilitate co-ordinated and efficient development.*	**Complies**

PDC 3	*Minimum Site Area:*	**Complies** Dwg 1: 216 sq meres Dwg 8: 216 sq metres **Does Not Comply** Dwg 2: 125.5 sq meres Dwg 3: 125.5 sq metres Dwg 4: 196 sq metres Dwg 5: 196 sq metres Dwg 6: 125.5 sq metres Dwg 7: 125.5 sq metres
	Minimum Frontage: *Detached dwelling: 10 metres* *Hammerhead: 6.6 metres* *(Dwellings 1 and 8 function as detached dwellings and hence the detached dwelling frontage width has been applied)*	**Complies** Dwg 1: 15.3 metres Dwg 8: 15.3 metres Hammerhead: 6.0 metres
	Minimum Depth: *Detached dwelling: 20 metres* *Residential flat building: 45 metres*	**Does Not Comply** Dwg 1: 14.0 metres Dwgs 2-7: 42.39 metres (min) Dwg 8: 14.0 metres

A s s e s s m e n t

Objectives & Desired Character

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

The subject land is located within acceptable walking distance of public transport routes, a Centre Zone (on Bray Street) and three functional areas of public open space (one of which (Appleby reserve (adjacent the Sturt Drain) is to be redeveloped), therefore the wider locality contains features identified in Objective 2 of the Residential Zone and Objective 9 of the Policy Area as warranting increased residential densities.

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

Site Areas

A minimum site area of 200 square metres is prescribed for two storey residential flat dwellings in the Regeneration Policy Area 16. Dwellings 1 and 8 exceed this figure, at 216 square metres however, Dwellings 4 and 5 incorporate a shortfall of 4 square metres (2%), whilst Dwellings 2, 3, 6 and 7 are 74.5 square metres (37.2%) less than that sought. This results in an average 16.8% shortfall in site area for the total site, when excluding the common driveway.

While the individual site areas of Dwellings 2-7 (inclusive) fall short of the prescribed minimum, it is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, the overall average site area per dwelling would equal 193.8 square metres per dwelling, or 3% less than the minimum sought.

Given the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area.

The site of the development comprises two, amalgamated allotments, located in close proximity to areas of public open space, a Centre Zone and bus routes on Hendrie and Bray Streets. As such, the proposal complies with Objectives 1, 5 and 9 and Principle 5 of the Policy Area and the site is suitable for "*appropriately designed medium-density development…with a variety of architectural styles and a wide range of dwelling types to meet a variety of accommodation needs*", as sought by the Desired Character of the Policy Area.

There are a number of properties within the locality that accommodate dwellings at a similar density to that proposed. Dwellings at 9, 9A, 11 and 11A incorporate a site area of 170 square metres each, whilst residential flat dwellings at 11-17 (inclusive) and 19 Hendrie Street result in an average site area of approximately 200 square metres per dwelling.

As identified in the Subject Land and Locality section of this report, Renewal SA have recently been granted an exemption from Development Plan Consent to re-subdivide a large swathe of land to the south-west of the site. This division will accommodate a range of allotment sizes and dwellings types – with new allotments ranging from (approximately) 80 square metres to (approximately) 450 square metres.

As such, the immediate locality accommodates a number of sites accommodating similar densities to that proposed, whilst the wider locality will be undergoing significant renewal in the near future to provide a wide range of dwelling types and styles – including one and two bedroom apartments and 'terrace' housing (row dwellings), and single and two storey detached dwellings.

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

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

Site Depth

The site comprises a minimum depth of 42.39 metres, where a minimum of 45 metres is prescribed. However, it is noted that the allotment incorporates a frontage width in excess of the minimum requirement of 18 metres, whilst the front, rear and side setbacks sought in the Policy Area are generally met or exceeded. Accordingly, the dwellings have been designed to take advantage of the width of the allotment, with the shortfall in site depth not readily apparent from adjoining land (as discussed further in this report).

DEVELOPMENT ASSESSMENT

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

<table>
<tr><th>Principles of Development Control:</th><th>Assessment:</th></tr>
<tr><td colspan="2">Site Coverage</td></tr>
<tr><td>

Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:

Site area	***Maximum Site Coverage***	***Maximum Floor Area Ratio***
200 - 249 m²	100 m²	0.7
< 200 m²	80 m²	0.7

Regeneration Policy Area 16: PDC 4

(100m² and 0.7 is applicable for Dwellings 1 and 8)
(80m² and 0.7 is applicable for Dwellings 2, 3, 4, 5, 6 and 7)

</td><td>

<u>Site coverage:</u>

Complies
Dwg 2: 73.9 sq metres
Dwg 3: 73.9 sq metres
Dwg 6: 73.9 sq metres
Dwg 7: 73.9 sq metres

Does Not Comply
Dwg 1: 101.6 sq metres
Dwg 4: 119.8 sq metres
Dwg 5: 120.8 sq metres
Dwg 8: 101.6 sq metres

(Site coverage for whole of site: 739.4m² = 47.6%)

<u>Floor area ratio:</u>

Complies
Dwg 1: 0.64
Dwg 8: 0.64
Dwg 4: 0.65
Dwg 5: 0.64

Does Not Comply
Dwg 2: 0.90
Dwg 3: 0.90
Dwg 6: 0.90
Dwg 7: 0.90

(FAR for whole of site: 984m² = 0.634)

</td></tr>
<tr><td>

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

</td><td>

Partially Complies
(a) The setbacks of the dwellings generally meet or exceed the minimums sought in the Development Plan.
(b) The location or Dwellings 1, 2, 3 and 4 will result in considerable overshadowing of the adjoining properties to the south – please refer to the Overshadowing section of this report
(c) See (b) above

</td></tr>
<tr><td>

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

</td><td>

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

</td></tr>
</table>

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** 314 sq metres = 20.2%

Private Open Space

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

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

(35 sq metres is applicable for Dwellings 2, 3, 6 and 7)
(20% is applicable for Dwellings 1, 4, 5, and 8)

Residential Zone: PDC 7

Complies
Dwg 1: 45 sq metres (20.8%)
Dwg 2: 35 sq metres (27.8%)
Dwg 3: 35 sq metres (27.8%)
Dwg 4: 65 sq metres (33.1%)
Dwg 5: 65 sq metres (33.1%)
Dwg 6: 35 sq metres (27.8%)
Dwg 7: 35 sq metres (27.8%)
Dwg 8: 45 sq metres (20.8%)

Ave for whole of site: 360 sq metres = 23.2%

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*	**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 dwelling 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 of Dwellings 1, 2, 5, 6, 7 and 8 maintain a northerly aspect to provide for comfortable year round use. h) The POS areas of Dwellings 1, 2, 5, 6, 7 and 8 should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded

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*	during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional. **Does Not Comply** g) The proposed POS areas of Dwellings 2 and 3 maintain a southern orientation and will be significantly shaded during winter by the associated dwelling and adjacent development. h) The POS areas of Dwellings 2 and 3 will be significantly shaded throughout the year by the associated dwelling or adjacent development.
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	
Minimum setback from primary road frontage where no established streetscape exists: *8 metres from arterial roads shown on Overlay Map – Transport* *5 metres in all other circumstances.* *Minimum setback from primary road frontage where an established streetscape exists:* *5 metres within **Regeneration Policy Area 16*** *8 metres from arterial roads shown on Overlay Map – Transport* *Residential Zone: PDC 6*	**Partially Complies** Dwg 1 and 8: Min setback 4.5m, stepping to 5.0m to main face
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 subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 4.5-5.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.
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:*	**Complies** Single storey walls: Min 1.0m Two storey walls to side: Min 2.0m Two storey walls to southern side: Min 3.0m

(a) 3 metres if adjacent southern boundary *(b) 2 metres in all other circumstances.* *Residential Zone: PDC 6*	
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*	**Partially Complies** Garage of Dwg 1 and 8: 6.5m in length and 2.7m in height (but incorporating parapet at 3.2m in height)
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*	**Partially Complies** The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts and maintain privacy. However, as discussed in the Overshadowing section of this report, the extent of two storey built form adjacent the southern side boundary will result in a considerable amount of shadow being cast in the adjoining allotments to the south.
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) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres* *Residential Zone: PDC 6*	**Does Not Comply** (a) Dwg 4 and 5: Min setback 2.5m, increasing to 4.5m **Complies** (b) Dwg 4 and 5: Min setback 6.7m, increasing to 8.0m
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** Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing, Visual Privacy and Table Discussion 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.
Building Height	
Maximum building height (from natural ground level): *3 storeys of not more than 12 metres* *Residential Zone: PDC 7*	**Complies** The proposed dwellings incorporate a maximum building height of 7.3 metres, which is less than the maximum permitted in the Policy Area.

Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties. *General Section: Residential Development: PDC 2*	**Does Not Comply** Dwellings 2-7 are located on battleaxe sites, and as such, fail to satisfy Residential Development Principle 2. Please refer to Table Discussion for assessment.

Garages, Carports, Verandas and Outbuildings

Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling. *General Section: Residential Development: PDC 10*	**Complies**
Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters: *General Section: Residential Development: PDC 12*	

Parameter	***Value***	
Maximum floor area	*60 square metres*	**Complies**
Maximum wall or post height	*3 metres*	**Partially Complies** Dwgs 1 and 8 incorporate parapet wall up to 3.2m in height. All other carports incorporate a wall or post height less than 3.0m
Maximum building height	*5 metres*	**Complies**
Maximum height of finished floor level	*0.3 metres*	**Complies**
Minimum setback from a primary road frontage	*Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.*	**Complies**
Minimum setback from side or rear boundaries (when not located on the boundary)	*0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall*	**Complies**
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.* *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*		
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.*	**Complies** Dwg 1 and 8: 2 on-site spaces, 1 of which is undercover (min 2 per dwelling required)
Group *Residential flat building*	*1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.*	**Complies** Dwgs 2-7: 12 on-site spaces, 6 of which are undercover (min 11 required)
Table Mar/2 - Off-street Vehicle Parking Requirements.		
On-site visitor parking spaces should be sited and designed to: *(a) not dominate internal site layout* *(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling* *(c) be accessible to visitors at all times.* *General Section: Transportation & Access: PDC 42*		**Partially Complies** Whilst Dwellings 2-7 incorporate a greater number of visitor spaces than required, there are no visitor parking spaces that are independently accessible.
On-site vehicle parking should be provided having regard to: *(a) the number, nature and size of proposed dwellings* *(b) proximity to centre facilities, public and community transport within walking distance of the dwellings* *(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons* *(d) availability of on-street car parking* *(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).* *General Section: Transportation & Access: PDC 43*		**Complies** a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Public transport options are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. **Does Not Comply** d) e) 3 on-street car parking spaces shall remain available adjacent the subject land, where 4 ought to be provided.
Vehicle parking areas servicing more than one dwelling should be of a size and location to: *(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely* *(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area* *(c) reinforce or contribute to attractive streetscapes.* *General Section: Transportation & Access: PDC 44*		**Complies** (a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner. (c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.
The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should: *(a) not face the primary street frontage* *(b) be located to the rear of buildings with access from a shared internal laneway* *(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.* *General Section: Transportation & Access: PDC 45*		**Complies** The parking areas are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.

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

General Section: Land Division: PDC 22</td><td>Does Not Comply
3 on-street car parking spaces are provided for the proposed allotments, which is one less than sought by PDC 22.

Whilst there is one additional on-site parking space than required, this has not been provided in separately-defined spaces.</td></tr>
<tr><td colspan="2">Access</td></tr>
<tr><td>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</td><td>Complies</td></tr>
<tr><td>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</td><td>Complies
The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</td></tr>
<tr><td>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:
<table>
<tr><th rowspan="2">Dwellings served</th><th colspan="3">Trafficable width (metres)</th><th rowspan="3">Minimum landscape strips on both sides of driveway (metres)</th></tr>
<tr><th colspan="2">Intersection with public road and first 6 metres</th><th rowspan="2">Width beyond first 6 metres</th></tr>
<tr><th>Arterial roads</th><th>Other roads</th></tr>
<tr><td>4 – 7</td><td>6</td><td>5</td><td>3</td><td>0.8</td></tr>
</table>
General Section: Residential Development: PDC 41</td><td>Complies
The common driveway incorporates a width of 5.0m for the first 6.0m in length, with adequate landscaping on both sides throughout the site</td></tr>
<tr><td>Driveways serving 3 or more dwellings which exceed 30 metres in length should include one passing section of not less than 5 metres trafficable width for each 25 metre section of driveway.

General Section: Residential Development: PDC 42</td><td>Complies
Vehicle passing area provided adjacent the parking spaces of Dwellings 2 and 7</td></tr>
<tr><td>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.

General Section: Transportation and Access: PDC 28</td><td>Complies
Vehicle access points are separated by a minimum distance of 6 metres.</td></tr>
<tr><td colspan="2">Design & Appearance</td></tr>
<tr><td>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</td><td>Complies
The proposed dwellings incorporate an attractive appearance, and well-articulated facades employing a range of colours and materials to reflect the desired character of the locality.

The dwelling façades incorporate the following elements to enhance their design and appearance:
• Rendered walls in ‘Simply White’ at ‘half</td></tr>
</table>

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*	strength'; • 'Charcoal' exposed brickwork; • 'Scyon' matrix cladding in two colours ('Grey' and 'Smoke Silver Metallic'); and • 'Shadow clad' wall cladding. The dwellings incorporate a 20 degree Colorbond roof in 'Shale Grey', with rendered facades. The garage of each dwelling features 'Platinum' panel-lift garage doors. These materials should not result in glare to neighbouring properties, drivers or cyclists. The design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.
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* *(c) opportunities to overlook adjacent public space.* *General Section: Residential Development: PDC 6*	**Complies**
Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers. *General Section: Residential Development: PDC 8* *Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.* *General Section: Residential Development: PDC 9*	**Complies**
Relationship to the Street and Public Realm	
Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated. *General Section: Design & Appearance: PDC 13* *Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.* *General Section: Design & Appearance: PDC 14* *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.* *General Section: Design & Appearance: PDC 15* *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.* *General Section: Design & Appearance: PDC 16*	**Complies** Dwellings 1 and 8 are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street. The elevations of the dwellings feature a mixture of render and horizontal cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

Overshadowing	
The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: *(a) windows of habitable rooms* *(b) upper-level private balconies that provide the primary open space area for a dwelling* *(c) solar collectors (such as solar hot water systems and photovoltaic cells).* *General Section: Design & Appearance: PDC 9* *Except where otherwise specified in a zone, policy area or precinct, development should ensure that:* *(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June* *(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:* *(i) half of the existing ground level private open space* *(ii) 35 square metres of the existing ground level private open space* *(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.* *General Section: Design & Appearance: PDC 10*	**Partially 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 the existing dwelling on the adjoining allotment (14 Mulcra Avenue) will not receive 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 adjacent dwelling at 14 Mulcra Avenue. From assessment, the southern 'half' of the western portion of the rear yard of that property will receive at least 2 hours of direct sunlight to no less than 35 square metres of private open space. The south-western 'third' of the private open space of 63F Nilpena Avenue will also receive at least 2 hours of direct sunlight to no less than 35 square metres of private open space As such, the proposal satisfies Design and Appearance Principle 10(b). Whilst the existing dwelling at 14 Mulcra Avenue does not incorporate solar collectors, from my assessment, the positioning of such on the north-facing roof sections is likely to be unaffected by overshadowing for a majority of the day. See Table Discussion for further assessment
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 applicants initially sought for the upper level windows facing the common driveway to incorporate clear glazing, however, concern was raised regarding the potential for overlooking into adjoining properties. During the processing of the application, the dwellings were amended to incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties. The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.
Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes. *General Section: Design & Appearance: PDC 12*	**Complies**

Noise	
External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from: *(a) active communal recreation areas, parking areas and vehicle access ways* *(b) service equipment areas and fixed noise sources on the same or adjacent sites.* *General Section: Residential Development: PDC 30*	**Complies** Excepting Dwellings 4 and 5, all bedrooms are located on the upper floor with sufficient separation from the common driveway. The ground floor bedrooms of Dwellings 4 and 5 are located to the rear of the dwelling and are provided adequate separation via the en-suite and walk-in-robe. 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. c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains access to its rear garden via side gates or through the garage. As such, bins could be efficiently stored in the private utility areas of each dwelling. **Does Not Comply** b) Bicycle parking for residents has not been provided.
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** Dwellings 6 and 7 are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around. The main activity areas of Dwelling 1, 4, 5 and 8 are oriented west, which should nonetheless receive some northern winter sunlight. **Does Not Comply** The private open space areas of Dwellings 2 and 3 are located south of the associated dwelling and will receive shading throughout the winter months. As identified in the Overshadowing section of this table, the proposed dwellings will result in a considerable amount of overshadowing of the adjoining sites to the south.

Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by: *(a) taking into account overshadowing from neighbouring buildings* *(b) designing roof orientation and pitches to maximise exposure to direct sunlight.* *General Section: Energy Efficiency: PDC 3*	**Complies** The dwellings incorporate a hipped roof form set at a 20 degree pitch, with varying sizes of north-facing sections upon which solar collectors could be sited efficiently.
Landscaping, Fences and Walls	
Development should incorporate open space and landscaping in order to: *(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)* *(b) enhance the appearance of road frontages* *(c) screen service yards, loading areas and outdoor storage areas* *(d) minimise maintenance and watering requirements* *(e) enhance and define outdoor spaces, including car parking areas* *(f) provide shade and shelter* *(g) assist in climate control within buildings* *(h) maintain privacy* *(i) maximise stormwater re-use* *(j) complement existing native vegetation* *(k) contribute to the viability of ecosystems and species* *(l) promote water and biodiversity conservation.* *General Section: Landscaping, Fences & Walls: PDC 1* *Landscaping should:* *(a) include the planting of locally indigenous species where appropriate* *(b) be oriented towards the street frontage* *(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.* *General Section: Landscaping, Fences & Walls: PDC 2* *Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.* *General Section: Landscaping, Fences & Walls: PDC 3*	**Complies** The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.
Fences and walls, including retaining walls, should: *(a) not result in damage to neighbouring trees* *(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality* *(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance* *(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street* *(e) assist in highlighting building entrances* *(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites* *(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land* *(h) be constructed of non-flammable materials.* *General Section: Landscaping, Fences & Walls: PDC 5*	**Complies** The proposed fencing at the front of the site is complementary to the associated dwellings and enables appropriate line-of-sight to the street. The application proposes retaining walls varying in height to a maximum 300 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.1 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.

T A B L E D I S C U S S I O N

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 of Dwellings 1, 4, 5 and 8
- Floor Area Ratio of Dwellings 2, 3, 6 and 7;
- Southern orientation of private open space for Dwellings 2 and 3;
- Rear setback of Dwellings 4 and 5;
- Overshadowing of north-facing windows of the adjacent dwelling;
- Two storey dwellings on a battleaxe site; and
- Shortfall in on-street parking spaces

Site coverage of Dwellings 1, 4, 5 and 8 and Floor Area Ratio of Dwellings 2, 3, 6 and 7
Dwellings 1 and 8 incorporate a site coverage of 101.6 square metres, which marginally exceeds the maximum 100 square metres sought. Dwellings 4 and 5, incorporating a site coverage of 119.8 and 120.8 square metres, respectively, which significantly exceeds the maximum 80 square metres sought.

In addition, Dwellings 2, 3, 6 and 7 incorporate a Floor Area Ratio of 0.90, where a maximum of 0.70 is sought.

Whilst the site coverage figures exceed that sought, it is of value to acknowledge that the total site coverage and Floor Area Ratio for the whole of the land equates to 47.6% and 0.634, respectively, which is reflective of more recent development in the locality, and marginally above that sought for sites exceeding 325 square metres.

Importantly, the private open space for Dwellings 1, 4, 5 and 8 are between 20.8% – 33.1%, whilst private open space for the whole of the land equates to 23.2%; indicating the individual excesses in site coverage do not result in any meaningful impacts upon the function of the sites.

Whilst the overshadowing of the adjacent dwelling to the south could be attributed to the excess in Floor Area Ratio of Dwellings 2 and 3, the southern side setback of the upper level of the dwellings, at 4.5 metres, significantly exceeds the minimum sought. This is discussed further below.

In conclusion, the site coverage and Floor Area Ratio figures of some dwellings exceeds that sought, however, given a majority of setback criteria is generally met or exceeded, appropriate areas of private open space is provided for all dwellings and the overshadowing impacts could be achieved (or exacerbated) by a conventional two storey detached dwelling on the land (discussed further below), I do not consider the excess in floor area to be unreasonable.

Southern orientation of private open space of Dwellings 2 and 3
Dwellings 2 and 3 incorporate private open space south of the dwelling, which will experience overshadowing throughout the winter months.

