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DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 February 2016

Agenda Ref No: DAP150217 – 2.1

Originating Officer: Alex Wright
Development Officer - Planning

Applicant: Mr John Adam

Development Description: Construction of a three level group dwelling and associated swimming pool & safety fencing, deck, earthworks and landscaping.

Site Location: 6 George Court, Marino

Zone: Residential Zone

Policy Area: Hills Policy Area 11

Application Type: Category 3/ Consent

Lodgement Date: 27/04/2016

Development Plan: Consolidated – 3 December 2015

Application No: 100/2016/745

Recommendation: That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 3 Consent form of development pursuant to Section 38 of the Development Act 1993, which prescribes any development that is not assigned to Category 1 or 2 by the Development Regulations or a Development Plan to be a Category 3 development. In this instance the proposal does not meet any applicable criteria outlined within Schedule 9 Part 1 Category 1 development or Part 2 Category 2 development of the Development Regulations 2008.

During assessment of the proposal Council sought legal advice regarding the nature of the subject application and was advised the proposal could not be considered a detached dwelling as the subject building formed part of a community scheme which formed a 'group' for the purposes of the definition and further one or more of the buildings have sites without frontage to a public road.

Council administration were of the view that the proposed development is not considered to be of a minor nature only and that it may impact on the owners or occupiers of land in the locality of the site of the development due to the scale of the built form and subsequent potential amenity impacts and therefore does not fall within the Category 1 criteria prescribed by Schedule 9 Part 1 2(g) of the Development Regulations 2008.

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

BACKGROUND

The subject land was created as part of Land Division Application 100/1998/1203 (DAC Ref 100/DA49/98) and DA 100/C001/01, which divided the original allotment into four, community titled properties.

As part of the original land divisions, the land was filled, and a watercourse which flowed through the property (during heavy rain events only) was piped and directed to the coast, some 1275 metres to the north-west.

The land is subject to a Land Management Agreement (9076324 – see *Attachment VI*) to the City of Marion, which requires each dwelling to adhere to a minimum finished floor level (to ensure flooding does not occur in the event the abovementioned pipe becomes blocked). In addition, Building Envelopes have been established on all properties, to provide an additional control for the placement of dwellings on the land. Since the division of land, allotments 1 (4 George Court), 3 (8 George Court) and 4 (10 George Court) have been developed with two storey and three storey dwellings. Each dwelling has exceeded the original Building Envelope proposed.

In May 2011, an application on the subject site proposing the construction of a two storey detached dwelling, incorporating a building height exceeding 9.0 metres (maximum 9.1m), and associated carport forward of the dwelling was approved by the then Council Development Assessment Panel. This application has since lapsed.

In February 2015, an application for the subject site was lodged proposing the construction of a two storey group dwelling (split level design) with associated earthworks and retaining walls and freestanding carport forward of the dwelling. The application was subsequently withdrawn in May 2016 prior to further assessment and a decision being made.

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

Amendments Requested	Amendments Made
Privacy measures to windows, the western external staircase and the north facing balcony are required to minimise the extent of direct overlooking.	Various privacy treatments incorporated into the proposal.
Second level balcony balustrading (both sides of the planter box) should be no less than 1 metre in height.	Balcony planter box balustrading increased to a minimum 1.2 metres in height.
Information Sought	Information Provided
Category 3 fees required.	Payment made.
Floor area (i.e. building footprint) of each level required.	Provided.
Provision of full colour and material schedule required.	Provided.
Site plans (levels plans) and elevation plans that are measurable at the specified scale required. Site boundaries must be nominated on all site (levels) plans.	Provided.
Provide FFL information to ensure the FFL's achieve compliance with the existing LMA and	Finished floor level information provided.

Council's Development Engineer requirements.	
Site plan that nominates the location of the carport.	Carport details included on amended plans.
A fully engineered siteworks and drainage plan.	Site excavation plan provided, however no fully engineered siteworks and drainage plan has been provided.
Survey/levels plan indicating levels throughout the site and adjacent land.	Provided.
Eastern elevation of the proposed dwelling (without the outline of the existing dwelling at 8 George Court in the foreground).	Provided.
Survey levels nominating the roof levels of the adjacent dwelling to the east (8 George Court) and the ground level and balcony level of the adjacent dwelling to the south (12 Ruth Court).	Provided.

SUBJECT LAND & LOCALITY

The allotment is located at 6 George Court, Marino (formally referred to as Jervois Terrace). Four fifths of the allotment is rectangular in shape with the last 'fifth' of the allotment comprising a 'handle' type component. The allotment incorporates a frontage to George Court of 8.82 metres, an average width of 14.25 metres, an average depth of 29.07 metres and an overall allotment area of 579.9 square metres.

The allotment 'handle' incorporates a moderate slope whilst the balance of the allotment incorporates a steep gradient in the order of 25% (1:4). Following a review of Council's records from 1998 it can be confirmed that the existing topography of the allotment has not been altered to any significant degree. Whilst the land is currently devoid of any structures it incorporates significant vegetation, particularly to the southern end of the allotment (rear) in the form of a several large bushes and a Norfolk Island Pine (*Araucaria heterophylla*) of considerable height and breadth. As it is located within 10 metres of the adjacent dwelling to the south, the Norfolk Island Pine it is not a Regulated Tree.

As discussed within the background section of this report, the allotment is one of four created by the 1998 land division. Two and three storey dwellings have been constructed at 4 (directly to the north), 8 and 10 (east of the subject land).

Dwellings outside of the community title division comprise relatively modest single, split level and two storey detached dwellings, typically constructed between 1950 and 1970. More recently-constructed dwellings are typically two storeys in nature, incorporate more generous floor areas and are designed to take advantage of the attractive coastal views spanning from north to west.

A two storey building, disposed of as a restaurant with associated car park, is situated some 45-50 metres north-west of the subject land. The Marino coastline is located approximately 90 metres west of the property.

The topography of the locality comprises steep to undulating land, influenced by the watercourse to the east and coast to the west/northwest.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct a three level group dwelling with associated swimming pool & safety fencing, deck, earthworks and landscaping.

Floor Level	Details
Below Ground Floor	<ul style="list-style-type: none"> • Double width carport sited under ground floor (level 1).
Ground Floor (First Level)	<ul style="list-style-type: none"> • Entry lobby and external stairs • Internal stairwell • Bedroom 1 and 2 (both incorporating a sunken lounge and raised bed platform) • En-suite and kitchenette to Bedroom 2 • Bathroom • Pool room with direct access to western deck and the in-ground swimming pool • Small shed, approximately 6 square metres in floor area, is located to the south of the pool
First Floor (Second Level)	<ul style="list-style-type: none"> • Study • Rumpus room (the FFL of the rumpus room is set down approximately 1.07 metres below the remainder of the first floor). • Laundry which is provided with external access to a small east facing deck • Open plan kitchen/living/dining area and stairwell with direct access to the north facing balcony and verandah (above Bedroom 1)
Second Floor (Third Level)	<ul style="list-style-type: none"> • Master Bedroom and associated walk-in-robe • Bedroom 3 (which is set down approximately 1.07 metres below the master bedroom) • Bathroom

Moderate earthworks and retaining are required to accommodate the proposed building and pool, most notably cut to the front of the site, to accommodate the double width carport, and to accommodate the partial in-ground pool. Vehicle access is to be gained via the existing common driveway.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	13 properties were notified during the Category 3 public notification process.
Representations:	3 representations were received by Council. <ul style="list-style-type: none"> - 1 against - 1 neutral/primarily against - 1 in favour subject to certain amendments
Persons wishing to be heard:	<ul style="list-style-type: none"> - Ms J Newport - Mr A Hughes - Mr F Gramola
Summary of representations:	<ul style="list-style-type: none"> - Proposal exceeds 85 square metre building footprint permitted by the LMA and should be setback a minimum 17 metres from existing northern boundary.

	<ul style="list-style-type: none"> - Location and height of building will result in a loss of privacy and amenity of adjacent allotments to the east, north and west. - Height of proposed development not considered appropriate. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<p>The applicant's response (planning consultant report) to the representations raised has been attached to this report.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Council's Development Engineer is satisfied the proposed minimum finished floor level of the dwelling is compliant with the existing Land Management Agreement.</p>
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ZONE & POLICY AREA ASSESSMENT

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

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

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	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ detached dwelling ▪ group dwelling 	Complies
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	Complies
PDC 3	<p>Development should be designed and sited to relate to the slope of the land, so that:</p> <p>(a) the bulk and scale of the buildings do not dominate the landscape</p> <p>(b) the amount of cutting and filling of the natural ground profile is minimised.</p>	Partially Complies See discussion below
PDC 4	<p>Wherever possible, existing vegetation should be used to screen buildings and excavation or filling from view.</p>	Partially Complies See discussion below
PDC 6	<p>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land by:</p> <p>(a) incorporating stepping in the design in accordance with the slope of the land</p> <p>(b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.</p>	Does Not Comply See discussion below

It is of value to acknowledge the dimensions and area of the allotment are considerably less than that currently sought for land of this grade within the Hills Policy Area 11. For Member's reference, based upon the average land grade in the order of 1:4 (25%), the subject property should incorporate a minimum site area of 1100 square metres, almost double to that which exists.

Nonetheless, as the land exists in its own right the owner of the land is therefore entitled to develop the land for residential purposes.

The proposed development maintains the existing low density character of the Hills Policy Area 11 by proposing a single dwelling on the allotment. It is acknowledged however, the 'density' of the proposed development, in terms of setbacks to boundaries for example, does not entirely reflect that sought by the Hills Policy Area 11 Desired Character which seeks 'low scale' development. Nevertheless, the site is not readily visible from the Adelaide plains, will not result in the loss of mature vegetation, nor impact on the natural features of the coast or

watercourses. The design of the dwelling has sought to minimise excavation of the site where possible. The proposal is considered to adequately satisfy the Objectives of the Policy Area.

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

The built form proposed is likely to have the greatest impact upon the property to the direct south (12 Ruth Court); due to the height of the building above ground level, potential loss of views to the north and north-west and loss of privacy. Additionally, allotments at 4 George Court (north), 8 George Court (east) and 1A & 2 Marine Parade (west) will experience varying degrees of impact in terms of visual amenity (i.e. the proposed bulk/scale impacts of the proposal) and loss of privacy (discussed within the visual privacy section of this report).

In order to minimise alteration of the existing land form, the dwelling has been designed to follow the contours of the land by effectively ‘sitting’ the built form on top of the land and incorporating minimal to moderate cut. Aside from the partial in-ground pool, the largest extent of cut will occur to the front portion of the dwelling to accommodate the carport (located under Bedroom 2 of the dwelling). Cut in this location is to a maximum height of 1.4 metres before tapering to ground level. Additional cut to a maximum 900mm will occur to the rear of the site to accommodate the rear portion of the dwelling.

Given the severe slope, and limited dimensions of the land, the applicant’s attempt to minimise excavation complies with the intent of the Policy Area and Council-wide Sloping land provisions (discussed further within this report).

The dwelling is proposed to be constructed over three levels (four when including the carport situated below Bedroom 1) and therefore presents a similar bulk and scale to other dwellings within the immediate locality. The building is well articulated with the increase in height of the building largely following the rise in ground level, whilst the floor area in each level is relatively modest in total area.

The above notwithstanding, due to unique design and the siting/placement of the dwelling and existing ground levels of the site in relation to adjacent allotments, the built form will result in considerable bulk/scale impacts on adjacent dwellings on adjoining land. As stated above, due to the varying topography of the land and the increase in building height (which occurs in conjunction with the slope of the land), the required setbacks to the respective boundary varies significantly.

When considering the proposed setbacks, consideration to the form and extent of setbacks to boundaries achieved by dwellings adjacent to the subject allotment should be considered. Due to the orientation of the allotment, the dwelling incorporates three side boundaries (northern, eastern and western). The dwelling to the east (8 George Court) shares a side boundary, whilst dwellings to the north (4 George Court) and West (1A & 2 Marine Parade) are orientated to face north and west respectively which therefore results in their rear boundary sharing the side boundary of the proposed development.

8 George Court

The adjacent dwelling incorporates three storeys (over four separate levels), and the western façade is heavily articulated incorporating several sections of built form set well back from the boundary. The façade incorporates two west facing windows (bedroom & hallway) and two small balconies/decks (accessed via bedrooms on the ground and upper level). The deck, set in from the dwelling, achieves a minimum setback of 3.2 metres, whilst the west facing windows achieve a minimum setback of 7 metres.

The majority of the eastern façade of the proposed dwelling achieves a setback of 2 metres, with minor articulation provided to assist in reducing the visual dominance posed by the built form and as such, the façade setback varies between 2.7 metres and 2.9 metres.

Due to the sloping nature of the topography and the construction of the built form over multiple levels, the proposed wall height in comparison to the proposed setback varies. The extent of eastern façade exceeding 6 metres in height measures between 7.9 metres (northern end of second level) and 7.7 metres (northern end of second level). The setback of this wall does not meet the minimum setbacks sought in Zone Principle 6 and compliant setbacks would achieve an additional setback of between 600mm to 900mm than proposed (see table below).

Wall height	Proposed Setback	Required Setback	Extent of non-compliance
<i>Eastern – 3rd Floor</i>			
6m	2m	2m	-
6.9m	2m	2.9m	900mm
7.3m	2.7m	3.3m	600mm
<i>Eastern – 2nd Floor</i>			
6m	2m	2m	-
6.9m	2m	2.9m	900mm
7.7m	2.9m	3.7m	800mm
<i>Eastern – 1st</i>			
5.3m	2m	2m	-

Whilst sections of the eastern façade do not meet the numerical setback requirements, the proposed and adjacent dwelling to the east share a side boundary. Given both dwellings are primarily designed and orientated to face north and considerable separation has been afforded between the proposed dwelling and habitable room windows and external usable spaces of the adjacent dwelling, the potential bulk/scale impacts attributed to the height and length of the building, and non-compliant side setbacks, will be limited. In my opinion, adequate separation and articulation to the building is provided and result in an acceptable impact upon the adjoining property to the east in relation to potential visual impacts.

1A & 2 Marine Parade

The proposed dwelling abuts two allotments to the west - 1A & 2 Marine Parade.

The dwelling sited at 1A Marine Parade is a relatively modest 2 storey split-level detached dwelling and the closest façade is approximately 16 metres from its rear boundary (side setback of proposed dwelling). As the dwelling has been designed to capture northern and western views, limited windows are incorporated to the eastern façade. A deck sited to the northern-eastern corner of the dwelling wraps around the northern and eastern façades and maintains an approximate setback of 16 metres to the rear boundary. The area between the dwelling and subject allotment, whilst technically the ‘rear yard’ of the dwelling, is heavily vegetated and landscaped, and not considered to be a usable area of private open space, albeit this area is likely to provide enjoyment for the occupants.

The dwelling sited at 2 Marine Parade is a substantial two storey detached dwelling that is designed and orientated to face west. The eastern façade incorporates ground level bedroom windows whilst the upper level incorporates small kitchen and study windows. In addition to the dwelling, a large alfresco is attached to the rear façade and an outbuilding of considerable size is located to the south eastern corner of the allotment abutting both boundaries. The dwelling achieves an approximate setback of 23 metres to the rear boundary (side boundary of proposed dwelling).

The majority of the western façade of the proposed dwelling achieves a setback of 2 metres to the western side boundary, with articulation provided to assist in reducing the visual dominance

posed by the built form and to increase the visual attractiveness of the building, and therefore increasing the setback of the façade to 3.8 metres. Due to the sloping nature of the topography and the construction of the built form over multiple levels the proposed wall height in comparison to the proposed setback varies. The extent of western façade exceeding 6 metres in height measures between 7.4 metres (northern end of third level) and 7 metres (northern end of first level (including a 1.2-metre-high solid balcony balustrade)). The setback of this façade, generally, does not meet the minimum setbacks sought in Zone Principle 6 and compliant setbacks would achieve a setback of between 700mm to 1.4 metres greater than proposed (see table below). Additionally, a balcony/deck with direct access to the ground floor (level 1) is sited on the western boundary and achieves a maximum height above ground level of 1.91 metres and a total structure height of 3.11 metres (deck above ground level combined with balcony fence/balustrade).

Wall height	Proposed Setback	Required Setback	Extent of non-compliance
<i>Western – 3rd Floor</i>			
6.7m	2m	2.7m	700mm
7.4m	2m	3.4m	1.4m
<i>Western – 2nd Floor</i>			
5.6m	2m	2m	-
6.7m	2m	2.7m	700mm
<i>Western – 1st Floor & balcony sited above.</i>			
6m (including 1.2m solid balcony balustrading)	2m	2m	-
7m (including 1.2m solid balcony balustrading)	2m	3m	1m

Whilst sections of the western façade do not meet the numerical setback requirements in relation to the wall heights proposed, it is worthy to note the adjacent dwellings are orientated to gain view of the north and west, and therefore considerable separation has been afforded between the proposed and existing built form.

The rear yards of 1A & 2 Marine Parade provide significant separation and, as both dwellings incorporate limited windows along their rear facades, the likely bulk and scale impacts of the proposed dwelling will primarily be limited to persons standing within the rear yard. Additionally, in my opinion, as the subject allotment straddles both 1A & 2 Marine Parade, the apparent bulk and scale of the dwelling will be lessened as only a portion of the proposed dwelling will be directly behind the allotment. The visual impacts of the proposed dwelling, as viewed from 2 Marine parade, will be further reduced by the existing outbuilding located on the western boundary.

In my opinion, the potential bulk/scale impacts attributed to the height and length of the building, and non-compliant side setbacks, whilst considerable, will not result in adverse visual or amenity impacts. The proposed façade incorporates sufficient articulation and the stepping in building height to reflect the existing topography, aids in lessening the overall height from a visual perspective. Additionally, the extent of separation afforded between the proposed dwelling and dwellings on adjacent land is significant and will assist in reducing the likely visual impacts. As such, it is my opinion the building is considered to result in an acceptable impact upon the adjoining properties to the west in relation to potential visual impacts.

4 George Court

The adjacent dwelling to the north of the subject site at 4 George Court is two storeys in nature and primarily oriented to the north-west to achieve ocean views.

The southern (rear) façade incorporates two small south facing windows (study & bathroom) and due to the angled nature of the rear boundary achieves a minimum rear setback of 3.3 metres before increasing to a maximum 6.5 metres. A large deck is located to the front of the

dwelling, whilst a verandah providing shade to a portion of private open space is located to the eastern corner of the allotment and detached from the dwelling.

Due to the angled nature of the northern boundary, the proposed dwelling achieves a northern setback of between 1.9 and 2.5 metres where, due to the combined wall and balustrade height proposed, would require setbacks of 2.8m and 3.1 metres respectively (as identified in the table below). As such, the setback of this wall does not meet the minimum setbacks sought in Zone Principle 6.

Wall height	Proposed Setback	Required Setback	Extent of non-compliance
<i>Northern setback</i>			
6.8m (including 1.2m solid balcony balustrading)	1.9m	2.8m	900mm
7.1m (including 1.2m solid balcony balustrading)	2.5m	3.1m	600mm

The siting of the dwelling approximately 1.9m to 2.5m metres from the northern boundary will be imposing and the two storey nature of the built form combined with the lack of compliant setback will result in considerable bulk/scale impacts on the adjacent allotment to the north. This being said, the dwelling is sited adjacent the northern allotment's service yard and the smallest dimensioned area of rear POS. Furthermore, only two small windows (study & bathroom) achieve a southern orientation. A majority of POS is located to the eastern side of the allotment, and whilst existing occupants will undoubtedly experience considerable visual bulk and scale impacts when standing in the rear yard, the maximum impact of the proposed dwelling, in terms of visual impacts, will be less when experienced from the primary area of POS under the verandah and unappreciable when using the balcony at the front of the site. The closest part of the rear verandah is located some 15 metres from the closest part of the northern façade indicating a reasonable extent of separation has been afforded.

Given the above, whilst the likely visual impacts caused by the height and design of the built form and non-compliant setbacks will significantly change the outlook currently experienced by the occupants on adjacent allotments, on balance, this is not considered fatal to the overall merits of the application. It should be acknowledged that due to the orientation of the allotments, and the severe grade of the subject land, any new dwelling on the land will have an appreciable impact upon land to the north.

Views Assessment

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

In assessing the potential loss of view, in my view, the two dwellings potentially most affected by the proposed development are those located at 12 and 12A Ruth Court, Marino (south and south-east of the allotment, respectively).

It should be noted the owner of this 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.

Although the dwelling is proposed to be constructed over three levels, no portion of the dwelling has more than two storeys above and/or below one another. As such, view loss is a result of the

two storey height of the dwelling; a height which is consistent with that sought in the Hills Policy Area 11.

Such is the topography of the land and the opportunity to obtain a view, many dwellings within the locality comprise either a split level or two storey form. The dwelling sited at 12 Ruth Court is a two storey split-level detached dwelling and incorporates a bedroom, garage and a living room with direct access to the rear deck on the upper level and bedrooms and a living area on the ground floor. The dwelling at 12A Ruth Court incorporates a garage, study, bedroom and open plan kitchen/meals/living area that has direct access to the upper level balcony. The ground floor incorporates a cellar, two bedrooms, laundry and retreat which has direct access to the rear area of POS.

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

Justice Debelle endorsed 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 those properties identified, following the four-part test. For clarity sake, a separate views assessment undertaking the above mentioned steps will be undertaken for each property.

12 Ruth Court

The dwelling at 12 Ruth Court is located to the south of the subject site. At present, from both the upper and lower level of the dwelling, partial and whole view of the ocean and Adelaide coastline is visible. 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 upper level are to the north along the Adelaide coastline and ocean and north-west over ocean. Whilst views are achieved, it is of importance to note that the extent of view becomes more limited further east due to the placement of existing dwellings and vegetation, whilst view to the northwest is limited by existing vegetation. Partial views of the ocean and Adelaide coastline from the lower level are severely disrupted by existing vegetation located on the adjacent northern allotment (site of proposed development) and dwellings within the immediate locality.

View of the Adelaide coastline to the north and ocean to the north-west from the upper level are primarily achieved from two areas of the dwelling – the open plan kitchen/living meals area and the smaller dimensioned section of balcony which extends from this room located to the eastern side of the dwelling and the larger dimensioned section of balcony and main bedroom located to the western side of the dwelling. It should be noted views from the western side of the dwelling to north and north-west are disrupted by existing vegetation.

From my estimates, the outlook from the western side of the balcony to the north and north-west will be most affected by the proposed development if approved, whilst view to the north-west from the eastern side of the balcony and living room will also be affected. Existing partial views of the ocean and Adelaide coastline from the ground level will be lost.

View to the north of the ocean and Adelaide coastline from the eastern portion of the dwelling (living room and small balcony) will continue to be achieved over the roof of the eastern section of the proposed dwelling. Loss of view from this location will be limited to roofs and backyards of dwellings located further north of the subject site and a small portion of ocean. It is considered that whilst some loss of view may be experienced, views of the ocean and coastline, including Brighton and Glenelg is likely to be uninterrupted from these rooms. In this sense, the proposal is considered to 'frame' the most important and sought-after views by removing the less attractive features within the foreground from view. View to the northwest of the ocean will however be lost as a result of the proposed height of the western portion of the proposed dwelling (approximately 1 metre higher than the eastern portion of the allotment).

It should be noted current view to the north-west from the western side of the balcony is significantly limited by existing vegetation, whilst view directly north experiences a reasonable level of disruption. Due to the increased height of the western side of the proposed dwelling, almost all existing view achieved to the north and north-west will be lost.

It is anticipated the construction of any dwelling on the land would result in the loss of view from the ground level.

The existing views gained are achieved over the subject allotment to the north and therefore the impact of the proposed development upon the views available from 12 Ruth Court relate to the setbacks, sitting and design, and height of the proposed development.

The dwelling does not exceed 9.0 metres above ground level (discouraged by Zone Principle 6 – refer to Table Discussion for explanation) whilst the rear setbacks proposed comply with the applicable setback requirements. As such, any view loss as a result of the building is somewhat 'anticipated' by the Policy Area provisions.

Whilst the southern end of the western façade (western corner of rear façade) achieves a total height of 7.4 metres above ground level and therefore requires a side setback of 3.4 metres (2 metres provided) to comply, the potential increase in separation from the western boundary would achieve little in the way of reducing the potential extent of view loss experienced by the occupants of 12 Ruth Court, especially as the existing vegetation (Norfolk Island Pine) significantly disrupts view to the north-west.

In my opinion, given reasonable views to the north of the Adelaide Coastline are still achieved, the extent of view loss would be considerable. Whilst the proposed dwelling will interrupt the current views available, when viewed from the eastern side of the upper storey a reasonable amount of the attractive elements of the view (Adelaide coastline from the north of Brighton Jetty) will remain largely unaffected. The below table has been provided to assist the Panel Members in gaining an appreciation as to the varying roof heights of the proposed dwelling in relation to the adjacent dwelling to the east and the balcony height of the dwelling subject to this views assessment.

Third Level – Lower Roof Height	36.08
Third level – Upper Roof Height	34.9
Adjacent Dwelling (8 George Court) maximum Roof height	34.78
Balcony Height of 12 Ruth Court	33.6 (average eye line height 1.5 metres above 35.1)

Assuming the survey plan is correct and accurate, the above figures demonstrate that a person of average height standing on the eastern side of the balcony of 12 Ruth Court could achieve a northern view over the roof of the proposed development.

Arguably the entire dwelling could be ‘set-down’ further to provide a lower finished floor level than proposed which would, in turn, reduce the overall bulk/scale impacts proposed and reduce the potential extent of view loss. However, it should be noted during the assessment of the proposal, Council sought amendments to lessen the potential visual impacts likely experienced by adjacent allotments to the south and as a result, the proposal was amended to ‘set-down’ the eastern side of the dwelling an additional 1.15 metres.

Whilst the existing ‘outlook’ to the north-west, and to the north and north-west from the eastern and western sides of the dwelling respectively, will be removed by the building, any double storey (and possibly, single storey) dwelling on the land will significantly affect this vista in any event.

It is apparent the proposed dwelling will have an impact upon the view currently enjoyed by the adjacent property to the south at 12 Ruth Court. The dwelling is generous in proportion, and a moderate lowering in finished floor levels of the dwelling would enable additional view to the north and partial views to the north-west. The potential loss of view from the lower level of the dwelling is a somewhat anticipated and an unavoidable result of development on the land, and the nature and extent of loss is therefore considered acceptable. In my opinion, the proposed development will not have such an adverse impact upon the amenity of this property when taking into consideration existing views, the extent of likely view 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 12 Ruth Court will be considerably 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 properties will not be “obliterated”.