Due to the limited area of private open space, these areas would not receive the requisite amount of direct sunlight in the event the associated dwellings were single storey in height.

The failure of the proposal to provide adequate solar access in accordance with Residential Development Principle 16(g) and 16(h) to the private open space areas of Dwellings 2 and 3 is considered in context with the overall merits of the proposal.

Rear setback of Dwellings 4 and 5
The single storey portions of Dwellings 4 and 5 incorporate a setback to the western (rear) boundary between 2.5 – 4.5 metres.

It is noted the rear setback for the upper levels exceed the minimum criteria of 6.0 metres, being setback no less than 6.7 metres increasing to 8.0 metres.

For the following reasons, I am of the opinion that the rear setbacks proposed, and impacts upon adjoining land are acceptable, and do not significantly offend the qualitative criteria of Design and Appearance Principle 2, which seeks for rear setbacks 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."

A majority of Dwelling 4 is sited adjacent several outbuildings located at the rear of the properties at 22 and 24 Hendrie Street (22 Hendrie Street is vacant). As such, whilst Dwelling 4 will nonetheless be visible from the primary area of private open space for 24 Hendrie Street, view of the building will be partially screened by the existing outbuildings.

Shadow cast by Dwelling 4 will subside throughout the morning, such that shadow will not be cast onto the adjoining properties at 22 and 24 Hendrie Street after midday.

The placement of Dwelling 5 aligns with the open rear yards of 22 and 20 Hendrie Street, and is to be in a similar position to the existing large outbuilding situated at 10 Mulcra Avenue.

Outlook from the adjoining property at 20 Hendrie Street will be similar to that which occurs at present, albeit, view will be of a modern dwelling, rather than a zincalume outbuilding.

Shadow cast by Dwelling 5 will subside throughout the morning, such that shadow will not be cast onto the adjoining properties at 20 and 22 Hendrie Street after midday.

Turning to the applicable assessment criteria of Design and Appearance Principle 2, I am satisfied the position of proposed Dwelling 4 is partially screened by existing outbuildings, whilst Dwelling 5 is replacing an existing outbuilding in average condition. The proposed dwellings will not result in excess noise impacts upon neighbouring properties, whilst all upper level windows are treated to prevent overlooking, and adjoining sites will maintain adequate solar access. Furthermore, the shortfall in rear setback relates only to the single storey portions of the dwelling. As such, I am of the view that the proposal satisfies Design and Appearance Principle 2(a).

In my opinion the design of Dwellings 4 and 5 have reduced the overall height and bulk of a conventional two storey dwelling. Furthermore, the rear setback of the upper level exceeds the minimum sought in the Policy Area, and as such, I am comfortable the proposal has "minimise[d] the impact of bulk and scale of development on adjoining properties" (my underline) and satisfies Design and Appearance Principle 2(b).

With respect to Design and Appearance Principle 2(c), it is acknowledged that sites to the north incorporate generous rear setbacks, whilst allotments to the south have been 're-aligned' as dwellings face Nilpena Avenue, oriented perpendicular to Mulcra Avenue.

In this regard, whilst the setback of Dwellings 4 and 5 are less than that of adjacent dwellings to the north and south, the pattern of development resulting from the proposal will not appear incongruous with that which has occurred on adjoining land, whilst the area west of the proposed dwellings will nonetheless enable landscaping to contribute to the character of the locality and soften the built form.

As such, it is my view that the rear setbacks proposed finds reasonable compliance with Design and Appearance Principle 2(c).

Two storey dwellings on a battleaxe site

The two storey nature of Dwellings 2-7 finds conflict with Residential Development Principle 2, which seeks for dwellings on battleaxe sites (or the like) to "*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.*"

As discussed above, it is my view that when viewed from the west, the proposal has adequately "minimise[d] the impact of bulk and scale of development on adjoining properties" (my underline) as sought by Design and Appearance Principle 2(b).

During the processing of the application, separation was requested (and provided) between Dwellings 1 and 2, Dwellings 3 and 4, Dwellings 5 and 6 and Dwelling 7 and 8. This amendment provides breaks in the upper level built form – reducing the visual impact and sense of enclosure that could be experienced by adjoining land. In my view, this amendment, combined with the setback of the dwellings from the northern and southern side boundaries (which ranges from 3.0 metres to 4.5 metres) and the variation in materials and colours employed on those elevations, is sufficient to result in an acceptable visual impact upon adjoining land.

The greatest impact upon adjoining land, in my view, is the extent of overshadowing of the north-facing windows of the adjacent at 14 Mulcra Avenue.

A review of the floor plan of the dwelling at 14 Mulcra Avenue confirm that four windows are situated on the northern façade; servicing the dining and living areas and two servicing wet areas. From my calculations, the dining and living room windows are likely to be in shadow throughout the day in winter months.

Whilst this is not ideal, the setback of Dwellings 4 and 5 equate to 4.5 metres – substantially greater than the minimum of 3.0 metres.

In addition, it of value to acknowledge that a conventional two storey detached dwelling constructed on 12 Mulcra Avenue, could accommodate a setback to the southern side boundary of 3.0 metres, with potentially greater shadowing impacts compared to that proposed.

Furthermore, the requisite area of private open space will achieve direct solar access, whilst a majority of the roof is likely to be free from shadow, such that if solar collectors were to be affixed, they would receive appropriate solar gain for efficient electricity generation.

The overshadowing of the adjoining dwelling to the south is an unfortunate consequence of the proposal, and will reduce the level of amenity for those occupants by preventing direct solar access to north-facing windows in winter months. This failure of the Development Plan is considered in context with the overall proposal.

In conclusion, I am of the view that the height and position of the proposed dwellings on a battleaxe site (being Dwellings 2-7 (inclusive)) is acceptable. With reference to Residential Development Principle 2, I believe that in addition to the reasons above, the appropriateness of the two storey nature of the dwellings is justified in part by the desire of the Regeneration Policy Area 16 to accommodate "*comprehensive redevelopment where the density of new development will substantially exceed that of existing low density housing… at low-medium and medium densities, with…a variety in housing forms and styles…of up to two storeys in height are appropriate…provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and amenity*". This is coupled with differing site areas for single, two and three storey group and residential flat dwellings.

Shortfall in on-street parking spaces
Due to the alignment of the driveway servicing Dwelling 8, there is insufficient length between this driveway and the common driveway to accommodate two vehicles.

This shortfall is due, in part, to the reluctance of the applicant to relocate the stobie pole within the road reserve, due to associated costs, and as such, the driveway deviates to the south to provide appropriate clearance from the stobie pole.

As such, the proposal enables the provision of three on-street parking spaces, where Council's Development Plan seeks four.

The proposal, however, does provide one additional on-site parking space more than the minimum required, albeit, this has not been provided in separately-defined visitor spaces, but rather in 'stacked' visitor spaces behind the associated garage.

The shortfall in on-street parking is considered in context with the overall merit of the proposal.

A N A L Y S I S / C O N C L U S I O N

The preceding assessment has identified that whilst the individual site areas of Dwellings 2, 3, 4, 5, 6 and 7 are less than the minimum 200 square metres, the average site area (when including the common driveway) is marginally less than that sought. Furthermore, the density proposed is similar to that exhibited by other allotments in the locality, whilst the imminent redevelopment of Renewal SA land to the south-west will result a significant change to the density, streetscape and built form within the wider locality.

The position of the private open space of Dwellings 2 and 3 is not ideal, and will result in these areas being in shadow for the majority of the day during winter months.

Site coverage of Dwellings 1, 4, 5 and 8 exceeds that sought, and the Floor Area Ratio of Dwellings 2, 3, 6 and 7 are substantially above that desired. However, for the whole of the land, these figures are marginally above that sought, whilst adequate areas of private open space and pervious land area is provided throughout the site.

The element of the proposal which finds most conflict with the Development Plan is the two storey nature of the dwellings, and the resultant overshadowing of the dwelling at 14 Mulcra Avenue.

Through this report, I have identified that the visual impact upon adjoining land will not be so severe as to unreasonably compromise the amenity of those properties, given the separation of the upper storeys, inclusion of a mix of materials and colours and separation from side boundaries.

The neighbouring dwelling at 14 Mulcra Avenue will be prevented from obtaining direct sunlight to the north-facing habitable room windows in winter months. This is arguably the largest and most unfortunate consequence of the proposal, however, the setback of the upper level walls (3.0m-4.5m) to the southern side boundary either meet or exceed the minimum desired. Furthermore, the private open space area of this dwelling will receive more than the minimum number of hours of direct sunlight to more than half of that area, satisfying Design and Appearance Principle 10(b).

In conclusion, whilst the two storey nature of the dwellings results in impacts upon adjoining land, these impacts, in my view, are not so severe as to diminish the amenity of these properties to such a degree as to warrant the refusal of Development Plan Consent.

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.

R E C O M M E N D A T I O N

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent for Development Application No: 100/2017/463 for Two, two storey residential flat buildings, each comprising four dwellings, with associated car parking and landscaping at 10-12 Mulcra Avenue, Park Holme be GRANTED subject to the following conditions:

C O N D I T I O N S

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/463, except when varied by the following conditions of consent.

2. A revised, fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.

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

4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.

6. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

8. **All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**

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

N O T E S

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

2. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**

3. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**

4. **Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).**

5. **Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**

6. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 June 2017

Agenda Ref No:	**DAP070617 – 2.7**
Originating Officer:	**Joanne Reid** **Development Officer - Planning**
Applicant:	**Metricon Homes Pty Ltd**
Development Description:	**Two storey split level detached dwelling and garage with associated earthworks, retaining walls and screen atop retaining wall**
Site Location:	**15 Balboa Drive Hallett Cove**
Zone:	**Residential Zone**
Policy Area:	**Hills Policy Area 11**
Application Type:	**Category 2 / Consent**
Lodgement Date:	**14/12/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/2352**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions**

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns earthworks that are not deemed to be of a minor nature 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
Provide a split level to improve the relationship of the dwelling to natural ground level and reduce the height of the retaining walls	Split provided to the western side of the dwelling incorporating the garage and rumpus room downstairs and Bedroom upstairs of up to 1m.
Provide details of external colours and finishes	Colour and materials schedule provided.

SUBJECT LAND & LOCALITY

The site is located at 15 Balboa Drive, Hallett Cove. It is a vacant allotment, rectangular in shape with a frontage width of 20 metres and a depth of 34 metres, culminating in a total site area of 680 square metres.

The site maintains a slope of approximately 1 in 8 (a fall of approximately 5m), descending from the south-eastern corner at the front to the north western corner at the rear. There are no regulated or significant trees on the land, or other vegetation for that matter.

The site does not have any existing access arrangements and there are no street trees or Council infrastructure on the verge that would restrict access to the site.

The locality comprises single storey and two storey dwellings on large allotments, mostly built within the last 15 years. Many of the allotments have either partial or unrestricted views of the coast.

The site adjoins a Council reserve which accommodates The Marion Coastal Walking trail, located approximately 50m north of the subject site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposed development comprises the construction of a two storey detached dwelling and garage.

The ground floor will consist of a living room, study, home theatre, open plan kitchen/living/dining area, powder room and laundry. A rumpus room is set down 950mm below the floor level of the main living areas with access to/from the garage.

The second storey accommodates 4 bedrooms, each having its own walk-in or built in robes and ensuite. A 'leisure' room which provides access to a balcony is located at the rear of the dwelling. A balcony is also provided at the front of the dwelling.

Access to the garage is located along the western side of the allotment on the lower side of the land. The driveway is 13m long with a relatively level average grade of 1:17.

Moderate earthworks are proposed, most notably towards the south-east corner of the allotment where approximately 2m of cut is required as well as some fill at the north-west corner of the site of up to approximately 1.5m.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	12 properties were notified during the Category 2 public notification process.
Representations:	3 representations were received by Council City of Marion – In favour C Browell – In favour R Kaimakolangara and A Menon – In favour subject to certain amendments or provisions being met

Persons wishing to be heard:	No persons have indicated a desire to be heard by the Development Assessment Panel.

Summary of representations:	**City of Marion**
	• A boundary survey should be undertaken to ensure that no structure will encroach over the Council reserve.
	• All stormwater is to be drained to the street water table via a sealed pipe.
	• The adjoining Council reserve is rated a "Conservation Reserve" and contains over 150 native plant species.
	• Due to the sensitivity of the area:
	  • The developer/owner will not be granted access to the reserve for construction purposes
	  • There is to be no off site spill during construction.
	R Kaimakolangara and A Menon
	• The height of the house should be aligned to that of 14 Balboa Drive so that our view is not completely obstructed.
	Refer Attachment IV

Applicant's response:	• The proposed finished floor level of the dwelling will be in line with the adjoining neighbour's floor levels. • The proposal is designed with a 900mm split to reduce the visual bulk. • We believe the overall proposed size of the dwelling is considered to be comparable with other dwellings within the locality and the proposed overall height of the dwelling will comply with Council guidelines. • There are multiple properties that are of second storey throughout Balboa Drive and the surrounding streets and we believe that the proposed dwelling will have minimal impact on the respondent's amenity. *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
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	*The following forms of development are envisaged in the policy area:* *▪ detached dwelling* *▪ group dwelling*	**Complies**
PDC 2	*Development should not be undertaken unless it is consistent with the desired character for the policy area.*	**Complies**
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.*	**Complies** See discussion below
PDC 4	*Wherever possible, existing vegetation should be used to screen buildings and excavation or filling from view.*	**Partially Complies** See discussion below
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.*	**Partially Complies** See discussion below

PDC 6	*Development of more than one storey in height should take account of the height and bulk of the proposed building relative to 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.*	**Partially Complies** See discussion below

A s s e s s m e n t

The proposed development is reflective of the existing low-density character of the Hills Policy Area in that it proposes a split level detached dwelling that has been designed to minimise the alteration of land on a sloping site.

The site is considered to be in a highly prominent location due to its proximity to the coast and can be seen from the Marion Coastal walking path. The dwelling will be at least 50m away and elevated above the walking trail, however, despite the adjoining Council reserve being well vegetated, the height of the vegetation is insufficient to provide a visual buffer to the built form when viewed from the coast. The proposed dwelling will incorporate some earthworks, but it is deemed that the resultant cut and fill is consistent with other dwellings in the immediate locality and reasonably reflects the existing landform such that the impacts on adjoining properties will not be severe and the associated retaining walls not of a scale that would be intrusive on the land.

The building will use colours and materials that will reflect the natural environment of its surroundings. The façade and roof will consist of light and dark browns that reflect the natural tones of the cliffs and will not be bright or reflective such that it will detract from the natural setting in which it sits.

The Policy Area seeks for new buildings on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development.

With regard to privacy, I have discussed this in the relevant section of the table discussion below.

Given that loss of view is an amenity consideration, it is important when assessing such a development to have regard to the potential loss of view(s) experienced by adjacent land, should the proposed development be approved in its current form. In assessing the loss of views, I have not only had regard to the City of Marion's Development Plan, but also recent Environment, Resources and Development (ERD) Court and Supreme Court Decisions.

In assessing the potential loss of view, in my view, the dwelling potentially most affected by the proposed development is the property at 5 Balboa Drive, Hallett Cove to the south-east of the allotment.

It should be noted the owner of the subject land has the right to develop their property for a residential dwelling, and given that adjacent dwellings are designed to take advantage of views over the subject land, and that two storey dwellings are envisaged in the Policy Area, it is inevitable that any reasonably sized dwelling on this land will have an impact upon the views currently available to adjacent properties.

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

I believe it is also worthwhile providing context to the Debelle J decision to the City of Marion. In Alexander & Anor v The City of Marion [2010] SASC 86, Bleby J stated that "*[i]t should be noted that in Hutchens v City of Holdfast Bay the relevant Development Plan contained many more specific provisions relating to protection of coastal views…*" (para 19). It was further stated that "*[the] protection of coastal views receives less attention in this [Marion Council] Development Plan than in some others*" (para 23).

This is not to say that view loss should not be considered – the Marion Development Plan nonetheless contains principles relating to the protection of amenity (Design and Appearance PDC 2, Siting and Visibility Objective 1, PDC 1, PDC 2, PDC 3, PDC 4 and PDC 5, Sloping land Objective 1, PDC 2 and PDC 7 and Hills Policy Area 11 Desired Character). However, it is also appropriate to conclude that the protection of views, as is now an established planning consideration, can be given less weight where the applicable Development Plan places less importance on such matters.

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

- The first step in the assessment is to assess the views to be affected, i.e. water, land, coast etc. In this regard, iconic views are valued more highly than views without icons and whole views are valued more highly than partial views.

- The second step is to consider from which part of the property the views were being obtained – taking into account that views across side boundaries are harder to protect than those over the front or rear boundaries, and sitting views are harder to protect than standing views. Whether a view is considered to be "hard" to protect will be relevant to whether the loss of the view is acceptable or not.

- The third step is to assess the extent of impact of the loss of views.

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

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

Views Assessment at 5 Balboa Drive, Hallett Cove

The dwelling at 5 Balboa Drive is located on the opposite side of the road, south-east of the subject site. The views can be gained from a living room and a balcony, is predominantly of the ocean and can be obtained either sitting or standing. In taking the approach of Justice Debelle, it is considered that view of the coast which includes "icons" such as Glenelg is valued higher than other views.

Views gained from the dwelling at 5 Balboa Drive are predominantly of the ocean. Views towards the north-west are partially obstructed by the dwelling at 14 Balboa Drive but remain uninterrupted further west where a Council reserve with low lying vegetation will enable this view to be maintained, with future development over this land unlikely. Views towards the north-east are obstructed by existing single and two-storey dwellings.

It is acknowledged that a single storey dwelling (and potentially a single storey to two-storey split level dwelling) would allow views of the ocean over the roof-top of that dwelling from the affected dwelling. However, two-storey dwellings are acceptable in the Policy Area and as such, the appropriateness of the proposal, in part, lies with the "reasonableness" of the proposal when assessed against the relevant planning controls.

In terms of the floor level of the dwelling, I am of the view that the dwelling is set down appropriately on the land. The proposal will require a maximum cut of approximately 1.8m at the front of the site and the proposed floor level is set to be similar to natural ground level at the rear of the dwelling where around 1m of fill will be required at the north-western corner of the outdoor room. To minimise the amount of fill for the site, the western portion of the dwelling has been further set-down another 950mm to restrict the amount of fill along the western boundary which is also limited to around 1m of fill.

In this regard, I am satisfied that the dwelling has been designed to minimise the alteration of land as sought within the Policy Area and the Sloping Land/Siting and Visibility provisions of the Development Plan. Additionally, it is my opinion that a dwelling that is set over two levels would require substantially more earthworks, with limited gains with regards to the additional views that would be achieved from the affected property.

In considering the building's height, bulk and scale, it is noted that the 'building height' exceeds 9m when calculating the lowest point at natural ground level to the highest point of the roof. Whilst this method of calculating building height has been adopted based on judgements from the Environment, Resources and Development Court, when a vertical measurement is taken directly from the lowest point at natural ground level to the highest point of the dwelling, the building maintains a height of 9m or less above natural ground level.

The building's floor area ratio is greater than its respective Development Plan requirement by quite a substantial amount. In considering whether a reduction should be sought, it was determined that it was common within the immediate locality for dwellings to maintain a similar sized ground floor and upper floor. For a large proportion of the Policy Area, land is in excess of 700m^2 (the minimum standard for land division) whilst many of the allotments south of Freebairn Drive are below or marginally above this figure. In essence, the subject land does not reflect the allotment size that is typical within the Hills Policy Area 11 and in my view, the size of the dwelling is not inconsistent with other two storey dwellings within Balboa Drive and Ashcroft Court relative to the size of the land.

It is anticipated that any dwelling on the land would result in some view loss. A site inspection was undertaken at 5 Balboa Drive and photographs taken from the living room and balcony. It is noted that the ocean horizon can be seen just below the roof of the dwelling at 16 Balboa Drive. The engineered siteworks plan estimates the finished floor level of this dwelling at 103.12. Assuming this is correct and accurate, views of the ocean could be seen above a roofline with a finished level of 105.82. The proposed dwelling has a wall height of 4.95m and with a finished floor level of 100.45, this would result in the eave height of the eastern side of the dwelling maintaining a level of 105.4. Similarly, the western side eave height would reach a level of 105.6 and is set off from the western boundary a distance of 3.5m. As such, noting that the total roof height would remove ocean views in the centre of the allotment, views will still be maintained on either side of the dwelling, with a good proportion of views remaining on the western side when considering the side setback of the proposed dwelling and the additional setback provided by the upper storey of 14 Balboa Drive.

It is apparent the proposed dwelling will have an impact upon the view currently enjoyed by the adjacent property to the south at 5 Balboa Drive. Whilst the dwelling is generous in proportion, and a lowering in finished floor levels of the dwelling would enable greater views of the horizon, the potential loss of view is a somewhat anticipated and an unavoidable result of development on the land, and the excessive earthworks required to achieve this would be to the detriment of the occupants of the land. In my opinion, the proposed development will not have such an adverse impact upon the amenity of this property when taking into consideration existing views towards the north-west, the extent of likely view lost and the overall reasonableness of the proposal as a whole as to warrant further amendments to the proposal or refusal of the application.

Whilst the amenity of 5 Balboa Drive will be affected, it will not, in my opinion be so eroded as to have a devastating impact upon the liveability and enjoyment of the occupants. Certainly, the view currently enjoyed by adjacent property will not be “obliterated”.

Conclusion

It is my opinion that the proposed development satisfactorily adheres to the Desired Character of the Policy Area, by providing a dwelling that is typical of dwellings in the locality, which has been designed to protect the landscape character of the Zone and minimise the alteration of the natural landform, whilst maintaining adequate amenity to adjoining land.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:	Assessment:
Site Coverage	
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*	**<u>Site coverage:</u>** **Does Not Comply** 39% Building footprint provided – 266.87m^2 (maximum building footprint required – 238m^2) **<u>Floor area ratio:</u>** **Does Not Comply** 0.61 Proposed floor area - 415.14m^2 (maximum building floor area required – 272m^2)
Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so: *(a) would not be contrary to the relevant setback and private open space provisions* *(b) would not adversely affect the amenity of adjoining properties* *(c) would not conflict with other relevant criteria of this Development Plan.* *Residential Zone: PDC 9*	**Complies** The proposed dwelling complies with the relevant private open space provisions and the majority of setback provisions. I am of the view that the additional floor area of 28m^2 in the building footprint will not have a material impact on the amenity of occupants of adjacent dwellings.
Site coverage should ensure sufficient space is provided for: *(a) pedestrian and vehicle access and vehicle parking* *(b) domestic storage* *(c) outdoor clothes drying* *(d) rainwater tanks* *(e) private open space and landscaping* *(f) convenient storage of household waste and recycling receptacles.* *General Section: Residential Development: PDC 14*	**Complies** The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.

Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces. *General Section: Residential Development: PDC 15*	**Complies**
Private Open Space	
Dwellings should include POS that conforms to the requirements identified in the following table: **Site area of dwelling** / **Minimum area of POS** / **Provisions** 175 square metres or greater / 20 per cent of site area / Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres. *Residential Zone: PDC 7*	**Complies** 184m^2 (27%)
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) POS is located at ground level c) All POS is located to the side/rear of the dwelling/dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. g) 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	
Minimum setback from primary road frontage where an established streetscape exists: *8 metres from arterial roads shown on Overlay Map – Transport and any road within Hills Policy Area 11.* *Residential Zone: PDC 6*	**Does Not Comply** 7.1m
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 7.1 metres is similar to that of existing 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*	**Does Not Comply** Single storey wall (western side) – 1.1m **Complies** Two storey wall (eastern side) – 2m Two storey wall (western side) – 3.5m
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** Although the side setbacks do not comply with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the 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.

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** 8.4m
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 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*	**Partially Complies** 2-storeys with a building height of 10.3m from natural ground level.
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 garage incorporates a roof form, pitch and building materials that match and complementary to 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*	**Complies** 41.32 square metres
Maximum wall or post height	*3 metres*	**Complies** 2.78m
Maximum building height	*5 metres*	**Complies** 4.3m
Minimum setback from a primary road frontage	*Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.*	**Complies** 13.1m and 6m behind the main face of the 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*	**Complies** 1.1m

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)*	**Does Not Comply** 6.5m
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** A minimum of 4 car parks, 2 of which are undercover
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.*	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
On-site visitor parking spaces should be sited and designed to: *(a) not dominate internal site layout* *(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling* *(c) be accessible to visitors at all times.* *General Section: Transportation & Access: PDC 42*		**Complies**
On-site vehicle parking should be provided having regard to: *(a) the number, nature and size of proposed dwellings* *(b) proximity to centre facilities, public and community transport within walking distance of the dwellings* *(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons* *(d) availability of on-street car parking* *(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).* *General Section: Transportation & Access: PDC 43*		**Complies** Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34 and two on-street car parks will remain available in front of the subject land.
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** 5m for a double driveway
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** There is no infrastructure inhibiting the location of the proposed driveway.

Design & Appearance	
Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: *(a) building height, mass and proportion* *(b) external materials, patterns, colours and decorative elements* *(c) roof form and pitch* *(d) façade articulation and detailing* *(e) verandas, eaves, parapets and window screens.* *General Section: Design & Appearance: PDC 1* *The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.* *General Section: Design & Appearance: PDC 3*	**Complies** The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape and utilise colours and materials that blend with the natural setting of the land's surroundings. The dwelling's façades incorporate the following elements to enhance their design and appearance: • Mixture of rendered power panel, vertical elements (piers with timber posts) and balconies to provide articulation and visual interest to the façade. • Varying roof lines and stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding portico, balcony and cantilevered window awnings • Eave overhang and pitched roof form at 20 degree slope • Fenestration The dwellings incorporate a 22.5 degree with roof tiles in a 'Walnut' colour, with rendered facades in Colorbond Jasper. The garage features a timber look Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists. On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.
Balconies should: *(a) be integrated with the overall form and detail of the building* *(b) include balustrade detailing that enables line of sight to the street* *(c) be recessed where wind would otherwise make the space unusable.* *General Section: Design & Appearance: PDC 5*	**Complies** The proposed balconies are integrated into the portico design, with balustrade that enables line of sight to the street.
Relationship to the Street and Public Realm	
Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated. *General Section: Design & Appearance: PDC 13* *Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.* *General Section: Design & Appearance: PDC 14* *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.* *General Section: Design & Appearance: PDC 15*	**Complies** The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street. The front elevation of the dwelling features a mixture of render and vertical elements, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view. Although it is noted that the eastern side wall lacks some articulation, I am of the view that this will not result in unreasonable visual impacts as the adjacent dwelling at 14 Balboa Drive maintains only one habitable room window on the affected side and furthermore,

Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas. *General Section: Design & Appearance: PDC 16*	the apparent overall height will be lower as the dwelling will be concealed in cut for a large proportion of this side of the dwelling.
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** b) Given that south forms the street boundary, a majority of winter shadow will be cast within the front yard of the proposed dwellings. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours. Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.
Visual Privacy	
Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures: *(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct* *(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms* *(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.* *General Section: Design & Appearance: PDC 11*	**Does not comply** The dwelling incorporates fixed obscure glazing to 1.7 metres above floor level for windows on the side elevations. Due to the varying height of ground levels between the subject land and 14 Balboa to the west, a privacy screen will be placed atop the proposed retaining wall as presently, overlooking cannot occur from ground level onto the adjoining property and this will ensure that the status quo will remain in this regard. The balcony and windows to the rear elevation will remain open and unobscured to receive the direct views to the coast. It is apparent that this will result in overlooking to the adjoining properties on either side of the dwelling. However, the balcony on the adjacent dwelling at 14 Balboa Court remains unobscured and the floor level of the POS area at 16 Balboa is raised with clear balustrading around the decking and as such, there would be reciprocal overlooking between the two adjoining properties on either side. Furthermore, the dwellings on this side of Balboa Court are highly exposed to public land and appear to be tolerant of overlooking (through the use of clear balustrading), this being an outcome of obtaining unrestricted views over the coast.

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** The proposed screening above the retaining wall on the western side will be 1.8m in height and in colorbond and have an appearance similar to a fence. It will be clad in the same colour as the fence that is located on the boundary.
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 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*	**Complies** The siting of the dwelling leaves sufficient room for the planting of low maintenance trees and shrubs, similar to what exists within the locality. The terracing of retaining walls enables the opportunity for planting between the walls to screen and reduce the impact of the appearance of the walls upon the land.

Fences and walls, including retaining walls, should: *(a) not result in damage to neighbouring trees* *(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality* *(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance* *(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street* *(e) assist in highlighting building entrances* *(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites* *(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land* *(h) be constructed of non-flammable materials.* *General Section: Landscaping, Fences & Walls: PDC 5*	**Complies** The existing retaining walls on both the eastern and western boundaries would require to be re-engineered and re-constructed if they were to accommodate the proposed earthworks to the subject site. As such, the applicants have chosen to retain the respective cutting and filling of land approximately 1m in from the boundaries. The application proposes retaining walls varying in height to a maximum height of 1.8m on the south-eastern corner of the site and 1.3m at the north-western corner of the land. A privacy screen will be placed atop the western side retaining wall. 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.
Sloping Land	
Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that: *(a) minimises their visual impact* *(b) reduces the bulk of the buildings and structures* *(c) minimises the extent of cut and/or fill* *(d) minimises the need for, and the height of, retaining walls* *(e) does not cause or contribute to instability of any embankment or cutting* *(f) avoids the silting of watercourses* *(g) protects development and its surrounds from erosion caused by water runoff.* *General Section: Sloping Land: PDC 2*	**Partially Complies** The proposed development incorporates a split of up to 1m between the eastern side and western side of the dwelling to minimise the need to significantly fill the land along the western side of the boundary. The plans were amended during the application process and resulted in a reduction in the retaining walls on this side from 2.6m down to 1.3m. In this regard, I am satisfied that the siting of the dwelling in the form proposed adequately relates to the slope of the land and will not result in earthworks or retaining walls that will invoke visual impacts upon the adjoining land. It is noted that the cutting of the land will result in a maximum height of 1.8m at the front of the site which exceeds the desired 1.5m high maximum for retaining walls. However, the retaining wall will reduce along the boundary and it is likely to exceed the desired height for no more than 8m of the 33m long wall. Furthermore, the existing retaining walls along both boundaries are well over this height and the proposed walls will provide a terracing effect, with the potential for landscaping to be provided between the walls to screen them and enhance the appearance of the site. Accordingly, I am satisfied that the proposed development complies with the majority of the provisions within the Sloping Land section of the Development Plan.
The cutting and/or filling of land should: *(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation* *(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment* *(c) only be undertaken if the resultant slope can be stabilised to prevent erosion* *(d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.* *General Section: Sloping Land: PDC 7*	
Retaining walls should: *(a) not exceed 1.5 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* *(d) be landscaped to enhance their appearance.* *General Section: Sloping Land: PDC 8*	

Siting and Visibility	
Buildings and structures should be designed to minimise their visual impact in the landscape, in particular: *(a) the profile of buildings should be low and the rooflines should complement the natural form of the land* *(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land* *(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.* *General Section: Siting and Visibility: PDC 4*	**Partially Complies** The building's profile is not considered to be inconspicuous within its surroundings and its rooflines do not complement the natural form of the land. However, this is reflective of the existing character of the locality where large buildings, to some degree, dominate the appearance of the land. Notwithstanding this, the dwelling has been sited to relate to the slope of the land and the colours and materials are reflective of the natural environment that surrounds the site and will not detract from the visual character or amenity of the landscape.
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*	

TABLE DISCUSSION

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

- Site coverage and Floor Area Ratio
- Front setback
- Single storey side setback (western side)
- Building height
- Garage width

Site Coverage and Floor Area Ratio (FAR)

The proposed dwelling exceeds its respective site coverage by 4% which equates to an additional 30m^2 in floor area. However, I am satisfied that site coverage complies with Residential Zone PDC 9, in that the dwelling is relatively compliant in its provision of private open space and setbacks and I am of the view that a reduction in 30m^2 of floor area within the building will not necessarily result in a greater amenity outcome for the occupants of adjacent dwellings.

The FAR is significantly higher than the desired 0.4 stipulated in the Development Plan, whereby the dwelling maintains a living area some 143m^2 above the 272m^2 desired. I have discussed the fact that I believe that the building's upper and lower footprint is not dissimilar to that which could be found in the immediate locality and as such, I consider that the FAR is acceptable in this regard.

I acknowledge that a reduction in the building's upper storey footprint may assist in improving the amenity of the adjacent building on the opposite side of the road with regards to their visual outlook. However, even if a reduction in the floor area of the upper storey was sought, this is unlikely to result in a change to the height of the building and may only marginally improve the view between the sides of the building. I have discussed that the likely view loss is acceptable and as such, the FAR is not considered so severe as to warrant a change or a refusal of the application.

Front setback
The Development Plan provides a standard setback of 8m for dwellings within the Hills Policy Area, however, it is apparent within this locality that lesser setbacks are maintained for a significant number of dwellings. The proposed dwelling provides a setback of 7.1m, whilst the adjacent eastern and western dwellings maintain a setback of 8m and 6m respectively.

In my view, a new character has been established due to the smaller allotments in the locality when compared to other areas within the Hills Policy Area. As such, it is appropriate to apply Design and Appearance Principle 21, where in this situation the average setback of the adjacent dwelling is considered acceptable and will result in compatibility with the adjoining land and other buildings in the locality and will contribute positively to the function and appearance of the locality.

Single storey side setback (western side)
The garage is setback from the western side a distance of 1.1m when it ought to be 2m. Notwithstanding that this is deemed to be a minor departure from the Development Plan, the proposed setback is similar to the single storey setback of other dwellings in the immediate locality and will not appear at odds with the streetscape character of the area. Furthermore, given it is a garage, it exceeds the general criteria for the siting of garage walls not located on a boundary in Residential Principle 12.

Building Height
As mentioned in the Policy Area discussion, the building height, when measured from the lowest point at natural ground level to the highest point of the building is greater than the 9m height limit specified in the Development Plan at 10.3m. Despite this, I am comfortable with the building height as the dwelling does not exceed 2-storeys overall and there is no point where the building exceeds 9m above natural ground level when measured vertically, direct from top to bottom.

The said building height is a consequence of the sloping nature of land where the resultant fill adds to the building height, however, I have indicated that I am satisfied with the proposed earthworks as they are considered to adequately relate to the lay of the land as is sought by the Desired Character and relevant principles relating to Sloping Land.

Garage Width
The garage frontage displays a width of 6.5m when it ought to be a maximum of 6m. However, I do not consider that the garage will present dominantly on the street as a result as the garage is setback 13m back from the primary street and takes up 38% of the total building frontage width which is well below the other ‘test’, that being that the garage should take up no more than 50 per cent of the width of the front façade of the dwelling.

REPRESENTOR’S CONCERNS

The concerns raised by the representor in relation to building height and the loss of visual amenity have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

A N A L Y S I S / C O N C L U S I O N

The proposed dwelling displays consistency with the Development Plan in relation to the nature of the building as a two-storey dwelling, its use of colours and materials within the natural setting of the locality, setbacks, private open space and car parking.

The building does exceed the requirements relating to site coverage, floor area ratio and building height, however, I am of the view that the scale of the building is similar to that which already exists within the locality and I am satisfied that the dwelling will appear out of kilter within its setting.

In saying this, the building's scale and height does have the potential to affect the visual amenity of the occupiers of adjacent land. However, I believe I have had regard to this, and consider that whilst it will result in some view loss from the dwelling on the opposite side of the land, substantial views of the ocean will still remain and I am of the opinion that the impact of the view loss is not so significant as to warrant a change in the building's height or floor area.

Furthermore, the siting of the dwelling has taken into consideration the sloping nature of the land and the extent of earthworks sufficiently relates to the lay of the land and minimises the height of retaining walls on and close to boundaries, and is consistent with what currently exists within the locality.

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.

R E C O M M E N D A T I O N

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent for Development Application No: 100/2016/2352 for Two storey split level detached dwelling and garage with associated earthworks, retaining walls and screen atop retaining wall at 15 Balboa Drive Hallett Cove be GRANTED subject to the following conditions:

C O N D I T I O N S

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/2352, being Job No. 677721, sheets 1 of 6 to 6 of 6 (inclusive) prepared by Metricon, and received by Council on 28 March 2017, except when varied by the following conditions of consent.

2. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details (being the Siteworks Plan with Job No. C21858, Sheet 1, Issue C and received by Council on 28 March 2017) prior to the occupation of the premises to the reasonable satisfaction of the Council.

3. The fencing/screening atop the western retaining wall shall be erected prior to occupation of the premises and maintained for the life of the building.

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 and maintained for the life of the building.

5. 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.

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

7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

8. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.

NOTES

1. **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

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 June 2017

Agenda Ref No:	**DAP070617 – 2.8**
Originating Officer:	**Justin Clisby** **Development Officer - Planning**
Applicant:	**Ryan Kohpaei**
Development Description:	**A two storey building comprising two dwellings with garages incorporating a wall on the eastern side boundary**
Site Location:	**35 Park Terrace, Plympton Park**
Zone:	**Residential Zone**
Policy Area:	**Northern Policy Area 13**
Application Type:	**Category 2 / Consent**
Lodgement Date:	**20/09/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/1733**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions**

CATEGORISATION & DELEGATION

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

The application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 320 square metres required for semi-detached dwellings within Northern Policy Area 13. Council has delegated decisions with respect to undersized allotments to the Development Assessment Panel.

In addition, 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 in such instances to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Reduce site coverage of both dwellings	West Dwelling reduced from 55.9% site coverage to 37.5%. East Dwelling reduced from 56.2% site coverage to 40.0%.
Reduce floor area ratio of both dwellings	West Dwelling reduced from 0.84 to 0.6 East Dwelling reduced from 0.85 to 0.6
Increase private open space provision and include a minimum area of 5.0 metres x 5.0 metres directly accessible from a living room for both dwellings	West Dwelling area of POS directly accessible from the living room increased from 4.2m x 5.9m (9% of the total allotment area) to 7.5m x 11.36m (31% of total allotment area). East Dwelling area of POS directly accessible from the meals area increased from 3.5m x 11.91m (15% of the total allotment area) to 7.0m x 11.91m (31% of total allotment area).
Set back the garage to East Dwelling a minimum of 5.5 metres from the front boundary	East Dwelling setback 5.55m from the front boundary at the closest point.
Increase first floor rear setback for both dwellings to a minimum 8.0 metres	West Dwelling first floor rear setback increased from 5.93m to 8.0m. East Dwelling first floor rear setback increased from 5.0m to 8.0m.
Reduction in bulk and scale with greater articulation of building form, building materials/finishes/colours	Reduction in roof pitch from 25 degrees to 22 degrees. Reduction in garage width of East Dwelling changing from a double garage to a single garage. Rendered sections introduced to south (front) and north (rear) elevations to contrast face brickwork
Information Requested	
Plans that print to the specified scale	Provided
Site plan drawn to 1:200	Provided
Elevation plans showing sides and rear of proposed dwellings drawn at 1:100	Provided
Landscaping plan	Indicative landscaping plan provided
Partywall details	Provided
Proposed allotment areas	Provided
Stormwater retention/detention details in accordance with Council requirements	Provided

SUBJECT LAND & LOCALITY

The subject land is located at 35 Park Terrace, Plympton Park and is situated at the corner of Bray Street and Park Terrace and opposite the Morphettville Racecourse. The land has a total site area of 544m^2 and maintains a minimum depth of 21.98 metres and a minimum width of 23.27 metres fronting onto Bray Street.

The land contains a single storey detached dwelling in fair condition and a small garden shed. The land does not maintain any significant slope and the site does not contain any notable vegetation worthy of retention. A single driveway and crossover access point adjacent the eastern boundary of the site currently provides vehicular access to a single garage from Bray Street.

The locality is dominated by single storey detached dwellings on a variety of allotment sizes, interspersed with group dwellings and row dwellings. It is noted that the Policy Area changes half a block (112 metres) to the north and half a block (140 metres) to the south of the subject land to the Regeneration Policy Area. Morphettville Racecourse is situated directly opposite the subject land, fronting Park Terrace and Bray Street. The subject land is approximately 850m from frequent bus services on Marion Road, 1.2km from Plympton Park tram stop and 2.1km from Woodlands Park Railway Station.

Refer Attachments I & II

PROPOSED DEVELOPMENT

For the purposes of assessment I have formed the opinion that the proposed dwellings will (following the sub-division of the property) comprise two, two-storey semi-detached dwellings (pursuant to the Schedule 1 definition) with associated garages by virtue of the dwellings sharing a single concrete floor slab beneath a shared partywall on the proposed boundary that extends for a length of 8.6 metres as demonstrated by the partywall detail provided on the plans and on the ground and first floor plans. As such, the proposal has been assessed against the applicable criteria for semi-detached dwellings.

The dwellings each comprise an open plan kitchen/meals area, family room and laundry on the ground floor with stairs leading to the first floor comprising three bedrooms (one with ensuite and walk-in robe), bathroom and separate WC. Although both dwellings present to Bray Street, the dwelling situated closest the western boundary of the site (West Dwelling) has a single garage with access from Park Terrace and the dwelling closest the eastern boundary (East Dwelling) has a single garage that utilises the existing driveway crossover access point from Bray Street.