12A Ruth Court

The dwelling located at 12A Ruth Court is located to the south-east of the subject site.

The dwelling comprises a bedroom, open plan kitchen/living meals area with direct access to a large north facing balcony on the upper level and two bedrooms and a retreat on the ground level. The dwelling maintains similar finished floor levels to the adjacent dwelling at 12 Ruth Court.

View over the adjacent dwelling to the north (8 George Court) of the Adelaide Coastline and ocean to the north, and view of the horizon and partially interrupted view of the ocean and portion of coast to the north-west is achieved from the upper level. Existing view to the north is unaffected by the proposed development. View to the north-west is gained over the side boundary of the property at 6 George Court.

The proposed development will result in the removal of a majority of ocean and coastline view to the northwest, whilst it is anticipated a significant extent of horizon will be retained. It should be acknowledged that whilst view to the north-west of the ocean and coast, whilst attractive, in *Hutchens v City of Holdfast Bay, Debelle J* stated “the protection of views across side

boundaries is more difficult than the protection of views from front and rear boundaries...The expectation to retain side views...is often unrealistic.”

To consider the reasonableness of the proposal, one should have regard to;

- Two storey dwellings are an envisaged form of development within the locality;
- The land is steeply sloping and the relative floor levels of the proposed dwelling;
- The extent of view available and the amount of view lost as a result of the proposed dwelling.

Views to the north-west whilst attractive, are not the primary views achieved and enjoyed by occupants of 12A Ruth Court (given extensive view of the ocean and Adelaide coastline to the north is achieved). Further, this view is gained over the side boundary of the property, which has been identified by Debelle J as one that is more difficult to protect. As such, I conclude the impact of the development upon these views to be moderate.

Whilst the ‘outlook’ to the north-west will be removed by the building, any double storey (and possibly, single storey) dwelling on the land will significantly affect this vista in any event.

As such, it is my opinion that the proposed development will not have such a detrimental impact upon the views currently enjoyed from the dwelling at 12A Ruth Court as to warrant refusal of the application. The potential loss of view from the lower level of the dwelling at 12A Ruth Court is a somewhat anticipated and unavoidable result of development on the land, and the nature and extent of loss is therefore considered acceptable. In my opinion, the proposed development will not have an adverse impact upon the amenity of this property when taking into consideration existing views, the extent of likely view lost and the overall reasonableness of the proposal as a whole.

In conclusion, it is my opinion that the proposed development satisfactorily adheres to the Desired Character of the Policy Area, by providing a low density dwelling of a differing architectural style, which has been designed to protect the landscape character of the Zone, reduce 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	
<p><i>Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area and a maximum floor area ratio of 0.4.</i></p> <p><i>Hills Policy Area 11: PDC 7</i></p>	<p>Complies Site coverage: 181.5m² / 31.2%</p> <p>Does Not Comply Floor area ratio: 0.45 265.6m² (proposed footprint), 231.96m² (maximum building footprint permitted)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>Whilst the dwelling does not achieve compliant setbacks to boundaries and does affect the amenity of adjoining properties, this is not a result non-compliant site coverage which is less than the maximum permitted.</p>

<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles. <p>General Section: Residential Development: PDC 14</p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>						
<p>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 15</p>	<p>Complies</p>						
<p>Private Open Space</p>							
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p> <table border="1" data-bbox="172 842 928 1263"> <thead> <tr> <th data-bbox="172 842 320 898">Site area of dwelling</th> <th data-bbox="320 842 512 898">Minimum area of POS</th> <th data-bbox="512 842 928 898">Provisions</th> </tr> </thead> <tbody> <tr> <td data-bbox="172 898 320 1263">175 square metres or greater</td> <td data-bbox="320 898 512 1263">20 per cent of site area</td> <td data-bbox="512 898 928 1263"> Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres. </td> </tr> </tbody> </table>	Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.	<p>Complies</p> <p>Level 1 Pool & Deck: 49.6m² Level 2 Deck: 57.3m² Rear Yard: 143.73m² Total: 250.63m² / 43.2%</p> <p>Level 2 deck is directly accessible from a living room, is greater than 10 percent of the site and achieves minimum 5m by 5m dimensions.</p>
Site area of dwelling	Minimum area of POS	Provisions					
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.					
<p>Residential Zone: PDC 7</p>							
<p>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</p> <ul style="list-style-type: none"> (a) to be accessed directly from the internal living rooms of the dwelling (b) to be generally at ground level (other than for dwellings without ground level internal living rooms) (c) to be located to the side or rear of a dwelling and screened for privacy (d) to take advantage of, but not adversely affect, natural features of the site (e) to minimise overlooking from adjacent buildings (f) to achieve separation from bedroom windows on adjacent sites (g) to have a northerly aspect to provide for comfortable year round use (h) to not be significantly shaded during winter by the associated dwelling or adjacent development (i) to be partly shaded in summer (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site. <p>General Section: Residential Development: PDC 16</p>	<p>Complies</p> <ul style="list-style-type: none"> d) The subject land does not maintain natural features which warrant preservation. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional. <p>Partially Complies</p> <ul style="list-style-type: none"> a) POS is directly accessible from the internal living rooms of the dwelling. b) POS is located at ground level and on the upper levels (with direct access to POS) c) A majority of POS is located to the side/rear of the dwelling and capable of being screened for privacy is desired. e) Due to the sloping topography of the land overlooking from adjacent dwellings is prevalent throughout the locality. Privacy 						

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

measures such as screening has been incorporated to provide mutual privacy to both the subject dwelling and adjacent allotments.
 g) Due to the north-south orientation of the dwelling the Level 1 and Level 2 area of proposed POS maintain a northerly aspect to provide for comfortable year round use. The rear area of POS is sited to the south of the dwelling and therefore to this end will not provide the greatest level of amenity for future residents.

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

Side Setbacks

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.

Where the wall height is greater than 6 metres:

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

Residential Zone: PDC 6

Does Not Comply

Wall height	Proposed Setback	Required Setback	Extent of non-compliance
<u>Northern setback</u>			
7.1m	2.5m	3.1m	600mm
6.8m	1.9m	2.8m	900mm
<u>Eastern – 3rd Floor</u>			
6m	2m	2m	-
6.9m	2m	2.9m	900mm
7.3m	2.7m	3.3m	600mm
<u>Eastern – 2nd Floor</u>			
6m	2m	2m	-
6.9m	2m	2.9m	900mm
7.7m	2.9m	3.7m	800mm
<u>Eastern – 1st</u>			
5.3m	2m	2m	-
<u>Western – 3rd Floor</u>			
6.7m	2m	2.7m	700mm
7.4m	2m	3.4m	1.4m
<u>Western – 2nd Floor</u>			
5.6m	2m	2m	-
6.7m	2m	2.7m	700mm
<u>Western – 1nd Floor & balcony on top.</u>			
6m	2m (balcony)	2m	-
7m	2m (balcony)	3m	1m

Due to the orientation of the allotment the dwelling achieves setbacks to three side boundaries (northern, eastern and western). Due to the varying topography of the land and the increase in building height, the required setbacks to the respective boundary varies significantly. The adjacent table outlines the proposed boundary setbacks in relation to the wall height. It is noted a majority of setbacks proposed in relation to the wall height proposed do not comply with Residential Zone Principle of Development Control 6. The merits of the proposed setbacks and potential impacts are discussed within the Residential Zone/Hills Policy Area 11 assessment chapter of this report.

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Partially Complies</p> <p>As discussed in the Zone/Policy Area and Overshadowing discussions, adequate separation and articulation to the building is provided to result in an acceptable impact upon the adjoining property to the south in relation to overshadowing and visual impact.</p>
<p>Rear Setbacks</p>	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 8 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres)</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>9m/9.2m & 11.2m/11.4m</p> <p>Due to the articulated nature of the rear façade and angled nature of the rear boundary, differing rear setbacks are provided. The proposed setbacks meet the minimum setbacks required for a two storey dwelling within the Hills Policy Area 11.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight.</p>
<p>Building Height</p>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The building does not incorporate a height exceeding 9.0 metres, as measured vertically above ground level at that point.</p>
<p>Garages, Carports, Verandas and Outbuildings</p>	
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p>Complies</p> <p>The proposed carport is beneath Bedroom 2 and is not considered to be an integral design element of the proposal.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p>

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 proposed double width carport provides 2 covered parking spaces, whilst the proposed driveway can accommodate an additional vehicle.

*Detached
Semi-detached
Row*

3 per dwelling containing 4 or more bedrooms one of which is to be covered

*Group
Residential flat building*

1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.

Multiple dwelling

0.7 per bedroom

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

Access

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

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

General Section: Residential Development: PDC 39

Does Not Comply

3.8 metre driveway width considered acceptable given no on-street parking will be affected.

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

Partially Complies

See below

The design of the proposed dwelling is unique, with significant articulation afforded to the dwelling through a combination of setbacks and angled walls. The increase in dwelling height correlates with the increase in ground level and assists in reducing the building's overall height, mass and proportion. The northern façade, which is highly visible from George Court and Jervois Terrace, incorporates significant articulation, fenestration and protruding roof/eaves to provide an attractive streetscape presentation and enhance the dwelling's overall design and appearance. This is further assisted by the eaves overhang and balcony elements.

The external walls of the building comprise a mix of painted light grey (Birch Grey) and dark grey (Colorbond Monument) fibre cement wall cladding whilst the perforated aluminium mesh privacy screens will, in addition to restricting overlooking, create a contrasting feature and assist the

visual appearance of the built form.

The external choice of differing greys are neutral, subtle colours and will complement the setting of the building and will assist in reducing the visual impact posed by the building's height and size.

The dwelling incorporates a flat Colorbond roof incorporating the colour 'Surfmist' and does not reflect the desired character of the locality as the roof pitch does not complement the local topography. This notwithstanding, the flat roof aspect of the dwelling is incorporated into the overall dwelling design through the use of extended eave overhang which acts also acts as a verandah. Whilst the colour 'Surfmist' is proposed for the roof, given the height of the proposed dwelling in relation to dwellings on adjacent land, the extent of glare should not be significant or adversely affect neighbouring properties.

On balance, the design and appearance of the dwelling 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

Partially Complies

The proposed north facing balcony has been integrated into the overall dwelling design. Given the dwelling does not directly face the street, balustrading 1.2 metres in height is considered necessary to appropriately reduce direct downward overlooking. Balustrading to a height of 1.2 metres will still enable line of sight to George Court from a standing position.

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

Partially Complies

Due to the unique and constricting nature of the subject allotment, the dwelling has not been designed to face George Court. Nevertheless, the dwelling has been designed so that the main entry point is easily identified from George Court.

The elevations of the dwelling feature a mixture of render, setbacks 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

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

As previously discussed within this report, the topography of the land varies significantly and results in the subject dwelling being sited higher than dwellings to the north, east and west, whilst land to the south/rear of the building grades up, rather than being flat. Given the reasonableness of the setbacks to boundaries and extent of separation afforded between the subject dwelling and dwellings on adjacent allotments to the east, south and west, overshadowing diagrams were not requested.

Given the allotment is orientated to face north, some shadow will be cast into the eastern adjoining property in afternoon hours, and to the western adjoining property in morning hours. Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. The dwelling affected the greatest in terms of overshadowing is located to the east of the subject site (8 George Court). As previously discussed within this report, the adjacent dwelling incorporates two west facing windows (bedroom & hallway) and two small balconies/decks (accessed via bedrooms on the ground and upper level). The deck, set in from the dwelling, achieves a minimum setback of 3.2 metres, whilst the west facing windows achieve a minimum setback of 7 metres. Although separation to the adjacent dwelling has been provided, the west facing habitable room windows will experience shadow during the afternoon.

The subject dwelling is setback from the rear boundary between 9 and 11.4 metres and the highest upper storey finished floor level is approximately 500mm below the upper finished floor level of the adjacent dwelling to the south (rear). As the upper level north facing windows and balcony are therefore set higher they will receive adequate direct winter sunlight. From my calculations, in winter the extent of southern overshadowing would primarily be limited to the adjacent dwelling's ground level POS and ground level north facing windows, however, the upper level balcony and habitable rooms windows will be free from shadow throughout the year.

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

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

Partially Complies

See Below

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

The dwelling incorporates considerable glazing to all facades, particularly the northern façade, in addition to a northern balcony on the second level, which provides extensive, uninterrupted views from the northeast through to the northwest. A pool/deck on western side and deck on the eastern side of the first level provide more limited views. It is acknowledged that in achieving these views, there is a high likelihood for overlooking onto the habitable room windows and useable private open space areas of the allotments directly abutting the subject site.

The subject land is overlooked by properties at 12 and 12A Ruth Court.

4 George Court

The proposed dwelling is likely to achieve view into the rear yard of the adjacent property at 4 George Court (north of the subject site) from Bedroom 1 and 2, the combined kitchen/living/dining area and balcony, and Bedrooms 3 and 4.

The northern façade incorporates significant glazing to all three floors and an expansive north facing balcony on the second level. Given the setback of the level two and three facades, no form of screening is proposed with clear glass incorporated to maximise the potential views. Screening in the form of perforated aluminium screens with round perforations and an open area of between 20%-25% have been attached to the northern façade of the first level (Bedroom 1) to restrict northern views. These screens extrude from the façade and are angled at 45 degrees to prevent persons standing within the room from gaining a direct northern view. Whilst view from these windows can still be achieved, it is limited in its extent and is primarily oriented to the north-west over the rear corner section of the northern allotment's rear area of POS. As such, direct and downward views into the main area of POS will be significantly limited.

In my opinion, the proposed screening will appropriately restrict direct and downward overlooking and reduce the overall extent of indirect overlooking achieved from the north facing bedroom windows by restricting the potential line of sight to the north-west corner of the allotment and therefore away from the most usable area of POS.

The second level balcony, which is sited on top of the ground level bedroom and achieves direct access to the kitchen/living/meals area, incorporates considerable privacy measures to assist in maintaining the privacy of adjacent allotments and limit direct downward overlooking whilst enabling occupants to maintain northern views. In order to minimise potential overlooking and maintain the amenity of the occupants, the balcony will incorporate solid balustrading to a height of 1.2 metres above the proposed floor level and 1 metre wide raised planter boxes (see balustrade cross-section within *Attachment III*). The location and height of these planter boxes, in addition to potential low scale landscaping, will aid in mitigating potential overlooking and limit direct downward overlooking onto the adjacent dwellings to the north and west. Furthermore, the limited front setback to the northern boundary will assist in reducing the potential extent of view gained as the opportunity to achieve downward views is severely limited by the acute angle. View achieved from the kitchen/living/dining area set further back will be restricted to over the balustrade height and therefore over the roofs of dwellings sited to the north and west.

A small portion of the deck incorporates clear balustrading which will permit view, although somewhat interrupted, from the main kitchen area into the rear yard of the adjacent allotment to the north. The extent of view gained will not be expansive and is somewhat unavoidable given the topography of the land within this locality. The minimum 10.5 metre setback from the boundary is considered to provide sufficient separation to appropriately reduce the potential extent direct view gained.

In my opinion, the second level northern façade setback, in addition to the physical addition of raised planter boxes to a height of 1.2 metres and a width of 1 metre (with or without associated landscaping), along the edge of the balcony, is considered sufficient to prevent persons standing on the subject balcony from achieving direct downwards views. The physical barrier created by the planter box structure is considered to sufficiently restrict persons from gaining downward views.

Whilst no privacy measures have been incorporated to the third level northern façade, the considerable setback of this façade to the northern boundary (16 metres) combined with its siting behind the roofline of the second level will appropriately limit view into the rear yard of the adjacent allotment to the north.

In my opinion, the extent of privacy measures incorporated to the northern facade is considered to appropriately protect the privacy and amenity of the adjacent allotments to the north.

8 George Court

The proposed dwelling is likely to achieve view into the side yard (balcony areas) of the adjacent dwelling at 8 George Court (east of the subject site) from the kitchen/living/dining area and balcony, laundry and associated deck, rumpus room and Bedroom 3.

Obscure glazing to a height of 1.7 metre above the internal floor level to the second and third storey windows along the eastern façade has been proposed. The incorporation of obscure glazing to a height of 1.7 metres, in my opinion, will appropriately minimise direct overlooking of habitable rooms and the small private open space areas.

As discussed earlier in this report, a small service deck with direct access to the laundry is sited approximately 1 metre from the eastern boundary and achieves a maximum height above ground level of 1.8 metres. Whilst no screening to this deck is currently proposed by the occupants, its primary use is that of a service area and will be infrequently used. It is not expected this area will be used frequently or by persons seeking a view, and in my opinion

screening is not considered necessary given the limited nature of use.

Clear balustrading has been provided to the eastern balcony façade. The limited dimension of the deck (1.8 metres), combined with the orientation of the kitchen/living/meals area to face north will result in no internal views and limited balcony views being achieved of the adjacent dwelling's habitable room windows and open space areas. Furthermore, any views will be oblique in nature and primarily limited to the front half of the adjacent allotment (which can be viewed from the George Court and Jervois Terrace). In my opinion, the extent of potential overlooking is limited with any view gained, being fleeting.

Although sited a minimum 3 metres above ground level, obscure glazing or screening to the east facing windows of bedroom 1 and bathroom is not considered necessary. The extent of likely view is limited and largely orientated east across the driveway of the subject allotment and driveway/front yard of the adjacent allotment to the east.

In my opinion, whilst some overlooking is likely to occur, the proposed dwelling has ensured a reasonable level of privacy is maintained for the adjoining property and will appropriately protect the privacy and amenity of the adjacent allotment to the east.

1A and 2 Marine Parade

The proposed dwelling is likely to achieve view into the rear yards of the adjacent dwellings at 1A and 2 Marine Parade (west of the subject site) from the pool room and associated deck, Bedroom 1, kitchen/living/dining area and balcony, study and master bedroom.

Considerable privacy measures have been incorporated to the western façade to assist in minimising the potential extent of direct and indirect overlooking onto the rear yards of 1A and 2 Marine Parade.

No privacy measures have been incorporated to the west facing windows of Bedroom 1 and as a result significant view into the rear yard of the adjacent allotment to the west (1A Marine Parade) will occur. Whilst the adjacent dwelling incorporates limited east facing windows, and the primary area and usable area of POS is located to the north of the dwelling, the unfettered extent of downwards and direct overlooking is considered unreasonable.

Approximately half of the western balcony façade will incorporate solid balustrading to a height of 1.2 metres above the proposed floor level and 1 metre wide raised planter boxes, whilst the remaining section of balcony will incorporate perforated aluminium mesh screening ranging in height from 900mm to 1.7 metres. The extent of screening proposed is considered to appropriately minimise the extent of downward and direct overlooking. Furthermore, obscure glazing to a height of 1.7 metres has been afforded to the west facing living room window which assists in reducing overlooking.

1.2 metre high timber slatted pool fencing has been incorporated to the western pool deck façade and runs the length of the allotment boundary until it intersects with the existing colorbond fencing of 2 Marine Parade. The significant height of the pool deck above ground level (maximum 1.9 metres extending to ground level as the topography rises), combined with the lack of separation to the western boundary (set on the boundary) and limited fence height (1.2 metres) does provide the opportunity for a person standing directly behind the fence to achieve direct view into the rear yards of 1A (northwest) and 2 Marine Parade (southwest).

As discussed earlier within this report, the adjacent dwelling to the northwest has been designed to capture northern and western views. The area between the dwelling and subject allotment, whilst the rear yard of the dwelling, is well vegetated and landscaped, and not considered to be a usable area of private open space. Therefore, whilst view into the rear yard is highly likely, as this area is not the usable and primary area of POS it will not adversely affect the amenity of existing occupants.

View into the rear yard of the allotment to the south west can be achieved by persons standing directly behind the fence and looking in a south-westerly direction. Given the topography of the land to the southwest is higher, it is anticipated the extent of direct view gained, whilst achievable, will be reduced by the higher ground level and existing colorbond fence.

No privacy measures have been incorporated to the west facing level three windows. These windows are orientated to the southwest and therefore potential overlooking is largely orientated to the southern eastern corner of the adjacent allotment where a large outbuilding is sited. View from these windows is achieved from the Master Bedroom landing/hallway and as this space is a transitional area and infrequently used, screening is considered unnecessary.

Whilst some extent of overlooking into the rear yards of the adjacent allotments rear yards will occur, on balance the overall extent is considered to be acceptable and will not adversely affect the amenity of the existing occupants.

12 and 12A Ruth Court

The proposed dwelling is likely to achieve view into the rear yards of the adjacent dwelling at 12 and 12A Ruth Court from Bedrooms 3 and 4.

12 and 12A Ruth Court, whilst achieving a southern street frontage are orientated to face north to achieve and maximise northern views. As previously mentioned, overlooking is a prevailing aspect of the locality and given the siting and placement of the proposed dwelling and dwellings at 12 and 12A Ruth Court, 'mutual' overlooking from the upper level rear windows of the subject dwelling and north facing upper level windows from the adjacent dwellings will occur.

No privacy measures have been afforded to the south facing windows of the master bedroom. This room is well setback from the southern boundary and is well setback from the rear boundary. Additionally, in my opinion this room is unlikely to be used as frequently compared to, for example, an open plan kitchen/living/dining room. It is highly likely the occupants will provide internal blinds or curtains to afforded themselves a level of privacy given the generally private nature of a bedroom. Obscure glazing to a height of 1.7 metres is proposed to windows of bedroom 3 and bathroom which will further assist in minimising the extent of south facing view gained.

The allotment to the rear (12 Ruth Court) incorporates a north facing balcony running the width of the dwelling and an open plan kitchen/living room with extensive northern views. The north facing balcony and habitable room windows result in overlooking into the bedroom windows of the proposed dwelling, and therefore the extent of privacy afforded to both is mutual.

Conclusion

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

Whilst some level of overlooking to all adjacent dwellings will occur, the potential extent is not considered to be excessive or unreasonable and I am satisfied the proposed dwelling will not result in a loss of privacy to such a magnitude as to warrant further amendment and/or refusal of the application.

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

Energy Efficiency

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 second and third levels incorporate a generous roof overhang that not only assists in reducing the bulk of the building, but will also reduce the extent of heat-loading during summer by providing shading to windows.

The dwelling has been designed and orientated to face north and as such the living rooms and two primary areas of private open space (in the form of balconies) face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around. Due to the north-south orientation of the allotment however, the rear yard is located to the south of the dwelling and will receive limited direct sunlight.

As identified in the Overshadowing section of this table, the proposed dwelling has been 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

Does Not Comply

The allotment achieves a northern orientation, however due to the flat roof design, solar collectors would have to either be sited flush with the roof or sited on tilt frames. The siting of solar collectors on tilt frames is undesirable from a visual appearance perspective, and would increase the potential visual impacts of the development. Nevertheless, there is ample space to accommodate solar collectors if desired.

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. An LMA was placed on the subject land in 2001 (before the current flood survey was undertaken) that required a minimum finished floor level 23.3 metres above AHD. Council's Development Engineer has confirmed that that the proposed finished floor levels are considered to sufficient and should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Partially Complies

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 planting species and distribution should appropriately complement the built form and reduce the visual impact of multi-level built form. The applicant has confirmed future plans to re-vegetate the land with predominantly Australian natives and other suitable species for the coastal environment following the completion of construction. There is adequate area outside the proposed dwellings' footprint to re-vegetate the land, which will assist the building in settling into its surroundings.

Limited retaining walls are proposed to accommodate the proposed dwelling. The largest retaining wall (excluding the pool) will be incorporated into the southern side of the carport, and as such, will not be highly visible outside the building. All other retaining walls required are less than 1.0 metre in height, and will generally be located under the footprint of the building.

As such, it is considered the proposal satisfies the above provisions.

Sloping Land

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

- (a) minimises their visual impact*
- (b) reduces the bulk of the buildings and structures*
- (c) 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
See below

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

Complies

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

Complies

The proposed development results in the largest extent of cutting adjacent the southern-western corner of the carport. This wall will retain approximately 1.4 metres of cut before tapering to natural ground level. Additional cut to a maximum 900mm will occur to the rear of the site to accommodate the rear portion of the dwelling.

Whilst the extent of cut will be visible, in my opinion, as it will be incorporated into the overall dwelling design potential visual impacts will be appropriately minimised. In my view, the applicant has sought to minimise alteration of the existing topography by proposing limited cut and essentially 'resting' each level on the land and/or on top of the previous level building level. The appropriateness of the proposed bulk/scale and associated visual impacts has been discussed earlier within this report.

Whilst the extent of land alteration has been reduced, this has resulted in the building rising above the crest of the land, which ideally would be avoided to reduce potential visual impacts and loss of views on adjacent allotments.

The allotment 'handle' incorporates a moderate slope before the balance of the allotment incorporates a steep gradient in the order of 25% (1:4). As discussed earlier in this report, if such a sub-division was to be granted under today's Development Plan, such an allotment would require a minimum site area of 1100 square metres. Therefore, in my view, it is unlikely the construction of a functional dwelling could be achieved on the site with a high degree of compliance with the conservative criteria of the Hills Policy Area 11.

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

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

Does Not Comply
See below

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

General Section: Siting and Visibility: PDC 5

Complies

The proposed building incorporates substantial stepping between walls and levels, whilst the north-south eave overhang will assist in creating shaded areas on the building's facade throughout the day. In this regard, the bulk of the building has been appropriately treated to ensure no unreasonable impacts upon adjoining land.

The dwelling will however sit some 5.08 metres above the highest part of the allotment, with the flat roof at an angle inconsistent with the significant slope of the land. In this regard, the proposal does not satisfy Principle 4(a) and (b) above.

Despite this, when having regard to the severe slope of the land and the restrictive dimensions of the property, the ability for any dwelling on the land to satisfy the intent of Principle 4(a) in conjunction with the numerous provisions seeking a minimisation of earthworks, is limited. Furthermore, a roof pitch reflecting the slope of the land will likely increase the visual bulk/scale of the dwelling and result in further loss of views and overshadowing impacts.

In this regard, given the reasonable setbacks to boundaries, I am of the view that as the building should not result in an unreasonable visual impact upon adjoining land via building bulk, setbacks and loss of view (all discussed earlier within this report), the lack of compliance with Principle 4(a) & (b) above is of little consequence.

Given the existing visual character and amenity of the landscape is poor, the proposed materials (differing shades of hebel) are not considered to be unreasonable and reflects that sought by Principle 5.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to potential privacy concerns, the overall visual bulk/scale of the proposal and loss of existing amenity have been addressed in the body of the report, and I have concluded that the proposal adequately complies in relation to these matters.