The dwellings are proposed to be of brick veneer construction with Colorbond roof sheeting at a 22 degree pitch and 450mm roof eaves overhang. A combination of face brickwork in brown/beige colour and render on brick in grey colour is proposed for the south elevation presenting to Bray Street. Face brickwork in brown/beige is proposed for the west elevation presenting to Park Terrace. Front, rear and side yards feature lawned areas, paving and perimeter plantings.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	27 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council.
Persons wishing to be heard:	Mr Raike of 76B Bray Street wishes to be heard.
Summary of representations:	Both representations are against the application. Issues raised include; • Concerns that the site area is not sufficient to accommodate the proposed density of development. • Overlooking concerns from north elevation windows of the first floor of each of the proposed dwellings into the

	• private open space at the rear of the dwelling at 69 Bray Street, Plympton Park. • Lack of on-street car parking in the locality will be further exasperated by the increase in density proposed. *Refer Attachment IV*
Applicant's response:	The applicant provided a response to the representations noting the comments made. No changes to the proposed development were made in response to representations. *Refer Attachment V*

ZONE & POLICY AREA ASSESSMENT

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

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

Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.		
PDC 1	*The following forms of development are envisaged in the policy area:* ▪ *affordable housing* ▪ *dwelling including a residential flat building* ▪ *supported accommodation.*	**Complies**
PDC 2	*Development should not be undertaken unless it is consistent with the desired character for the policy area.*	**Complies**
PDC 3	*Minimum Site Area: 320m²*	**Does Not Comply** West Dwelling: 272.9m² East Dwelling: 271.7m²
	Minimum Frontage: 9.0m	**Complies**
	Minimum Depth: 20.0m	**Complies**

A s s e s s m e n t

The application seeks to construct two, two-storey semi-detached dwellings on an allotment which currently contains one dwelling. This is consistent with the Desired Character Statement in that it will result in redevelopment of the site at a density greater than currently exists within close proximity to public transport, a local centre and public open space at an intensity of development considered low to medium density. The proposed development will also increase the diversity of housing types within the locality which are predominantly detached dwellings on larger allotments.

It is acknowledged that the allotments are undersized by 47m² (14.7%) for the West Dwelling and 48m² (15.1%) for the East Dwelling from the minimum standard of 320m² for semi-detached dwellings prescribed in the Marion Council Development Plan. This shortfall in site area is a finely-balanced element of the proposal, and one that finds the most conflict with the Council's Development Plan. However, I contend that given the general compliance the proposal finds with the majority of Development Plan criteria, as discussed in the body of this report, when considered on balance, there is merit in the proposal despite the shortfall in allotment sizes.

It is also of value to consider the dwellings achieve a density recognised as 'medium' in a metropolitan Adelaide context. In this regard, the proposal is at the higher end of the density sought in the Policy Area, which seeks for low-medium densities, of up to two storeys in height.

In addition, the shortfalls identified when assessing the proposal against all of the relevant provisions in the Development Plan as demonstrated in the body of this report are, in my opinion relatively minor and are not considered to produce detrimental impacts upon adjoining land or the locality or result in poor streetscape outcomes.

To this end, the proposal is considered to display sufficient consistency with the Objectives, Desired Character and the majority of Principles within Policy Area 13 of the Development Plan.

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	
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*	**<u>Site coverage:</u>** **Complies** West Dwelling: 37.5% East Dwelling: 40% **<u>Floor area ratio:</u>** **Complies** West Dwelling: 0.6 East Dwelling: 0.6
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:

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

West Dwelling: 31% of total site area.
The private open space is comprised of two separate areas. One area is 64.0m^2, has a minimum dimension of 5.0m and is directly accessible from the family room via a sliding door.
The second area of private open space is 20.3m^2, has a minimum dimension of 2.6m and is accessible from the laundry.

East Dwelling: 33.4% of total site area directly accessible from the family room via a sliding door.

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

General Section: Residential Development: PDC 16

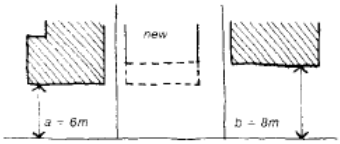
Complies

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.

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 minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas. *General Section: Residential Development: PDC 22*	**Complies**
Building Setbacks from Road Boundaries	
Except in areas where a new character is desired, the setback of buildings from public roads should: *(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality* *(b) contribute positively to the function, appearance and/or desired character of the locality.* *General Section: Design and Appearance: PDC 21*	**Complies** The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setbacks of 5.25 for the West Dwelling and 5.4 metres for the East Dwelling 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:  When b - a≤ 2, setback of new dwelling = a or b Greater than 2 metres — At least the average setback of the adjoining buildings *General Section: Design and Appearance: PDC 22*	**Partially Complies** West Dwelling: 5.25m East Dwelling: 5.4m There is only one dwelling fronting the primary street (69 Bray Street) directly adjacent the site which is setback 5.5 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.
Minimum setback from secondary road frontage: 2 metres *Residential Zone: PDC 6*	**Complies** West Dwelling: 3.1m
Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement. *General Section: Residential Development: PDC 37*	**Complies** Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks	
Minimum setback from side boundaries: *Where the wall height is not greater than 3 metres:* *0.9 metres* *Where the wall height is between 3 metres and 6 metres:* *(a) 3 metres if adjacent southern boundary* *(b) 2 metres in all other circumstances.* *Residential Zone: PDC 6*	**Complies** East Dwelling: 1.75m (for section of wall not on the boundary) East Dwelling: 3.44m
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** East Dwelling: 3.2m in height measured from natural ground level and 6.28m in length.
Buildings should be sited with respect to side and rear property boundaries to: *(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight* *(b) minimise the impact of bulk and scale of development on adjoining properties* *(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.* *General Section: Design and Appearance: PDC 2*	**Complies**
Rear Setbacks	
Minimum setback from rear boundary: *(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary* *(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres* *Residential Zone: PDC 6*	**Complies** West Dwelling: Ground floor: 7.5m First floor: 8.0m East Dwelling: Ground floor: 7.0m First Floor: 8.0m
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**

Building Height	
Maximum building height (from natural ground level): *2 storeys of not more than 9 metres* *Residential Zone: PDC 6*	**Complies** The proposed dwellings incorporate a maximum building height of 7.7 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*		
Parameter	***Value***	
Maximum floor area	*60 square metres*	**Complies**
Maximum wall or post height	*3 metres*	**Complies** West Dwelling: 2.8m **Does Not Comply** East Dwelling: 3.2m
Maximum building height	*5 metres*	**Complies**
Maximum height of finished floor level	*0.3 metres*	**Complies**
Minimum setback from a primary road frontage	*Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.*	**Complies** East Dwelling: 5.551m
Minimum setback from a secondary road frontage	*0.9 metres or in-line with the associated dwelling (whichever is the lesser)*	**Complies** West Dwelling: 0.9m
Minimum setback from side or rear boundaries (when not located on the boundary)	*0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall*	**Complies** West Dwelling: 0.9m
Maximum length on the boundary	*8 metres or 45 per cent of the length on that boundary (whichever is the lesser)*	**Complies** East Dwelling: 6.28m

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** West Dwelling: 3.48m (50% of dwelling width = 5.7m) East Dwelling: 3.44m (50% of dwelling width = 5.9m
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** Both dwellings provide 2 off-street car parking spaces, 1 of which is covered.
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.*	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
On-site visitor parking spaces should be sited and designed to: *(a) not dominate internal site layout* *(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling* *(c) be accessible to visitors at all times.* *General Section: Transportation & Access: PDC 42*		**Complies**
On-site vehicle parking should be provided having regard to: *(a) the number, nature and size of proposed dwellings* *(b) proximity to centre facilities, public and community transport within walking distance of the dwellings* *(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons* *(d) availability of on-street car parking* *(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).* *General Section: Transportation & Access: PDC 43*		**Complies** a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) There is currently no on-street car parking available directly adjacent the subject land. e) The proposed development does not result in any loss of on-street parking because none currently exists.
A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). *General Section: Land Division: PDC 22*		**Does Not Comply** The are no opportunities for long-term on-street car parking directly adjacent the subject land due to existing parking restrictions on both Park Terrace and Bray Street.

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**
Design & Appearance	
Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: *(a) building height, mass and proportion* *(b) external materials, patterns, colours and decorative elements* *(c) roof form and pitch* *(d) façade articulation and detailing* *(e) verandas, eaves, parapets and window screens.* *General Section: Design & Appearance: PDC 1* *The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.* *General Section: Design & Appearance: PDC 3*	**Complies** The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance: • Mixture of brick and render on the front, side and rear facades • Stepping of building form to minimise building height, mass and proportion when viewed from the primary street • Protruding porticos and verandas • 450mm roof eaves overhang and pitched roof forming a 22 degree slope • Fenestration The proposed materials should not result in glare to neighbouring properties, drivers or cyclists. On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.
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* *(c) opportunities to overlook adjacent public space.* *General Section: Residential Development: PDC 6*	**Complies** Both dwellings provide individual entrances and provide opportunities to overlook adjacent public space from habitable rooms at ground floor and first floor.

Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers. *General Section: Residential Development: PDC 8* *Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.* *General Section: Residential Development: PDC 9*	**Complies**
Relationship to the Street and Public Realm	
Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated. *General Section: Design & Appearance: PDC 13* *Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.* *General Section: Design & Appearance: PDC 14* *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.* *General Section: Design & Appearance: PDC 15* *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.* *General Section: Design & Appearance: PDC 16*	**Complies** The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street. The elevations of the dwellings feature a mixture of render and face brickwork, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.
Overshadowing	
The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: *(a) windows of habitable rooms* *(b) upper-level private balconies that provide the primary open space area for a dwelling* *(c) solar collectors (such as solar hot water systems and photovoltaic cells).* *General Section: Design & Appearance: PDC 9* *Except where otherwise specified in a zone, policy area or precinct, development should ensure that:* *(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June* *(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:* *(i) half of the existing ground level private open space* *(ii) 35 square metres of the existing ground level private open space* *(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.* *General Section: Design & Appearance: PDC 10*	**Complies** Although the applicant has not provided shadow diagrams, the extent of overshadowing of neighbouring land to the north and east of the subject land is not likely to be significant given the relatively modest first floor footprints of the dwellings and the generous side and rear setbacks provided. 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 is likely to be cast into the eastern adjoining property 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 dwellings incorporate window sills 1.8 metres above finished floor level for windows on the eastern side and rear elevations of the first floor. First floor windows on the front and western side elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties. The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.
Noise	
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. *General Section: Residential Development: PDC 28*	**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 dwellings are oriented so that their areas of private open space and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around. As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.
Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by: *(a) taking into account overshadowing from neighbouring buildings* *(b) designing roof orientation and pitches to maximise exposure to direct sunlight.* *General Section: Energy Efficiency: PDC 3*	**Complies** The dwellings incorporate a hipped roof form set at a 22 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls	
Development should incorporate open space and landscaping in order to: *(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)* *(b) enhance the appearance of road frontages* *(c) screen service yards, loading areas and outdoor storage areas* *(d) minimise maintenance and watering requirements* *(e) enhance and define outdoor spaces, including car parking areas* *(f) provide shade and shelter* *(g) assist in climate control within buildings* *(h) maintain privacy* *(i) maximise stormwater re-use* *(j) complement existing native vegetation* *(k) contribute to the viability of ecosystems and species* *(l) promote water and biodiversity conservation.* *General Section: Landscaping, Fences & Walls: PDC 1* *Landscaping should:* *(a) include the planting of locally indigenous species where appropriate* *(b) be oriented towards the street frontage* *(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.* *General Section: Landscaping, Fences & Walls: PDC 2* *Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.* *General Section: Landscaping, Fences & Walls: PDC 3*	**Complies** The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.
Fences and walls, including retaining walls, should: *(a) not result in damage to neighbouring trees* *(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality* *(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance* *(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street* *(e) assist in highlighting building entrances* *(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites* *(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land* *(h) be constructed of non-flammable materials.* *General Section: Landscaping, Fences & Walls: PDC 5*	**Complies**

TABLE DISCUSSION

The proposal satisfies the 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:

- On-street car parking provision

There is currently no on-street car parking available directly adjacent the subject land on Park Terrace and two restricted on-street car parking spaces available directly adjacent the subject land on Bray Street outside of the hours of 7:00am to 9:00am and 3:00pm to 6:00pm Monday-Friday. The proposed development does not alter the current availability of on-street car parking. Each of the proposed dwellings provides two off-street car parking spaces (one of which is covered) which is likely to be sufficient to accommodate the needs of the occupants. The lack of on-street car parking is therefore not considered fatal to the application.

- Wall height on the boundary exceeding 3.0 metres

Whilst the wall on the eastern boundary marginally exceeds 3.0 metres in height measured from natural ground level, the height of the wall was not raised in either of the representations received and the wall replaces an existing wall on the boundary that is approximately 3.0 metres in height and 6.5 metres in length. Given the proposed wall on the boundary is adjacent the side access pathway of the dwelling at 69 Bray Street, it is my opinion that it will not significantly impact on that dwelling.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to increased density in the locality (and subsequent lack of on-street car parking opportunities) and potential overlooking of the private open space at 69 Bray Street have been addressed in the body of the report, and I have concluded that I am of the opinion the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

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

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development.

The proposal does however demonstrate a significant shortfall in site area with the West Dwelling being 47m^2 (or 14.7%) undersized and the East Dwelling being 48m^2 (or 15.1%) undersized according to Development Plan criteria. Considerations within this report have demonstrated that whilst the shortfall in site area is substantial, the proposed density is not necessarily inconsistent with that envisaged for the Policy Area. I am of the opinion that the design of the dwellings has demonstrated that the site is able to accommodate two dwellings in the form proposed and has appropriately addressed Council's Development Plan guidelines.

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.

R E C O M M E N D A T I O N

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent for Development Application No: 100/2016/1733 for a two storey building, comprising two dwellings with garages incorporating a wall on the eastern side boundary at 35 Park Terrace, Plympton Park be GRANTED subject to the following conditions:

C O N D I T I O N S

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1733, being drawing number(s) 01, 02, 03, 04, 05, 06 & 07 prepared by Ryan Kohpaei and received by Council on 10/05/2017, 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. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.

6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

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

NOTES

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

2. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**

3. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**

4. **Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).**

5. **Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**

6. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 June 2017

Agenda Ref No:	**DAP070617 – 2.9**
Originating Officer:	**Nicholas Timotheou** **Development Officer - Planning**
Applicant:	**Building Design Studio**
Development Description:	**Two single storey dwellings, one of which incorporates a garage wall on the western side boundary, a freestanding carport and associated landscaping**
Site Location:	**399 Diagonal Road, Sturt**
Zone:	**Residential Zone**
Policy Area:	**Northern Policy Area 13**
Application Type:	**Category 2 / Consent**
Lodgement Date:	**03/06/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/992**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions**

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns 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.

BACKGROUND

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

Amendments Requested	Amendments Made
Vehicle manoeuvring space for Dwelling 2 should be amended to allow for safe and convenient movements.	Alterations made to the turning bay and crossover width of Dwelling 2 to allow for appropriate vehicle turning radius.

900mm separation should be provided between Dwelling 2 and the carport to allow for unrestricted access to the rear yard.	900mm separation provided between Dwelling 2 and the associated carport.
The number and/or size of habitable windows of Dwelling 1 should increase in order to enhance the streetscape appearance.	Front façade of Dwelling 1 amended to incorporate three full length windows to the streetscape.

SUBJECT LAND & LOCALITY

The subject land comprises 399 Diagonal Road, Sturt which is situated on the corner of Plymouth Avenue, the southern end of Diagonal Road and approximately 380 metres from the Seacombe Road intersection. Research conducted in September 2015 by the Department of Planning, Transport and Infrastructure (Refer Attachment VII) has identified this section of Diagonal Road carries significantly less traffic on a daily basis, compared to the section north of Sturt Road and other arterial roads in the locality.

The allotment is irregular in shape, achieving a frontage width of 14.73 metres to Diagonal Road, with a 5.3m cut-off, average depth of 44.5 metres and total site area of 858 square metres. The site currently accommodates a detached dwelling in good condition, which is angled to present to both Diagonal Road and Plymouth Avenue. The dwelling is currently setback approximately 7.0 metres from both Diagonal Road and Plymouth Avenue at the closest point.

Vehicular access is currently available from Diagonal Road adjacent the eastern boundary. The contour of the land falls approximately 2.0 metres from the rear of the allotment to Plymouth Avenue. There are no regulated or significant trees on the subject land.

The pattern of development is typically defined by single storey detached and semi-detached dwellings at low to medium densities. Recent development within the locality displays a presence of row, group and semi-detached dwellings that are predominantly single storey in nature. Members of the Panel may recall two, two storey dwellings at 403 Diagonal Road which have been issued Development Plan Consent. The associated land division application is in the process of being finalised.

Further, the subject land is located adjacent the Local Centre Zone situated on the corner of Diagonal Road and Plymouth Avenue, which incorporates a number of tenancies, currently being used as a variety of shops. The subject land is also situated in close proximity to Darlington Shopping Centre on Seacombe Road which is within the Neighbourhood Centre Zone and a short distance from Westfield Marion Shopping Centre, located within the Regional Centre Zone.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposed development is for the construction of two single storey dwellings, one of which incorporates a garage wall along the western side boundary, a freestanding carport and associated landscaping.

Each dwelling incorporates two bedrooms and master bedroom with associated ensuite/walk-in-robe, laundry/WC and open plan kitchen/living/dining. Whilst the dwellings feature the same rooms, the layout of the footprint differs in order to accommodate the shape of the allotment. A single width garage is proposed for Dwelling 1, which seeks to gain access via a new crossover along Plymouth Avenue and requires the removal of two Council owned street trees. A freestanding single width carport is proposed for Dwelling 2, which seeks to gain access via the existing crossover along Diagonal Road.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	20 properties were notified during the Category 2 public notification process.
Representations:	1 representation was received by Council in favour of the application, subject to certain amendments being made to the proposal.
Persons wishing to be heard:	Mr. Geoff Bridgland
Summary of representations:	- The crossover associated with Dwelling 1 should be relocated to avoid removal of the established street tree. - Concerns in relation to overlooking from Dwelling 1. - Concerns in relation to potential damage to the adjacent property, caused by cutting of the land and the construction of retaining walls. - Concerns in relation to the loss of parking spaces along Plymouth Avenue. *Refer Attachment IV*
Applicant's response:	Refer Attachment V for the Applicant's response to the representation. *Refer Attachment V*

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport & Infrastructure (DPTI):	DPTI have provided a response in relation to the proposed development and advised that they do not support the application in its current form for the following reasons: - The location of the existing Diagonal Road access point does not comply with AS/NZS 2890.1:2004, Fig. 3.1 'Prohibited Locations of Access Driveways' which would create a 4-way intersection with the Diagonal Road / Melbourne Street junction. - Vehicular manoeuvrability exiting the turning bay of Dwelling 2 is constrained. DPTI has recommended any amended plans show: - The existing access point to/from Diagonal Road being removed from the application; and - Access to/from the site being gained via Plymouth Avenue and located adjacent the western property boundary to maximise separation between the access and the Diagonal Road / Plymouth Avenue junction.

Refer Attachment VI

As the Panel may be aware, it is acknowledged that the proposed development will not encroach on land shown on the Metropolitan Road Widening Plan as being potentially required for road widening and as such, under Schedule 8 (2)(3), Council is required to have 'regard' to the response of the prescribed body.

INTERNAL DEPARTMENT COMMENTS

Development Engineer:	Council's Development Engineer has reviewed the referral response from DPTI and provided an assessment on the suitability of the proposal in relation to the issues raised. They have advised that: - The restrictions referenced in standard AS/NZS 2890.1:2004, Fig. 3.1 'Prohibited Locations of Access Driveways', does not apply to domestic driveways. Given this is an existing access and is specifically exempt from restricted access by the Australian Standard, the location of the crossover/driveway is supported, subject to amendments to the vehicle turning bay to achieve safe and convenient movements, to and from the site.
Technical Design Officer – Civil Engineering:	Council's Technical Design Officer – Civil Engineering has undertaken further assessment of amended plans submitted to Council, which has confirmed the vehicle turning bay and increased crossover width shall allow for vehicles to exit the site in a safe and convenient manner.
Coordinator Arboriculture:	The two westerly street trees adjacent the subject land, along Plymouth Avenue have been identified as Desert Ash (Fraxinus angustifolia). Each tree is of an age and size that can be appropriately replaced, provided a fee of $550 + GST is paid by the applicant.