ANALYSIS/CONCLUSION

Due to the dimensions, layout and topography of the allotment, the subject land is a difficult site to develop. The land was divided some time ago, prior to the implementation of the Hills Policy Area 11, which, for land of such a grade, should incorporate a site area almost double that which exists. The land incorporates an average grade of 25%, with restrictive dimensions.

The proposed dwelling is not compliant with Councils Development Plan in respect to the boundary setbacks to the northern, eastern and western boundaries, the sitting and visibility of the dwelling as viewed from adjacent allotments. A number of additional minor shortfalls are apparent upon assessment.

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

This notwithstanding, the dwelling has been designed to somewhat complement the slope of the land, minimise the extent of cut and fill and minimise the need for and height of retaining walls. The non-compliance in wall heights and limited boundary setbacks combined with the overall relative lack of cut and earthworks magnifies the proposed visual prominence within the immediate locality and emphasises the building's height and considerable visual bulk and scale. In my opinion, the dwelling could be 'set down' further into the existing land, and whilst increasing the extent of cut and earthworks required, this would reduce the overall visual bulk and scale of the proposal and therefore lessen the visual impacts posed on adjacent allotments, particularly 4 George Court, and increase the extent of view retained by allotments to the rear.

The proposed development will undoubtedly result in considerable impacts on the occupants of the allotment to the rear of the subject site at 12 Ruth Court in terms of view loss and the dwelling's height above ground level. Whilst existing ocean and horizon views will be considerably reduced, it is anticipated view of the Adelaide coastline from a standing position on the rear balcony and adjacent living room will be retained. Multi-level dwellings are a common aspect of the locality, and are a reasonable and anticipated form of development. I am not satisfied that the likely extent of view lost as a result of the proposed dwelling's height, which does not exceed the minimum of 9 metres at any one point, is of such a severity as to warrant refusal of the application.

Overlooking is a prevailing aspect of the locality. It is considered the range of privacy measures incorporated into the dwelling's design, such as screening and planter boxes provide an acceptable level of privacy to the habitable rooms and areas of private open space of dwellings on adjacent land and minimise the potential for downward and direct overlooking. This notwithstanding, it is anticipated some overlooking will nonetheless still occur and in my opinion this is somewhat symptomatic of the locality and topography. On balance, the proposal is considered to provide sufficient preventative measures to minimise the extent of potential overlooking.

In conclusion, having regard to the nature of the impacts associated with the development, the nature of the slope of the land, unique allotment dimensions and the compliance of the proposal with a number of design criteria, I am of the view that the proposed development is not seriously at variance to the Development Plan, and whilst finely balanced in some areas, the proposal on balance warrants Development Plan Consent subject to a reserved matter and conditions.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) Pursuant to Section 33 (1)(a) of the Development Act 1993, Development Plan Consent for Development Application No: 100/2016/745 for Construction of a three level group dwelling and associated swimming pool & safety fencing, deck, earthworks and landscaping at 6 George Court, Marino be GRANTED subject to the following Reserved Matters and Conditions:

RESERVED MATTER

Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matter/s. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.

- (1) A detailed final (non-preliminary) geotechnical report prepared by a suitably qualified engineer which:
 - a. Confirms the footing designs are consistent with the Geotechnical Report recommendations submitted as part of the original land division process 100/C001/01 and 100/DA49/98.
 - b. confirms that the proposed dwelling can be constructed so as to be safe and stable;
 - c. specifies the necessary foundation and footings design to do so;
 - d. specifies the requirements for the formation of stable banks;
 - e. specifies the requirements for site drainage necessary for site stability; and
 - f. sets out any other necessary measures for site stability.
- (2) All privacy materials proposed for the external privacy screens shall be provided to Council for consideration and approval.

Pursuant to Section 33(3) of the Development Act 1993 the Council reserves its decision on the form and substance of any further conditions of development plan consent that it considers appropriate to impose in respect of the reserved matter outlined above.

NOTE: the final geotechnical report identified above may necessitate changes to the plans herein granted development plan consent. If that is so, a variation application must be submitted in relation to those changes.

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/745, being drawing number(s) A102, A103, A104, A105, A106, A107, A201, A202, A203, A204, A205, A301, A302, A701 – Revision F prepared by John Adam Architects, and received 01/02/2017, except when varied by the following conditions of consent.

- 2. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.**
- 3. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.**
- 4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**
- 5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**
- 6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**
- 7. All ancillary swimming pool plant/equipment shall be located a minimum 5.0 metres from any adjoining neighbouring dwelling and shall be contained within a sound reducing enclosure.**

NOTES

- 1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.**
- 2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**
- 3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**
- 4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- 5. Any variation/amendment to the plans and documentation granted Development Plan Consent will require further approval from the Council. If the amendments are deemed to be minor in nature in the opinion of the Council, they may be accepted as part of the current application pursuant to Regulation 47A of the Development Regulations 2008. Alternatively, if in the opinion of the Council, the variation(s) are not considered to be minor in nature, a new variation application must be lodged with the Council for assessment against the relevant Marion Council Development Plan.**

Attachments

- Attachment I: 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: Existing Land Management Agreement*
- Attachment VII: Image 1: Likely extent of view loss from the second storey of 12 Ruth Court, Marino.*

DEVELOPMENT ASSESSMENT PANEL
Wednesday 15 February 2017

Agenda Ref No: DAP150217 – 2.2

Originating Officer: Rhiannon Hardy
Development Officer - Planning

Applicant: Anand Bhatia

Development Description: Change of use from shop to restaurant, including internal alterations and the erection of two exhaust flues

Site Location: 1/577 and 2/577 Morphett Road, Seacombe Gardens

Zone: Neighbourhood Centre Zone

Application Type: Category 2 Consent

Lodgement Date: 10/10/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1866

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

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns any kind of development in a Neighbourhood Centre Zone as Category 2 development where the site is adjacent land to land in a zone which is different to the zone that applies to the site of the 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 (DAP).

The application also requires consideration by the DAP given that the proposal is likely to include an associated liquor licence.

BACKGROUND

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

Amendments Requested	Amendments Made
Restaurants require 1 on-site car park per 3 seats. Given that 51 seats are proposed, 17 on-site car parking spaces should be provided. The number of seats in the restaurant should be reduced so that the car parking demand does not significantly exceed that previously required by the existing shop.	Number of seats in restaurant reduced from 51 to 24.

SUBJECT LAND & LOCALITY

The subject land comprises unit 1 in Strata Plan 7750, known as 1/577 and 2/577 Morphett Road, Seacombe Gardens. The land encompasses the two (2) most-northern tenancies in a strip of shops facing Morphett Road. Five (5) other shops currently operate in the shopping complex.

A curtain & blinds shop called “The Curtain Company” previously occupied the subject tenancies, however both tenancies are currently vacant.

A driveway runs along the eastern side (rear) of the shops, with access from Ramsay Avenue. This driveway provides access to utilities and waste storage areas – no parking exists in this area. All visitor parking is obtained via on-street parking along Morphett Road.

The subject locality is primarily residential in nature, with exception to the subject shopping complex which is located in the Neighbourhood Centre Zone. Dwellings in the locality include a mixture of original low-density dwelling stock and newer low-to-medium density dwellings.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to change the use of the land from a shop to a restaurant, which includes dine-in and take-away sales.

The proposed “Indique Indian Restaurant” includes a kitchen and entrance/seating area (presumably for collection of take-away food) within Tenancy 2. Tenancy 1 includes a seating and service area for the restaurant, comprised of 6 tables with 4 seats, for a total of 24 seats. A disabled unisex toilet and second toilet are located to the rear of Tenancy 1.

Internal alterations are proposed in order to complete the restaurant fit-out, including the installation of screen doors to the rear of the kitchen (opening to the eastern utility area) and kitchen exhaust extraction system. The exhaust system requires the installation of two external flues, which reach a height between 0.6 and 1.2 metres above the existing roof.

The restaurant is proposed to trade between 12:00 noon and 3:00 pm for lunch Wednesday to Saturday, and dinner/take-away trade between 4:30 pm and 9:30 pm Sunday to Saturday

A total of 4 employees will work at the premises.

The applicant has advised that they intend to replace the existing advertising signage on the building façade to the same size and location as the existing signs. As such, the replacement signage does not comprise “development” under the Development Act 1993.

Refer Attachment III

PUBLIC NOTIFICATION

<p>Properties notified:</p>	<p>33 properties were notified during the Category 2 public notification process.</p>
<p>Representations:</p>	<p>4 representations were received by Council, all against the application.</p>
<p>Persons wishing to be heard:</p>	<ul style="list-style-type: none"> • John & Elizabeth Eckermann of 61-69 Ramsay Avenue • Jodie Parslow of 577 Morphett Road (Dynamic Hair) • Manhal Youssef of 577 Morphett Road (Sealand Pizza and Seafood)
<p>Summary of representations:</p>	<p>61-69 Ramsay Avenue</p> <ul style="list-style-type: none"> • Inadequate provision for patron parking for a 51-seat restaurant and escalation of risk to pedestrians and road users • The 8 designated parking spaces on Morphett Road servicing the existing shops are already extensively utilised by patrons, and in the evening during the 4:30-10pm opening hours of Sealand Pizza and Seafood • The proposed business will cause significant parking overspill into the narrow surrounding streets, Ramsay Ave in particular, which already faces peak congestion from families dropping off and picking up students at Stella Maris and Darlington primary schools • Parking congestion decreases the quality of life for residents through increased noise of patrons coming and going, reduced privacy and potential illegal parking • Diminution of privacy to residents of Ramsay Avenue west as there are windows located on Ramsay Avenue and the corner area provides direct patron view into 67 and 69 Ramsay Avenue • The new sliding door marked at the eastern end of the elevation to Ramsay Avenue should not be used as a common entrance for delivery trucks • Bins from existing shops already take up all of the southern streetscape Ramsay Avenue kerb area adjacent to the shops, so where will the additional waste disposal bins be located for collection? <p>Dynamic Hair</p> <ul style="list-style-type: none"> • Strongly object to restaurant/takeaway business due to the lack of parking facilities • There is nowhere for customers to park now, let alone if another restaurant/takeaway place opens • Work into the night and business is going to suffer if another food venue starts up <p>Sealand Pizza and Seafood</p> <ul style="list-style-type: none"> • There isn't enough parking for Sealand Pizza and Seafood as it is • Have lost customers in the past due to the current lack of parking • Object to rubbish bins located at the back as it will affect easy access to the driveway <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<p>Applicant's response:</p>	<ul style="list-style-type: none"> • The objections are primarily motivated and personal rather than objective • There has been a thriving business of a Curtain Shop [at the subject premises] for a number of years. They have had regular on-site

	<p>visitors using the same facilities we propose to use.</p> <ul style="list-style-type: none"> • The shared car park is common and it is for every tenant. Previous business visitors used it without any hassles. • We have signed the lease and made long term lease arrangements with the owner. The owners do not have any problems with our restaurant. • The proposed Indian Restaurant would benefit the Indian community in Seacombe Gardens, where no such restaurant currently exists in the area. • Previous tenants have used bins in the same way we would be using them, without the need of any additional bins. The location of bins has been clearly marked by the Landlord in the lease. • No part of [the dwellings at 61-69 Ramsay Avenue] can be seen by anyone inside or outside the restaurant. The most part of our shop's transparent windows face front road areas. • Many residents have welcomed us and look forward for a family licensed restaurant such as ours. • We are open to [reducing] the number of seats to address the parking concerns – [number of seats reduced from 51 to 24]. <p style="text-align: right;"><i>Refer Attachment V</i></p>
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GOVERNMENT AGENCY REFERRAL

<p>Commissioner of Highways:</p>	<p>Schedule 8 of the Development Regulations 2008 prescribes referral to the Commissioner of Highways for the following development adjacent to main roads:</p> <p><i>Development which in the opinion of the relevant authority is likely to—</i></p> <p><i>(a) alter an existing access; or</i></p> <p><i>(b) change the nature of movement through an existing access; or</i></p> <p><i>(c) create a new access; or</i></p> <p><i>(d) encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972,</i></p> <p><i>in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road...</i></p> <p>Although the existing access on Ramsay Avenue is within 25 metres of Morphett Road, the proposed change of use is will not alter or change the nature of movement through this access point given that it only provides access to bins and the service yard – not for patron car parking. As such, this area should remain infrequently accessed by vehicles, and therefore the nature of vehicle movements should not change.</p> <p>There is no vehicle access from Morphett Road to the subject premises.</p>
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Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

<p>Environmental Health:</p>	<p>No issues from a food safety perspective - the premises will be able to provide proper food safety and hygiene standards via ample hand basins and stainless steel fixtures.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Neighbourhood Centre Zone	
<p>OBJECTIVES</p> <p>1 A centre providing a range of facilities to meet the shopping, community, business, and recreational needs of the surrounding neighbourhood.</p> <p>2 A centre that provides the main focus of business and community life outside a district centre, and provides for the more frequent and regularly recurring needs of a community.</p> <p>3 A centre accommodating residential development in conjunction with non-residential development.</p>	<p>Complies</p> <p>The proposed restaurant should contribute to the range of facilities to meet the needs of the surrounding neighbourhood.</p>
<p>PRINCIPLES OF DEVELOPMENT CONTROL</p> <p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> ▪ bank ▪ child care facility ▪ consulting room ▪ dwelling in conjunction with non-residential land uses ▪ library ▪ health centre ▪ office ▪ petrol filling station ▪ place of worship ▪ playing field ▪ pre-school ▪ primary school ▪ recreation area ▪ <u>restaurant</u> ▪ shop ▪ supermarket. 	<p>Complies</p> <p>A restaurant is an envisaged form of development in the zone.</p>
<p>2 Development listed as non-complying is generally inappropriate</p>	<p>Complies</p> <p>A restaurant is not listed as non-complying.</p>
<p>7 Vehicle parking should be provided in accordance with the rates set out in Table Mar/2 - Off Street Vehicle Parking Requirements or Table Mar/2A - Off Street Vehicle Parking Requirements for Designated Areas (whichever applies).'</p>	<p>Does Not Comply</p> <p>Table Mar/2 is applicable because the nearby bus stop does not accommodate a "high frequency" bus route.</p> <p>The proposed development does not incorporate any on-site car parking spaces, where Table Mar/2 prescribes 1 space per 3 seats or 1 per 15 square metres (whichever provides the greater number of spaces).</p> <p>There are 24 seats in the restaurant, which requires 8 spaces. The gross leasable area comprises approximately 133 square metres, which would require 9 spaces. As such, 9 spaces is the greater applicable parameter in this instance.</p> <p>No on-site parking spaces are provided; only 8 on-street parking spaces on Morphett Road. This shortfall is discussed further under "Vehicle Parking" in this report.</p>

DEVELOPMENT ASSESSMENT – GENERAL SECTION

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

Principles of Development Control:

Assessment:

Design & Appearance	
<p><i>Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.</i></p> <p><i>General Section: Design & Appearance: PDC 4</i></p>	<p>Does Not Comply</p> <p>The proposed exhaust flues will protrude to a maximum height of 1.2 metres above the roof of the building. Although the flues will not form an integral part of the building design, they will be of a similar size and scale of existing flue and air conditioning units currently featured on the subject row of shops. Further, they will be located centrally on the roof of the subject premises, and therefore will be partially obscured by the parapet of the building when viewed from ground level of adjacent land.</p>
<p><i>Outdoor storage, loading and service areas should be:</i></p> <p><i>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</i></p> <p><i>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</i></p> <p><i>(c) sited away from sensitive land uses.</i></p> <p><i>General Section: Design & Appearance: PDC 21</i></p>	<p>As per existing situation</p> <p>The application proposes to utilise the existing utility area to the east of the shops for waste storage. Loading areas are located on Ramsay Avenue, in a loading area designated from 8am to 9pm Sunday to Saturday.</p>
Interface Between Land Uses	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the <u>emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</u></i></p> <p><i>(b) <u>noise</u></i></p> <p><i>(c) <u>vibration</u></i></p> <p><i>(d) <u>electrical interference</u></i></p> <p><i>(e) <u>light spill</u></i></p> <p><i>(f) <u>glare</u></i></p> <p><i>(g) <u>hours of operation</u></i></p> <p><i>(h) <u>traffic impacts.</u></i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p> <p><i>Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:</i></p> <p><i>(a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere</i></p> <p><i>(b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 12</i></p> <p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p><u>Emissions</u></p> <p>The development proposes the erection of two 1 flues on the roof of the subject tenancy, reaching a height up to 1.2 metres above the roof. The flues are to be located approximately 7 meters from the site's eastern boundary and 10 metres from its northern boundary, which establishes reasonable separation from nearby residential properties.</p> <p>The flues are required to facilitate appropriate ventilation from within the kitchen area. Two existing flues are sited on the roof of the "Sealand Pizza and Seafood" tenancy within the subject shopping complex. The additional flues are not considered to create unreasonable adverse visual impacts or to increase potential odour impacts to an unreasonable level.</p> <p>Whilst it is noted that odour is defined as 'pollution' in the Environmental Protection Act, most odours themselves do not generally cause harm to environmental or human health. In the case of this proposal, the emissions emanating from the exhaust stacks would be from cooking of food, and therefore it is unlikely that hazardous fumes/odours would be contained in exhaust emissions. Whether an odour is offensive is subjective in nature, however in this case, the likely odour emissions are considered to be reasonable.</p> <p><u>Noise and hours of operation</u></p>

<p><i>Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 4</i></p> <p><i>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.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p>The development should not result in unreasonable adverse impacts between the different land uses in the locality. Although residential properties are located nearby, the proposed restaurant is located within an existing group of shops in a Centre Zone. A restaurant is an envisaged land use in a Centre Zone. Furthermore, it is noted that the premises is located adjacent an arterial road (Morphett Road), which means that the level of noise experienced by adjacent residential allotments is already greater than if they were located within the middle of the Residential Zone (i.e. away from major noise sources).</p> <p>The restaurant is proposed to commence operation at 12 noon (Wednesday to Sunday only) and close at 9:30pm each day. The proposed hours are considered reasonable, as they should not interfere with normal sleeping hours. To further minimise the potential for unreasonable interference from traffic or noise impacts during non-waking hours, waste pick-up and deliveries will be restricted to the hours of 7am to 7pm Monday to Saturday and 9am to 5pm Sunday.</p> <p>As such, the proposed hours of operation are considered to appropriately minimise interference on nearby residential properties.</p> <p><u>Traffic</u></p> <p>Traffic generated by the proposed restaurant should be primarily focussed on Morphett Road, away from residential properties. However, due to the limited car parking available on Morphett Road, some overspill onto local roads may occur. Provided that vehicles are parked lawfully on the street, the impact of traffic/parking should not cause undue impacts to adjacent properties.</p> <p><u>Light spill/glare</u></p> <p>The application does not propose any external lighting, and therefore undue light spill/glare should not result from the proposed land use.</p>
<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 3</i></p>	<p>Complies</p> <p>There shall be no change to the existing windows and floor levels of the existing premises, and therefore any privacy impacts will remain the same as the existing situation.</p> <p>There will be no change to the exterior building envelope, and therefore overshadowing will remain the same as the existing situation.</p>
<p>Noise Generating Activities</p> <p><i>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.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 7</i></p> <p><i>Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.</i></p>	<p>Complies</p> <p>The restaurant does not propose any outdoor dining areas, and it has not been indicated that live entertainment will be provided. Advisory notes have been recommended to ensure that any in-house music system or live entertainment (some of which does not constitute “development” and therefore does not require Council approval) complies with the Environment Protection (Noise) Policy.</p>

<p>General Section: Interface Between Land Uses: PDC 9</p>	
Transportation and Access	
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p>General Section: Transportation and Access: PDC 8</p>	<p>Partially Complies</p> <p>The proposed restaurant does not propose any alteration to the existing access arrangement at the subject shopping complex. There is no on-site visitor car parking, however on-street parks are provided along Morphett Road, adjacent the subject land.</p>
<p><i>Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.</i></p> <p>General Section: Transportation and Access: PDC 12</p>	<p>Partially Complies</p> <p>The proposed restaurant has the capacity for vehicle loading through the rear driveway access. It may also use an on-street vehicle loading area in Ramsay Avenue, which is a residential street. It is noted, however, that both loading areas are existing and utilised by other tenancies in the subject shopping complex.</p>
<p><i>Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.</i></p> <p>General Section: Transportation and Access: PDC 13</p>	<p>Complies</p> <p>The vehicle loading areas at the rear of the tenancies and on Ramsay Avenue are separated from the dedicated on-street parking spaces on Morphett Road.</p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p>General Section: Transportation and Access: PDC 14</p>	<p>Does Not Comply</p> <p>Vehicle loading/unloading undertaken at the rear of the tenancies does not provide capacity for vehicles to turn on-site.</p>
<p><i>On-site secure bicycle parking facilities should be:</i></p> <ul style="list-style-type: none"> (a) located in a prominent place (b) located at ground floor level (c) located undercover (d) located where surveillance is possible (e) well lit and well signed (f) close to well used entrances (g) accessible by cycling along a safe, well lit route. <p>General Section: Transportation and Access: PDC 20</p>	<p>Does Not Comply</p> <p>No bicycle parking facilities are provided. However, the area surrounding the building's frontage comprises solely Council land. As such, if bicycle parking were required in the future, it would be the responsibility of Council.</p>
<p><i>Development should be provided with safe and convenient access which:</i></p> <ul style="list-style-type: none"> (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 (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties. <p>General Section: Transportation and Access: PDC 23</p>	<p>Generally Complies</p> <p>An access point is provided from Ramsay Avenue, which does not unreasonably interfere with traffic flow or impact on adjoining properties, particularly because the driveway is used infrequently to access the rear utility areas of the shops; not for frequent customer access.</p>
<p><i>The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised and, where possible, access points should be:</i></p> <ul style="list-style-type: none"> (a) limited to local roads (including rear lane access) (b) shared between developments. 	<p>Complies</p> <p>No access point is proposed on Morphett Road.</p>

<p><i>General Section: Transportation and Access: PDC 25</i></p>	
<p><i>Structures such as canopies and balconies that encroach onto the footpath of a road should not cause visual or physical obstruction to:</i></p> <ul style="list-style-type: none"> <i>(a) signalised intersections</i> <i>(b) heavy vehicles</i> <i>(c) street lighting</i> <i>(d) overhead electricity lines</i> <i>(e) street trees</i> <i>(f) bus stops.</i> <p><i>General Section: Transportation and Access: PDC 29</i></p>	<p>Complies</p> <p>The existing building fascia/verandah/parapet overhangs the footpath, but no modification to the verandah is proposed (except replacement of the existing advertising signage, which does not require development approval).</p>
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p> <p>Restaurant: 1 per 3 seats or 1 per 15 square metres [6.67 per 100m²] (whichever provides the greater number of spaces)</p> <p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>	<p>Does Not Comply</p> <p>24 seats in restaurant = 8 spaces required 133m² gross leasable area = 8.9 spaces required Therefore 9 spaces is the greater number of spaces.</p> <p>No on-site car parking provided (only 8 on-street parks on Morphett Road)</p> <p>It is noted that the previous curtain shop business operated without any on-site car parks. Shops require 5 on-site car parks per 100m² of gross leasable floor area, and therefore the previous shop should have provided 7 on-site car parking spaces. To retain requirement of 7 spaces as per the existing use rights, the proposed restaurant should have no more than 21 seats (notwithstanding floor area). The proposed 24 seats in the restaurant is considered reasonably similar to the theoretical car parking demand of the existing shop.</p> <p>Given that the theoretical car parking demand of the restaurant is not substantially different to the existing shop, the lack of on-site car parking is not considered to severely undermine the merit of the application.</p>
<p><i>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.</i></p> <p><i>General Section: Transportation and Access: PDC 38</i></p>	<p>Complies</p> <p>Vehicle parking on Morphett Road is lit by street lights to provide safety for customers whilst not resulting in impacts to adjacent residential properties.</p>
Waste	
<p><i>The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.</i></p> <p><i>General Section: Waste: PDC 2</i></p> <p><i>Development should avoid as far as practical, the discharge or deposit of waste (including wastewater) onto land or into any waters (including processes such as seepage, infiltration or carriage by wind, rain, sea spray, stormwater or by the rising of the water table).</i></p> <p><i>General Section: Waste: PDC 3</i></p> <p><i>Untreated waste should not be discharged to the environment, and in particular to any water body.</i></p> <p><i>General Section: Waste: PDC 5</i></p>	<p>Complies</p> <p>The proposed restaurant will utilise the existing bin storage are adjacent the eastern boundary of the subject land.</p> <p>The applicant has confirmed that an 1800-litre grease trap will be installed to minimise water pollution in accordance with SA Water requirements.</p>

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

Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are:

- (a) screened and separated from adjoining areas*
- (b) located to avoid impacting on adjoining sensitive environments or land uses*
- (c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system*
- (d) located on an impervious sealed area graded to a collection point in order to minimise the movement of any solids or contamination of water*
- (e) protected from wind and stormwater and sealed to prevent leakage and minimise the emission of odours*
- (f) stored in such a manner that ensures that all waste is contained within the boundaries of the site until disposed of in an appropriate manner.*

General Section: Waste: PDC 7

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to waste storage, privacy and lack of car parking have been addressed in the body of this report.

The number and location of waste bins will remain as per the previous situation. Privacy impacts should not be unreasonable given that upper level windows/decks are not proposed, and the windows of the subject tenancy shall not be altered.

The lack of on-site car parking is noted, and the applicant has decreased the number of seats in the restaurant by over half to address these concerns. Based on the reduced number of seats, the theoretical car parking demand should not increase substantially beyond that of the existing curtain shop.

ANALYSIS/CONCLUSION

The proposed restaurant is a land use specifically envisaged in the Neighbourhood Centre Zone. Although the proposal maintains a substantial shortfall in on-site car parking, and the building's waste storage, loading area and lack of bicycle parking are not ideal, this reflects the existing situation of the subject shopping complex. Given that the application essentially comprises a change of use of an existing building, not a new building, it is considered unreasonable to expect the site's facilities to be updated to satisfy current Development Plan criteria.

The proposed restaurant's capacity and operating hours are considered reasonable and should not result in unacceptable impacts to adjacent residential properties.

Although the proposed flues are located above the existing roof, their size will not be dissimilar to other roof-mounted plant/equipment on the subject premises. Further, they are located centrally on the roof which should minimise visual impact when viewed from the streetscape and adjacent residential properties.