ZONE & POLICY AREA ASSESSMENT

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

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

PDC 1	*The following forms of development are envisaged in the policy area:* ▪ *affordable housing* ▪ *dwelling including a residential flat building* ▪ *supported accommodation.*	**Complies**
PDC 2	*Development should not be undertaken unless it is consistent with the desired character for the policy area.*	**Complies**
PDC 3	*Minimum Site Area: 375 square metres*	**Complies** D1: 394sqm D2: 464sqm
	Minimum Frontage: 12 metres	**Complies** D1: 12m D2: 14.73, 5.33 cut-off and 6.26m
	Minimum Depth: 20 metres	**Complies** D1: 38.9m – 45.7m D2: 33.3m – 38.9m

Assessment

The application proposes two, single storey dwellings on an allotment that currently accommodates a single storey detached dwelling, increasing the density of the land by one. It is acknowledged that the density proposed is in-keeping with that anticipated within the locality and that redevelopment of existing housing stock, at a higher density, is encouraged by the Objectives and Desired Character statement of the Northern Policy Area 13.

Further, it is acknowledged that the Residential Zone and Northern Policy Area 13 encourage an increase in densities adjacent public transport opportunities and within close proximity to centre zones. The subject site is located within walking distance to public transport options along Diagonal Road and is situated directly adjacent the Local Centre Zone, on the corner of Diagonal Road and Plymouth Avenue. Other notable centre zones located a short distance from the subject land include, the Neighbourhood Centre Zone on Seacombe Road and Westfield Marion Shopping Centre which is located within the Regional Centre Zone.

The application requires the removal of two Council street trees due to the crossover location of Dwelling 1. The trees are not considered to significantly contribute to the amenity of the local area and Council's Arborist has determined that removal and replacement of the trees are suitable at a cost of $550 + GST.

As such, the proposal is considered to complement the relevant Objectives, Desired Character statement and Principles of Development Control of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:	Assessment:
Site Coverage	
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** D1: 181sqm (46%) **Complies** D2: 158sqm (34%)
The Northern Policy Area 13 prescribes a maximum site coverage of 40%, whereas Dwelling 1 proposes a total floor area equal to 46%. Despite the excess in dwelling footprint (6%), it is acknowledged that adequate setbacks are achieved from the side and rear boundary as well as an area of private open space area which is considered to function appropriately and meet the likely needs of future occupants (discussed further below). It is also appropriate to have consideration to other recent development in the locality, which achieve similar site coverage. As such, the slight excess in dwelling footprint is not considered out of character with the existing development within the locality. The above considerations demonstrate that the excess in site coverage should not adversely impact upon the amenity of adjoining land, or impair the design and function of the proposed dwellings.	

Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so: *(a) would not be contrary to the relevant setback and private open space provisions* *(b) would not adversely affect the amenity of adjoining properties* *(c) would not conflict with other relevant criteria of this Development Plan.* *Residential Zone: PDC 9*	**Complies** The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.
Site coverage should ensure sufficient space is provided for: *(a) pedestrian and vehicle access and vehicle parking* *(b) domestic storage* *(c) outdoor clothes drying* *(d) rainwater tanks* *(e) private open space and landscaping* *(f) convenient storage of household waste and recycling receptacles.* *General Section: Residential Development: PDC 14*	**Complies** The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.
Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces. *General Section: Residential Development: PDC 15*	**Complies**

Private Open Space

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

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

Residential Zone: PDC 7

Complies

D1: 110sqm (28%)
D2: 104sqm (22.4%)

Each dwelling achieves a 5 x 5 area of POS directly accessible from a living room.

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 rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) Adequate separation has been provided from bedrooms of dwellings on adjacent sites and standard fencing is considered to provide an appropriate level of privacy. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional. **Does Not Comply** g) The proposed POS areas maintain a southerly aspect; however, are of sufficient area and size to receive natural light throughout the day. Therefore, the POS areas are considered to meet the likely needs of occupants.
A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas. *General Section: Residential Development: PDC 22*	**Complies**
Building Setbacks from Road Boundaries	
Except in areas where a new character is desired, the setback of buildings from public roads should: *(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality* *(b) contribute positively to the function, appearance and/or desired character of the locality.* *General Section: Design and Appearance: PDC 21*	**Complies** The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 5m – 5.6m (D1) and 6m – 5.8m (D2) is considered to contribute positively to the function, appearance and desired character of the locality. It is acknowledged that Dwelling 2 presents to both Diagonal Road and Plymouth Avenue; however, the main façade is oriented to Plymouth Avenue and as such, the front setback of the dwelling has been taken from the northern boundary.

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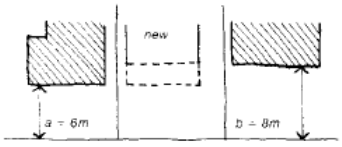
Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:

<table>
<tr><th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th><th>Setback of new building</th></tr>
<tr><td>Up to 2 metres</td><td>The same setback as one of the adjoining buildings, as illustrated below:
 

When b - a≤ 2, setback of new dwelling = a or b</td></tr>
<tr><td>Greater than 2 metres</td><td>At least the average setback of the adjoining buildings</td></tr>
</table>

General Section: Design and Appearance: PDC 22

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Partially Complies
Dwelling 1: 5m – 5.6m
Dwelling 2: 5.8m – 6m

(Dwelling on adjoining land set back approximately 6 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. Notwithstanding the above, it is my opinion that the proposal provides appropriate transition to the buildings on adjacent land through the use of stepping the dwellings.

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Minimum setback from secondary road frontage: 2 metres

Residential Zone: PDC 6

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Complies
Dwelling 2: 5.1m at the closest point

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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

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Complies
Habitable rooms are adequately separated from pedestrian and vehicle movement.

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Side Setbacks

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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

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Complies

D1: 1m at the closest point
D2: 1m at the closest point

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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

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Complies
The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section 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.

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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** D1: 10.8m – 17.7m D2: 5m – 17.7m
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. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report). 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** D1: 4.3m D2: 4.7m
Garages, Carports, Verandas and Outbuildings	
Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling. *General Section: Residential Development: PDC 10*	**Complies**
Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters: *General Section: Residential Development: PDC 12*	

Parameter	***Value***	
Maximum floor area	*60 square metres*	**Complies**
Maximum wall or post height	*3 metres*	**Complies** D2: 2.4m **Does Not Comply** D1: 3.04m (from natural ground level) Despite the garage wall height exceeding 3.0 metres, it is acknowledged that it shall be situated adjacent a parking structure on the adjacent land and driveway area and not an area of private open space or habitable room. Therefore, I am of the opinion that visual/overshadowing impacts will not be of a significant degree to the extent where refusal of the application is warranted.

Maximum building height	*5 metres*	**Complies**
Minimum setback from a primary road frontage	*Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.*	**Complies** D1: 5.9m D2: 12.2m
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*	**Does Not Comply** D2: Carport situated along the southern boundary Given the carport structure shall be situated adjacent the side path of the neighbouring property and remain open along the boundary, I am of the opinion that visual/overshadowing impacts will not be of a significant degree to the extent where refusal of the application is warranted.
Maximum length on the boundary	*8 metres or 45 per cent of the length on that boundary (whichever is the lesser)*	**Complies** D1: 6.6m
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** D1: 3m D2: 3m
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** Each dwelling provides two on-site parking spaces, one of which will be covered.
Detached *Semi-detached* *Row*	*2 per dwelling containing up to 3 bedrooms one of which is to be covered.*	
Table Mar/2 - Off-street Vehicle Parking Requirements.		

On-site vehicle parking should be provided having regard to: *(a) the number, nature and size of proposed dwellings* *(b) proximity to centre facilities, public and community transport within walking distance of the dwellings* *(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons* *(d) availability of on-street car parking* *(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).* *General Section: Transportation & Access: PDC 43* *A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).* *General Section: Land Division: PDC 22*	**Complies** a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. **Does Not Comply** d) e) It is acknowledged that one additional dwelling will be located on the subject site, which currently accommodates a single dwelling. Whilst an additional crossover will be provided to Plymouth Avenue (resulting in no on-street parking), it is acknowledged that there are existing parking restrictions which do not allow on-street parking. It is my view that the shortfall in on-street parking will not have detrimental impacts to the immediate locality, nor the additional demand for street parking that the dwellings will generate.
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** D1: 3m **Partially Complies** D2: 3.5m It is acknowledged that the increased crossover width has been provided in order to address vehicle manoeuvrability concerns and will make no changes to the availability of on-street parking.
Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.). *General Section: Residential Development: PDC 40*	**Complies** The proposed crossovers are set back a minimum of 1 metre from above ground street infrastructure, and 2 metres from the existing street tree. It is acknowledged that Dwelling 1 requires the removal of two Council owned street trees; however, this has been considered appropriate by Council's Coordinator Arboriculture.
Development should be provided with safe and convenient access which: *(a) avoids unreasonable interference with the flow of traffic on adjoining roads* *(b) provides appropriate separation distances from existing roads or level crossings* *General Section: Transport & Access: PDC 23*	**Complies** The turning bay for Dwelling 2 has been amended and referred to Council's Technical Design Officer – Civil Engineering, who has confirmed that vehicles will be able to enter and exit the site in a forward direction. Council's Development Engineer has reviewed the application plans and advised the location of the existing crossover is appropriate.

The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised and, where possible, access points should be: *(a) limited to local roads (including rear lane access)* *(b) shared between developments.* *General Section: Transport & Access: PDC 25*	**Does Not Comply** This non-compliance against the Development Plan will be discussed within the "Table Discussion" section of this report.
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. *General Section: Transport & Access: PDC 26* *Development with access from arterial roads or roads as shown on Overlay Maps – Transport should be sited to avoid the need for vehicles to reverse onto or from the road.* *General Section: Transport & Access: PDC 27*	**Complies** Dwelling 2 incorporates a turning bay, which allows for vehicles to exit the site in a forward direction and avoid the need to reverse onto the arterial road.
The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking. *General Section: Transportation and Access: PDC 28*	**Complies** The proposed vehicle access point of Dwelling 1 will be situated adjacent the neighbouring property's crossover; however, as discussed above, this element of the proposal will not have an impact on the availability of on-street parking opportunities.
Design & Appearance	
Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: *(a) building height, mass and proportion* *(b) external materials, patterns, colours and decorative elements* *(c) roof form and pitch* *(d) façade articulation and detailing* *(e) verandas, eaves, parapets and window screens.* *General Section: Design & Appearance: PDC 1* *The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.* *General Section: Design & Appearance: PDC 3*	**Complies** The proposed dwellings reflect the desired character of the locality, as they incorporate a design and appearance anticipated within the locality. The dwelling façades incorporate the following elements to enhance their design and appearance: **Dwelling 1** • Exposed brick to the main façade and rendered protruding portico; and • Eave overhang and pitched roof form at 20-degree slope. **Dwelling 2** • Mixture of exposed brick and render to the main façade; • Rendered portico; and • Eave overhang and pitched roof form at 20-degree slope. The dwellings incorporate a 20 degree Colorbond roof, with exposed brick to the main façade, side and rear walls. The garage (D1) and carport (D2) feature a Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists. On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.

Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers. *General Section: Residential Development: PDC 8* *Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.* *General Section: Residential Development: PDC 9*	**Complies** **Dwelling 1** 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. **Partially Complies** **Dwelling 2** The dwelling is designed so that the main facade faces the primary street frontage and whilst the front entry point does not present to Plymouth Avenue, it is acknowledged that the dwelling is oriented so that the front portico provides emphasis on the front door location.
Relationship to the Street and Public Realm	
Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality. *General Section: Design & Appearance: PDC 14* *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.* *General Section: Design & Appearance: PDC 15* *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.* *General Section: Design & Appearance: PDC 16*	**Complies** The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door (D1), portico and habitable windows to the street. The elevations of the dwellings feature a mixture of render and exposed brick, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.
Overshadowing	
The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: *(a) windows of habitable rooms* *(b) upper-level private balconies that provide the primary open space area for a dwelling* *(c) solar collectors (such as solar hot water systems and photovoltaic cells).* *General Section: Design & Appearance: PDC 9* *Except where otherwise specified in a zone, policy area or precinct, development should ensure that:* *(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June* *(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:* *(i) half of the existing ground level private open space* *(ii) 35 square metres of the existing ground level private open space* *(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.* *General Section: Design & Appearance: PDC 10*	**Complies** a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June b) 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** The internal layout has been designed to locate the main private open space areas to the rear of the site and despite Bedrooms 1 & 2 of Dwelling 2 partially presenting to Diagonal Road, it is my view that appropriate separation has been provided to limit traffic noise. It is also acknowledged that the subject land is situated adjacent a section of Diagonal Road which carries significantly less traffic on a daily basis compared to the section north of Sturt Road.
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 proposed POS areas maintain a southerly aspect; however, are of sufficient area and size to receive natural light throughout the day. As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.
Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by: *(a) taking into account overshadowing from neighbouring buildings* *(b) designing roof orientation and pitches to maximise exposure to direct sunlight.* *General Section: Energy Efficiency: PDC 3*	**Complies** The dwellings incorporate a hipped roof form set at a 20-degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.
Landscaping, Fences and Walls	
Development should incorporate open space and landscaping in order to: *(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)* *(b) enhance the appearance of road frontages* *(c) screen service yards, loading areas and outdoor storage areas* *(d) minimise maintenance and watering requirements* *(e) enhance and define outdoor spaces, including car parking areas* *(f) provide shade and shelter* *(g) assist in climate control within buildings* *(h) maintain privacy* *(i) maximise stormwater re-use* *(j) complement existing native vegetation* *(k) contribute to the viability of ecosystems and species* *(l) promote water and biodiversity conservation.* *General Section: Landscaping, Fences & Walls: PDC 1* *Landscaping should:* *(a) include the planting of locally indigenous species where appropriate* *(b) be oriented towards the street frontage* *(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.* *General Section: Landscaping, Fences & Walls: PDC*	**Complies** **Dwelling 2** Despite a large portion of the front yard being paved for the driveway/turning area, it is acknowledged that landscaping throughout the site has been amended to incorporate low to medium height plantings adjacent the front boundary. It is my view that the proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas. The landscaping is considered to assist in softening the appearance of paved surfaces to the street and as such, it is my view that the proposal satisfies PDC 1 and 2.

Fences and walls, including retaining walls, should: *(a) not result in damage to neighbouring trees* *(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality* *(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance* *(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street* *(e) assist in highlighting building entrances* *(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites* *(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land* *(h) be constructed of non-flammable materials.* *General Section: Landscaping, Fences & Walls: PDC 5*	**Complies** The application proposes retaining walls varying in height to a maximum 450 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.25 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

TABLE DISCUSSION

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

- The proposed access point is not shared between the development and retention/reuse of the existing crossover along the arterial road is sought.

As per the referral response from DPTI, concerns have been raised which relate to vehicle turning areas and the reuse of the existing crossover along Diagonal Road. It should be noted that Administration has provided the applicant opportunity to amend the application plans, to address DPTI's concerns; however, they have sought the proposal to be determined in its current form. Whilst the concerns raised by DPTI are noted, assessment against the applicable provisions of the Development Plan has demonstrated the proposal is unlikely to result in road safety impacts.

Despite the proposal's inability to provide a shared access point, it is acknowledged that the turning bay of Dwelling 2 has been designed to allow for appropriate vehicle manoeuvrability and to enable vehicles to enter and exit the site in a forward direction. As such, although reuse of the crossover along Diagonal Road is proposed, it has been demonstrated that safe and convenient access will be available, which avoids unreasonable interference with the flow of traffic on adjoining roads.

Further, Council's Development Engineer has reviewed the proposed development and advised they are supportive of the proposal, including the location of the existing crossover along Diagonal Road, subject to appropriate vehicle turning areas being achieved. Council's Technical Design Officer – Civil Engineering has undertaken assessment on revised application plans and has formed the opinion that appropriate turning areas are provided for Dwelling 2.

It is also acknowledged that the proposed frontage width for the site exceeds the minimum 12m sought for detached dwellings along arterial roads in the Northern Policy Area 13. It is my understanding that minimum frontage widths along arterial roads are required in order to allow for (but not limited to) adequate vehicle turning areas, landscaping opportunities and separation from the road. As per the assessment and discussions contained within the above table, it has been demonstrated that the general layout and design of the dwellings appropriately satisfies the relevant provisions of the Development Plan, including landscaping throughout the site and separation from the allotment boundaries.

Lastly, as identified throughout this report, the southern section of Diagonal Road carries significantly less traffic on a daily basis compared to sections north of Sturt Road and other arterial roads in the locality. In my opinion, whilst the proposal does not achieve a shared access point, it is my view that the dwellings will be able to function appropriately, without resulting in road safety impacts.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to retention of the Council street tree and loss of on-street parking along Plymouth Avenue have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor has also raised concerns in relation to the potential overlooking from Dwelling 1 into the property at 2 Plymouth Avenue. It is acknowledged that the proposal seeks for the construction of single storey dwellings, which are generally excavated into the land. As such, I am satisfied that the proposal will not result in loss of privacy. Although the representor has requested all windows along the western side elevation to be fitted with opaque glass, it is my opinion that further amendments to the proposal are not warranted in this regard, nor refusal of the application.

The representor has also raised concerns in relation to potential damage to the adjacent property, caused by cutting of the land and the construction of retaining walls. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

It is my view that the proposed development satisfies the relevant Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages the redevelopment of the existing housing stock at low to low-medium densities. It has also been identified that the subject land is located within close proximity to a variety of centre zones within the locality which is welcomed by the Residential Zone.

It has been demonstrated that the proposed development satisfies a majority of the provisions of Council's Development Plan and the site is able to accommodate two dwellings in the form proposed. It is acknowledged that the proposal fails to achieve certain aspects of the quantitative provisions of Council's Development Plan; however, assessment of these non-compliances has identified they are not considered to affect the dwellings' ability to function appropriately. These failings have been considered on balance with the overall compliance with the Development Plan and the merit of the proposal is considered to outweigh any discrepancies. Further, assessment of the qualitative criteria has demonstrated the proposal achieves the anticipated design, layout and features sought for new residential development.

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.

R E C O M M E N D A T I O N

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent for Development Application No: 100/2016/992 for Two single storey dwellings, one of which incorporates a garage wall on the western side boundary at 399 Diagonal Road, Sturt be GRANTED subject to the following conditions:

C O N D I T I O N S

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/992, (being the Site and Drainage plan, Job No. 16/043, Drawing No. SP1, prepared by Axis Consulting Engineers and received by Council on 26 September 2016 and Sheet 1 – 9 (inclusive), prepared by Building Design Studio and received by Council on 9 May 2017) except when varied by the following conditions of consent.

2. A revised fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued, detailing consistency with the Site Plan (Sheet 1 of 9), prepared by Building Design Studio and received by Council on 9 May 2017.

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

4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

5. 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.

6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

7. **All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**

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

N O T E S

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

2. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**

3. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**

4. **Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).**

5. **Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**

6. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 June 2017

Agenda Ref No:	**DAP070617 – 2.10**
Originating Officer:	**Rhiannon Hardy** **Development Officer - Planning**
Applicant:	**Grant E Walter**
Development Description:	**To undertake a Torrens Title residential land division (1 into 3 allotments) and to construct three (3) two-storey row dwellings with associated landscaping**
Site Location:	**1 Eton Avenue, Warradale**
Zone:	**Residential Zone**
Policy Area:	**Northern Policy Area 13**
Application Type:	**Category 1 / Consent**
Lodgement Date:	**28/11/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/2222**
Recommendation:	**That Development Plan Consent and Land Division Consent be GRANTED subject to conditions**

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(iv)) of the Development Regulations 2008, which assigns the construction of 3 or more row dwellings, provided that no such dwelling is more than 2 storeys high, as Category 1 development.