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: 100/2016/1866 for a change of use from shop to restaurant, including internal alterations and the erection of two exhaust flues, at 1/577 Morphett Road, Seacombe Gardens, 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. 100/2016/1866, being drawing numbers 1 and 2 prepared by Dusan Vidovic Design and Drafting received on 13 December 2016, email correspondence from Anand Bhatia dated 13 December 2016, email correspondence from David B dated 23 January 2017, and flue plans received on 3 February 2017, except when varied by the following conditions of consent.
2. The hours of operation of the premises shall be restricted from 12 noon to 9:30 pm of each day.
3. All deliveries to and from the site (including waste collection) shall be restricted to the following times:
 - 7am to 7pm of each day Monday to Saturday
 - 9am to 5pm Sunday
4. The restaurant herein approved shall be restricted in capacity to a maximum of 24 patrons at any given time.
5. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment to the reasonable satisfaction of the Council.
6. The flue shall be serviced and maintained in such a manner as to minimise any nuisance through odour or noise to the reasonable satisfaction of Council.
7. The waste storage area shall be located to maintain free and unrestricted vehicle access to the rear of the tenancies at 577 Morphett Road, Seacombe Gardens.

NOTES

- 1. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.**
- 2. Entertainment should be limited such that music noise shall not be audible at the nearest noise-sensitive location, in accordance with the Environment Protection (Noise) Policy. Noise emanating from the licenced premises shall not be undue and unreasonable (e.g. above 8 dB(A)) above the ambient background noise level when measured in any octave, such measurement to be taken at the boundary of the nearest noise-sensitive site.**
- 3. Council's Environmental Health Department should be contacted on 8375 6503 for further information and clarification on the requirements under the Food Act 2001 and other applicable legislation.**
- 4. Flooring in the food preparation area shall be smooth and impervious to moisture.**
- 5. Development Approval is not required for replacement of existing advertising signage, provided that the replacement signage is the same size, location and is not illuminated (unless currently illuminated) as the existing signage. The commencement of any new/different advertisement cannot be undertaken unless and until 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 15 February 2017

Agenda Ref No: DAP150217 – 2.3

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: J.K.O. Investments

Development Description: A two storey building comprising three dwellings and associated landscaping and car parking

Site Location: 510 Morphett Road, Dover Gardens

Zone: Residential Zone

Policy Area: Regeneration Policy Area 16

Application Type: Category 2 / Consent

Lodgement Date: 21/04/2016

Development Plan: Consolidated – 5 December 2015

Application No: 100/2016/714

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

BACKGROUND

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

Amendments Requested	Amendments Made
The southern side setback of the upper level of Dwelling 1 should be increased to meet Council's minimum requirement of 3.0 metres	Upper level setback to southern side boundary increased from 1.94 metres to 2.94 metres
Amount of landscaping and provision of taller plantings at the front of the site should be substantially increased to improve outlook for	Landscape strips of 800mm in width provided adjacent the northern and southern boundaries of the site.

residents and the streetscape appearance of the site	Taller plant species (<i>Acacia aphylla</i>) proposed forward of dwellings and adjacent front boundary of site
The proposal should incorporate a solid front fence, adjacent the front boundary of the site (set-in from the boundary to allow landscaping street-side), to assist with noise mitigation and to screen the extent of hard standing areas beyond	Front fence proposed, setback 1.0m from front boundary of property

SUBJECT LAND & LOCALITY

The subject land is located at 510 (lot 408) Morphett Road, Dover Gardens. The property has a frontage width to Morphett Road of 18.288 metres, an average depth of 38.3 metres and a total site area of 700.7 square metres.

The site currently accommodates a single storey detached dwelling in average condition.

A large tree is located adjacent the rear (western) boundary of the land. As this tree is not of a Eucalypt or *Agonis* species, and is located within 10 metres of an existing dwelling (77 Branksome Terrace), the tree is not classified as Regulated, pursuant to the Development Regulations 2008.

The locality is predominantly residential in nature, comprising the original single storey housing stock, typically constructed in the 1950s on allotments between 650 – 800 square metres. More recent development, is typically of a higher density and comprises single and two storey detached, semi-detached, row and group dwellings.

Adjacent the intersection with Morphett and Sturt Roads are sited a number of non-residential land uses, including fast food restaurants and Westfield Shopping Centre, Salvation Army offices, consulting rooms, child care centre and offices.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to demolish the existing dwelling and to construct a two storey building, comprising three dwellings.

The dwellings are to share a common driveway, located centrally in the front boundary.

All dwellings incorporate an open plan kitchen/living area, laundry and separate WC on the ground floor; and three bedrooms and two bathrooms on the upper levels.

A 1.8m high masonry fence is proposed to be located 1.0 metre from the front boundary, with landscaping to be placed in front of and behind the fence, as well as on either side of the common land area; in front of the proposed dwellings.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	12 properties were notified during the Category 2 public notification process.
Representations:	4 (3 against and 1 in favour) representations were

	received by Council.
Persons wishing to be heard:	No representors identified they wish to address the Panel.
Summary of representations:	<ul style="list-style-type: none"> • Overshadowing impacts; • Ensure upper level windows are treated for privacy; • Clarification sought re: construction timelines, fence replacement <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	The applicant has provided a response to the representations received. Please refer Attachment V

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport & Infrastructure (DPTI):	DPTI does not object in-principle to the proposed development, subject to the imposition of conditions.
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Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Engineering:	The finished floor levels should be raised by no less than 250mm, with the paving levels no less than 150mm below floor level. (This has been reflected in a recommended condition of consent).
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <ol style="list-style-type: none"> 1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.
Regeneration Policy Area 16
<p>Objectives</p> <ol style="list-style-type: none"> 1 Integrated re-development of poor quality housing stock and underutilised land. 2 Improved quality of living environments. 3 Improved quality of housing. 4 Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation. 5 Improved environmental outcomes. 6 Increased dwelling densities and population.

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

Desired Character

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

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

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

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

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

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

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

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

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

<i>PDC 5</i>	<i>Allotments should be amalgamated to facilitate co-ordinated and efficient development.</i>	Complies
<i>PDC 3</i>	<i>Minimum Site Area: Two storey residential flat building: 200 square metres</i>	Does Not Comply Dwelling 1: 180.7 sq metres Dwelling 2: 157.6 sq metres Dwelling 3: 180.9 sq metres
	<i>Minimum Frontage: Residential flat building: 18 metres</i>	Complies 18.288 metres
	<i>Minimum Depth: Residential flat building: 45 metres</i>	Does Not Comply Minimum 38.36 metres

Assessment

Objectives & Desired Character

The application proposes to replace an existing single-storey detached dwelling in average condition, with a two-storey residential flat building comprising three 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 approximately 95 metres from the Regional Centre Zone which accommodates a number of centre facilities including Westfield Marion, Marion Cultural Centre, Domain Medical Centre and the SA Aquatic Centre. Oaklands Railway Station is located 1 kilometre walking distance to the north of the site and two large open space reserves are located within 300 metres walking distance. Given that the subject land is located in close proximity to the Regional Centre Zone and public open space, and within an acceptable walking distance of public transport routes, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

On balance, the proposal is considered to adequately comply with the Objectives and Desired Character of the 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, which equates to an average shortfall of 16.9 square metres (13.5%) per dwelling when excluding the common land area. When including the common land area, the average site area exceeds the minimum at 233.3 square metres.

Given the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is noted that row dwellings (of which the proposal shares a similar layout) require a minimum site area of 170 square metres within the Regeneration Policy Area 16, whereby a site of 510 square metres could theoretically accommodate 3 dwellings. The subject land maintains an overall site area of 700 square metres. Therefore, it is suggested that while the site configuration results in shortfalls in site area, the proposed density is not necessarily inconsistent with that envisaged for the Policy Area.

Furthermore, the proposed site areas fall within the category of “medium” residential density, as defined in the handbook “*Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples*” published by the Government of South Australia in October 2011, which corresponds with the level of density desired to occur within the Policy Area. It is noted that this document has no statutory weight, however, it nonetheless provides a useful, and widely accepted methodology for the determination of residential densities within South Australia.

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

Site Depth

Whilst the site incorporates a depth of 38.36 metres, 6.64 metres less than that sought for residential flat buildings, the layout of the dwellings is such that they are akin to row dwellings, and all dwellings incorporate a setback from the front and rear boundaries exceeding the minimum sought in the Policy Area. As such, the shortfall in site depth has not resulted in the footprint of the dwellings failing to satisfy criteria applicable to site depth.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage									
<p><i>Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:</i></p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Maximum Site Coverage</th> <th>Maximum Floor Area Ratio</th> </tr> </thead> <tbody> <tr> <td>< 200 m²</td> <td>80 m²</td> <td>0.7</td> </tr> </tbody> </table> <p><i>Regeneration Policy Area 16: PDC 4</i></p>			Site area	Maximum Site Coverage	Maximum Floor Area Ratio	< 200 m ²	80 m ²	0.7	<p>Site coverage:</p> <p>Does Not Comply Dwelling 1: 105.7 sq metres Dwelling 2: 98.6 sq metres Dwelling 3: 95.9 sq metres</p> <p>(Average for whole of land: 42.9%)</p> <p>Floor area ratio:</p> <p>Does Not Comply Dwelling 1: 0.77 Dwelling 2: 0.91 Dwelling 3: 0.79</p> <p>(Average for whole of land: 0.611)</p>
Site area	Maximum Site Coverage	Maximum Floor Area Ratio							
< 200 m ²	80 m ²	0.7							
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p>(a) <i>would not be contrary to the relevant setback and private open space provisions</i></p> <p>(b) <i>would not adversely affect the amenity of adjoining properties</i></p> <p>(c) <i>would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>			<p>Complies</p>						

<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
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<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p>
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Private Open Space

<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Complies</p> <p>Dwelling 1: 46.05 sq metres (25.5%) Dwelling 2: 49.36 sq metres (31.3%) Dwelling 3: 56.60 sq metres (31.3%)</p> <p>All POS areas incorporate appropriate dimensions, are directly accessible from the living area of the dwelling and incorporate a flat gradient.</p>
Site area of dwelling	Minimum area of POS	Provisions	
<p>Less than 175 square metres</p> <p>(Dwg 2)</p>	<p>35 square metres</p>	<p>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.</p> <p>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.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
<p>175 square metres or greater</p> <p>(Dwgs 1 and 3)</p>	<p>20 per cent of site area</p>	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
<p><i>Residential Zone: PDC 7</i></p>			

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Partially Complies</p> <p>g) The proposed POS areas maintain a westerly, which should nonetheless receive afternoon sunlight</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Minimum setback from primary road frontage where an established streetscape exists:</i></p> <p><i>8 metres from arterial roads shown on Overlay Map – Transport</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Min setback 10.9m (to porch)</p>
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality. 34</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies</p>

<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 0.9 metres</i></p> <p><i>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies Dwg 1 and Dwg 3: Min side setback 940mm.</p> <p>Does Not Comply Dwg 1: Southern side setback 2.94 metres Dwg 3: Northern side setback 1.94 metres</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies 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.</p>
Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies Min setback 7.238 metres</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>

Building Height

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 7.0 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
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 Dwg 1: 47% Dwg 3: 47% Does Not Comply Dwg 2: 54%

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.

Complies

6 spaces: Each dwelling is provided with one undercover parking space, and one open visitor space

<i>General Section: Transportation & Access: PDC 34</i>		
<i>Group</i> <i>Residential flat building</i>	<i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i>	
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		
<p><i>On-site visitor parking spaces should be sited and designed to:</i> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation & Access: PDC 42</i></p>		<p>Does Not Comply The proposal does not provide any independently accessible visitor parking spaces, however, adequate on-site parking is provided for each dwelling.</p> <p>Furthermore, the layout of the car parking and associated manoeuvring area results in a substantial amount of hard surface forward of the dwellings.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>		<p>Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by general compliance with PDC 7. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply d) e) No on street car parking spaces are available, due to the prevention of parking south of the proposed crossover and inadequate length north of the proposed crossover.</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i> <i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i> <i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>		<p>Complies (a) (b) The development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>Does Not Comply (c) The proposed vehicle parking/manoeuvring areas are located forward of the building, resulting in extensive paving/hard surfaces forward of the building line.</p>
<p><i>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</i> <i>(a) not face the primary street frontage</i> <i>(b) be located to the rear of buildings with access from a shared internal laneway</i> <i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p><i>General Section: Transportation & Access: PDC 45</i></p>		<p>Does Not Comply (a) (b) A portion of the visitor parking spaces, as well as the vehicular manoeuvring area, are located forward of the building.</p> <p>Complies (c) All garaging is sited 1.7 metres behind the main face of the building.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p>		<p>Does Not Comply No on-street car parking spaces are provided for the proposed allotments.</p>

<p>General Section: Land Division: PDC 22</p>	
Access	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p style="margin-left: 40px;">(a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>	<p>Does Not Comply Proposed driveway incorporates a width of 5.8 metres – this width has been influenced by the anticipated swept paths of vehicle movements and the need for vehicles to exit the site in a forward manner.</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Complies Only one vehicle access point is proposed.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p style="margin-left: 40px;">(a) building height, mass and proportion (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandas, eaves, parapets and window screens.</p> <p>General Section: Design & Appearance: PDC 1</p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p>General Section: Design & Appearance: PDC 3</p>	<p>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:</p> <ul style="list-style-type: none"> • Mixture of brick and render on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding portico • Eave overhang and pitched roof form at 25 degree slope • Fenestration <p>The dwellings incorporate a 25 degree Colorbond roof in 'Monument', with rendered façades. The garage of each dwelling features 'Western Red Cedar' Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p style="margin-left: 40px;">(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.</p> <p>General Section: Residential Development: PDC 6</p>	<p>Complies</p>

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

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

Partially 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, fenestration and stepping, and generally avoid extensive areas of uninterrupted walling exposed to public view.

It is acknowledged however, that the upper level southern façade of Dwelling 1 incorporates limited fenestration to break up the expanse of the walling as viewed from the adjoining property.

Glazing to the western end 'hallway' of Bedroom 1 and a south-facing window to Bedroom 2 would assist in reducing the expanse of walling as viewed from the south.

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) The one north-facing window of the existing dwelling on the adjoining allotment will not receive direct sunlight throughout the day in winter months;

b) Ground level private open space of the adjoining allotment at 512 Morphett Road will receive no less than 2 hours of direct sunlight to at least half the ground level area.

(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 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.

Noise

Other than within an area designated for the purposes of the Noise and Air Emissions Overlay, residential development close to high noise sources (e.g. major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, and protect these areas with appropriate noise attenuation measures.

General Section: Residential Development: PDC 27

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

Partially Complies

Whilst the proposal does not propose sound attenuation treatments, it has been included as a recommended condition of consent that the upper level east-facing windows of all dwellings (except the stairwell window of Dwellings 2 and 3) shall incorporate double glazing for sound-attenuation purposes.

Site Facilities and Storage

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

(a) mail box facilities sited close to the major pedestrian entrance to the site

(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)

(c) household waste and recyclable material storage areas located away from dwellings and screened from public view.

General Section: Residential Development: PDC 31

Partially Complies

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings

(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

Complies

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

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.

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

Partially Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the proposed finished floor levels are required to be raised by no less than 250mm and the finished paving level 150mm below the floor level to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

This has been reflected in a recommended condition of consent.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Partially Complies

The proposed planting species and distribution within the site complements the built form and enhances the appearance of the dwellings.

However, limited/low-level landscaping is proposed forward of and behind the front fence. Accordingly, it has been included as a recommended condition of consent that a revised landscape plan, incorporating taller/broader landscaping, to enhance the appearance of the road frontage and parking areas, be submitted to Council for consideration prior to issuing Development Approval.

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

(a) (b) (c) (e) (f) (h)

The proposed front fence will not result in damage to neighbouring trees, will incorporate render to complement the proposed dwelling, will enable visibility of the dwellings through the break adjacent the driveway, is setback from the street boundary to enable sightlines for motorists and will not be constructed of flammable materials.

Does Not Comply

(d) The fencing does not incorporate articulation.

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;
- Percentage of garage to building frontage;
- Vehicle Parking (design and appearance); and
- Overshadowing.

Site coverage

Site coverage considerably exceeds criteria; the Regeneration Policy Area 16 prescribes maximum site coverage of 80 square metres, whereas the proposed dwellings comprise site coverage between 95.9 – 105.7 square meters (53 – 62.5%). However, this figure is based upon the curtilage of the building only, and does not include the common land area. When including the common area, overall site coverage for the whole of the land equates to 42.9%. Evidently, the total proportion of roofed area over the site is consistent with that anticipated by the Development Plan. The following considerations are also noted with regard to the excess in site coverage;

- a) The proposal exceeds the minimum POS requirement of 20%, at 21.7% for the whole of the land. In addition, the proposed dwellings generally 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.
- b) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access 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 (FAR) should not exceed 0.7 for dwellings on sites less than 200 square metres in the Regeneration Policy Area 16. The proposal surpasses this limit, with FAR's equating to an average of 0.82. Again the FAR of the building is significantly reduced when considering the whole of the subject land, reducing to 0.611. Nonetheless, these excesses do not result in unreasonable 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.

Percentage of garage to building frontage

The garaging of Dwelling 2 equates to approximately 54% of the building frontage width. Whereas, PDC 6 of the Residential Zone prescribes that garaging should comprise a maximum 50% of the width of the front façade of the dwelling to which the garage or carport is associated. Despite this excess, the visual dominance of the garaging is minimised by being set back 1.7 metres behind the cantilevered upper level main face of the building, ensuring the garages should not dominate the streetscape.

Streetscape presentation (vehicular manoeuvring/common land area)

PDC 44 (Transportation and Access) seeks for vehicle parking areas servicing more than one dwelling to reinforce or contribute to attractive streetscapes. Further, PDC 45 (Transportation and Access) outlines that vehicle parking areas should not face the primary street frontage and should instead be located to the rear of buildings with access from a shared internal laneway. The intent of these principles reinforces the Desired Character, which seeks for development to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.

The design of the proposal, including a common land area forward of the building for the purposes of vehicular manoeuvrability, results in extensive paving/hard surfaces, exacerbating the impact of garaging of vehicles on the character of the locality. Ordinarily, such an outcome would not be considered acceptable. However, given the location of the subject land on an arterial road (where it is common for new dwellings to incorporate a high percentage of front yard areas to be taken up by vehicle manoeuvring areas), and that the Development Plan nonetheless seeks for residential development on sites abutting established collector or higher order roads to include front fences and walls that will supplement the noise control provided by the building façade, the extent of paving/hard surfaces forward of the building line will not be readily apparent from the streetscape.

During the assessment process it was sought that the front fence be provided (and setback 1.0 metre from the front boundary), and for taller/broader landscaping forward and behind the fence to soften the appearance of the built form within the streetscape, to improve the outlook from the proposed dwellings and to reduce the 'heat island' effect. The landscaping subsequently provided is deemed adequate, although tree species of a taller mature height, in my view, will assist in softening the built form, provide greater shade over the paved area and provide an improved outlook for residents.

As such, it has been included as a recommended condition of consent that a revised landscape plan, incorporating taller/broader landscaping forward of the proposed dwellings, be submitted to Council for consideration prior to issuing Development Approval.

Overshadowing

During the assessment of the application, the southern side setback was increased from 1.94 metres to 2.94 metres – 0.06 metres less than that sought by Council's Development Plan. Due to the location of the building somewhat 'centrally' within the allotment, will result in shadow being cast upon the north-facing window of the adjacent dwelling and through the associated rear yard area. In relation to this setback, it is acknowledged the Development Plan seeks for development to "minimise" the overshadowing of windows of habitable rooms.

The occupant of the adjacent dwelling has confirmed this room is used as a bedroom/siting room, and as such, is considered habitable for the purposes of this assessment.

It should be acknowledged that the north-facing window is small in size and partially shaded by an existing vine, growing on a supporting frame, whilst a majority of the dwelling's windows are oriented east and west, which will be largely unaffected by shadow cast by the proposed dwellings.

A compliant 3.0 metre setback to the southern side boundary is unlikely to result in a significant increase in the amount of direct sunlight available to the adjacent dwelling's north-facing windows. From my assessment, a setback in the order of 7.0 metres would be required to enable direct sunlight to the north-facing window at midday on June 21.

In this regard, it is considered unreasonable to request a setback that would enable the neighbour's north-facing window to receive direct sunlight for a majority of the day.

In conclusion, the proposal fails Principle Design and Appearance Principle 10(a) with respect to shadowing of north-facing windows, however, ample private open space will remain free from shadow during winter months, as desired by Council's Development Plan.

This failure is considered in context with the overall compliance of the proposal, and the desire of the Regeneration Policy Area for "*comprehensive redevelopment where the density of new development will substantially exceed that of existing low density housing*".

REPRESENTOR'S CONCERNS

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

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

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Regeneration Policy Area 16, as it achieves an increase in dwelling densities in close proximity to the Regional Centre, public open space and in reasonable walking distance to public transport routes. Further, the proposal will provide further diversity in architectural styles.

Whilst the individual site areas, at an average of 173.1 square metres is less than the 200 square metres sought for residential flat buildings, the figure exceeds that sought for row dwellings, which the proposed dwellings share a similar layout. In addition, when divided by the whole of the site area, the proposal result in an average site area of 233.3 square metres. As such, I do not consider the proposed density of the proposal exceeds that anticipated in the Policy Area.

Assessment of the proposal against quantitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical excesses including site coverage, floor area ratios and percentage of garaging to building frontage. Further assessment of these areas of non-compliance and consideration of potential impacts, has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

One of the greatest impacts resulting from the proposal will be the extent of shadow cast upon the adjoining property to the south. During the assessment of the application, the southern side setback was increased from 1.94 metres to 2.94 metres. Whilst almost compliant with Council's Development Plan, this setback results in shadow being cast upon the north-facing window of the adjacent dwelling and through the rear yard area.

In this regard, it is acknowledged that the north-facing window of the adjacent dwelling is small in size and partially shaded by the existing vine, growing on a supporting frame, whilst a majority of the dwelling's windows are oriented east and west, which will be largely unaffected by shadow cast by the proposed dwellings. The extent of shadow cast upon the area of private open space does not exceed that sought by Council's Development Plan.

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: 100/2016/714 for A two storey building comprising three dwellings and associated landscaping and car parking at 510 Morphett Road, Dover Gardens 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. 100/2016/714, 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 the finished floor levels incorporating a relative level of 23.10 (raised in height by 250mm) and perimeter paving levels no less than 150mm below finished floor level. 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. A revised landscape plan shall be provided to Council for consideration and approval, prior to Development Approval being issued, detailing the provision of tree species which maintain a mature growing height exceeding 4 metres to be located in the landscape bays behind the front fence and directly east of the proposed dwellings.
 4. No less than 50% of the trees to be planted on site shall be semi-mature and of a minimum height of 1.5 metres at planting.
 5. The windows on the upper level eastern façade of the dwellings (excluding the stairwell windows of Dwellings 2 and 3) shall be double glazed for sound attenuation purposes.
 6. 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*
7. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.

8. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
9. All 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.
10. 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.
11. 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.
12. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

DPTI CONDITIONS

13. The Site shall be served by a single access point direct to/from Morphett Road. No additional access shall be permitted.
14. The shared access shall be a minimum of 6.0 metres in width at the property boundary and extend at that width for a minimum of 6.0 metres in the site.
15. The obsolete crossover to/from Morphett Road shall be reinstated to Council standard kerb and gutter at the applicant's cost prior to habitation of the dwellings.
16. A minimum 1.0 metre separation shall be provided between the proposed access and existing stobie pole.
17. All vehicles shall enter and exit the site in a forward direction.
18. The shared driveway and on-site manoeuvring areas shall remain clear of any impediments to vehicle movements (such as meters, garden beds and parked vehicles).
19. Stormwater run-off shall be collected and discharged without jeopardising the integrity and safety of Morphett Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

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
Attachment VI: DPTI referral comments

DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 February 2017

Agenda Ref No:	DAP150217 – 2.4
Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	Shri Ganesha Temple
Development Description:	To demolish existing buildings and structures and to make alterations and additions to an existing Hindu Temple building (State Heritage Place) with associated boundary fencing, car parking and landscaping.
Site Location:	3A and 5 Dwyer Road, Oaklands Park
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Application Type:	Category 3 / Consent
Lodgement Date:	28/06/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1155
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 3 / Consent form of development, as it is not prescribed as either Category 1 or 2 under the Marion Council Development Plan or the Development Regulations 2008, and cannot be considered a minor form of development pursuant to clause 2(g) of Schedule 9.

BACKGROUND

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

Amendments Requested	Amendments Made
The floor area of the proposed additions should be reduced in order to provide increase opportunities for on-site car parking.	Internal floor area reduced from 274 square metres to 225.9 square metres. On site car parking spaces subsequently increased from 15 to 21 spaces.
The proposed driveway crossover should be relocated to maintain a minimum 2.5 metre clearance from the existing street tree.	Driveway crossover reduced in width and relocated in order to maintain adequate clearance from the existing street tree.

SUBJECT LAND & LOCALITY

The subject land is comprised of two allotments at 3A and 5 Dwyer Road, Oaklands Park. 3A Dwyer Road currently accommodates the Shri Ganesha Hindu Temple including a Sanctuary Area, a social/dining hall, a verandah (outdoor dining area) and a car parking area. This site is identified as a State Heritage Item, being listed since May 2013. The Shri Ganesha Temple is significant as the State's first traditional Hindu temple constructed in South Australia and since the late 1990s it has provided the State's Hindus, from different sects, with a place for both spiritual worship and cultural studies. The design of the Shri Ganesha Temple resembles the human body lying on its back with the head to the east and feet to the west and houses 25 hand-crafted deities, including Ganesha, crafted in India. According to religious tradition, Hindu temples are renewed every 12 years, so in February 2012 the Shri Ganesha Temple was cleaned and the deities repainted by a team of Indian craftsman.

5 Dwyer Road comprises a single storey detached dwelling in average condition with vehicular access provided adjacent the western side boundary. In addition, several ancillary outbuilding structures are located to the rear of this allotment. It is understood that the rear portion of this land has been leased to the Shri Ganesha Temple for some time.

The whole of the subject land has a frontage width of 39.78 metres to Dwyer Road, 38.1 metres to Letcher Road Avenue (both excluding the corner cut-off) and a total site area of 1757 square metres.

The site is located within the Residential Zone and the adjacent land uses are predominantly residential. The locality has experienced infill development in recent years, and is characterised by a mix of medium density infill development (generally in the form of row and group dwellings) as well as detached dwellings on generous sized allotments which represent the original housing stock.

Land to the south of the subject land, on the opposite side of Dwyer Road contains St Elizabeth's Anglican Church and a large Council Reserve (Dwyer Road Reserve). The Oaklands Park Railway Station is sited 100 metres walking distance to the north-west of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposal is for the redevelopment of the Shri Ganesha Hindu Temple to include a new auditorium as an extension to the existing social/dining hall, an outdoor cooking area, an office, storeroom and toilet facilities, as well as an additional car parking area and landscaping layout.

The application proposes to demolish the existing dwelling, shed and outdoor dining area, as well as a portion of the existing social/dining hall, in order to accommodate the proposed additions and alterations.

The existing layout comprises an internal floor area of 420.3 square metres, with an additional outdoor floor area of approximately 183 square metres (utilised during events, festivals and celebrations) for outdoor dining. The proposed additions and alterations result in an internal floor area of 631.4 square metres, supplemented by an outdoor floor area of 116.3 square metres. As such, the total usable floor area will equal 747.7 square metres, where it was previously approximately 603.3 square metres.

The proposal also includes an additional car parking area forward of the proposed auditorium gaining access via Dwyer Road.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	28 properties were notified during the Category 3 public notification process, as well as the public generally, via notice in the Messenger newspaper.
Representations:	3 representations were received by Council, one in favour of the application, and two neutral regarding the outcome of the application although noting certain concerns.
Persons wishing to be heard:	No representors identified they wish to address the panel.
Summary of representations:	<p>In favour:</p> <ul style="list-style-type: none"> • During the demolition and construction works, access to Council's reserve must not be blocked or otherwise compromised. <p>Neutral regarding outcome:</p> <ul style="list-style-type: none"> • Concerns regarding noise impacts from functions. • Concerns regarding lack of on-site car parking on a congested narrow street. • Concerns regarding property values. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	See attachment V

GOVERNMENT AGENCY REFERRAL

Department of Environment, Water and Natural Resources (DEWNR):	<p>The proposed development in relation to a State Heritage place is considered acceptable.</p> <p style="text-align: right;"><i>Refer Attachment VI</i></p>
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INTERNAL DEPARTMENT COMMENTS

Engineering:	The proposed access and car park layout complies with AS2890.1.2004.
Open Space:	The proposed crossover should maintain a minimum 2.5 metres clearance from the existing street tree.
Environmental Health:	Outdoor cooking area, including hand washing facilities, storage areas and ventilation, considered acceptable

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	
<p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>	
PRINCIPLES OF DEVELOPMENT CONTROL	
<p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ domestic outbuilding in association with a dwelling ▪ domestic structure ▪ dwelling ▪ dwelling addition ▪ small scale non-residential uses that serve the local community, for example: <ul style="list-style-type: none"> - child care facilities - health and welfare services - open space - primary and secondary schools - recreation areas - shops, offices or consulting rooms ▪ supported accommodation. <p>2 Development listed as non-complying is generally inappropriate.</p> <p>4 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:</p> <ul style="list-style-type: none"> (a) serves the needs of the local community (b) is consistent with the character of the locality (c) does not detrimentally impact on the amenity of nearby residents. <p>7 Dwellings should be designed within the following parameters:</p>	
Minimum setback from primary road frontage where an established streetscape exists	5 metres within Medium Density Policy Area 12 and Regeneration Policy Area 16 except where located on an arterial road.
Minimum setback from secondary road frontage	2 metres within Medium Density Policy Area 12, Northern Policy Area 13, Regeneration Policy Area 16 and Worthing Mine Policy Area 20.
Maximum building height (from natural ground level):	3 storeys of not more than 12 metres
Regeneration Policy Area 16	
Objectives	
<p>1 Integrated re-development of poor quality housing stock and underutilised land.</p> <p>2 Improved quality of living environments.</p> <p>3 Improved quality of housing.</p> <p>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.</p> <p>5 Improved environmental outcomes.</p> <p>6 Increased dwelling densities and population.</p> <p>7 More efficient use of land.</p> <p>8 Improved community services and infrastructure.</p> <p>9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces.</p> <p>10 A smooth transition in the character and scale of development between this and adjoining residential policy areas.</p> <p>11 Development that contributes to the desired character of the policy area.</p>	

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.

PRINCIPLES OF DEVELOPMENT CONTROL

1 The following forms of development are envisaged in the policy area:

- affordable housing*
- dwelling including a residential flat building*
- student housing*
- supported accommodation.*

2 Development should not be undertaken unless it is consistent with the desired character for the policy area.

3 Allotments should be amalgamated to facilitate co-ordinated and efficient development.

Assessment

The proposed expansion to an existing place of worship is not specifically envisaged nor discouraged in the Residential Zone.

A place of worship is not listed as Non-Complying in the Residential Zone, nor is it an envisaged land use under Principle of Development Control 1. However, Principle 4 of the Residential Zone anticipates non-residential development provided it is of a nature and scale that serves the needs of the local community, is consistent with the character of the locality, and does not detrimentally impact on the amenity of nearby residents.

It is considered that the Shri Ganesha Temple is an established non-residential use within the locality, that has served the needs of the local community for many years in accordance with PDC 4. The proposed additions and alterations result in a 50.2% (211.1 square metre) increase in internal floor area. This may represent a scale of development which no longer only serves the local community, but rather a wider community. Nonetheless the total usable floor area, including outdoor areas which are utilized during events and festivals, increases by only 23.9% (144.4 square metres). The additional scale of the place of worship is also complemented by the additional site area gained. That is to say, the scale of the development is not increasing solely on the existing site such that the scale of the building, as well as building setbacks and opportunities for landscaping, are constrained by the existing boundaries of the land. Further, the additional site area provides for an additional car parking area to service the subsequent increase in car parking demand (as discussed further below within this report), which may somewhat alleviate detrimental impacts upon the amenity of nearby residents. As such, the proposal is considered to adequately satisfy the requirements of PDC 4.

The proposed building works should considerably improve the presentation of the land, as the contemporary building will replace an aging dwelling in average condition, as well as consolidate mismatched outbuildings and ancillary structures to provide a coordinated appearance and presentation. In this regard, the proposal satisfies those parts of the Desired Character which seek for new buildings to contribute to a variety of architectural styles, provide an attractive environment, and improve in the character of the built form in the locality.

The proposal will not result in the removal of any mature trees and the building additions and proposed carpark/landscaping layout should improve the overall built form character of the site, and make a positive contribution to the character of the locality.

It is noted that the relevant setback and height provisions of the Residential Zone and Regeneration Policy Area 16 relate to “dwellings” and therefore are not technically applicable to the proposed development. However, to assess the building’s suitability within a residential environment, it can be beneficial to consider the proposed building’s compliance with these quantitative parameters.

The proposed auditorium addition maintains a front setback of 14 metres, increasing from the existing front setback of the dwelling on the land of 8.5 metres. The toilet facility additions adjacent the secondary street comprise a setback of 1.2 metres, whereas a minimum secondary street setback of 2 metres is prescribed. However, this setback exists for a relatively limited portion of the building (some 3.2 metres) and increases to 5 metres or more thereafter. maintains a wall height of 3.6 metres, which also matches the wall height of the existing hall.

The setback from the rear boundary is unchanged, as the existing building is to remain adjacent the site’s northern boundary. The proposed auditorium building incorporates a maximum building height of 6 metres, similar to that of the existing building, and less than the maximum permitted in the Policy Area.

Overall, most elements of the proposal are considered to reasonably comply with the Objectives, Principles and Desired Character standards of the Residential Zone and the Regeneration Policy Area 16.

DEVELOPMENT ASSESSMENT

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

Community Facilities

OBJECTIVES

- 1 *Location of community facilities including social, health, welfare, education and recreation facilities where they are conveniently accessible to the population they serve.*
- 2 *The proper provision of public and community facilities including the reservation of suitable land in advance of need.*

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 *Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.*
- 2 *Community facilities should be integrated in their design to promote efficient land use.*
- 3 *Design of community facilities should encourage flexible and adaptable use of open space and facilities to meet the needs of a range of users over time.*

The proposed additions seek to provide improved facilities as an existing place of worship. The new auditorium and associated outdoor areas would continue to cater for festivals, religious education, cultural, social and youth activities, as well as a variety of functions and events including weddings, all of which are functions of the existing building.

The auditorium addition and associated outdoor area will consolidate the use of various existing outbuildings and outdoor areas, allowing for a more integrated arrangement. The proposed layout is considered to result in a flexible and efficient use of land, as envisaged by PDC 2 and 3.

Design and Appearance

OBJECTIVES

1. *Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.*
2. *Roads, open spaces, paths, buildings and land uses laid out and linked so that they are easy to understand and navigate.*

PRINCIPLES OF DEVELOPMENT CONTROL

1. *Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:*
 - (a) *building height, mass and proportion*
 - (b) *external materials, patterns, colours and decorative elements*
 - (c) *roof form and pitch*
 - (d) *façade articulation and detailing*
 - (e) *verandas, eaves, parapets and window screens.*
2. *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.*
3. *The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.*
4. *Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.*

The additions to the Place of Worship are of a contemporary nature. The main feature of the new additions will be the auditorium area which sits forward of the existing temple and social/dining hall.

The external materials and finishes include rendered blockwork and fibre cement sheeting. The front façade features extensive glazing, providing an open and inviting sense to the building and main auditorium entrance. The auditorium includes a skillion roof which is provided with parapet walls to the front and rear elevations. Fencing pillars, reflective of those of the existing site, are proposed to continue along the front and secondary street boundary of the subject land. The proposal will result in minimal change to the existing building height and setbacks adjacent neighbouring land to the northern and western boundaries. The development also incorporates a selection of landscaping surrounding the new car parking area to enhance the visual attractiveness of the development site.

While the proposed design and materials are considered to contrast with the more traditional design of the existing temple, particularly that of the roof form of the existing building, in my view, they provide a modern juxtaposition and contribute to the high design standard sought by Objective 1.

For these reasons, it is staff's view that:

- The proposal is of a reasonably high design standard that will reinforce positive aspects of the existing building form and local environment;
- The proposed additions and alterations will consolidate the functions of various existing outbuildings and spaces, providing order to the site and making it easier to understand and navigate for patrons/visitors alike;
- The proposal provides a contemporary design as envisaged by Principle 1;
- The proposal will result in minimal change to the building adjacent the immediate neighbouring residential properties to the north and west, as envisaged by Principle 2, and so the likely visual and/or overshadowing impacts upon the neighbouring amenity will not be altered or exacerbated as a result;
- The proposal includes materials/finishes that are not highly reflective, and as such is unlikely to result in glare upon neighbouring properties, drivers or cyclists; and
- The Heritage Branch of DEWNR, the 'custodians' of State Heritage-listed places, are comfortable with the proposed works.

Relationship to the Street and Public Realm

- 15 *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.*
- 16 *Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.*
- 17 *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.*
- 18 *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.*

The main façade of the proposed additions presents to Dwyer Road, including an additional entry point and extensive glazing. As mentioned in the discussion above, the design of the proposed additions is considered to enhance the visual attractiveness of the subject land within the locality, through a more cohesive layout and consolidation of various outdoor spaces.

The building walls incorporate a reasonable level of articulation through fenestration and a mixture of masonry and fibre cement sheeting to the external facades, which when combined with the proposed landscaping, should avoid extensive areas of uninterrupted walling.

The existing entry point to the Temple Sanctuary area will remain perceptible from the primary street frontage. While the proposed auditorium protrudes further forward than the front façade of the existing building, perception of the entry will in fact improve, as the existing dwelling on the subject land is currently located considerably closer to the front boundary than that of the proposed extension.

As such, in my view, the proposal accords sufficiently with the Principles above.

Heritage Places

OBJECTIVES

- 1 The conservation of State and local heritage places.*
- 2 The continued use, or adaptive re-use of State and local heritage places that supports the conservation of their cultural significance.*
- 4 Conservation of the setting of State and local heritage places.*

PRINCIPLES OF DEVELOPMENT CONTROL

- 2 Development of a State or local heritage place should retain those elements contributing to its heritage value, which may include (but not be limited to):*
 - (a) principal elevations*
 - (b) important vistas and views to and from the place*
 - (c) setting and setbacks*
 - (d) building materials*
 - (e) outbuildings and walls*
 - (f) trees and other landscaping elements*
 - (g) access conditions (driveway form/width/material)*
 - (h) architectural treatments*
 - (i) the use of the place.*
- 3 Development of a State or local heritage place should be compatible with the heritage value of the place.*
- 5 New buildings should not be placed or erected between the front street boundary and the façade of existing State or local heritage places.*
- 6 Development that materially affects the context within which the heritage place is situated should be compatible with the heritage place. It is not necessary to replicate historic detailing, however design elements that should be compatible include, but are not limited to:*
 - (a) scale and bulk*
 - (b) width of frontage*
 - (c) boundary setback patterns*
 - (d) proportion and composition of design elements such as rooflines, openings, fencing and landscaping*
 - (e) colour and texture of external materials.*

The proposed development serves to rejuvenate the existing use of the subject land, ensuring the conservation of the site's cultural significance and the on-going longevity of the State Heritage Item, as sought by Objectives 1, 2 and 4.

While the proposed auditorium additions extend further forward than that of the existing building, the proposal allows for greater view of the State Heritage Item within the streetscape, with the additions nonetheless comprising an increased front setback than that of the existing dwelling on the land.

As mentioned previously, the design of the proposed additions does not necessarily reflect historic detailing of the existing building, however the building height and scale as well as boundary setback patterns, in my view, remain complementary to the existing State Heritage Item. Further, the application has been referred to the Department of Environment, Water and Natural resources in accordance with Section 37 of the Development Act 1993, who have advised that the siting of the proposed additions and alterations, as well as the proposed colours and materials, are considered appropriate in relation to the State Heritage Item.

Accordingly, the proposal is considered to achieve adequate compliance with the provisions listed above.

Interface Between Land Uses

OBJECTIVES

1. *Development located and designed to minimise adverse impact and conflict between land uses.*
2. *Protect community health and amenity from adverse impacts of development.*
3. *Protect desired land uses from the encroachment of incompatible development.*

PRINCIPLES OF DEVELOPMENT CONTROL

1. *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.*
2. *Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.*
3. *Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.*
4. *Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.*
5. *Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.*
6. *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.*

Noise Generating Activities

7. *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.*

The Shri Ganesha Temple has served the needs of the local community since its conversion from a church in 1985 and as such is an established use within the locality. The bulk of the additions maintains generous front and secondary street setbacks, and is well separated from the neighbouring side boundaries so as to reduce potential impacts upon adjacent residential properties.

The existing use of the land is compatible with the neighbouring residential housing and those in the locality, and given the building additions will result in minimal change to the existing building adjacent the immediate neighbouring residential properties to the north and west, the likely visual and/or overshadowing impacts upon the neighbouring amenity will not be notably changed or exacerbated.

The auditorium is located towards the centre of the site, thus increasing the distance that sound has to travel to surrounding neighbours. There are no additional windows or openings proposed to the existing building arrangement adjacent the northern (rear) and western (side) boundaries, and therefore privacy and/or noise from these buildings should remain as per the existing situation. The new auditorium will provide an internal area which will to a large degree, replace (or at the very least, supplement) the function of the current outdoor areas, meaning that noise

from patrons during festivals and events may be somewhat lessened. Further, the new walls and roof should have greater acoustic properties than the current older buildings and give greater control over sound issues. To this end, the proposal should somewhat lessen the amount of sound that can be heard beyond the site.

It is understood that, at present, the Temple is most regularly accessed by devotee members on Sundays between the hours of 10.30am and 1pm, and 6.30pm and 8pm. However, the site is utilized by larger numbers during specific Hindu Festivals throughout the year (which fall on both weekdays and weekends), and on occasions where the site is being utilized for events such as weddings. This may result in detrimental traffic impacts upon the locality, this is discussed in further detail within the *Transportation and Access* and *Vehicle Parking* sections of this report.

Transportation and Access

OBJECTIVES

1 Development that:

- (a) provides safe and efficient movement for all transport modes
- (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles
- (c) provides off-street parking
- (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks
- (e) provides convenient and safe access to public transport stops.

PRINCIPLES OF DEVELOPMENT CONTROL

Access

1. Development should have direct access from an all-weather public road.
2. 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
 - (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.
3. Development should not restrict access to publicly owned land such as recreation areas.
4. 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.
5. 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.
6. 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.
7. 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.

A 2015 traffic survey undertaken by Council identifies Annual Average Daily Traffic (AADT) of 4533 vehicles per day on Dwyer Road. Dwyer Road has been nominated by Council as a collector road. Collector roads usually provide for the movement of traffic, have one lane in each direction and allow parking and direct access to residential properties. They generally provide a link between either arterial roads or distributor roads and local streets. Council's intended service level is for collector roads to cater for up to 3,000 vehicles per day. Hence, the AADT of Dwyer Road is currently exceeding intended service levels.

It is considered that the significant increase in residential density within the locality, together with traffic accessing the Oaklands Park Railway Station, as well as vehicles bypassing busier arterial routes via internal distributor and collector roads, has resulted in the intended service levels of Dwyer Road being exceeded. Accordingly, traffic impacts arising from the proposed development should be carefully considered.

At present, the site of the Shri Ganesha Temple (3A Dwyer Road) maintains one existing vehicle crossover providing access from the existing car parking area to Dwyer Road. The existing dwelling of 5 Dwyer Road also provides a single width crossover to Dwyer Road. The proposed development seeks for the reinstatement of the existing crossover servicing the dwelling, and proposes a new crossover more towards the centre of the site (of 5 Dwyer Road) in order to provide access to the additional on-site car parking area. Council's Development Engineer is satisfied that the access arrangements are generally consistent with the Australian Standards. Furthermore, all vehicles will be able to enter and exit the site in a forward manner. In this regard, the proposal is considered to provide a suitable vehicle access and egress arrangement.

While two separate crossovers onto Dwyer Road is not ideal given the relatively high traffic volumes, the traffic impact of the proposal (at least in terms of access and egress to and from the site) is considered acceptable given the overall number of crossovers is not increasing from the current situation. And whilst the proposed crossover is likely to service a higher number of vehicles than that of the existing crossover servicing the dwelling, these vehicles are permitted egress from the site in a forward direction, whereas vehicles utilizing the existing dwelling are required to reverse in order to exit the site.

To this end, the proposed access/egress arrangements are not considered to impact significantly on the surrounding road networks. However, it is noted that larger events (i.e. weddings, functions, etc.) may result in other traffic impacts upon the locality. This is discussed in further detail in the *Vehicle Parking* section below.

Vehicle Parking

Access for People with Disabilities

32. *Development should be sited and designed to provide convenient access for people with a disability.*

Vehicle Parking

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

35. *Development should be consistent with Australian Standard AS: 2890 – Parking facilities.*

36. *Vehicle parking areas should be sited and designed to:*

- (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development*
- (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network*
- (c) not inhibit safe and convenient traffic circulation*
- (d) result in minimal conflict between customer and service vehicles*
- (e) avoid the necessity to use public roads when moving from one part of a parking area to another*
- (f) minimise the number of vehicle access points onto public roads*
- (g) avoid the need for vehicles to reverse onto public roads*
- (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points*
- (i) not dominate the character and appearance of a site when viewed from public roads and spaces*
- (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas*
- (k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.*

37. *Where vehicle parking areas are not obviously visible or navigated, signs indicating the location and availability of vehicle parking spaces associated with businesses should be displayed at locations readily visible to users.*

38. *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.*
39. *Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.*
40. *To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.*
41. *Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.*

The proposed car parking area is consistent with Australian Standard AS: 2890 – Parking facilities. An existing dedicated disabled parking space is located close to the entrance for easy access to and from the Temple, and the two access points and internal manoeuvring areas will allow for vehicles to enter and exit Dwyer Road in forward manner. For these reasons, the proposal's car park layout sufficiently accords with the Development Plan in relation to vehicle parking, including for the disabled.

Table Mar/2 of the Development Plan seeks for a Place of Worship to provide 1 on-site car parking space per 3 seats. While the Shri Ganesha Temple is defined as a Place of Worship, it is considered that the existing Sanctuary area, dining hall and outdoor courtyard are versatile spaces, with a variable number of 'seats' able to be provided dependent on the occasion and/or event being held at any one time. As such, the requirement of 1 space per 3 seats does not provide an entirely useful calculation. Based on previous applications received by Council for various Places of Worship, it has been established that on average, 1 seat is provided for approximately 3 square metres of floor area. The on-site car parking requirements have hence been calculated based on how many 'seats' could theoretically be accommodated within the existing and proposed floor areas.

The existing floor area (including the outdoor courtyard and associated spaces) requires the provision of some 58 on-site car parking spaces. The subject land currently accommodates 12 on-site spaces, resulting in an existing shortfall of 46 spaces. The proposed floor area (including the outdoor courtyard) requires the provision of 72 on-site car parking spaces. An existing shortfall of car parking that is lawful cannot weigh against the consideration of a proposed development, accordingly, when allowing a dispensation for the existing shortfall of 46 spaces, the proposal requires the provision of 29 on-site car parking spaces. The proposed development provides 21 on-site car parking spaces, resulting in a 27.6% shortfall, over and above that of the existing shortfall.

In order to verify the above calculations, it may be considered that the Shri Ganesha Temple operates in a manner somewhat similar to a Community Centre, for which a car parking rate of 10 per 100 square metres applies. This classification would require the provision of 60 spaces for the existing floor area (again, including the outdoor courtyard and associated spaces), resulting in an existing shortfall of 48 spaces. The total proposed floor area would require 75 spaces, which after the existing shortfall of 48 spaces, results in an on-site car parking requirement of 27 spaces. Similar to that calculated above.

It is noted that the Parking Assessment undertaken by Phil Weaver and Associates provides that some 20 on-site car parking spaces are required based on the general submission that the premises currently caters for a membership base of some 60 worshippers. It is my view that this methodology is somewhat inaccurate, as the floor area of the building has a capacity to accommodate a substantially higher number of persons, whilst membership numbers may increase into the future, with Council unable to restrict the number of devotees wishing to utilize this facility.

It must be considered that a larger floor area may allow for increased numbers of attendees (and potentially on a more frequent basis), and that the outdoor space may nonetheless continue to be utilized in conjunction with the new auditorium. Other considerations include the locational attributes of the subject land, being sited on Dwyer Road which has exceeded its intended service level as a Collector Road and existing constraints with on-street car parking (both from the spill-over from the nearby Oaklands Park Railway station as well as increased density within this Policy Area).

The applicant has provided that the Shri Ganesha Temple has a long standing agreement with the St Elizabeth's Anglican Church whereby members of the Temple utilize the Church's carpark when not in service. However little to no regard can be had for the shared car parking arrangements with the adjacent St Elizabeth's Anglican Church (unless formalized via legal deeds/encumbrances on the property titles).

Ultimately, in my view it is not reasonable to expect on-site car parking to be provided to cater for every event, as some events/occasions may be significantly larger than that which would ordinarily occur at the site. And it is acknowledged that to some extent, the proposed additions seek to provide an indoor space to accommodate the existing operations of the outdoor courtyard and associated areas. It remains that the proposed 27.6% shortfall in on-site car parking is a lesser shortfall than that permitted for other Places of Worship recently considered and approved by the Panel.

It is further noted that during assessment of the application, the applicant agreed to reduce the floor area of the proposed additions in order to provide additional on-site car parking spaces. Numerically, the total usable floor area (internal and external) of the Temple is proposed to be increased by 23.9%, with the number of car parking spaces proposed to increase by 75%. This, in my view represents a reasonable attempt to address administration's initial concerns regarding on-site car parking, with the shortfall, in my respectful opinion, deemed acceptable.

Landscaping Fences and Walls

OBJECTIVES

1. *The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.*

PRINCIPLES OF DEVELOPMENT CONTROL

1. *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.*
2. *Landscaping should:*
 - (a) include the planting of locally indigenous species where appropriate*
 - (b) be oriented towards the street frontage**It result in the appropriate clearance from powerlines and other infrastructure being maintained.*

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

4 *Landscaping should not:*

(a) unreasonably restrict solar access to adjoining development

(b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding

(c) introduce pest plants

(d) increase the risk of bushfire

(e) remove opportunities for passive surveillance

(f) increase autumnal leaf fall in waterways

(g) increase the risk of weed invasion.

The development incorporates a landscape plan which includes a selection of plantings throughout the more visible parts of the site. The landscaping incorporates a perimeter of garden beds around the additional car parking area, adjacent the Dwyer Road and Letcher Road boundaries providing an appropriate visual buffer between the car parking area and the public realm.

The landscaping should sufficiently enhance and soften the existing and proposed buildings and the additional car parking area, as viewed from the street.

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

REPRESENTOR'S CONCERNS

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

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

ANALYSIS/CONCLUSION

The proposed additions and alterations satisfy a number of applicable Development Plan criteria. A Place of Worship is a common land use in the Residential Zone and continues the existing use rights, at least in part, of the premises. The size, siting and appearance of the proposed additions generally satisfy the qualitative criteria of the Residential Zone, the Regeneration Policy Area 16 and the General Section of the Development Plan.

The Shri Ganesha Temple has served the needs of the local community for many years and is an established use within the locality. The proposed building works should considerably improve the presentation of the land, as the contemporary building will replace an aging dwelling in average condition, as well as consolidate mismatched outbuildings and ancillary structures to provide a coordinated appearance and presentation, thus contributing to an improved built form character within the locality. In addition, proposed landscaping should further enhance the appearance of the site.

The proposal's fundamental non-compliance relates to a shortfall in on-site car parking. However, it is my view it is not reasonable to expect on-site car parking to be provided to cater for every event, as some events/occasions may be significantly larger than that which would ordinarily occur at the site. Ultimately, it is my opinion that that the 75% increase in on-site car parking to cater for a 23.9% in total usable floor area warrants support.

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: 100/2016/1155 to demolish existing buildings and structures and to make alterations and additions to an existing Hindu Temple building (State Heritage Place) with associated boundary fencing, car parking and landscaping. at 3A Dwyer 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. 100/2016/1155, except when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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. Vehicle crossovers should be setback a minimum 2.5 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.
7. If an archaeological artefact believed to be of heritage value is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.

Where it is known in advance (or there is a reasonable cause to suspect that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department of Environment, Water and Natural Resources.

8. If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 February 2017

Agenda Ref No:	DAP 150217 – 2.5
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	Bell Architecture
Development Description:	Building for the purpose of pre-school (child care centre), with a maximum capacity of 108 children, with associated car parking, landscaping, fencing, advertising signage and shed
Site Location:	571 Marion Road, South Plympton
Zone:	Commercial Zone
Policy Area:	Marion Road Policy Area 1
Precinct:	Nil
Application Type:	Category 3 / Non-Complying
Lodgement Date:	22/11/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/2191
Recommendation:	That Development Plan Consent be SUB-DELEGATED to the Manager - Development and Regulatory Services subject to: a) the submission of a statement authored by a suitably qualified person declaring that the site is suitable and safe for the proposed land use, to the satisfaction of the Manager; b) concurrence of the Development Assessment commission (DAC); and c) conditions.