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

BACKGROUND

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

Amendments Requested	Amendments Made
Site coverage should not exceed 40% of the site area, whereas it is currently 56%, 62% and 68% for Dwellings 1A, 1B and 1C, respectively.	Site coverage decreased to 57%, 55% and 54% for Dwellings 1A, 1B and 1C, respectively.
Floor area ratio should not exceed 0.6, whereas it is currently 0.63, 0.78, 0.77 for Dwellings 1A, 1B and 1C, respectively.	Floor area ratio decreased to 0.58, 0.67 and 0.63 for Dwellings 1A, 1B and 1C, respectively.
The garage of each dwelling should be set back a minimum distance of 5.5 metres from the front boundary.	Minimum garage setback increased to 5.5 metres.
The driveways should be positioned to maximise opportunities for on-street car parking, and ideally, a distance of 6 metres should be maintained between driveways. You may wish to consider grouping two driveways together via a double-width crossover to maximise on-street parking spaces.	Driveways of Dwellings 1B and 1C grouped together.
The proposed vehicle crossovers should accord with the City of Marion's Standard Drawing SD13 for crossover driveway access.	Crossovers amended accordingly.
Upper level windows on the rear elevation should incorporate either a window sill height commencing 1.7 metres above the internal floor level, or fixed obscure glazing to 1.7 metres above the internal floor level.	Fixed obscure glazing provided to 1.7 metres above floor level on rear elevation upper storey windows.
In order to enhance the design and appearance of the dwellings, it is recommended that: a) The blade walls are removed or reduced in size to minimise visual bulk/scale; and b) Eave overhang is introduced in order to enhance articulation, create shadowing on the dwelling walls to minimise visual bulk/scale, and provide shadowing of windows for energy efficiency.	Blade wall protrusion reduced from 2.3 metres to 1.9 metres. Parapet on front of garage to Dwelling 1A removed.
The landscaping plan should be designed to enhance the appearance of road the frontage and to complement built form (e.g. taller and broader plantings against taller and bulkier building components). As such, trees should be included in the landscaping schedule, in addition to shrubs and ground-covers.	Syzgium Australe (Native Pencil Pine) trees provided in front yard of each dwelling.
The waffle PAD system may result in privacy issues, due to the dwelling FFL being raised 400mm above bench level.	Paving level confirmed at 300mm below floor level. 2.1-metre-high fencing provided along side boundaries.

SUBJECT LAND & LOCALITY

The subject land is located at 1 Eton Avenue, Warradale (Lot: 100 CT: 5728/593). The allotment is 726.65 square metres in area, with a frontage width to Eton Avenue of 20.22 metres and a depth ranging from 34.7 to 38.7 metres.

The land currently accommodates a single storey detached dwelling constructed in the 1950s. An outbuilding is located in the north-eastern corner of the property. A driveway and associated crossover are located adjacent the northern property boundary.

Several mature trees are located in the front garden of the property, but none of those are of a “regulated” status.

The site is relatively flat with minor gradient.

The locality is residential in nature, and features a mixture of both original dwelling stock and newer properties redeveloped at low-to-medium densities.

The Medium Density Policy Area 12 is located on the southern side of Dunrobin Road, approximately 50 metres south of the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct three two-storey row dwellings, and to undertake a Torrens Title land division (1 into 3 allotments) with respective party wall easements which relate to the proposed dwellings.

All three dwellings incorporate three bedrooms and a single garage, but their floor plans differ - Dwellings 1A and 1C feature a bedroom, ensuite and robe on the ground floor, with the remaining two bedrooms on the upper floor, while Dwelling 1B features all 3 bedrooms on its upper floor.

The area beneath the dwelling is proposed to be benched at 14.74 (approx. 200mm below natural ground level), but due to the proposed waffle pod footing system, the site paving levels will be set at approximately 15.0. This will result in minimal earthworks.

2.1-metre-high fencing is proposed along the side boundaries.

Each dwelling is provided with a single-width driveway, however the driveways of Dwellings 1B and 1C are grouped together in a double-width crossover. The application proposes to remove a Eucalyptus street tree to enable vehicle access to the development.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	FFLs should be set at 15.3 [to provide protection in a flood event].
Open Space:	1. On behalf of Open Space and Operations, I recommended that the Eucalyptus tree be removed to facilitate the proposed subdivision and installation of a Council approved crossover. 2. The costs of the tree's removal and replacement is to be covered by the applicant. In this instance a fee of $700 is required to be paid prior to the tree's removal. 3. Alternatively if the applicant does not want to fund the removal of the tree, any works footprint that includes but not limited to proposed excavation for a driveway/cross-over, stormwater discharge pipe, service (gas, water, sewer, electrical) shall maintain a minimum of 2.5 metres radius setback from the trunk face of the tree.

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 *2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.*	**Complies** The subject land is located approximately: • 600 metres from the Neighbourhood Centre Zone to the east, which contains a number of small shops, Coles supermarket and the Warradale Hotel. • 90 metres from bus stops on Dunrobin Road • 840 metres from Oaklands Railway Station Given that the subject land is located within convenient walking distance of an activity centre and public transport options, increased dwelling densities are anticipated.
Northern Policy Area 13	
Objectives *1 A policy area primarily comprising low scale, low to medium density housing.* *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.*	**Partially Complies** The proposed dwellings are classified as medium density, whereas low-to-medium density is envisaged in the policy area. The dwellings do not particularly present a “low scale” character due to their two storey nature, but they have been designed with articulation and stepping which assists in minimising visual bulk. **Complies** The proposed garages are incorporated under the main roof of the associated dwelling, and therefore have an appropriate and typical impact on the character of the locality. The development density should support the viability of services and infrastructure given the site’s proximity to train and bus stations and the Neighbourhood Centre Zone.
Desired Character *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*	**Complies** The proposed dwellings present a relatively attractive façade to Eton Avenue. The dwellings provide a different architectural style, higher density and lesser setback from the primary road frontage than the original dwelling stock in the area. **Partially Complies** The dwellings each contain three bedrooms, which is a typical dwelling size in the locality. Accordingly, the proposal does not increase the range of dwelling types in the locality to meet a variety of accommodation needs. That being said, it is noted that the two-storey dwellings with small backyards presents a different dwelling option to the typical original dwelling stock (single-storey dwellings with large backyards). **Partially Complies** The proposed two-storey dwellings do not provide for coherence with the streetscape given that all other dwellings in Eton Avenue are single-storey. However, the

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.*		impact of the dwellings' additional storey is not considered to unreasonably impact on the amenity of adjacent land (discussed in Overshadowing and Overlooking sections of the table below). **Complies** Although the proposal involves removal of a mature street tree, Council's Arborist has advised that the subject tree accords with criteria of the City of Marion Tree Management Framework to be suitable to remove and replace at the applicant's cost. The tree is not considered to provide significant value to the landscape character of the locality.
PDC 1	*The following forms of development are envisaged in the policy area:* ▪ *affordable housing* ▪ *dwelling including a residential flat building* ▪ *supported accommodation.*	**Complies**
PDC 2	*Development should not be undertaken unless it is consistent with the desired character for the policy area.*	**Complies** As above
PDC 3	*Minimum Site Area: 250 m²*	**Does Not Comply** Dwelling 1A: 232.6 m² Dwelling 1B: 244.4 m² Dwelling 1C: 249.5 m²
	Minimum Frontage: 7 m	**Does Not Comply** Dwelling 1A: 6.7 m Dwelling 1B: 6.8 m Dwelling 1C: 6.7 m
	Minimum Depth: 20m	**Complies** All allotments have an average depth exceeding 34.7 metres

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	
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*	**<u>Site coverage:</u>** **Does Not Comply** Dwelling 1A: 133.4 m² = 57.4% Dwelling 1B: 134.1 m² = 54.9% Dwelling 1C: 135.8 m² = 54.4% **<u>Floor area ratio:</u>** **Complies** Dwelling 1A: 0.58 **Does Not Comply** Dwelling 1B: 0.67 Dwelling 1C: 0.63

Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so: *(a) would not be contrary to the relevant setback and private open space provisions* *(b) would not adversely affect the amenity of adjoining properties* *(c) would not conflict with other relevant criteria of this Development Plan.* *Residential Zone: PDC 9*	**Complies** The excess in site coverage does not create discrepancy with setback or private open space criteria, should not create adverse impacts to adjacent land, and does not specifically conflict with other relevant criteria of the Development Plan.
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 (Dwelling 1C provides a side path for waste bins to be stored; although Dwellings 1A and 1B do not have side path access, their garages are 3.9 and 3.4 metres in width, respectively, which should allow for vehicle parking in conjunction with waste bin 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** 205.9 m² of garden pervious area / 726.65 = 28.3%
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 / 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. *Residential Zone: PDC 7*	**Complies** Dwelling 1A: 51 m² = 21.9% Dwelling 1B: 81 m² = 33.1% Dwelling 1C**:** 53.5 m² = 21.4% Dwelling 1A: Minimum dimension of 6.6 metres directly accessible from living area Dwelling 1B: Minimum dimension of 6.7 metres directly accessible from living area Dwelling 1C**:** Minimum dimension of 6.6 metres directly accessible from living area
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*	**Generally 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 an eastern aspect, which should provide for sufficient access to winter sunlight, particularly in morning hours. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent

<table>
<tr><td>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.

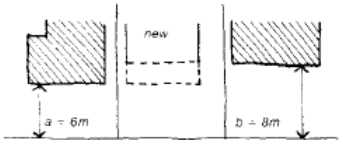
General Section: Residential Development: PDC 16

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</td><td>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.</td></tr>
<tr><td>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</td><td>Complies
Verandahs are provided to Dwellings 1A and 1C, which cover only 9.4% and 10% of their respective areas of POS.</td></tr>
<tr><td colspan="2">Building Setbacks from Road Boundaries</td></tr>
<tr><td>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</td><td>Complies
The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback varies between 5.1 and 6.6 metres, which is considered to contribute positively to the function, appearance and desired character of the locality.</td></tr>
<tr><td>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:

<table><tr><th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th><th>Setback of new building</th></tr><tr><td>Up to 2 metres</td><td>The same setback as one of the adjoining buildings, as illustrated below:
 

When b - a ≤ 2, setback of new dwelling = a or b</td></tr><tr><td>Greater than 2 metres</td><td>At least the average setback of the adjoining buildings</td></tr></table>
General Section: Design and Appearance: PDC 22</td><td>Partially Complies
Dwelling 1A: 5.5 – 6.6 metres
Dwelling 1B: 5.1 – 6.2 metres
Dwelling 1C: 5.5 – 6.6 metres

(Dwellings on adjoining land set back approximately 5 and 7.5 metres, which equals an average setback of 6.25 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.

Although the proposed front setback is less than that of the original adjoining dwelling to the north, it is similar to the new row dwellings immediately south of the subject land.</td></tr>
<tr><td>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</td><td>Complies
Habitable rooms are adequately separated from pedestrian and vehicle movement.</td></tr>
</table>

Side Setbacks	
Minimum setback from side boundaries: *Where the wall height is not greater than 3 metres:* *0.9 metres* *Where the wall height is between 3 metres and 6 metres:* *(a) 3 metres if adjacent southern boundary* *(b) 2 metres in all other circumstances.* *Residential Zone: PDC 6*	**Complies** **<u>Ground floor:</u>** Dwelling 1A: 0.91 metres Dwelling 1C: 0.91 metres **<u>First floor:</u>** Dwelling 1A: 3.0m setback to southern boundary Dwelling 1C: 2.0m setback to northern side boundary *Note: Upper storey wall height is 5.8 metres (ground level to underside of gutter)*
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 1A: boundary wall height of 2.923 metres and length of 5.68 metres **Does not comply** Dwelling 1C: 8.0 metre length of exposed wall on the boundary with Dwelling 1B, but wall height equals 3.5 metres
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** Ground floor: Dwelling 1A: 6.8 – 8.8 metres Dwelling 1B: 9.7 – 15.5 metres Dwelling 1C: 8.1 metres Upper floor: Dwelling 1A: 15.9 metres Dwelling 1B: 20.2 metres Dwelling 1C: 18.6 metres
Building Height	
Maximum building height (from natural ground level): *2 storeys of not more than 9 metres* *Residential Zone: PDC 6*	**Complies** The proposed dwellings incorporate a maximum building height of 7.4 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** Each dwelling incorporates a garage that is located under the main roof of the associated dwelling, with materials and detailing to match.
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***	

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..*	**Complies** All dwellings feature garages set back a minimum of 5.5 metres and in line with the main face of the associated dwelling (each dwelling features a projecting balcony).
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.* *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** All dwellings feature 3 bedrooms and provide 2 on-site parking spaces, 1 of which is covered.
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.*	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
On-site vehicle parking should be provided having regard to: *(a) the number, nature and size of proposed dwellings* *(b) proximity to centre facilities, public and community transport within walking distance of the dwellings* *(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons* *(d) availability of on-street car parking* *(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).* *General Section: Transportation & Access: PDC 43*		**Complies** a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 1.5 on-street car parking spaces shall remain available adjacent the subject land (1 at the centre of the land, and an additional 0.5 length adjacent the northern boundary, which could cater for an additional space between the subject land and the northern adjoining property).
A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). *General Section: Land Division: PDC 22*		**Complies** 1.5 on-street car parking spaces are provided adjacent the subject land (1 at the centre of the land, and an additional 0.5 length adjacent the northern boundary, which could cater for an additional space between the subject land and the northern adjoining property), which satisfies PDC 22.

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*	**Generally Complies** A 6 metre-wide crossover is to be shared between Dwellings 1B and 1C, while the crossover to Dwelling 1A varies between 2.7 and 3.6 metres.
Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.). *General Section: Residential Development: PDC 40*	**Complies** The proposed crossovers are set back a suitable distance from existing street infrastructure (the existing street tree is proposed to be removed).
The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking. *General Section: Transportation and Access: PDC 28*	**Complies** The proposed vehicle access points are separated by a distance of 6 metres.
Design & Appearance	
Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: *(a) building height, mass and proportion* *(b) external materials, patterns, colours and decorative elements* *(c) roof form and pitch* *(d) façade articulation and detailing* *(e) verandas, eaves, parapets and window screens.* *General Section: Design & Appearance: PDC 1* *The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.* *General Section: Design & Appearance: PDC 3*	**Generally Complies** The proposal generally satisfies the Desired Character of the Northern Policy Area 13, as it contributes to an attractive residential environment of buildings up to two storeys in height. The building mass and proportion is minimised by stepping of the upper floor, projecting balconies, pitched roof and mixture of building materials. The external facades of the building incorporate the following colours/material: • "Windspray" rendered brick on front façade • "Basalt" painted brick to the side staggered wall sections • Texture coated painted Matrix panel to side return walls in "Basalt" • Primeline cladding to remaining walls painted "Windspray" • Colorbond sheet roof, gutters and fascias painted "Windspray" • Rendered brick pillars under Juliet balconies painted "Evening Haze" • Timber stained front doors • "Windspray" garage doors These materials should not result in glare to neighbouring properties, drivers or cyclists. On balance, the design and appearance of the dwellings is considered to adequately satisfy relevant Development Plan criteria.
Balconies should: *(a) be integrated with the overall form and detail of the building* *(b) include balustrade detailing that enables line of sight to the street* *(c) be recessed where wind would otherwise make the space unusable.* *General Section: Design & Appearance: PDC 5*	**Partially Complies** The proposed balconies are somewhat integrated into the form and detail of the dwellings, with clear glass balustrade that enables line of sight to the street.

Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage. *General Section: Residential Development: PDC 9*	**Complies** The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, balcony and habitable windows to the street.
Relationship to the Street and Public Realm	
Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated. *General Section: Design & Appearance: PDC 13* *Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.* *General Section: Design & Appearance: PDC 14* *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.* *General Section: Design & Appearance: PDC 15* *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.* *General Section: Design & Appearance: PDC 16*	**Complies** The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, balcony and habitable windows to the street. The elevations of the dwellings feature a mixture of brickwork, render, cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.
Overshadowing	
The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: *(a) windows of habitable rooms* *(b) upper-level private balconies that provide the primary open space area for a dwelling* *(c) solar collectors (such as solar hot water systems and photovoltaic cells).* *General Section: Design & Appearance: PDC 9* *Except where otherwise specified in a zone, policy area or precinct, development should ensure that:* *(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June* *(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:* *(i) half of the existing ground level private open space* *(ii) 35 square metres of the existing ground level private open space* *(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.* *General Section: Design & Appearance: PDC 10*	The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). In relation to PDC 10, the shadow diagrams illustrate that: a) **Complies** The southern neighbour's north-facing family room sliding doors will be affected by shadow throughout the day. The shadow striking height will vary between 380-1100mm between 9am and 12 noon, increasing to 2400mm by 3pm. As such, the neighbour's north-facing windows should receive at least 3 hours over a portion of their surface between 9am and 12 noon, in accordance with criteria. b) **Does Not Comply** Approximately 69% of the southern neighbour's POS will be in shadow at 9am. By 12 noon, 62% of neighbour's POS will be in shadow, and at 3pm 78% of neighbour's POS will be in shadow. Given that the extent of overshadowing between 9am and 3pm will always exceed half of the neighbour's POS, the extent of overshadowing does not meet PDC 10(b). That being said, it is noted that: a) a portion of the neighbour's POS is already shaded by a veranda on their land; and b) the dwelling's height and setbacks comply with the relevant numerical criteria.

Visual Privacy	
Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures: *(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct* *(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms* *(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.* *General Section: Design & Appearance: PDC 11*	**Complies** The dwellings incorporate fixed obscure glazing to 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 dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.
Energy Efficiency	
Development should provide for efficient solar access to buildings and open space all year around. *General Section: Energy Efficiency: PDC 1* *Buildings should be sited and designed:* *(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 east, which should provide some exposure to winter sun, particularly in morning hours. **Partially Complies** As identified in the Overshadowing section of this table, the proposed dwellings will restrict the amount of winter sunlight available to the private open space of the southern adjacent dwelling, but should still allow adequate access to north-facing living area windows.
Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by: *(a) taking into account overshadowing from neighbouring buildings* *(b) designing roof orientation and pitches to maximise exposure to direct sunlight.* *General Section: Energy Efficiency: PDC 3*	**Complies** The dwellings incorporate a pitched roof form set at 22.5 degrees, with north-facing sections upon which solar collectors could be sited efficiently.
Flooding	
Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property. *General Section: Hazards: PDC 4* *Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:* *(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event* *(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.* *General Section: Hazards: PDC 5*	**Complies** Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor level of 100.3 should minimise the risk of floodwater entry in a 1-in-100 year average return interval flood event.

Landscaping, Fences and Walls	
Development should incorporate open space and landscaping in order to: *(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)* *(b) enhance the appearance of road frontages* *(c) screen service yards, loading areas and outdoor storage areas* *(d) minimise maintenance and watering requirements* *(e) enhance and define outdoor spaces, including car parking areas* *(f) provide shade and shelter* *(g) assist in climate control within buildings* *(h) maintain privacy* *(i) maximise stormwater re-use* *(j) complement existing native vegetation* *(k) contribute to the viability of ecosystems and species* *(l) promote water and biodiversity conservation.* *General Section: Landscaping, Fences & Walls: PDC 1* *Landscaping should:* *(a) include the planting of locally indigenous species where appropriate* *(b) be oriented towards the street frontage* *(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.* *General Section: Landscaping, Fences & Walls: PDC 2*	**Complies** A selection of landscaping is proposed between the dwelling and the front boundary, including roses, azeleas, Native Pencil Pine trees and native ground covers. The proposed planting species and distribution should adequately complement the built form and enhance the appearance of the road frontage and parking areas.
Fences and walls, including retaining walls, should: *(a) not result in damage to neighbouring trees* *(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality* *(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance* *(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street* *(e) assist in highlighting building entrances* *(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites* *(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land* *(h) be constructed of non-flammable materials.* *General Section: Landscaping, Fences & Walls: PDC 5*	**Complies** The application does not propose any retaining walls, but proposes 2.1 metre high fences along the side boundaries to protect the privacy of adjoining dwellings. This is required due to the FFL of 100.3 (sited approximately 300mm above natural ground level) which is required to mitigate risk of damage in a flood event. (The developer is proposing a waffle pad footing system, which means that the FFL is 400mm above BL, but paving level will be raised to 200-300mm below FL.) It is noted that a 2.1-metre-high fence does not comprise “development”, and would have a similar impact on adjacent properties as a 300mm high retaining wall with 1.8 metre high fence on top, as would usually be seen on sites of this nature. On balance, the proposed fencing 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.
Land Division	
When land is divided: *(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner* *(b) a sufficient water supply should be made available for each allotment*	**Complies** a) Stormwater is capable of being drained safely and efficiently from the allotment, subject to recommended conditions of consent 3 and 4. b) SA Water have confirmed that water supply is available (subject to conditions).