CATEGORISATION & DELEGATION

The subject application is a Category 3 / Non-complying form of development by virtue of the Procedural Matters section of the Commercial Zone, where a pre-school is listed as a non-complying form of development. (Schedule 1 of the Development Regulations 2008 defines a pre-school as “a place primarily for the care or instruction of children of less than primary school age not resident on the site, and includes a nursery, kindergarten or child-care centre”.)

Council has delegated the authority to assess and determine non-complying applications to the Development Assessment Panel.

BACKGROUND

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

Amendments/Information Requested	Amendments Made / Information Provided
DPTI	
<ul style="list-style-type: none"> • Increase in the northern crossover to 6 metres (from 5.5 metres) • The northern access point be flared • The southern egress be designed at a 70-degree angle • The installation of suitable signage at the southern egress to prevent vehicle entry. 	Amendments adopted by the applicant in the amended plans.
Council	
<p>That a report/statement is provided from a suitably qualified person declaring that the site is suitable and safe for the proposed land use. If that statement cannot be provided without further investigations being undertaken, those investigations should be completed before the application proceeds, and before Development Plan Consent is granted.</p>	<p>Request that the application be presented to DAP with a recommendation that Development Plan Consent be delegated to the Manager - Development and Regulatory Services following the submission of a statement authored by a suitably qualified person declaring that the site is suitable and safe for the proposed land use. This would enable resolution of the site contamination issue post the DAP's consideration of the application but prior to the granting of Planning Consent. Should the DAP be of the view that the application warrants Planning Consent subject to the resolution of this one outstanding matter, this would provide a level of reassurance to the applicant in the knowledge that all other issues are settled and that the remaining site contamination matter can be resolved in negotiation with and to the satisfaction of the Manager. If in the event the Manager is not satisfied with the information provided by the Applicant, we recognise that Development Plan Consent would not be issued and that the matter may be re-presented to Council's DAP (or refused under delegations)</p>
<p>Bollard lighting should be provided throughout the site to enhance safety and security during non-daylight hours (i.e. pick-up during winter months).</p>	<p>The Applicant has no objection to incorporating appropriate lighting in suitable locations across the site. Lighting details will be resolved during the detailed design phase.</p>
<p>The landscaping plan should be amended to provide additional shade trees along the front (western) and rear (eastern) boundaries.</p>	<p>Additional trees have been included along the rear (eastern) boundary and along the front landscape strip to Marion Road (refer to Drawing SK005). A total of 14 trees are proposed on the site where there are current none.</p>
<p>The landscaping strips along the side boundaries should be increased to 1 metre width, and in doing so, a selection of mid-height shrubs should be provided along the boundaries, in addition to the proposed Liriope ground covers.</p>	<p>The landscaping strips along the side property boundaries within the carpark have been increased to 1 metre (from 800mm) and additional mid-height shrubs added.</p>
<p>The plans should confirm the location of the proposed air conditioning/plant equipment for the centre.</p>	<p>The location of the roof mounted plant equipment is indicated in the amended site plan (Drawing SK002). The Applicant would have no objection to a planning condition requiring submission of the final details of the plant equipment being submitted to Council prior to Approval.</p>

Confirm whether the freestanding pylon advertising sign is proposed as part of the subject application. If so, detailed elevation plans of the signage should be provided.	The 3-metre-high free standing sign is included in the application. A generic elevation was provided in Drawing SK004 (unchanged from the originally lodged and publically notified plan). Final message/logo details can be submitted to Council prior to installation if required.
DAP (21/12/16)	
The need for sound-attenuation of the building (for the benefit of occupants)	Glazing throughout the building will be commercial grade which will provide a reasonable level of noise attenuation for occupants however given the building is setback over 19 metres from Marion Road (which is a significantly greater setback than most dwellings with frontage to Marion Road) and that the background noise within the centre itself will be of a reasonable level, we do not foresee that other noise attenuation measures are necessary.
Vehicular access and safety for children	Clear sightlines for vehicle access and egress are provided into the site together with a generous 1.3-metre-wide pedestrian path from the footpath around the perimeter of the carpark. As a privately owned and operated childcare there is no opportunity to connect the site from the east into Forbes Primary School, particularly as the site abuts the school playing fields and vehicle access from the east is not available. Movements at the site access points will be restricted to left-in/left-out only with the car park typically operating in a one-way (north-south) manner. The majority of children will be driven to/from the site and will be led (supervised) between vehicles and the building by parents/carers. The car park will operate as a slow speed environment and such movements can safely be accommodated. A small proportion of children may be walked to/from the site via Marion Road. Accordingly, two separated access paths have been proposed within the site to the north and south of each access point. This will allow pedestrians accessing the site from Marion Road (and beyond) to walk between the Marion Road footpath and child care centre without needing to cross the proposed access points or internal car park aisle.
Health impacts associated with the site's location on an arterial road.	It is assumed this query relates to the exhaust emissions from vehicles travelling along Marion Road. As with all inner urban locations, exposure to vehicle emissions is unavoidable, however the building will be air conditioned which will assist to purify the internal air and the majority of play areas are located to the rear of the building some 34 metres back from Marion Road.

SUBJECT LAND & LOCALITY

The subject site is located at 571 Marion Road, South Plympton and is situated over two allotments identified as Allotment 473 (Certificate of Title Volume 5353 Folio 284) and Allotment 481 (Certificate of Title Volume 5353 Folio 227).

Allotment 481 contains a 'free and unrestricted right of way' appurtenant to Allotment 473. No other titles have rights over this easement. (It is anticipated that the two allotments will be amalgamated and the easement extinguished should the subject application gain consent.)

The subject site is regular in shape with an area of approximately 2466 square metres, frontage to Marion Road of 56.7 metres and depth of 43.5 metres.

Allotment 481 currently accommodates a row of shop tenancies built to the front property boundary with verandah overhanging the footpath. A number of large outbuilding/shed/carport structures are located adjacent the rear (eastern) boundary of the allotment, which are used for vehicle detailing and service.

Allotment 473 is devoid of structures, but is used for the display of vehicles for sale.

The following land uses occupy these buildings and the site:

- Service trade premises (Marion Wholesale Car Centre);
- Motor repair station and vehicle detailing (TJS Automotive & Daddy Car Care); and
- Shop (iLab mobile phone repairs).

The site is relatively flat and contains a row of mid-height palms along the southern boundary (but no other vegetation).

The subject site is located on Marion Road (Primary Arterial Road) which has two lanes running in each direction (north-south), with a speed limit of 60km/h.

In proximity of the site, a solid median strip separates the lanes in each direction, bicycle lanes are delineated and two bus stops are situated adjacent the site on either side of Marion Road.

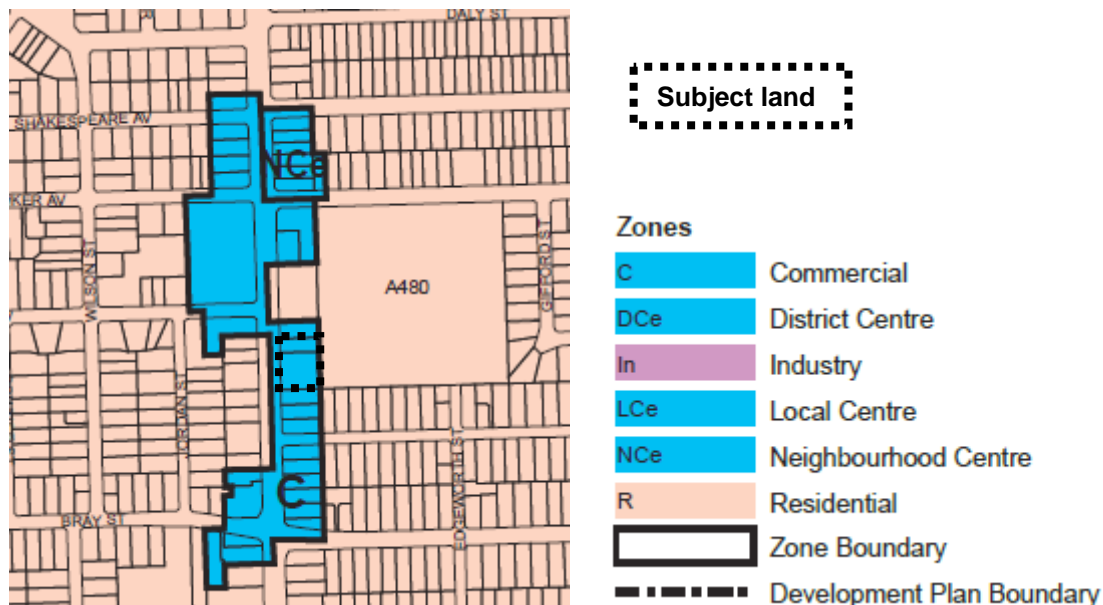
Two existing double crossovers are located at either end of the site and appear to offer two-way access onto Marion Road (although only the southern access is used for frequent customer access, as the northern crossover leads to the car display area).

There is one stobie pole located adjacent the site and another immediately north of the site.

The character of the locality is mixed in terms of land use and built form. A variety of land uses surround the subject site including dwellings (detached, residential flat buildings etc.), shops (i.e. café), gym, physiotherapy, school (Forbes Primary School); and consulting rooms (i.e. dentist).

The rear (east) of the site abuts Forbes Primary School playing fields, which is located in the Residential Zone. Dwellings adjoin the northern and southern boundaries of the subject land, but both are located in the Commercial Zone.

Refer Attachments I & II



PROPOSED DEVELOPMENT

The proposed development involves the construction of a full day childcare centre with associated car parking, landscaping, fencing and advertising signage.

The childcare centre will accommodate a maximum of 108 pre-school aged children. The children will be cared for by approximately 20 educators, as well as the director of the centre and a cook. Rotating shifts will apply so not all staff will be on site at the same time.

Subject to demand, the facility will operate from 6.30 am until 6.30 pm Monday to Friday (excluding public holidays).

The building will be separated into six (6) areas based on the ages of the children, with each area having access to a separate outdoor play space. A kitchen, offices, amenities and rooms for staff will be provided in the building.

The childcare centre will comprise a single-storey detached building with a building area (excluding verandahs) of approximately 652 square metres. The building will feature a contemporary design with a low pitch Colorbond custom orb roof hidden behind a low parapet. Walls will be predominately constructed in white painted cladding and face brick with a feature entrance.

Access to the site is provided via the existing northern crossover (to be slightly modified), while egress is provided through both the northern crossover and the existing southern crossover (which will be reduced from a double to single exit only). Twenty-seven (27) on site car parking spaces are provided, including one (1) disabled access space. Three (3) bike racks adjacent the southern boundary provide parking for 6 bicycles.

Back-lit steel lettering signage will identify the Centre on the building façade and a 2-metre-wide by 3-metre-high freestanding, unlit pylon sign will be placed to the front boundary identifying the site for passing motorists. (Centre branding details are yet to be confirmed and final signage details will be provided to Council prior to construction.)

Fencing is proposed throughout the site: along the side and rear boundaries, around the outdoor play area forward of the Kinder Room, and to screen the waste storage area and clothes drying area. The fencing is predominantly 1.8-metre-high corrugated steel, however a portion of the fencing facing Marion Road features a lightweight CFC-clad wall, to match the building’s feature entrance.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	38 properties were notified during the Category 3 public notification process.
Representations:	3 representations were received by Council; all in favour of the application.
Persons wishing to be heard:	1. Ms Judith Forbes of Once and Again Cafe
Summary of representations:	<ul style="list-style-type: none"> • Query whether childcare centre is community/based or private • Recommend pedestrian crossing (or lights) and/or speed restrictions • Totally happy – presentation is magnificent and will only enhance the good look of our part of Marion Road • It’s good to have a more suitable development for the residential area. The original noise and disturbance of the motor repairs and detailing was very concerning.

	<ul style="list-style-type: none"> It's good to see that there are plenty of car parks in front of the proposed pre-school, however how will clients travelling northwards along Marion Road turn right into the [site]? They may have to turn at Stuart Road, park and walk to the pre-school. We, the residents are already concerned about the number of cars that turn right and travel eastwards, sometimes at speed, along the narrow Stuart Road between 7am and 9am. We feel some provision needs to be made for safety of residents and those who might have to turn right into Stuart Road. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> We note that all of the representors support the application for the proposed childcare centre, with queries raised only in relation to the ability for pedestrians to cross Marion Road and the volume of traffic along Stuart Road. In consideration of these two traffic related matters, Cirqa (traffic engineers) have provided a written response (contained in Attachment III). Cirqa's statement confirms: <ul style="list-style-type: none"> a) The number of additional vehicle movements into surrounding local roads generated by the development would be low (i.e. less than 10 additional movements in each peak hour); and b) The development is anticipated to generate very few pedestrian crossing movements over Marion Road given the onsite parking provided and the young age of the children attending the facility which means parents are far less likely to attempt a busy road crossing. Furthermore, vehicles exiting the site and seeking to head north are, in our view, far more likely to utilise Raglan Avenue or Bray Street as an east-west connection through to South Road or Morphet Road than Stuart Road. While some additional traffic movements may be evident on the local roads surrounding the site, the volume will be negligible and can easily be accommodated within the capacity of the existing road network. Overall we are encouraged by the positive feedback provided by the representations and the anticipated improvements in the Marion Road streetscape. <p style="text-align: right;"><i>Refer Attachment V</i></p>

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport & Infrastructure (DPTI):	In-principle, no objection is raised, subject to conditions (detailed in recommended conditions of consent).
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Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Engineering:	<ol style="list-style-type: none"> The proposed carpark length for carparks 1 to 16 should be 5.4m and not 4.8m as shown on plan. The traffic report has incorrectly interpreted the plans to depict a 4.8m long carpark with an additional 600 mm overhang. The stormwater proposal should include a 10,000 litre
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	<p>rainwater retention tank fully plumbed into toilets (1000 litre for each toilet) connected to 80% roof area, to provide water reuse opportunity.</p> <p>3. The calculations should confirm that no hydraulic back-up and overflow is possible from the road SEP (assuming water level at top of kerb) into the development for the 1-in-5-year design storm.</p> <p>Applicant Response:</p> <p>1. The traffic report did not incorrectly interpret the design of the parking spaces. These spaces are intended to be 4.8 m in length with 600 mm overhang (to low level landscaping). Such arrangements are permitted by the “Australian/New Zealand Standard for Parking Facilities – Part 1: Off-Street Car Parking” (AS/2890.1:2004). Notwithstanding this, it is noted that the architectural plans included provision of wheelstops for these spaces. Given the shorter space length, wheel stops are not required (the kerb alignment essentially acts as the wheelstop). Accordingly, the wheelstops have been removed from the updated site plan.</p> <p>2. We are unclear where the request for 10,000 litres of water retention has originated from as this is not a specified requirement of the Development Plan and is not an obligation of the Building Code for commercial related land uses. Notwithstanding we note the Development Plan encourages the re-use of stormwater and have incorporated a 2,000 litre rainwater tank along the southern side of the childcare building which will be utilised for on-site irrigation.</p> <p>3. The Stormwater Engineer (David Reynolds from CPR) has confirmed that hydraulic back-up and overflow into the development will be possible achieved.</p>
<p>Building:</p>	<p>It is Council’s understanding that Building Rules Consent cannot be granted until such time as the allotments are amalgamated, as the proposed building would straddle two separate allotments, which does not satisfy the Building Code of Australia.</p> <p>As such, allotment amalgamation need not form a reserved matter or condition of Development Plan Consent, as it should occur prior to the issue of Building Rules Consent.</p>

DEVELOPMENT PLAN ASSESSMENT

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

Development Plan provisions:

Assessment:

Commercial Zone	
<p>Objectives</p> <p>1 A zone accommodating a range of commercial and business land uses.</p>	<p>Partially Complies A childcare centre is a form of commercial business.</p>
<p>2 Development that minimises any adverse impacts upon the amenity of the locality within the zone.</p>	<p>Complies Impacts upon the amenity of the locality are appropriately minimised (discussed further below in Interface Between Land Uses).</p>
<p>Principles of Development Control</p> <p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> ▪ 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. 	<p>Does Not Comply A child care centre/pre-school is not an anticipated land use.</p>
<p>2 Development listed as non-complying is generally inappropriate.</p>	<p>Does Not Comply A pre-school is listed as a non-complying form of development in the Commercial Zone. A pre-school is defined in the Development Regulations 2008 to mean “a place primarily for the care or instruction of children of less than primary school age not resident on the site, and includes a nursery, kindergarten or child-care centre.” The proposed land use falls within that definition.</p>
<p>5 Land division should not create additional allotments but facilitate the amalgamation of sites so that better integration with adjoining sites in terms of shared access points, driveways, parking areas and pedestrian connections can be achieved.</p>	<p>Complies The proposed development necessitates the amalgamation of two allotments, including reduction in vehicle access by making the southern access point egress only.</p>
Marion Road Policy Area 1	
<p>Objectives</p> <p>1 Development having traffic generating characteristics and design so as to not compromise the arterial road function of Marion Road.</p>	<p>Partially Complies Although the centre may generate a considerable amount of traffic during morning drop-off and afternoon pick-up, the size of the centre, car parking provision and access arrangement should ensure that traffic volume should not interfere with the arterial road function of Marion Road. It is noted that DPTI have no concerns with traffic impacts (subject to</p>

Development Plan provisions:

Assessment:

	conditions).										
<p>2 <i>Development that enhances the visual qualities and streetscape of the Marion Road corridor.</i></p>	<p>Complies The proposed building, landscaping and signage should enhance the visual qualities of the Marion Road corridor.</p>										
<p>3 <i>A policy area where development provides an appropriate transition and visual and acoustic buffers between non-residential and residential use in adjoining zones.</i></p>	<p>Complies The development's scale and anticipated amenity impacts are compatible with the nature of adjoining land (see discussion in Interface Between Land Uses).</p>										
<p>Desired Character</p> <p><i>The non-residential development in the policy area fulfils a significant local servicing role to the Marion council area and particularly to local residents. The policy area is to be further developed and upgraded by relatively small-scale, low-intensity uses with high design qualities and management measures to enhance the streetscape and to protect residential amenity in adjacent residential zones. The intensity, floor size, scale and height of development therefore needs to provide for an appropriate transition to residential uses. High impact uses, such as the petrol filling station at 646 Marion Road and the fitness centre at Plympton, are not to be expanded but, rather, further development seek to reduce such impacts and improve residential amenity.</i></p> <p><i>The architectural style and finishes of building development are to be imaginative and creative, but are expected to exhibit an overall domestic scale and character.</i></p> <p><i>Off-street car parking areas will be located at grade and be designed and landscaped to present an attractive view from public roads, particularly Marion Road, with servicing and loading areas screened from general public view.</i></p>	<p>Complies The proposed childcare centre is a relatively small-scale and low-intensity land use. The proposed building design and landscaping should enhance the streetscape.</p> <p>Residential amenity should be preserved, although it is noted that no dwellings in the Residential Zone adjoin the subject land. Nonetheless, the intensity, floor size, scale and height of the development provides for an appropriate transition to residential uses.</p> <p>The architectural style of the proposed building is modern and simple, with a domestic scale as envisaged by the Desired Character.</p> <p>The proposed off-street car parking area is located at grade. Landscaping is proposed surrounding the car park which should enhance its appearance as viewed from Marion Road.</p>										
<p>Principles of Development Control</p> <p>1 <i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ bulky goods outlet ▪ community uses ▪ consulting rooms ▪ indoor entertainment facilities ▪ motor vehicle related activities ▪ office ▪ recreation facilities ▪ service trade premises. 	<p>Does Not Comply A childcare centre is not an envisaged land use.</p>										
<p>2 <i>The gross leasable floor area of the following forms of development should be limited to that shown in the table below:</i></p> <table border="1" data-bbox="188 1906 815 2074"> <thead> <tr> <th>Form of development</th> <th>Maximum gross leasable floor area</th> </tr> </thead> <tbody> <tr> <td><i>Bulky goods outlet</i></td> <td><i>300 m²</i></td> </tr> <tr> <td><i>Community uses</i></td> <td><i>250 m²</i></td> </tr> <tr> <td><i>Consulting room</i></td> <td><i>250 m²</i></td> </tr> <tr> <td><i>Office</i></td> <td><i>250 m²</i></td> </tr> </tbody> </table>	Form of development	Maximum gross leasable floor area	<i>Bulky goods outlet</i>	<i>300 m²</i>	<i>Community uses</i>	<i>250 m²</i>	<i>Consulting room</i>	<i>250 m²</i>	<i>Office</i>	<i>250 m²</i>	<p>Not applicable The proposed childcare centre maintains a maximum gross leasable floor area of 652 m², but is not listed in the envisaged forms of development.</p>
Form of development	Maximum gross leasable floor area										
<i>Bulky goods outlet</i>	<i>300 m²</i>										
<i>Community uses</i>	<i>250 m²</i>										
<i>Consulting room</i>	<i>250 m²</i>										
<i>Office</i>	<i>250 m²</i>										

Development Plan provisions:

Assessment:

<p>Service trade premises</p>	<p>300 m²</p>	
<p>Shop (excluding bulky goods outlet)</p>	<p>150 m²</p>	
<p>3 Higher traffic volume generating development including take-away food, most shop types and motor fuel outlets should not be established. Further development of existing uses of this kind should not involve an extension in the existing floor area.</p>	<p>Not applicable The proposed child care centre does not fall within the land uses mentioned in PDC 3.</p>	
<p>5 Buildings should not exceed 2 storeys or 8 metres in height above natural ground surface level.</p>	<p>Complies The building is single-storey and has a height of 4.25 metres to the top of the parapet.</p>	
<p>6 Development adjacent residential zones should incorporate all of the following: (a) a minimum 6 metre setback for buildings from the zone boundary (b) visual and acoustic buffer features (c) landscaped areas having a minimum width of 2 metres (d) 2-metre-high fencing (e) screened or obscured building openings.</p>	<p>Complies Note: The subject land adjoins the Residential Zone on its eastern (rear) boundary, however the adjoining land comprises the oval of Forbes Primary School. Consequently, the development will not directly impact residential properties in the Residential Zone.</p> <ul style="list-style-type: none"> a) The building is set back 9.6 metres from the Residential Zone boundary. b) d) The applicant has advised that, subject to negotiations with the neighbours pursuant to the Fences Act 1975, the side and rear boundary fencing will be replaced with 2-metre-high Colorbond fencing (at the Applicant's cost). Fencing, in conjunction with Pittosporum plantings along the side and rear boundaries, should provide an appropriate visual and acoustic buffer. c) Landscaping along the rear boundary (which borders the residential zone) exceeds 2.0 metres in width, as it comprises the grassed outdoor play area. Additionally, a border of Pittosporum "Silver Sheen" plantings are proposed along the rear boundary, interspersed with 6 Pyrus calleryana trees. e) The building openings facing the residential zone to the east should be partially obscured by the boundary fencing and landscaping. 	
<p>7 Development should provide landscaped areas comprising at least 10 per cent of the site area and having a minimum width of 1 metre.</p>	<p>Partially Complies The proposed development incorporates in excess of 30% of the site as landscaped open space and planter beds. Landscaping in the form of trees (Capital Pear), shrubs (Pittosporum) and grasses (Liriope) are to be planted around most of the site boundary and within the carpark.</p> <p>Landscaping along the front boundary of the site is 1.6 metres in width, while landscaping along the side boundaries varies from 1.0 to 0.6 metres, and the landscaping bed along the rear boundary is 0.6 metres-wide.</p>	

Development Plan provisions:

Assessment:

Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p>	<p>Complies</p> <p>The building height and mass is appropriate given the single-storey nature of the building.</p> <p>The building's walls will be predominately constructed in white painted cladding and face brick with a feature entrance in grey CFC cladding. Windows and doors will be aluminium while the verandahs will be constructed of steel with timber soffit.</p> <p>The building will feature a low pitch Colorbond custom orb roof hidden behind a low parapet.</p> <p>5 verandahs/canopies are proposed on the outer sides of the building which provide both articulation and functional cover for the entrance and outdoor play areas.</p> <p>Mid-height windows run along the front western façade, while glass sliding doors predominate on the rear eastern elevation.</p> <p>Overall, the proposed building maintains a simple, contemporary design which is considered compatible with the desired character of the locality.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <ul style="list-style-type: none"> <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The building is set back 1.0 metre from its southern side boundary, 8.2 metres from its northern side boundary, and 9.6 metres from its rear boundary.</p> <p>The southern elevation maintains a total wall height of 4.25 metres. The 1.0 metre setback is considered sufficient to minimise the impact of bulk and scale on the adjoining property.</p> <p>The overall separation from boundaries is considered to maintain the character of the locality in regard to patterns of space.</p>
<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The building's walls are finished in CFC cladding and brick, which should not result in glare to neighbouring properties, drivers or cyclists.</p>
<p><i>Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.</i></p> <p><i>General Section: Design & Appearance: PDC 4</i></p>	<p>Pending further information</p> <p>The applicant has indicated that air conditioning equipment will be located on the south-eastern corner of the roof. This will be partially screened by the building's parapet, as illustrated on the elevation plans in Attachment III. The parapet is 0.205 to 0.565 in height above the roofline, and the indicative air conditioning equipment will sit 1.1 metres above the top of the parapet. Although the equipment will be partly visible, it should be partially screened when viewed from Marion Road. A condition of consent has been recommended that further details of the air conditioning be provided to Council for consideration and approval, prior to the granting of Development Approval.</p>

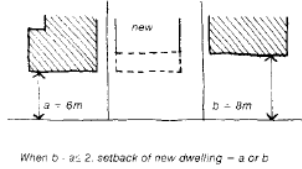
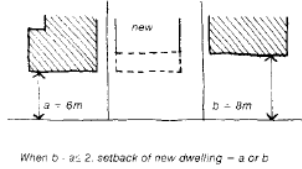
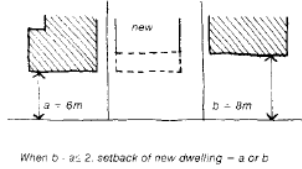
Development Plan provisions:

Assessment:

<p>Overshadowing</p> <p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> (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). <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>The proposed building is sited 1.0 metre from its southern side boundary, and therefore there may be some overshadowing of the southern adjoining dwelling (noting that this adjacent dwelling is located in the Commercial Zone).</p> <p>The front façade of the proposed building is set back 20 metres from the street frontage, which means it will be sited behind the southern adjoining building. As such, shadow cast directly south at 12 noon in winter solstice should not affect habitable room windows, and this shadow will be cast onto the neighbour's shed/carport throughout the afternoon.</p> <p>Half of the neighbour's private open space should receive direct sunlight for at least 2 hours in winter solstice. Given that the building maintains a height of 4.25 metres, it should cast shadow to a length of 6.9 metres at 12 noon in winter solstice, which means there will be shadow for a length of approximately 6 metres into the property. This will primarily overshadow the carport/shed structures, but permit sunlight to the grassed area of open space.</p> <p>Overall, the projected extent of overshadowing should comply with PDC 9 and 10.</p>
<p>Relationship to the Street and Public Realm</p> <p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p>	<p>Complies</p> <p>The building presents its main face to Marion Road.</p>
<p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p>	<p>Complies</p> <p>The building's relationship with the site's landscaping, paving and signage achieves a relatively coordinated appearance.</p>
<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p>	<p>Complies</p> <p>The building's walls are articulated through the combination of brick and cladding, fenestration and verandahs/canopies on the northern, eastern and western facades. The southern façade features only cladding/brick to minimise bulk, however this wall should not be readily visible from public view.</p>
<p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies</p> <p>The building's entrance is emphasised by a section of feature CFC cladding that protrudes slightly forward of the main façade and roof.</p>

Development Plan provisions:

Assessment:

<p>Outdoor Storage and Service Areas</p> <p><i>Outdoor storage, loading and service areas should be:</i></p> <p>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</p> <p>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</p> <p>(c) sited away from sensitive land uses.</p> <p>General Section: Design & Appearance: PDC 21</p>	<p>Complies</p> <p>The building's waste storage and clothes drying area is located centrally within the site (accessible from the building's laundry), and screened from view by 1.8-metre-high fencing.</p>								
<p>Building Setbacks from Road Boundaries</p> <p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Partially Complies</p> <p>The building is set back farther from the front boundary than dwellings on adjoining land, however the additional setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>								
<p><i>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1" data-bbox="188 1010 831 1323"> <thead> <tr> <th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th>Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjoining buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" style="text-align: center;">  </td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjoining buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:			Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Complies</p> <p>The childcare centre is set back from Marion Road between 19.3 and 20.0 metres.</p> <p><i>Note: Buildings on adjoining land are set back approximately 6.5 and 3.5 metres</i></p>
Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building								
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:								
									
Greater than 2 metres	At least the average setback of the adjoining buildings								
<p><i>Except where otherwise specified by another provision in this Development Plan or where specified in a particular zone, policy area or precinct buildings and structures should be set back at least 8 metres from road boundaries.</i></p> <p>General Section: Design and Appearance: PDC 23</p>	<p>Complies</p> <p>19.3 – 20.0 metres</p>								
<p><i>All setbacks from the road frontage should be additional to the road widening setback established under the Metropolitan Adelaide Road Widening Plan Act 1972.</i></p> <p>General Section: Design and Appearance: PDC 24</p>	<p>Complies</p> <p>Road widening does not affect the subject land.</p>								

Development Plan provisions:

Assessment:

Interface Between Land Uses	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(c) vibration</i></p> <p><i>(d) electrical interference</i></p> <p><i>(e) light spill</i></p> <p><i>(f) glare</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p> <p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p> <p><i>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.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p>Complies</p> <p>The proposed childcare centre should not result in unreasonable impacts through emissions, vibration or electrical interference.</p> <p>The development may result in noise impacts from children playing in the outdoor areas around the centre. These noise impacts should be relatively minor compared to the traffic noise of Marion Road, and compared to the existing activity of car detailing and servicing undertaken on the subject land.</p> <p>The development should not result in light spill or glare. No specific lighting is proposed in the application; however, a recommended condition of consent suggests that bollard lighting be installed to increase safety/security during non-daylight hours.</p> <p>The childcare centre is proposed to operate between the hours of 6:30 am to 6:30 pm Monday to Friday (excluding public holidays). These hours are considered reasonable as they should not interfere with normal sleeping hours.</p> <p>Traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and improved access/egress arrangements from the site. It is acknowledged that some users may utilise local roads to access the site given that only left-in left-out movements are permitted. Although this is not ideal, the applicant's traffic engineer is of the view that local roads have the capacity to cater for these movements. DPTI have confirmed that they are satisfied with the traffic impacts of the development (subject to conditions).</p> <p>On balance, the likely impacts of the development are considered to be of a reasonable extent that will not result in unwarranted impacts to adjacent properties.</p>
<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 3</i></p>	<p>Complies</p> <p>No residential properties in the Residential Zone adjoin the subject land; only those that are located diagonally south-east of the land (on the northern side of Stuart Road). Given that the building is single-storey with no elevated decks, there should be negligible impacts to these properties with respect to overlooking or overshadowing.</p> <p>Dwellings adjoin the subject land to the north and south, but these dwellings are located in the Commercial Zone. Nonetheless, overlooking should not occur due to the single-storey nature of the building, and overshadowing should be of a reasonable extent, as discussed above under <i>Design and Appearance: Overshadowing</i>.</p>
<p><i>Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 5</i></p>	<p>Complies</p> <p>The proposed childcare centre (pre-school) is a sensitive land use, but is unlikely to conflict with existing developments in the locality - predominantly residential and educational land uses surround the subject land.</p>

Development Plan provisions:

Assessment:

Transportation and Access	
<p><i>Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.</i></p> <p><i>General Section: Transportation and Access: PDC 1</i></p> <p><i>Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport network.</i></p> <p><i>General Section: Transportation and Access: PDC 2</i></p>	<p>Complies</p> <p>The proposed childcare centre is located adjacent to Bus Stop 15 on Marion Road, which operates as a high frequency bus stop.</p>
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p>Complies</p> <p>DPTI, the applicant's traffic engineer and Council's development engineer are satisfied that the site provides safe and convenient access for all anticipated modes of transport.</p>
<p><i>Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.</i></p> <p><i>General Section: Transportation and Access: PDC 9</i></p>	<p>Complies</p> <p>Adequate sight lines are maintained.</p>
<p><i>Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</i></p> <p><i>General Section: Transportation and Access: PDC 11</i></p>	<p>Complies</p> <p>On-street parking is permitted on Marion Road adjacent to the subject land, except between 4:30 and 6 pm when a bike lane applies. The proposed crossovers are separated by a distance of approximately 42 metres, which should allow room for 7 on-street parking spaces.</p>
<p><i>Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.</i></p> <p><i>General Section: Transportation and Access: PDC 12</i></p>	<p>Partially Complies</p> <p>Vehicle movements through local streets may be facilitated as a result of the restriction to left-in and left-out movements to/from the subject land to Marion Road. While some increased traffic through local roads is anticipated, the proposed childcare centre should not generate frequent commercial and industrial vehicle movements.</p>
<p><i>Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.</i></p> <p><i>General Section: Transportation and Access: PDC 13</i></p>	<p>Does Not Comply</p> <p>Although separation between passenger and commercial vehicle movements is not achieved, it is considered unnecessary due to the relative infrequency of anticipated commercial vehicle access to the site.</p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p>	<p>Complies</p> <p>The proposed car park will cater for the loading/unloading and turning of all traffic likely to be generated.</p>

Development Plan provisions:

Assessment:

<p>Cycling and Walking</p> <p><i>Development should ensure that a permeable street and path network is established that encourages walking and cycling through the provision of safe, convenient and attractive routes with connections to adjoining streets, paths, open spaces, schools, pedestrian crossing points on arterial roads, public and community transport stops and activity centres.</i></p> <p><i>General Section: Transportation and Access: PDC 15</i></p>	<p>Complies</p> <p>The proposed development includes pedestrian walkways along the northern and southern boundaries of the site, which connects to the entrance of the building via paved pathways. This should provide for safe and convenient pedestrian access. Additionally, bicycle parking is provided on the site to encourage cycling.</p>
<p><i>Development should provide access, and accommodate multiple route options, for pedestrians and cyclists by enhancing and integrating with:</i></p> <p><i>(a) open space networks, recreational trails, parks, reserves, and sport and recreation areas</i></p> <p><i>(b) Adelaide’s principal cycling network (Bikedirect), which includes arterial roads, local roads and off-road paths as depicted in Overlay Maps - Transport.</i></p> <p><i>General Section: Transportation and Access: PDC 16</i></p>	<p>Complies</p> <p>The site is located on Marion Road, which has dedicated bike lanes.</p>
<p><i>Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:</i></p> <p><i>(a) showers, changing facilities and secure lockers</i></p> <p><i>(b) signage indicating the location of bicycle facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 19</i></p> <p><i>On-site secure bicycle parking facilities should be:</i></p> <p><i>(a) located in a prominent place</i></p> <p><i>(b) located at ground floor level</i></p> <p><i>(c) located undercover</i></p> <p><i>(d) located where surveillance is possible</i></p> <p><i>(e) well lit and well signed</i></p> <p><i>(f) close to well used entrances</i></p> <p><i>(g) accessible by cycling along a safe, well lit route.</i></p> <p><i>General Section: Transportation and Access: PDC 20</i></p> <p><i>Pedestrian and cycling facilities and networks should be designed and provided in accordance with relevant provisions of the Australian Standards and Austroads Guides.</i></p> <p><i>General Section: Transportation and Access: PDC 21</i></p>	<p>Complies</p> <p>The development includes 3 bike racks (containing space for 6 bicycles) located forward of the building for easy access from Marion Road and nearby the building entrance. Shower facilities are provided within the building for use by employees.</p>
<p>Access</p> <p><i>Development should have direct access from an all-weather public road.</i></p> <p><i>General Section: Transportation and Access: PDC 22</i></p>	<p>Complies</p> <p>Direct access from Marion Road is provided.</p>
<p><i>Development should be provided with safe and convenient access which:</i></p> <p><i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i></p> <p><i>(b) provides appropriate separation distances from existing roads or level crossings</i></p> <p><i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises</i></p>	<p>Complies</p> <p>DPTI are satisfied with the design of the proposed access points on Marion Road.</p>

Development Plan provisions:

Assessment:

<p><i>induced traffic through over-provision (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i></p> <p><i>General Section: Transportation and Access: PDC 23</i></p>	
<p><i>The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised and, where possible, access points should be:</i></p> <p><i>(a) limited to local roads (including rear lane access)</i></p> <p><i>(b) shared between developments.</i></p> <p><i>General Section: Transportation and Access: PDC 25</i></p>	<p>Partially Complies</p> <p>Although the development contains two access points onto Marion Road, the current development site also maintains two access points. The proposed development should limit vehicle movements to the southern access point, as this shall become an exit-only.</p>
<p><i>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.</i></p> <p><i>General Section: Transportation and Access: PDC 26</i></p> <p><i>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.</i></p> <p><i>General Section: Transportation and Access: PDC 27</i></p>	<p>Complies</p> <p>The car park design avoids the need for vehicles to reverse onto Marion Road.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p> <p>2 vehicle access points are provided that are approximately 42 metres apart.</p>
<p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i></p> <p><i>(a) follow the natural contours of the land</i></p> <p><i>(b) minimise excavation and/or fill</i></p> <p><i>(c) minimise the potential for erosion from surface runoff</i></p> <p><i>(d) avoid the removal of existing vegetation</i></p> <p><i>(e) be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 30</i></p>	<p>Complies</p>
<p><i>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.</i></p> <p><i>General Section: Transportation and Access: PDC 31</i></p>	<p>Complies</p> <p>The carpark area is limited to maximise areas for landscaping and pedestrian walkways.</p>
<p>Access for People with Disabilities</p> <p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p>	<p>Complies</p> <p>A dedicated accessible car park is provided in accordance with Australian Standards.</p>
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-</i></p>	<p>Complies</p> <p>Twenty-seven (27) on site car parking spaces are provided, which achieves the relevant rate for a childcare centre (being 1 space per 4 children).</p>

Development Plan provisions:

Assessment:

<p><i>street Vehicle Parking Requirements.</i></p> <p>General Section: Transportation and Access: PDC 34</p> <p><i>Child care centre: 1 per 4 children</i></p> <p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>	
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p>General Section: Transportation and Access: PDC 35</p>	Complies
<p><i>Vehicle parking areas should be sited and designed to:</i></p> <p><i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i></p> <p><i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i></p> <p><i>(c) not inhibit safe and convenient traffic circulation</i></p> <p><i>(d) result in minimal conflict between customer and service vehicles</i></p> <p><i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i></p> <p><i>(f) minimise the number of vehicle access points onto public roads</i></p> <p><i>(g) avoid the need for vehicles to reverse onto public roads</i></p> <p><i>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</i></p> <p><i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces</i></p> <p><i>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i></p> <p><i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i></p> <p>General Section: Transportation and Access: PDC 36</p>	<p>Generally Complies</p> <p>a) Pedestrian pathways are provided through the site, which connect the entrance to the footpath on Marion Road.</p> <p>b) Bicycle parking is provided off of the pedestrian path.</p> <p>c) The car park design enables safe and convenient traffic circulation.</p> <p>d) Service vehicles will include refuse collection via a small rigid vehicle (SRV). The car park access points have been designed to allow SRV movements to enter and exit the site to/from Marion Road in a forward direction. Such movements would be undertaken outside of peak set-down/pickup periods.</p> <p>e) Complies</p> <p>f) The number of access points onto Marion Road has been minimised.</p> <p>g) Vehicles will not have a need to reverse onto Marion Road.</p> <p>h) Shared parking is not proposed, however it is considered preferable for the proposed childcare centre to maintain its own carpark with direct access to the building's entrance due to the high number of small children requiring escort from the carpark to the building's entrance.</p> <p>i) The car parking area, although located forward of the building, is not considered to dominate the character and appearance of the site due to the provision of appropriate landscaping.</p> <p>j) Landscaping is provided that will shade the western side of the parking area.</p> <p>k) N/A</p>
<p><i>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.</i></p> <p>General Section: Transportation and Access: PDC 38</p>	<p>Complies</p> <p>The applicant has agreed to install bollard lighting to enhance navigation of the site during non-daylight hours. This forms a recommended condition of consent.</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p>General Section: Transportation and Access: PDC 39</p>	<p>Complies</p> <p>Conditioned</p>
<p><i>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</i></p> <p>General Section: Transportation and Access: PDC 40</p>	<p>Complies</p> <p>Landscaping is provided surrounding the car park area.</p>

Development Plan provisions:

Assessment:

<p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p>	<p>Complies Conditioned</p>
<p>Advertisements</p>	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p>Complies</p> <p>Simple back-lit steel lettering signage will identify the childcare centre on the building's western front façade.</p> <p>A 2-metre-wide by 3-metre-high freestanding, steel, metal-clad, unlit pylon sign will be placed to the front boundary identifying the site for passing motorists. The applicant has advised that "centre branding details are yet to be confirmed and final signage details can be provided to Council prior to construction." The provision of this information forms a recommended condition of consent.</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p><i>(a) clutter</i></p> <p><i>(b) disorder</i></p> <p><i>(c) untidiness of buildings and their surrounds</i></p> <p><i>(d) driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p>Complies</p> <p>The proposed advertisements are considered to be simple in nature and sited to avoid clutter, disorder, etc.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p>The content of the sign is subject to clarification of the centre's branding.</p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p><i>(a) be completely contained within the boundaries of the subject allotment</i></p> <p><i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p><i>(c) not obscure views to vistas or objects of high amenity value.</i></p> <p><i>General Section: Advertisements: PDC 5</i></p> <p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p><i>(a) a public footpath or veranda post</i></p> <p><i>(b) a road, median strip or traffic island</i></p> <p><i>(c) a vehicle adapted and exhibited primarily as an advertisement</i></p> <p><i>(d) residential land.</i></p> <p><i>General Section: Advertisements: PDC 6</i></p>	<p>Complies</p> <p>The proposed advertisements are located wholly within the subject land and do not affect vistas or trees.</p>
<p><i>Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, unless the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.</i></p> <p><i>General Section: Advertisements: PDC 7</i></p>	<p>Complies</p> <p>The advertising attached to the building shall not protrude beyond the architectural outline of the building.</p>

Development Plan provisions:

Assessment:

<p><i>Signs should not be silhouetted against the sky or project beyond the architectural outline of the building.</i></p> <p><i>General Section: Advertisements: PDC 9</i></p>	
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p>Complies Conditioned</p>
<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p><i>General Section: Advertisements: PDC 11</i></p>	<p>Complies The advertising on the building shall use simple back-lit steel lettering.</p>
<p>Safety</p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></p> <p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p>Complies</p> <p>a) The back-lit steel lettering is unlikely to be so highly illuminated to cause discomfort to drivers given that it is set back over 20 metres from Marion Road, and only features background illuminance.</p> <p>b) The proposed signage is unlikely to be interpreted as an official traffic sign.</p> <p>c) The subject section of Marion Road does not present a particularly high demand for driver concentration, but regardless the signs should not cause unreasonable distraction.</p> <p>d) The proposed signs should not obscure drivers' view of road features.</p>
<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p><i>General Section: Advertisements: PDC 16</i></p>	<p>Complies</p>
<p>Freestanding Advertisements</p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) limited to only one primary advertisement per site or complex</i></p> <p><i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i></p> <p><i>General Section: Advertisements: PDC 18</i></p>	<p>Complies</p> <p>a) One freestanding advertisement is proposed</p> <p>b) In the procedural matters of the Commercial Zone, freestanding advertisements exceeding 8 metres in height are classified as non-complying. The proposed 3-metre-high sign is well within the size/height restrictions of freestanding signage in the Commercial Zone. The sign is also compatible with the scale of development on the site, as the proposed building reaches a height of 4.25 metres.</p>
<p>Advertising along Arterial Roads</p> <p><i>Advertising and/or advertising hoardings should not be</i></p>	<p>Complies The subject section of Marion Road maintains a speed limit of 60 km/h.</p>

Development Plan provisions:

Assessment:

<p><i>placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p><i>General Section: Advertisements: PDC 24</i></p>	
Waste	
<p><i>The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.</i></p> <p><i>General Section: Waste: PDC 2</i></p> <p><i>Development which incorporates areas used for activities such as commercial car parking, loading and unloading, wash down of vehicles, storage of plant or equipment, or storage of waste refuse bins should be suitably paved, bunded to exclude stormwater runoff from external sources, and designed so that water that has made contact with such areas is either:</i></p> <p><i>(a) directed to a sediment trap, separator or other appropriate treatment device and then to sewer</i></p> <p><i>(b) directed to a wastewater holding tank.</i></p> <p><i>General Section: Waste: PDC 4</i></p>	<p>Complies</p> <p>A dedicated waste storage area is provided forward of the building which is easily accessible from the car park to enable access for private waste collection vehicles.</p> <p>A stormwater management plan has been provided which confirms that stormwater from the car parks and concrete pavement will be collected, treated and disposed to adjacent infrastructure. A new gross pollutant trap will be installed at the Marion Road side of the site, which will gravity-feed to the stormwater entry pit (SEP) in Marion Road kerb and water tables.</p> <p>The present condition of the site offers no measures to clean the water run-off from the car park pavement or loading dock areas. The installation of gross pollutant traps will improve the quality of water existing the site compared to the current situation.</p> <p>Council's Development Engineer is satisfied with the proposed Stormwater Management Plan.</p>
<p><i>Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.</i></p> <p><i>General Section: Waste: PDC 6</i></p>	<p>Complies</p> <p>The development includes a bin storage area located forward of the building, which is screened by 1.8-metre-high fencing. This area should enable the efficient storage of recycling receptacles.</p>
Crime Prevention	
<p><i>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</i></p> <p><i>General Section: Crime Prevention: PDC 1</i></p> <p><i>Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.</i></p> <p><i>General Section: Crime Prevention: PDC 2</i></p>	<p>Complies</p> <p>The building is designed to provide surveillance to Marion Road – windows are provided along the southern part of the front façade to allow surveillance from staff areas.</p>
<p><i>Development should provide a robust environment that is resistant to vandalism and graffiti.</i></p> <p><i>General Section: Crime Prevention: PDC 3</i></p> <p><i>Development should provide lighting in frequently used public spaces including those:</i></p> <p><i>(a) along dedicated cyclist and pedestrian pathways, laneways and access routes</i></p> <p><i>(b) around public facilities such as toilets, telephones, bus stops, seating, litter bins, automatic teller machines, taxi ranks and car parks.</i></p> <p><i>General Section: Crime Prevention: PDC 4</i></p>	<p>Complies</p> <p>The mixture of brick and cladding of the building's facades should discourage graffiti. Lighting throughout the car park should also assist in deterring loitering around the building.</p>

Development Plan provisions:

Assessment:

<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p>Partially Complies</p> <p>The entrance of the building is visually apparent when viewed from Marion Road due to the feature cladding surrounding the entrance doors and street number in large lettering on the building's parapet. As such, signage indicating the location of the entrance is considered unnecessary in this instance.</p>
<p><i>Landscaping should be used to assist in discouraging crime by:</i></p> <p><i>(a) screen planting areas susceptible to vandalism</i></p> <p><i>(b) planting trees or ground covers, rather than shrubs, alongside footpaths</i></p> <p><i>(c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.</i></p> <p><i>General Section: Crime Prevention: PDC 6</i></p>	<p>Partially Complies</p> <p>Vegetation along the front boundary comprises Liriope groundcovers with Pyrus calleryana trees at 6.5 metre intervals.</p> <p>It is noted that the Pyrus trees are located only 700mm from the footpath. However, such trees typically have a narrow trunk with canopy commencing about 1 metre from ground level, and therefore concealment opportunities should be limited compared to shrubs, etc.</p>
<p><i>Buildings should be designed to minimise and discourage access between roofs, balconies and windows of adjoining dwellings.</i></p> <p><i>General Section: Crime Prevention: PDC 8</i></p>	<p>Generally Complies</p> <p>The proposed building is sited further back on the allotment than the southern adjoining dwelling, which should discourage access between roofs.</p>
<p>Energy Efficiency</p>	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Complies</p> <p>The building is designed such that outdoor play areas should receive northern winter sunlight. Further, the Kinder and Pre-School rooms feature north-facing glass doors which should maximise access to winter sunlight.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Partially Complies</p> <p>Although the roof does not have a north-facing slope, solar panels could be installed on tilt-frames if required. Such panels would not be overshadowed by neighbouring buildings, and would be partially screened by the parapet of the existing building.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p>	<p>Partially Complies</p> <p>The proposal features landscaping beds along the site frontage to Marion Road and side boundaries within the carpark. In addition, the outdoor play area will be surrounded by boundary landscaping comprising shrubs and trees.</p> <p>The Pyrus calleryana (Capital) trees along the front boundary are interspersed at 6.5 metre intervals, and should grow to a height of 11 metres with a canopy spread of 3 metres.</p>

Development Plan provisions:

Assessment:

<p>(g) assist in climate control within buildings (h) maintain privacy (i) maximise stormwater re-use (j) complement existing native vegetation (k) contribute to the viability of ecosystems and species (l) promote water and biodiversity conservation.</p> <p>General Section: Landscaping, Fences & Walls: PDC 1</p> <p>Landscaping should:</p> <p>(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.</p> <p>General Section: Landscaping, Fences & Walls: PDC 2</p> <p>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</p> <p>General Section: Landscaping, Fences & Walls: PDC 3</p> <p>Landscaping should not:</p> <p>(a) unreasonably restrict solar access to adjoining development (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding (c) introduce pest plants (d) increase the risk of bushfire (e) remove opportunities for passive surveillance (f) increase autumnal leaf fall in waterways (g) increase the risk of weed invasion.</p> <p>General Section: Landscaping, Fences & Walls: PDC 4</p>	<p>Liriope grasses are proposed along the front boundary, while Pittosporum "Silver Sheen" trees are proposed along the northern side boundary, a portion of the southern side boundary and along the eastern rear boundary.</p> <p>The landscaped area along the road frontage maintains a width of 1.6 metres. Although 0.4 metres less than recommended, it is considered sufficient to accommodate the proposed plantings.</p> <p>On balance, the distribution and selection of landscaping is considered sufficient to complement the built form, improve the visual amenity of the car park and provide screening to the adjacent dwellings and school.</p>
<p>Fences and walls, including retaining walls, should:</p> <p>(a) not result in damage to neighbouring trees (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street (e) assist in highlighting building entrances (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land (h) be constructed of non-flammable materials.</p> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Complies</p> <p>The proposal incorporates 1.8-metre-high fencing within the site to provide screening for the play area and outdoor clothes drying and bin storage area. This fencing is a combination of corrugated steel and CFC cladding in a section forward of the outdoor play area (facing Marion Road), which should create articulation when viewed from the street in a manner which complements the appearance of the proposed building.</p> <p>The majority of the building's front façade remains open to the street frontage to maximise street presence and surveillance.</p> <p>The applicant has indicated that, subject to negotiations with the neighbours pursuant to the <i>Fences Act 1975</i>, the side and rear boundary fencing will be replaced with 2-metre-high Colorbond fencing (at the Applicant's cost).</p> <p>On balance, the proposed fencing is considered to satisfy PDC 5.</p>
<p>Hazards</p>	
<p>Site Contamination</p> <p>Development, including land division, should not occur where site contamination has occurred unless the site has</p>	<p>Pending further information</p> <p>Given the history of commercial land uses on the site and the proposed 'sensitive' land use, a Preliminary Site Investigations (PSI) report has been prepared by</p>

Development Plan provisions:

Assessment:

been assessed and remediated as necessary to ensure that it is suitable and safe for the proposed use.

General Section: Hazards: PDC 19

Senversa (refer to Attachment III). The PSI sought to assess:

- The potential for contamination to be present on or beneath the site; and
- The potential for the contamination to impact upon the suitability of the site for its proposed future use as a childcare centre.

Following a desktop analysis of past land uses, historic information and other available data and a site inspection, Senversa concluded that while there is the potential for site contamination to exist at the property, it is considered unlikely to be extensive given that:

- The areas of the site in which the vehicle servicing and car detailing are currently conducted (and in which chemicals, waste oil and waste water are stored) are being effectively sealed and managed with containment systems and appropriate waste disposal protocols (oil-water separator, trade waste licence permits and regular pumping out and disposal of waste liquids by licenced contractors);
- The extent of filling appearing to be restricted to near surface soils along the eastern portion of the site, which represents approximately 5% (or less) of the total site area; and
- The likely small scale of historical commercial activities at the site.

Senversa recommend supplementary (intrusive) investigations to assess for the presence and (if present) the nature and extent of contamination in the context of the proposed future use of the site.

Council staff have requested that the recommended intrusive investigations be undertaken before Development Plan Consent is granted. However, the applicant has requested that the application be presented to the DAP for resolution before the testing for the following reasons:

“Of particular concern to the Applicant in this instance is the ‘non-complying’ nature of the application and accompanying lack of appeal rights should the Council’s Development Assessment Panel (DAP) not support the application. Further intrusive investigations and subsequent reporting are likely to cost in the order of \$30,000 to \$50,000 which is a considerable financial outlay prior to receipt of any form of support from Council on the non-complying application. In addition, the intrusive testing and subsequent review by an Auditor is likely to delay the project by a number of months which cause further uncertainty.”