(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health *(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.* *General Section: Land Division: PDC 1*	c) SA Water have confirmed that sewerage connection is available (subject to conditions). d) N/A
Land should not be divided if any of the following apply: *(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use* *(b) any allotment will not have a frontage to one of the following:* *(i) an existing road* *(ii) a proposed public road* *(iii) access to a public road via an internal roadway in a plan of community division* *(c) the intended use of the land is likely to require excessive cut and/or fill* *(d) it is likely to lead to undue erosion of the subject land or land within the locality* *(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development* *(f) the intended use of the land would be contrary to the zone objectives* *(g) any allotments will straddle more than one zone, policy area or precinct.* *General Section: Land Division: PDC 2*	**Complies** a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use. b) All allotments will have a frontage to the public road. c) Minor cut/fill is required. d) Erosion is unlikely. e) The area is sewered. f) The intended use of the allotments is consistent with the zone objectives. g) The allotments are located wholly within the zone and policy area.
Design and Layout *Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.* *General Section: Land Division: PDC 3*	**Does Not Comply** Dwelling 1A: 35.3 / 6.6 = depth 5.4 times the width Dwelling 1B: 36.7 / 6.7 = depth 5.5 times the width Dwelling 1C: 38.0 / 6.6 = depth 5.8 times the width
The design of a land division should incorporate: *(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities* *(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare* *(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones* *(d) suitable land set aside for useable local open space* *(e) public utility services within road reserves and where necessary within dedicated easements* *(f) the preservation of significant natural, cultural or landscape features including State and local heritage places* *(g) protection for existing vegetation and drainage lines* *(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development* *(i) the preservation of significant trees.* *General Section: Land Division: PDC 7*	**Complies**

Allotments should have an orientation, size and configuration to encourage development that: *(a) minimises the need for earthworks and retaining walls* *(b) maintains natural drainage systems* *(c) faces abutting streets and open spaces* *(d) does not require the removal of existing native vegetation to facilitate that development* *(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.* *General Section: Land Division: PDC 10*	**Partially Complies** The development will require the removal of a mature street tree and will overshadow the development to the south.
The layout of a land division should provide for efficient solar access. *General Section: Land Division: PDC 11*	**Generally Complies**
Roads and Access *The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:* *(a) the size of proposed allotments and sites and opportunities for on-site parking* *(b) the availability and frequency of public and community transport* *(c) on-street parking demand likely to be generated by nearby uses.* *General Section: Land Division: PDC 21*	**Complies** a) Adequate on-site parking is available b) Public transport services are accessible in the wider locality c) The locality is dominated by residential uses with typical on-street parking demand.

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:

Issue	**Development Plan criteria**	**Proposed development**	**Discrepancy**
Site areas	250 m^2	Dwelling 1A: 232.6 m² Dwelling 1B: 244.4 m² Dwelling 1C: 249.5 m²	Dwelling 1A: 17.4 m² (-7.0%) Dwelling 1B: 5.6 m² (-2.2%) Dwelling 1C: 0.5 m² (-0.2%)
Frontage width	7 m	Dwelling 1A: 6.7 m Dwelling 1B: 6.8 m Dwelling 1C: 6.7 m	Dwelling 1A: 0.3 m Dwelling 1B: 0.2 m Dwelling 1C: 0.2 m
Site coverage	40%	Dwelling 1A: 57.4% Dwelling 1B: 54.9% Dwelling 1C: 54.4%	Dwelling 1A: +17.4% Dwelling 1B: +14.9% Dwelling 1C: +14.4%
Floor area ratio	0.6	Dwelling 1B: 0.67 Dwelling 1C: 0.63	Dwelling 1B: 0.07 (17.1 m^2) Dwelling 1C: 0.03 (7.5 m^2)
Boundary wall height	3.0	Dwelling 1C: 3.5m height on common boundary with proposed Dwelling 1B.	Dwelling 1C: +0.5 m

Overshadowing	At least half of the existing ground level POS of existing buildings receives direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June.	Between 62% and 78% of the southern neighbour's POS will be in shadow between 9am and 3pm on 21 June.	Additional 12-28% of neighbour's POS will be in shadow.

Site area

The overall site is 726.7 square metres in area, which falls 3.1% short of the minimum required for 3 row dwellings. In isolation, the shortfall in site area is considered relatively minor in nature and is not considered to jeopardise the merit of the proposal.

Given that the site is located within relatively close proximity to public transport options and activity centres, the increase in density on the land is considered appropriate.

Frontage width

The overall frontage width of the allotment falls 0.79 metres short of that required for 3 row dwellings in the Northern Policy Area 13. This minor shortfall is not considered to result in tangible impacts, particularly given that the dwellings maintain adequate setbacks to side boundaries.

Site coverage

Site coverage considerably exceeds minimum criteria – the overall site coverage equals 55.5% of the site area, where a maximum 40% is prescribed. This includes two small verandah/alfresco areas to Dwellings 1A and 1C, however, when the verandahs are subtracted, the site coverage remains high at 53.7%.

While site coverage exceeds numerical criteria, it is acknowledged that the dwellings have been designed with adequate setbacks from boundaries and private open space. As such, the extent of site coverage does not create shortfalls in other quantitative aspects of the proposal, and therefore should not adversely impact on adjacent properties or future users of the subject land.

It is also noted that the subject land is located in a Determined Area for the purposes of Schedule 4 complying dwellings (the Residential Code), where detached and semi-detached dwellings can be constructed with roof coverage up to 60% of the site area. While the excess in site coverage of this particular proposal is acknowledged, it is also appropriate to acknowledge the type of development that can be constructed on the site "as of right".

Floor area ratio

Dwellings 1B and 1C maintain a relatively minor excess in floor rea ratio. However, given that the upper level setbacks comply with criteria, the excess in floor area ratio should not cause adverse impact to the subject land, adjacent land or the locality.

Boundary wall height

The 0.5m excess in boundary wall height of Dwelling 1C is not ideal, as it will limit the amount of winter sunlight available to the living areas of Dwelling 1B. However, this discrepancy does not undermine the merit of the proposal.

Overshadowing

The proposal will result in overshadowing of the southern adjoining dwelling's POS which exceed the maximum extent prescribed in the Development Plan. However, it is important to note that the proposal satisfies side setback criteria and substantially exceeds rear setback criteria. It is considered unreasonable to require further increase in setbacks above and beyond minimum criteria to meet the overshadowing provisions. Indeed, for that to be achieved, the essential nature of Dwelling 1A may need to be changed (i.e. to a single storey dwelling). Given that two-storey row dwellings are an anticipated form of Development in the Northern Policy Area 13, those overarching zone and policy area objectives are considered to outweigh a slight excess in the extent of overshadowing.

It is acknowledged that the proposal's other shortfalls in site area, site coverage and floor area ratio may contribute to additional overshadowing impacts on adjacent land. However, it is also noted that a two-storey complying dwelling could be constructed on the land "as of right" with its upper storey set back 6 metres from the rear boundary (where it is currently 15.9 metres), which would significantly increase the extent of overshadowing.

As a result of these considerations, on balance, the overshadowing impacts are not considered fatal to the proposal.

A N A L Y S I S / C O N C L U S I O N

The proposed development generally satisfies the objectives and desired character of the Northern Policy Area 13, as it provides medium density dwellings in a different architectural style at a higher density than the original dwelling stock in the area. Two storey row dwellings are an anticipated form of development in the Policy Area, however the site area falls 3.1% short of the minimum specified for 3 row dwellings, while the site frontage is 3.8% below.

The dwellings have been designed to satisfy a majority of applicable Development Plan provisions, although noting non-compliances in site coverage, floor area ratio and overshadowing impacts. For the reasons outlined in the above "Table Discussion", these non-compliances are not considered to outweigh the merits of the proposal.

Despite the shortfalls in site area, frontage and site coverage, it is noted that the proposed dwellings have been designed to provide setbacks from boundaries and private open spaces which meet or exceed the minimum guidelines.

The dwellings provide a relatively attractive appearance with a range of building elements and materials.

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

R E C O M M E N D A T I O N

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2016/2222 for a Torrens Title residential land division (1 into 3 allotments) and to construct three (3) two-storey row dwellings with associated landscaping at 1 Eton Avenue, Warradale, be GRANTED subject to the following conditions:

C O N D I T I O N S

Development Plan Consent

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/2222, being drawings prepared by Wise Drafting Pty Ltd dated 15/05/2017, Siteworks & Drainage Plan prepared by P & G Structures Pty Ltd reference PG17047 issue P3, and Site Allotments and Party Walls prepared by Wise Drafting Pty Ltd dated 24/05/2017, except when varied by the following conditions of consent.

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

3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

4. 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. The portion of the upper floor windows (except the west-facing windows presenting to the street) less than 1.7m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council.

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.**

10. **Party/common walls associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**

11. **All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**

12. **The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**

Land Division Consent

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

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

   On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

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

2. **Payment of $13352 into the Planning and Development Fund (2 allotment(s) @ $6676/allotment).**
   Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

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

NOTES

1. **The applicant shall provide payment of $700 + GST for removal and replacement of the existing street tree. Payment can be made by credit card by contacting Development Services Administration on 8375 6685 and quoting Development Application Number 100/2016/2222.**

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

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 June 2017

Agenda Ref No:	**DAP070617 – 2.11**
Originating Officer:	**Alex Wright** **Development Officer - Planning**
Applicant:	**Park Building Group Pty Ltd**
Development Description:	**Three single storey row dwellings including 1.2 metre-high masonry front fence and associated landscaping**
Site Location:	**22 Browning Avenue, Plympton Park**
Zone:	**Residential Zone**
Policy Area:	**Northern Policy Area 13**
Application Type:	**Category 1/Consent**
Lodgement Date:	**04/04/2017**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2017/576**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions**

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(ii)&(iv)) of the Development Regulations 2008, which assigns the construction of 1 or more single storey dwellings, or 3 or more row dwellings (provided that no such dwelling is more than 2 storeys high) as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting allotment areas less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
The internal garage width of 2.9 metres does not accord with Australian AS: 2890 - Parking facilities which requires a minimum parking space width of 3 metres.	Garage of each dwelling widened to achieved a minimum width of 3 metres.

Information Requested	Information Provided
Cross-section of the proposed party wall.	Provided.
Amended landscape plan that provides greater detail and clarifies what species are proposed and their planning location.	Provided.

SUBJECT LAND & LOCALITY

The subject land is located to the south-western side of Browning Avenue, Plympton Park. The site is rectangular in shape and supports a frontage width of 14.63 metres to Browning Avenue, a secondary frontage of 36.58 metres to Acacia Street, a depth of 17.68 metres and an overall allotment area of 697 square metres.

The subject site is relatively flat and contains a 1950's era conventional post-war dwelling in moderate condition. The Certificate of Title confirms that the land is clear of any encumbrances or easements. Vehicular access to the site is currently achieved through crossovers located to the Acacia Street frontage and the corner cut-off at the intersection of Acacia Street and Browning Avenue. Both of these crossovers will be reinstated and new access points/crossovers constructed as part of the proposal.

The locality is typically defined by a mixture of single storey detached dwellings on large allotments and recently sub-divided allotments incorporating a variety of modern style single storey dwellings at higher densities.

The subject allotment is within 150 metres of the Plympton Park Oval which incorporates a large recreational oval and playground. The allotment is also within 400 metres of both Marion Road which provides Adelaide Metro bus services to Marion Shopping Centre, Flinders University/medical precinct and the Adelaide CBD and the Adelaide-Glenelg tram line which provides frequent Adelaide Metro services to the Adelaide CBD and Glenelg.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes the demolition of the existing dwelling and the construction of three, single storey row dwellings and 1.2 metre high masonry front fence.

Each dwelling incorporates three bedrooms, laundry, en-suite, bathroom and a combined kitchen/meals/family room with direct access to the associated area of private open space. Each dwelling is afforded a single width garage or carport, which has direct access to Acacia Street. New crossovers are proposes for each dwelling.

A 1.2-metre-high masonry fence with horizontal timber slats infill is proposed along the Acacia Street front boundary.

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

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

PDC 1	*The following forms of development are envisaged in the policy area:* ▪ *affordable housing* ▪ *dwelling including a residential flat building* ▪ *supported accommodation.*	**Complies**
PDC 2	*Development should not be undertaken unless it is consistent with the desired character for the policy area.*	**Complies**

PDC 3	*Minimum Site Area: 250m^2*	**Does Not Comply** Dwelling 1: 235m^2 Dwelling 2: 231m^2 Dwelling 3: 231m^2
	Minimum Frontage: 7m	**Complies** Dwelling 1: 13.1m Dwelling 2: 12.99m Dwelling 3: 10.49m
	Minimum Depth: 20m	**Does Not Comply** Dwelling 1: 17.72m Dwelling 2: 17.72m Dwelling 3: 17.72m

A s s e s s m e n t

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

The proposed single storey three-bedroom dwellings do not necessarily provide diversity in accommodation needs, as three-bedroom dwellings are common in the locality. However, it appears that market demand favours this common housing type, as it is suitable for a range of demographics.

The site is located in relatively close proximity to a number of desirable attributes where higher densities are sought. Occupants would be in walking distance to Plympton Park Oval which provides recreation opportunities. Bus transportation is available on Marion Road with services to the City and Flinders University, whilst the Adelaide-Glenelg tram line provides frequent services to both the City and Glenelg.

The proposal does display numerical shortfalls with respect to the minimum site area and allotment depth.

Site Area

Each allotment incorporates a site area under the minimum 250 square metres required for row dwellings within the Northern Policy Area 13. The allotment areas of Dwelling 1 and Dwellings 2 & 3 equate to 235 and 231 square metres, 15 and 19 square metres less than the minimum sought, for each dwelling, respectively. It is noted that the total site area (697 square metres) falls short of the minimum required for three row dwellings (750 square metres) by 53 square metres, or 7%.

The shortfall in site areas are not considered to represent a substantial disparity against provisions which, in itself, may warrant refusal of the application. The density proposed is considered to be compatible with, and reflective of, the Objectives and Desired Character of the Northern Policy Area 13 which seeks low-to-medium density dwellings of a variety of architectural styles. Furthermore, it is noted that the proposed allotments exceed frontage width

requirements, and therefore the undersized nature of the allotments will not be readily apparent when viewed from the streetscape.

It will be shown throughout this report that each of the dwellings achieve relative compliance when assessed against the remaining provisions of the Development Plan and in my view, will not adversely affect the amenity of future occupants or existing neighbouring properties.

Depth

Each allotment accommodates a depth of 17.72 metres, 2.28 metres short of that sought within the Northern Policy Area 13. The shortfall in front and rear setbacks can be somewhat attributed to the lack of allotment depth. As discussed further within the report, the dwellings are considered to achieve acceptable front, side and rear setbacks, in addition to adequate dimensions and area of private open space. As such, it is considered the achievement of these provisions does not affect the functionality of the site and therefore the shortfall in allotment depth is not considered 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	
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*	**<u>Site coverage:</u>** **Does Not Comply** Dwelling 1: 130m^2 / 55% Dwelling 2: 128.03m^2 / 55% Dwelling 3: 128.03m^2 / 57%
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*	**Partially Complies** Whilst the proposed setbacks do not meet the relevant setback provisions, as discussed further within the report, they are considered appropriate.
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	**Complies**

pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces. *General Section: Residential Development: PDC 15*	

Site coverage for the proposed development is high, with Dwellings 1, 2 & 3 attaining site coverage of 57%, 55% and 55% respectively, which significantly exceeds the Council's desired 40% maximum. The excess in site coverage, in this instance, is considered acceptable given the dwellings provide reasonable separation to side and rear boundaries (as discussed further in this report) and appropriate areas and dimensions of private open space, with appropriate northern orientation and direct access from a living area. Due to the nature of row dwellings being boundary to boundary, site coverage is generally higher than detached or semi-detached dwellings as the dwellings do not provide separation to at least one side boundary (this being a requisite of row dwellings). Nevertheless, the absence of side setbacks or separation will not result in visual impacts to the adjoining properties on either side of the subject site.

Notwithstanding the above, the high site coverage is unlikely to create an adverse visual impact on adjoining properties. It should be noted, a dwelling 'as of right' can achieve site coverage of up to 60% under the Residential Code and whilst not applicable for a dwelling of this type, this does indicate a degree of flexibility should the dwelling adequately function and meet the likely needs of the occupants. Furthermore, a row dwelling 'as of right' can incorporate site coverage of up to 70% when constructing a verandah or outbuilding under Schedule 1A or 4 of the Development Regulations 2008. In this instance as an alfresco is already incorporated into the dwelling design a further increase in site coverage is unlikely.

On balance, subject to satisfying other Development Plan criteria, the excess in site coverage is not considered to be fatal to the merit of the subject application.

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: 51.59m^2 / 21.9% Dwelling 2: 55.54m^2 **/** 24% Dwelling 3: 55.54m^2 **/** 24%

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 are 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. 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. g) The proposed POS areas maintain a north-westerly aspect, which should provide comfortable use all year round use. k) The POS areas are considered to have sufficient shape and area to be functional. **Does Not Comply** f) The POS areas are located next to the bedrooms of the adjacent dwelling to the northwest.
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

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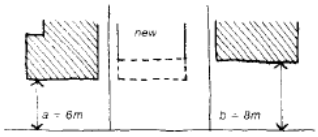
Except in areas where a new character is desired, the setback of buildings from public roads should:
(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
(b) contribute positively to the function, appearance and/or desired character of the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

General Section: Design and Appearance: PDC 21

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:

<table>
<tr><th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th><th>Setback of new building</th></tr>
<tr><td>Up to 2 metres</td><td>The same setback as one of the adjoining buildings, as illustrated below:
 

When b - a≤ 2, setback of new dwelling = a or b</td></tr>
<tr><td>Greater than 2 metres</td><td>At least the average setback of the adjoining buildings</td></tr>
</table>

General Section: Design and Appearance: PDC 22

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Complies
See Comments below

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Minimum setback from secondary road frontage: 2 metres

Residential Zone: PDC 6

</td>
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Complies
2.5 metres

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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

</td>
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Complies
Habitable rooms are adequately separated from pedestrian and vehicle movement.

</td>
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</table>

There are no buildings on adjoining allotments that provide a primary street frontage to Acacia Street, and therefore PDC 22 cannot be applied to the proposal. It is noted however, the adjacent southern dwelling is setback approximately 4.5 metres (its secondary frontage), and incorporates a carport abutting the Acacia Street boundary. It is further noted that dwellings within the immediate locality on either side of Acacia Street incorporate secondary street setbacks ranging from between 2.8 metres to 5.5 metres.

Acknowledging the characteristics of the locality, the proposed front setback to each dwelling of 4.4 metres is considered to be sufficiently compatible with other buildings in the locality and will contribute positively to the function, appearance and Desired Character of the locality.

Furthermore, as the development proposes the ‘reorientation’ of the site with a primary frontage of each dwelling to Acacia Street, the current front of the site will become the side boundary of Dwelling 1. With primary frontages facing Acacia Street, the proposal provides an improved street presentation to what currently exists, which is a significant length of fence provided to a secondary frontage.

Side Setbacks	
Minimum setback from side boundaries: *Where the wall height is not greater than 3 metres:* *0.9 metres* *Residential Zone: PDC 6*	**Complies** Dwelling 3: 2.8 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**
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* *Residential Zone: PDC 6*	**Does Not Comply** Dwelling 1: 960mm - 2m (21.63%), 5.118m (37.4%) Dwelling 2: 3m - 3.74m (58.96%), 5.25m - 5.74m (40.9%) Dwelling 3: 3m - 3.74m (58.96%), 5.25m - 5.74m (40.9%)
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** Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise overshadowing and the visual impact of bulk and scale on adjacent properties. 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.

Each dwelling does not meet the required setback of 6 metres- less a 3 metre incursion for a distance less than 50% of the allotment width.

Dwellings 2 and 3 are afforded a minimum rear setback of 3 metres (or greater) for approximately 59% of the allotment width, with the remainder of the respective dwelling setback between 5.25m and 5.74 metres – less than the 6 metres required. Dwelling 1 has been designed to achieve rear setbacks of between 960mm - 2m for 21.63% of the allotment width, increasing to 5.118m.

In my opinion, given the single storey nature of each dwelling and extent of articulation afforded to the rear of the proposed dwellings, adequate separation to the rear boundary (side boundary of the adjacent property) has been provided. Furthermore, each dwelling has been afforded appropriate area and dimensions of private open and consequently the discrepancy in setbacks

is considered acceptable as it will not have adverse impacts on future occupants and therefore not fatal to the functionality of the proposal.

Whilst the proposed minimum rear setback for Dwelling 1 of 960mm, increasing to 2 metres for approximately 21.63% of the allotment width, is significantly short of the minimum required, it is of value to note the western allotment boundary currently serves as the side boundary for the existing dwelling. If a new dwelling was to present to Browning Avenue a 900mm side setback, or a boundary wall, could be achieved and accord with the applicable provisions of the Development Plan. This, in my opinion, would arguably result in greater impacts to the adjacent land in relation to overshadowing and visual impacts.

The non-compliance in rear setback could be attributed to the lack of allotment depth and the undersized nature of the allotments; however, it has been demonstrated that the dwellings will be able to function appropriately in relation to site coverage, private open space area/dimensions and the other applicable provisions of the Development Plan. Given this failing is unlikely to result in amenity impacts to adjacent land I am of the view that this aspect of the proposal is appropriate.

Building Height		
Maximum building height (from natural ground level): *2 storeys of not more than 9 metres* *Residential Zone: PDC 6*		**Complies** The proposed dwellings incorporate a maximum building height of 5.1 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*		
Parameter	***Value***	
Maximum floor area	*60 square metres*	**Complies**
Maximum wall or post height	*3 metres*	**Complies** The carport of Dwelling 3 achieves a maximum floor to ceiling post height of 2.7 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** All carports/garages set back 5.5 metres from the front boundary and 1 metre behind the main face 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)*	**Complies** Dwelling 3 proposes a 6.44m length on the southern boundary.

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** Dwelling 1: 2.4m / 22.8% Dwelling 2: 2.4m / 18.4% Dwelling 3: 2.4m / 18.3%
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** All dwellings contain 3 bedrooms and 2 on-site car parking spaces (1 of which is covered)
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.*	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). *General Section: Land Division: PDC 22*		**Complies** 5 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.
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 crossovers are set back a minimum 1 metre from existing street infrastructure, and approximately 5 metres from the existing street tree.
The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking. *General Section: Transportation and Access: PDC 28*		**Complies** Vehicle access points are separated by a minimum distance of 6 metres.
Design & Appearance		
Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:		**Complies** The proposed dwellings reflect the desired character of the locality, as they incorporate an

(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*	attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance: • White and/or grey rendered finish to exterior walls • Monument colour panel lift garage/carport doors • Colbalt (charcoal/brown) brickwork to portico and dividing wall pillars. • Timber infill to portico • Woodland Grey roof sheeting • Black aluminium window and door frames • Fenestration incorporating floor to ceiling windows The proposed materials should not result in glare to neighbouring properties, drivers or cyclists. On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.
Relationship to the Street and Public Realm	
Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated. *General Section: Design & Appearance: PDC 13* *Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.* *General Section: Design & Appearance: PDC 14* *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.* *General Section: Design & Appearance: PDC 15* *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.* *General Section: Design & Appearance: PDC 16*	**Complies** The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.
Overshadowing	
The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: *(a) windows of habitable rooms* *(b) upper-level private balconies that provide the primary open space area for a dwelling* *(c) solar collectors (such as solar hot water systems and photovoltaic cells).* *General Section: Design & Appearance: PDC 9*	**Complies** The proposed single storey dwellings should cast a modest extent of shadow in winter. Furthermore, the most significant extent of shadow cast will be to the south toward the Acacia Street streetscape and heavily vegetated rear yard of the adjacent rear dwelling (43 Stradbroke Avenue). As such, the extent of shadow cast should not unreasonably impact habitable windows, POS or solar collectors of adjacent properties.

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/northwest 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 incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.
Landscaping, Fences and Walls	
Development should incorporate open space and landscaping in order to: *(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)* *(b) enhance the appearance of road frontages* *(c) screen service yards, loading areas and outdoor storage areas* *(d) minimise maintenance and watering requirements* *(e) enhance and define outdoor spaces, including car parking areas* *(f) provide shade and shelter* *(g) assist in climate control within buildings* *(h) maintain privacy* *(i) maximise stormwater re-use* *(j) complement existing native vegetation* *(k) contribute to the viability of ecosystems and species* *(l) promote water and biodiversity conservation.* *General Section: Landscaping, Fences & Walls: PDC 1* *Landscaping should:* *(a) include the planting of locally indigenous species where appropriate* *(b) be oriented towards the street frontage* *(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.* *General Section: Landscaping, Fences & Walls: PDC 2*	**Complies** The proposed planting species and distribution (see site plan) should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

Fences and walls, including retaining walls, should: *(a) not result in damage to neighbouring trees* *(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality* *(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance* *(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street* *(e) assist in highlighting building entrances* *(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites* *(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land* *(h) be constructed of non-flammable materials.* *General Section: Landscaping, Fences & Walls: PDC 5*	**Complies** The masonry front fence along the Acacia Street boundary contains 1.2-metre-high piers, with timber slat infill to permit some visibility of the dwelling from the street to enhance safety and street presentation. The masonry wall is to be white to match and complement the render of the dwellings. The fencing is considered to result in an attractive streetscape presentation which enhances the security of the proposed dwellings.

C O N C L U S I O N

Assessment against the quantitative criteria has demonstrated that a number of Development Plan provisions are satisfied, albeit with shortfalls relating to front and rear setbacks, site area, site depth and site coverage. Consideration of these shortfalls has demonstrated that the discrepancy in site area, site depth and setbacks to all boundaries does not adversely impact on the functionality of the dwellings or compromise the integrity of the Policy Area or locality. Furthermore, appropriate area and dimension of private open space has been provided to each dwelling and will not have a negative impact on future occupants or adjacent allotments.

In my opinion, the proposed development satisfies the relevant Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages the redevelopment of the existing housing stock at low to low-medium densities and a greater diversity in dwelling types.

In my view, the main non-compliances are the proposed front and rear setbacks of the dwellings. When these failings are assessed and considered in relation to their impacts on both future occupants and adjacent allotments, it has been demonstrated that the dwellings will function appropriately and the amenity of the locality will not be adversely affected. Further, assessment against the relevant qualitative provisions has shown that the proposed design and layout is compatible with that anticipated by Council's Development Plan and Policy Area. On balance, the overall merit of the proposal is considered to outweigh any discrepancies and shall assist in providing positive contribution to the streetscape.

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

RECOMMENDATION

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent for Development Application No: 100/2017/576 for Three single storey row dwellings including 1.2 metre-high masonry front fence and associated landscaping at 22 Browning Avenue, Plympton Park be GRANTED subject to the following conditions:

CONDITIONS

1. **The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/576, being drawing numbers 'Planning Plans Rev C' prepared by Dimension Design Studio, and dated 21/05/2017, except when varied by the following conditions of consent.**

2. **Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.**

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

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. **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 7 June 2017

Agenda Ref No:	**DAP070617 – 2.12**
Originating Officer:	**Kristen Sheffield** **Development Officer - Planning**
Applicant:	**CR Consultants**
Development Description:	**Garage additions to an existing habitable outbuilding**
Site Location:	**24 Wattle Terrace, Plympton Park**
Zone:	**Residential Zone**
Policy Area:	**Medium Density Policy Area 12**
Application Type:	**Category 1 / Consent**
Lodgement Date:	**01/03/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/368**
Recommendation:	**That Development Plan Consent be REFUSED subject to conditions**

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns the construction of a garage or outbuilding ancillary to a dwelling as Category 1 development. The application is being presented to the Development Assessment Panel by virtue of administration not being in the position to support the application in its current form and having exhausted opportunities to have the proposal amended by the applicant.

BACKGROUND

The application originally lodged sought for the construction of single-storey additions to the existing habitable outbuilding, incorporating two bedrooms, a bathroom, and an open plan kitchen/meals/lounge area with a front door presenting to Wattle Terrace. The additions to the existing building resulted in a separate and fully self-contained detached dwelling on the site in addition to the existing dwelling. Staff were not supportive of this outcome, and the proposal has since been amended a number of times. The application before the Panel maintains two rooms (one bedroom and one ‘recreation’ room) within the existing outbuilding, with what was previously proposed as a bathroom amended to a ‘store’ room and the previously proposed open plan kitchen/meals/lounge area now comprising a double garage including a sliding door opening to the front yard on the western elevation.

SUBJECT LAND & LOCALITY

The subject site is located at 24 Wattle Terrace, Plympton Park. The land comprises a corner allotment of 742 square metres, with an angled northern primary street frontage to Wattle Terrace and a western secondary street frontage to Macklin Street.

The subject land currently accommodates a single-storey detached brick dwelling, typical of the locality, as well as several ancillary structures to the rear and side of the dwelling (some of which may be unauthorised, but have existing in their current form for many years, and as such can remain there for the life of the building). Vehicular access is provided from Macklin Street to an attached garage at the rear of the allotment, while an additional crossover is sited on Wattle Terrace, adjacent the eastern boundary of the land. The contour of the land is relatively flat, and does not include trees classified as regulated pursuant to the current legislation.

The immediate locality, and in particular Wattle Terrace, is generally characterised by single-storey detached dwellings on medium to large allotments. Dwellings have generous setbacks from the road boundary, some with attractively landscaped front yards.

It is acknowledged that several dwellings within the locality comprise garages and/or carports either somewhat or entirely forward of the dwelling. For the Panel's reference, the following properties incorporate garages or carports closer to the primary street boundary than the main face of the associated dwelling:

1 Ferry Avenue	Garage sited 2.5m forward of main face of the dwelling.	Dwelling existed prior to 1999, no record of Development Approval located. Land division approved in 1994.
1/5 and 2/5 Ferry Avenue	Garages sited entirely forward of the associated dwelling.	Approved as per DA 100/619/1991
12 Wattle Terrace	Carport (and roller door) sited entirely forward of the associated dwelling.	Existed prior to 2002 and no Development Approval shown in Council's records.
13 Wattle Terrace	Carport (and roller door) sited entirely forward of the associated dwelling.	Existed prior to 2004 and no Development Approval shown in Council's records.
14A Wattle Terrace	Carport (and roller door) sited entirely forward of the associated dwelling.	Approved as per DA 100/808/1994
19 Wattle Terrace	Portion of carport sited 3m forward of main face of the dwelling.	Approved as per DA 100/1054/2009
28 Wattle Terrace	Portion of carport sited 0.5m forward of main face of the dwelling.	Approved as per DA 100/745/1996

Table 1.0: Garaging structures forward of dwellings within the locality

Refer Attachments I, II & III

PROPOSED DEVELOPMENT

The application proposes the construction of a double garage addition to an existing outbuilding structure. The double garage is sited entirely forward of the existing dwelling, and includes a 'store' room addition connecting the garage to the existing outbuilding.

The garage/store room additions are to comprise a rendered finish, panel lift garage door and a pitched roof form at 35 degrees, with a gable end presenting to Wattle Terrace.

Refer Attachment IV

DEVELOPMENT ASSESSMENT

The relevant provisions of the Marion Council Development Plan are listed in the following table and discussed in further detail below:

Principles of Development Control:		Assessment:
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*		**Partially Complies** The proposed garage addition is to include a rendered finish to all facades, and Colorbond roof sheeting. While the proposed materials vary to that of the existing dwelling (being face brickwork and roof tiles), the roof form, comprising a gable end presenting to the primary street complements design elements 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*	**Complies**
Maximum wall or post height	*3 metres*	**Complies**
Maximum building height	*5 metres*	**Complies**
Minimum setback from a primary road frontage	*Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.*	**Partially Complies** The proposed garage comprises a setback of 7.3 metres (measured at the closest point) from the primary road frontage, sited 6.7 metres in front of the main face 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*	**Does Not Comply** 0.6m
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** 6m
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**
Site Coverage		
Dwellings should be designed to have a maximum site coverage of 40% per cent of the allotment area. *Medium Density Policy Area 12: PDC 7*		**Does Not Comply** 48.5% (360m^2) *Existing site coverage: 42% (312m^2)*

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*	**Partially Complies** Shortfalls in POS are existing, and do not arise as a result of the proposed development and subsequent increase in site coverage.
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 subject land maintains sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.
Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces. *General Section: Residential Development: PDC 15*	**Complies**

Private Open Space

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

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

Residential Zone: PDC 7

Does Not Comply
POS currently equates to some 14% (104m^2) of the site area. This shortfall is not resultant of the proposed development.

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**

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** The existing dwelling comprises up to three bedrooms, with an additional two rooms within the habitable building able to be utilised as bedrooms.

Detached *Semi-detached* *Row*	*3 per dwelling containing 4 or more bedrooms one of which is to be covered.*	Up to five on-site car parking spaces are available, two within the proposed garage, two within the driveway forward of the proposed garage and one within the existing carport to the rear of the dwelling.
Table Mar/2 - Off-street Vehicle Parking Requirements.		
A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). *General Section: Land Division: PDC 22*		**Complies** Two on-street car parking spaces are available forward of the subject land.
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** Existing crossover 5.5m in width
Design & Appearance		
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*		**Partially Complies** Although the proposed side setback does not strictly comply with quantitative criteria, the 0.3m shortfall should not result in significant visual impacts upon or overshadowing of the adjoining property to the east. Given boundary walls are anticipated within this Policy Area, the shortfall in side setback is not considered to erode the character of the locality in regards to the patterns of space between buildings.
The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists. *General Section: Design & Appearance: PDC 3*		**Complies**

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

Maximum site coverage of 40% is prescribed for allotments with a site area of 325 square metres or more within the Medium Density Policy Area 12. Whilst the proposed development results in an increase in site coverage from 42% to 48.5%, the excess in building footprint is nonetheless considered relatively minor in extent and consequence given the current amount of private open space at the rear of the dwelling is maintained.

Minimum setback from side boundaries

The proposed garage additions are setback 0.6 metres from the eastern side boundary. Given the relatively conservative wall height of 2.4 metres, and that a boundary wall could nonetheless be anticipated in this location (and incorporate a height of up to 3 metres), the shortfall in side setback is considered acceptable.

Minimum setback for garages and carports from primary street frontage

The Development Plan seeks garages to be sited at least 0.5 metres behind the main face of the dwelling to ensure the residential portion of the dwelling is the most prominent and visible, and not dominated in appearance by car parking structures; which should be subservient and ancillary to the main building. Whereas the proposed double garage is sited 6.7 metres forward of the main face of the associated dwelling.

As previously outlined, it is acknowledged that several dwellings within the locality comprise garages and/or carports either somewhat or entirely forward of the dwelling. When specifically considering the streetscape of Wattle Terrace, in my opinion the construction of 5 carports (not garages, as is proposed), forward of the dwelling, (and noting only 3 of these are sited entirely forward of the dwelling) where the remaining 17 dwellings on the portion of Wattle Terrace between Park Terrace and Acacia Street have their garaging either in line with or behind the main face of the dwelling, does not provides a basis to justify further erosion of the character of the streetscape.

Furthermore, of the three carports sited entirely forward of the dwelling (being 12, 13 and 14a Wattle Terrace), only one of these structures received Development Approval, this being issued over 20 years ago. According to the Supreme Court, the existence of unauthorised development in the locality of a proposed development cannot be relied upon in support of a proposed development. This is because an applicant should not be able to improve the merits of his or her application by relying on the illegal conduct of others (see, for example, Durham v State Planning Authority (1982) 30 SASR 481 and Sullivan & Anor v District Council of Riverton (1997) 69 SASR 234).

It is of further worth to note that of the structures granted Development Approval both on Wattle Terrace and Ferry Avenue, the majority were approved prior to 2002. The fact that development which is in conflict with the Council's Development Plan exists within a locality is not a basis upon which further departures from the Plan should be justified. Rather, each application must be determined on its own merits in the context of the planning policies applicable at the time the application is made. See, for example, Dal Pra v City of Happy Valley [1995] EDLR 107; Just v City of Mitcham [2008] SAERDC 37.

Having said this, Commissioner Hamnet, in the cases of Dal Pra and Just stated that *"If the character of a particular locality has been so altered by a succession of planning decisions as to bring into question the relevance of existing policies.....that may well prove to be a material consideration in the assessment of an application".*

It is acknowledged that the existing garage and carport structures outlined above form part of the streetscape and regardless of whether they have approval, can remain there for the life of the buildings. However, the projection of the carports at 19 and 28 Wattle Terrace (those closest to the subject land) forward of the dwellings, in my opinion are relatively minor, and do not alter the appearance or character of the streetscape to any significant degree. The structures at 12, 13 and 14a Wattle Terrace are sited entirely forward of the dwelling, and in my view somewhat alter the character of the immediate locality, of those dwellings, noting that these are sited at least 200 metres from the subject land.

Accordingly, the application must be determined on its own merits in the context of the current Development Plan provisions, and not based upon other similar development within the locality (both unauthorised and approved). In this regard, it is noted that Objective 2 of the Medium Density Policy Area 12 seeks for development to minimise the potential impact of garaging of vehicles on the character of the area. The proposed double garage sited some 6.7 metres forward of the main face of the dwelling, does not satisfy this objective.

This being said, it must be acknowledged that the proposed garage additions comprise materials and finishes which are on balance considered complementary to the existing dwelling. It is further considered that due to the angled nature of Wattle Terrace, the proposed double garage is to be sited approximately in line with the adjacent dwelling at 23 Wattle Terrace. This may somewhat reduce the impacts of the proposed garage within the streetscape, however in my view, attention will nonetheless be drawn to the garaging, rather than the habitable elements of the subject dwelling. To permit garaging forward of the dwelling on the basis that it will be sited in line with the adjacent dwelling, does not in my opinion adequately absolve the garage dominance of the proposal. This is perhaps evident of the garaging structures at 12, 13 and 14a Wattle Terrace, where each carport is sited in line with or behind the main face of the adjacent dwelling, and yet still contribute to garage dominance of each allotment, with the garaging forward of each dwelling commanding attention within the streetscape.

In summary, the proposed garaging substantially forward of the building line is specifically discouraged by Council's Development Plan, and in my opinion does not warrant support.

ANALYSIS/CONCLUSION

The proposed garage additions are to be sited substantially forward of the subject dwelling. While other garaging structures forward of their associated dwellings exist within the locality, previous legal advice confirms that limited weight should be placed on their existence. In my view, support for the structure based upon the locality may undermine the intent of the Development Plan provisions.

It is noted that the materials and finishes of the proposed additions are complementary of the existing dwelling and its design elements, and the location of the proposed garaging generally in-line with habitable portions of the adjacent dwelling to the east, may somewhat reduce the garage dominance of the proposal within the streetscape. It is acknowledged that the proposed development may be finely balanced in this regard.

Ultimately, in my view, attention will nonetheless be drawn to the garaging, rather than the habitable elements of the subject dwelling, where such structures should be subservient and ancillary to the dwelling. Whilst the proposed development is not seriously at variance to the Development Plan it nonetheless does not sufficiently accord with the relevant provisions of the Development Plan, and it is recommended that Development Plan Consent be refused.

RECOMMENDATION

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993;

(c) However that Development Plan Consent for Development Application No: 100/2016/368 for garage additions to an existing habitable outbuilding at 24 Wattle Terrace, Plympton Park, be REFUSED for the following reasons:

REASONS FOR REFUSAL

(1) The proposed development does not minimise the impact of garaging of vehicles on the character of the area and thus fails to satisfy Objective 2 of the Medium Density Policy Area 12.

(2) The proposal fails to achieve a setback located 0.5 metres behind the main face of the associated dwelling in accordance with Principle 12 of the General Section: Residential Development.

Attachments

Attachment I: *Certificate of Title*
Attachment II: *Aerial Photograph & Site Locality Plan*
Attachment III: *Locality Plan: Garaging structures forward of dwellings within the locality*
Attachment IV: *Proposal Plan and supporting documentation*

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 June 2017

Agenda Ref No:	**DAP070617 – 3.1**
Originating Officer:	**Alex Wright** **Development Officer - Planning**
Applicant:	**APN Outdoor Pty Ltd**
Development Description:	**To attach a 12.53m wide by 3.36m high LED sign to the southern façade, and a 12.66m wide by 3.35m high internally illuminated sign to the northern façade of the Majors Road Bridge over the Southern Expressway**
Site Location:	**Majors Road, O'Halloran Hill**
Zone:	**Primary Production Zone**
Application Type:	**Category 3/ Non-Complying**
Lodgement Date:	**28/03/2017**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2017/532**
Recommendation:	**The report be noted**

INTRODUCTION

The subject application is a Category 3/Non-complying form of development by virtue of the Procedural Matters section of the Primary Production Zone, where advertisements and/or advertising hoardings are listed as non-complying forms of development, unless satisfying a number of criteria.

The proposed development is considered to be a non-complying form of development as the signs are located adjacent a road with a speed limit of 80km/h (northbound) and exceeding 80km/h (southbound) and the advertisement area of each sign exceeds 2 square metres.

The applicant seeks to develop the land to attach a 12.53m wide by 3.36m high LED sign to the southern façade, and a 12.66m wide by 3.35m high internally illuminated sign to the northern façade of the Majors Road Bridge over the Southern Expressway. Each sign will incorporate third party advertisements.

Whilst located within the Primary Production Zone, the site is not located within close proximity to any allotments of note that would be unreasonably impacted by the proposed advertisements. The advertisements are attached to the side of the Majors Road bridge which spans the Southern Expressway.

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

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

Category 3 / Non-Complying public notification occurred between 26th April and 10th May 2017.

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

RECOMMENDATION

The Panel note this report and resolve that the determination of the Manager – Development Services to proceed with the further assessment of Non-complying Development Application No: 100/2017/532 for To attach a 12.53m wide by 3.36m high LED sign to the southern façade, and a 12.66m wide by 3.35m high internally illuminated sign to the northern façade of the Majors Road Bridge over the Southern Expressway at 4 Majors Road O'Halloran Hill, be NOTED.

Attachments

Attachment I: Deposited Plan
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposal Plan and supporting documentation