The Manager of Development and Regulatory Services is comfortable with the proposed method of delegation. If the Panel resolves to grant consent to the proposal, the application will remain on hold pending the outcome of further intrusive investigations of the site to ascertain the presence and/or extent of contamination. If remediation is necessary to address any identified contamination, the proposal could be amended to incorporate such measures before Development Plan Consent is granted.

If, however, contamination is found to be extensive

Development Plan provisions:

Assessment:

	and the Auditor cannot proclaim that the site is/can be suitable and safe for the proposed land use, the application will be refused.
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REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to potential traffic movements on local roads have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to this matters.

The representors have also raised concerns over the need for a pedestrian crossing on Marion Road. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposal satisfies a number of the applicable principles of development control contained within the Marion Council Development Plan. However, the fundamental non-compliance relates to the fact that a childcare centre (pre-school) is not an envisaged land use in the Commercial Zone, and is listed as non-complying.

Despite this non-compliance, the Commercial Zone envisages a range of commercial and business land uses. A childcare centre falls broadly under these overarching land uses.

On balance, the proposed land use is considered suitable for the subject locality, given:

- a) its location is highly accessible with access from a high frequency public transit corridor;
- b) the subject land abuts open space associated with the Forbes Primary School to the east - the proposed pre-school land use is similar to and compatible with a school, and may create convenience for parents using both the school and pre-school; and
- c) the locality contains a range of residential dwellings, shops, school, gymnasium and consulting rooms – a childcare centre is considered a more compatible land use than the existing car yard and car servicing.

The proposed floor area of 623 square metres exceeds the maximum of 150 to 300 square metres recommended for various land uses in the Marion Road Policy Area 1. The proposed floor area, however, is not considered to result in unreasonable impacts to the locality or adjacent land. Furthermore, it is noted the proposal incorporates the amalgamation of two allotments (which is specifically envisaged in the Zone), and so it is reasonable to anticipate that a larger floor area will be provided that is commensurate to the larger site area. It is also noted that the size of rooms and ratio of open space in childcare centres is dictated by legislation relative to the number of children, and therefore the proposed floor area is relative to its capacity.

The proposed development satisfies a number of zone/policy area objectives, such as appropriate interface with the Residential Zone, improved access/egress arrangements to Marion Road, improvement of the streetscape appearance to Marion Road, increased landscaping throughout the site, and appropriate building height and scale.

The proposal's setbacks, car parking provision, landscaping, fencing and design/appearance all reasonably accord with the relevant provisions of the Development Plan.

It is noted that the development's compliance with regard to air conditioning plant/equipment, lighting throughout the site, and site contamination have not yet been resolved. The applicant has requested that these matters be sub-delegated to the Manager of Development and Regulatory Services for further assessment, should the Panel resolve that the application warrants Development Plan Consent.

Subject to resolution of the abovementioned matters, it is my view that, on balance, the proposal sufficiently accords with a majority of relevant criteria of the Marion Council Development Plan. Despite the fact that the proposed land use is non-complying, it demonstrates notable merit in other areas. The proposed childcare centre will provide a form of development that is compatible with the nature of its locality, and which should improve the streetscape amenity of this section of Marion Road.

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 resolution of site contamination, concurrence from DAC, and 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: 100/2016/2191 for Building for the purpose of pre-school (child care centre), with a maximum capacity of 108 children, with associated car parking, landscaping, fencing, advertising signage and shed at 571 Marion Road, South Plympton, be SUB-DELEGATED to the Manager - Development and Regulatory Services subject to:
 - a) the submission of the following information by the applicant to the satisfaction of the Manager:
 - A statement authored by a suitably qualified person declaring that the site is suitable and safe for the proposed land use. Any site assessment required to be undertaken prior to the provision of this statement shall be undertaken in accordance with Schedules A and B of the National Environment Protection (Assessment of Site Contamination) Measure 1999 and that evidence of such shall be submitted to Council in conjunction with the associated statement; and
 - b) concurrence of the Development Assessment Commission (DAC); and
 - c) 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. 100/2016/2191, being:
 - a. Drawing numbers SK004 received by Council on 6 February 2017 and drawing numbers SK002, SK003 and SK005 received by Council on 2 February 2017, by Bell Architecture reference number BA160071;
 - b. Report and correspondence from Ekistics dated 1 February 2017 and 21 November 2016;
 - c. Traffic and Parking Analysis by Cirqa dated 24 January 2017 and 17 November 2016; and
 - d. Stormwater Management Plan by CPR Engineers dated 18 November 2016, except when varied by the following conditions of consent.
2. Prior to the issue of Development Approval, the following information shall be provided to Council for consideration and approval:
 - a. details of the proposed roof-mounted air conditioning unit/plant equipment, including scaled elevations plans;
 - b. details of the proposed freestanding advertising sign, including text, graphics, colours, etc.

Stormwater

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 stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. A trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order to the reasonable satisfaction of the Council.

Lighting

7. Bollard lighting shall be provided in appropriate locations throughout the car park and adjacent the building's entry to enhance safety and security in non-daylight hours. Details of the lighting shall be provided to Council for consideration and approval prior to the issue of Development Approval.
8. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
9. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of the Council.
10. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 "Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines". Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.

Hours of Operation

11. The hours of operation of the premises shall be restricted to 6.30am until 6.30pm Monday to Friday (excluding public holidays).
12. All deliveries to and from the site (including waste collection) shall be restricted to the following times:

Landscaping

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

14. 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.
15. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
16. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.

Car park

17. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
18. Wheel stopping devices shall be placed within parking bays 17-27 so as to prevent damage to the adjoining buildings, to the reasonable satisfaction of the Council.
19. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
20. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
21. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
22. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
23. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
24. All car parking spaces shall be line-marked 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.
25. Bicycle facilities shall be provided in accordance with Australian Standard AS 1742.9-2000 "Manual of uniform traffic control devices Part 9: Bicycle facilities".

Advertising signage

26. The advertisements and supporting structures shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
27. The proposed signs shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.

DPTI

28. The northern two-way access shall be a minimum of 6.0 metres in width at the Marion Road property boundary and be suitable flared to allow convenient ingress and egress movements without disrupting the free flow of traffic.
29. The southern access shall cater for egress movements only and be constructed at 70° to the road and be suitably flared to physically restrict left turn entry movements.
30. All traffic movements to / from the site shall be restricted to left turn in / left turn out only.
31. Appropriate signage and line marking shall be installed to reinforce the desired traffic flow at the Marion Road access points.
32. The largest vehicle permitted on site shall be restricted to an SRV as per AS2890.2-2002.
33. All delivery/refuse vehicle movements shall occur outside of the peak period of site operation and/or traffic flows on Marion Road.
34. Any fencing along the southern boundary shall be a maximum of 1.1 metres in height or be of an open design for a distance of 2.5 metres into the site to ensure driver/pedestrian sight lines are not restricted.
35. All car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
36. Sufficient manoeuvring area shall be provided to ensure all vehicles can enter and exit the site in a forward direction.
37. The obsolete crossovers on Marion Road shall be reinstated to Council standard kerb and gutter at the applicants cost prior to the business becoming operational.
38. No stormwater from this development is permitted to discharge on-surface to Marion Road. In addition, any existing drainage of the road shall be accommodated in the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.

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.**
7. **Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 February 2017

Agenda Ref No:	DAP150217 – 2.6
Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	Fairmont Homes Pty Ltd
Development Description:	A two-storey building comprising four dwellings, incorporating a wall on the northern boundary
Site Location:	27 Minkie Avenue, Mitchell Park
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 2 / Consent
Lodgement Date:	05/05/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/799
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns development 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
The upper level southern side setback of House 1 should be increased to satisfy the prescribed minimum of 3 metres.	Upper level southern side setback of House 1 increased from 1.26 metres to 2.16 metres.
Two on-street car parking spaces should be provided for the proposed development.	Crossover widths/locations amended to accommodate 2 on-street car parking spaces.
A minimum 2 metre clearance should be provided to the trunk face of each street tree.	Minimum 2 metre clearance provided from both street trees.

SUBJECT LAND & LOCALITY

The subject site is located at 27 Minkie Avenue, Mitchell Park. The land comprises a somewhat irregular shape, with an eastern primary street frontage to Minkie Avenue of 30.43 metres, and a total site area of 969 square metres.

The subject land currently accommodates a single-storey maisonette comprising two dwellings, both in poor condition. Vehicular access is provided to the existing dwellings alongside both the northern and southern side boundaries. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

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

The site is located 500 metres south-west of the Mitchell Park Reserve, a large public open space reserve with playing fields, cricket nets, fitness equipment and a children's playground. The Clovelly Park Railway Station is located some 600 metres walking distance to the east of the subject land, while a Neighbourhood Centre Zone is located 500 metres to the north-west.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct four, two-storey row dwellings with associated car parking and landscaping.

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.

The dwellings will have a modern appearance and are to be well articulated. Materials and finishes include face brickwork, 'Axon' cladding and render. The dwellings will each provide a hipped roof design to be clad with Colorbond sheeting which is to be set at a 25-degree pitch. Landscaping is also proposed and is to be provided within side and rear yards and to the front of each dwelling.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	21 properties were notified during the Category 2 public notification process.
Representations:	7 representations were received by Council, 1 in favour of the application, 5 in favour or neutral regarding the outcome of the application although noting certain concerns, and 1 against the application.
Persons wishing to be heard:	12A Minkie Avenue 27B Minkie Avenue

<p>Summary of representations:</p>	<p>12A Minkie Avenue</p> <ul style="list-style-type: none"> • Concerns regarding the increase in on-street parking resulting from increased densities within the locality. • Two on-site car parking spaces do not allow for multiple tenant vehicles or that of visitors. • Concerns regarding noise/dust and health impacts during the construction of the dwellings. <p>27B Minkie Avenue</p> <ul style="list-style-type: none"> • Fencing enquiries in relation to the proposed boundary wall. <p>23 Minkie Avenue</p> <ul style="list-style-type: none"> • Would prefer the proposed dwellings to comprise a building height not higher than (and a front setback not less than) that of the dwellings 23 Minkie Avenue. <p>12A Minkie Avenue</p> <ul style="list-style-type: none"> • Secure fencing required during construction process. <p>26 Lutana Crescent</p> <ul style="list-style-type: none"> • Concerns regarding replacement of existing fencing. <p>28 Lutana Crescent</p> <ul style="list-style-type: none"> • Concerns regarding replacement of existing fencing. • Noted visual impact of rear elevation of the four dwellings in place of current vegetation. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<p>Applicant's response:</p>	<p>All boundary fencing will be replaced with 1.8-metre-high Colorbond fencing, the site will be fenced with temporary fencing for security</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

<p>Open Space:</p>	<p>Any proposed crossover or stormwater discharge pipe to the road must maintain a minimum 2 metres clearance from the trunk face of the existing street trees in order to maintain acceptable arboricultural longevity.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
Objectives		
<p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>		
Medium Density Policy Area 12		
Objectives		
<p><i>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.</i></p> <p><i>2 Development that minimises the potential impact of garaging of vehicles on the character of the area.</i></p> <p><i>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</i></p> <p><i>4 Development that contributes to the desired character of the policy area.</i></p>		
Desired Character		
<p><i>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).</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. 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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.</i></p>		
PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <i>▪ affordable housing</i> <i>▪ dwelling including a residential flat building</i> <i>▪ supported accommodation.</i> 	Complies

PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	<i>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.</i>	Complies
PDC 6	<i>Minimum Site Area: 210m²</i>	Complies House 1: 267m ² House 2: 236m ² House 3: 236m ² House 4: 230m ²
	<i>Minimum Frontage: 7m</i>	Complies House 1: 7.81m House 4: 8.816m Does Not Comply House 2: 6.9m House 3: 6.904m
	<i>Minimum Depth: 20m</i>	Complies House 1: 34.34m House 2: 34.2m House 3: 34.2m House 4: 34.98m

Assessment

Objectives & Desired Character

The application proposes to replace an existing single storey building comprising two dwellings in poor condition, with four dwellings, in the form of a four two-storey row dwellings. Row dwellings are form of development anticipated by PDC 1.

Given that the subject land is located within reasonable walking distance to public open space, public transport routes and centre facilities, the wider locality contains features identified in Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12 as warranting increased residential densities.

It is envisaged that medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (development with site areas of between 149.3 and 250 square metres) should be in the form of 2 or 3 storey buildings. The proposed development achieves this intent, with four two-storey dwellings proposed.

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

Frontage width

The frontage width of House 2 and 3, at 6.9 metres and 6.904 metres respectively, does not meet the prescribed minimum of 7 metres. In my view, the numeric shortfall is relatively minor and should not be readily apparent within the streetscape. Further, the frontage width of the whole of the subject land, at 30.43 metres, exceeds the minimum 28 metres required of four row dwellings.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage										
<p><i>Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:</i></p> <table border="1" data-bbox="188 560 906 707"> <thead> <tr> <th>Site area</th> <th>Maximum Site Coverage</th> <th>Maximum Floor Area Ratio</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>130m² and 0.6 applies for House 1, and 100m² and 0.7 for each House 2, 3 and 4.</p> <p><i>Medium Density Policy Area 12: PDC 7</i></p>	Site area	Maximum Site Coverage	Maximum Floor Area Ratio	250 - 325 m ²	130 m ²	0.6	< 250 m ²	100 m ²	0.7	<p>Site coverage:</p> <p>Complies House 1: 114.9m²</p> <p>Does Not Comply House 2: 114.9m² House 3: 114.9m² House 4: 127.6m²</p> <p><i>Average site coverage: 48.7%</i></p> <p>Floor area ratio:</p> <p>Complies House 2: 0.69 (163.6m²) House 3: 0.69 (163.6m²)</p> <p>Does Not Comply House 1: 0.61 (163.6m²) House 4: 0.76 (175.4m²)</p> <p><i>Average floor area ratio: 0.68</i></p>
Site area	Maximum Site Coverage	Maximum Floor Area Ratio								
250 - 325 m ²	130 m ²	0.6								
< 250 m ²	100 m ²	0.7								
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> (a) would not be contrary to the relevant setback and private open space provisions (b) would not adversely affect the amenity of adjoining properties (c) would not conflict with other relevant criteria of this Development Plan. <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The setbacks of the proposal are considered to be acceptable (as discussed within the table discussion) and the excess in the building footprint does not adversely impact upon the POS of the dwellings or upon the amenity of adjoining properties.</p>									
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles. <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>									
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>Approx. 27.3% (265m²)</p>									

Private Open Space

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

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

Residential Zone: PDC 7

Complies

House 1: 35.1% (93.6m²)
House 2: 35.1% (82.8m²)
House 3: 35.1% (82.8m²)
House 4: 26.1% (60m²)

5 x 5 metre POS dimension achieved by each dwelling.

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

Complies

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

Partially Complies

- g) The proposed POS areas maintain a westerly aspect which should nonetheless receive some access to northern sunlight to provide for comfortable year round use

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

Complies

House 1: 5m
 House 2: 5m
 House 3: 5.2m
 House 4: 5.2m

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

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

Residential Zone: PDC 6

Wall height not greater than 3 metres

Complies

House 1: 0.9m

Wall height between 3 metres and 6 metres

Does not Comply

House 1: 2.16m (adjacent southern boundary)

Partially Complies

House 4: The upper level (wall height of 5.3 metres) is setback at 1.292 metres from the northern boundary at its closest point, increasing to over 2 metres.

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

House 4: Length: 6.4m, Height 2.6m

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

House 4: Although the upper level side setback of House 4 does not exactly comply with quantitative criteria, the separation from the northern side boundary is considered sufficient to minimise the visual impact of bulk and scale on the adjacent property. 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).

Partially Complies

House 1: The shortfall in the upper level southern side setback of House 1 is discussed within the Table Discussion, further below within this report.

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

Complies

House 1: 12m
 House 2: 12m
 House 3: 12m
 House 4: 11m

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 than 10 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.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

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

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

General Section: Residential Development: PDC 12

Parameter	Value	
Maximum wall or post height	3 metres	Complies Dwelling 4: 2.6m
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
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies House 4: 6.4m
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 House 1: 43.5% House 2: 49.3% House 3: 49.3% House 4: 45.4%
Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit.		Complies

General Section: Residential Development: PDC 13

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

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

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

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 (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 opportunities are located within reasonable 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

House 1: Existing crossover utilised
 House 2 and 3: 6m combined width
 House 4: 3m

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

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street trees, as requested by Council's Arborist.

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

General Section: Transportation and Access: PDC 28

Complies

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

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Complies

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

- Mixture of brick, cladding and render on the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Protruding portico
- Eave overhang and pitched roof form at 25-degree slope
- Fenestration

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

Partially Complies

The lack of fenestration to the upper level rear elevation results in large areas of uninterrupted wall areas, however the separation between Houses 2 and 3, as well as the lower level roof form of the dwellings, provide some visual relief.

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

An assessment of the projected extent of overshadowing on 21 June (winter solstice) demonstrates that a majority of winter shadow will be cast over the adjacent dwellings to the south of the subject land.

Shadow cast into private open space of the adjoining property to the south will subside throughout the morning, such that a majority of the private open space will be free from shadow by midday.

However, the north-facing window to the lower level living area of the dwelling to the south shall not receive any direct sunlight over a portion of its surface between 9 am and 3 pm on the 21 June. This is discussed further within the Table Discussion section of this report.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

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

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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 main activity areas of the dwellings are oriented west. While this is not an optimum orientation for energy efficiency of the dwellings, adequate sunlight will nonetheless be available to the areas of POS, with the windows of each internal living area adequately shaded by the proposed alfresco provided to each dwelling.

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

<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>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.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

TABLE DISCUSSION

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

- Site coverage (House 2, 3 and 4)
- Floor area ratio (House 1 and 4)
- Upper level side setbacks and overshadowing

Site coverage

Site coverage exceeds criteria, as the Medium Density Policy Area 12 prescribes maximum site coverage of 100 square metres for House 2, 3 and 4. Whereas House 2 and 3 comprise site coverage of 114.9 square metres, with 127.6 square metres coverage observed for House 4. The Medium Density Policy Area 12 generally envisages maximum site coverage of 40%. In this regard, the overall site coverage equals 48.7% of the total site area (including House 1). 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 42.9%. 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 those proposed within the subject application; 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 verandahs would reduce site coverage, it would ultimately be inconsequential and therefore does not affect the merit of the subject application.

- b) The proposal generally achieves sufficient areas of private open space (POS) and lower level setbacks from boundaries. Accordingly, the excess in site coverage should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.
- c) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access, vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.
- d) It is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. The subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60% for new detached and semi-detached dwellings. As such, it is considered that the proposal results in less site coverage than that which could feasibly be constructed on the subject land "as of right" (i.e. without an assessment against Development Plan criteria).

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

The floor area ratio of House 1 and 4 should not exceed 0.6 and 0.7; whereas a floor area ratio of 0.61 and 0.76 is observed for each of these dwellings respectively. While the numeric dispensation of House 4 appears to be more severe than that of House 1, the excess in floor area of House 4 does not result in direct impacts upon adjacent land, the street or the proposed dwelling itself, and as such, suggests that the size of this dwelling is acceptable. The numeric excess in floor area of House 1 in itself is considered relatively minor, however the impact upon the adjoining property to the south of the subject land is compounded by a shortfall in upper level southern side setback, culminating in overshadowing impacts upon north facing habitable room windows, as discussed further below.

Upper level side setbacks and overshadowing

Two-storey dwellings should maintain a minimum upper level side setback of 2 metres, or 3 metres where adjacent a southern boundary. The upper level of House 4 (adjacent the northern side boundary), comprises a setback of 1.292 metres at its closest point, increasing up to 2.6 metres due to the angled nature of this boundary. The shortfall in side setback for a portion of the upper level of this dwelling does not result in overshadowing of the adjoining property and does not, in my view, result in any meaningful visual impact upon adjacent land or the street.

The upper level of House 1 comprises a side setback of 2.16 metres, whereas a minimum of 3 metres is prescribed as this dwelling is sited adjacent a southern boundary. Further, Principle of Development Control 2 (General Section: Design and Appearance) specifies that 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.

As discussed within the Development Assessment Table section of this report, the side elevations of the dwellings feature a mixture of render, cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view. As such, the bulk and scale of House 1 as viewed from the adjoining property to the south is appropriately minimised. Further, the proposed upper level setback to the southern boundary of 2.61 metres exceeds that of the upper level side setbacks of the adjacent dwelling to the south, and hence maintains the character of the locality in regards to the patterns of space between buildings. Accordingly, the proposal satisfies parts (b) and (c) of Principle 2.

However, an assessment of the projected extent of overshadowing on 21 June (winter solstice) demonstrates that the amenity of the adjoining property to the south may be somewhat impacted in terms of access to northern sunlight. In this regard, Principle of Development Control 10 (General Section: Design and Appearance) stipulates that 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; and that

(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

Shadow cast into private open space of the adjoining property to the south will subside throughout the morning, such that a majority of the private open space will be free from shadow by midday, thus satisfying the requirements of PDC 10(b). However, the north-facing window to the lower level living area of the dwelling to the south shall not receive any direct sunlight over any portion of its surface between 9 am and 3 pm on the 21 June. Whilst not entirely relevant given the provisions specify the winter solstice, the projected overshadowing on the dates of the equinox demonstrates that the north facing window will remain free from shadows cast by the proposed development between 10am and 2pm. Hence the overshadowing of this window will increase from the autumn equinox (20 March) to being completely overshadowed by the Winter Solstice, and back to being free of shadow (during the specified hours) by the spring equinox (23 September).

It is noted that the overshadowing impact applies to only a single north facing window, and that this impact would not be lessened/improved by a compliant upper level side setback. An assessment of the projecting overshadowing with the upper level increased to satisfy the prescribed minimum setback of 3 metres, still results in the north facing lower level habitable room window remaining entirely in shadow on the day of the winter solstice.

Given the overshadowing impacts upon the north facing window of the adjacent dwelling remains largely unchanged between the proposed upper level setback of 2.16 metres and the prescribed minimum of 3 metres; in order to determine whether the overshadowing from the proposed development is tolerable, it is perhaps appropriate to have regard to the minimum upper level setback permitted to Complying development pursuant to Schedule 4 of the

Development Regulations 2008. As previously noted, the subject land is located within the Determined Area for the purposes of Schedule 4, whereby a detached or semi-detached dwelling with the same wall height as that proposed would require an upper level side setback to the southern boundary of 2.699 metres. Accordingly, a dwelling which results in a similar level of overshadowing, with the north facing window of the adjacent dwelling remaining completely overshadowed on the day of the winter solstice, could feasibly be constructed on the subject land "as of right" (i.e. without an assessment against Development Plan criteria). This in my view, may demonstrate that the overshadowing impact of the one north facing window may be deemed tolerable. Nonetheless the non-compliance in upper level setback is noted and considered accordingly with the overall merit of the proposal.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to on-street car parking, building height, front setback and visual impacts have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

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

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Medium Density Policy Area 12, being the replacement of original dwelling stock, and increase to medium density dwellings in the form of row dwellings.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical excesses and shortfalls including site coverage, floor area ratios and upper level side setbacks. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, and that the resultant overshadowing impact upon the adjacent dwelling to this south is firstly, limited to a single north facing window, and is not dissimilar to that which could feasibly be allowed pursuant to Schedule 4-2B of the Development Regulations without the need for a planning assessment.

When the excesses/shortfalls above 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.

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: 100/2016/799 for Four two-storey row dwellings incorporating a garage wall on the northern boundary at 27 Minkie Avenue, Mitchell 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. 100/2016/799, 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 portion of the upper floor windows (except the windows presenting to the primary street frontage) 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.
5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
7. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

8. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
9. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
10. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

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 15 February 2017

Agenda Ref No: DAP150217 – 2.7

Originating Officer: Joanne Reid
Development Officer - Planning

Applicant: Mannacorp Pty Ltd

Development Description: Two single storey semi-detached dwellings with associated garages

Site Location: 27 Kildonan Road Warradale

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 25/11/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/2215

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)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of semi-detached dwellings or single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwelling supporting an allotment area less than the minimum of 320 square metres required for semi-detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Amend driveway of Residence 2 so that it achieves a minimum distance of 2m away from the street tree.	Driveway altered by 200mm to be 2m away from street tree.
Finished floor levels of dwellings to be raised	In lieu of floor levels being raised, the front of

<p>for flood mitigation in the event of a 1-in-100 year ARI event and 3000L water tanks to be provided and plumbed to toilet or laundry.</p>	<p>allotment is to be filled and graded 150mm to front and side boundaries from outer top edge of perimeter paving level.</p> <p>This approach has been accepted by Council's Development Engineer.</p>
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SUBJECT LAND & LOCALITY

The subject site is located at 27 Kildonan Road Warradale and is situated on the corner of Mattson Avenue and Kildonan Road. The land has a total site area of 579m² and maintains a depth of 28.77m and a width of 20.27m.

The land contains a single storey detached dwelling in fair condition with associated outbuildings. The land does not maintain any significant slope and the site is devoid of any trees. Two driveway and crossovers with access from Kildonan Road currently exist on the site.

The locality is dominated by single storey detached dwellings on a variety of allotment sizes, interspersed with group dwellings and row dwellings. The zoning changes one block to the west and two blocks to the east to the Medium Density Policy Area. Westfield Marion, Oaklands Railway Station and Wyndham Street Reserve are all located approximately 400m away from the subject land (as the crow flies).

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of two semi-detached dwellings with associated garages. The dwellings comprise the same internal makeup with slightly varied floor plans of three bedrooms (one with ensuite), open plan kitchen/living/dining, bathroom and laundry. Each dwelling also contains a single garage with access from Kildonan Road.

The dwelling is proposed to be of Hebel construction and include a colorbond roof at a 25-degree pitch. The front yards of the properties will be landscaped with a mix of low maintenance trees and shrubs.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

<p>Engineering:</p>	<p>Although initially suggesting that floor levels be raised to minimise flood risk, an alternative approach has been accepted which includes filling and grading the front of the site to 150mm along a small plinth to the front and side boundaries.</p>
<p>Open Space:</p>	<p>Driveway shall be located 2m from the street tree.</p>

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>4 Development densities that support the viability of community services and infrastructure.</p> <p>5 Development that reflects good residential design principles.</p> <p>6 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</p> <p>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</p> <p>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	Complies See comments below

PDC 3	<i>Minimum Site Area: 320m²</i>	Does Not Comply Res 1 - 277m ² Res 2 – 302m ²
	<i>Minimum Frontage: 9m</i>	Complies Res 1 – 9.63m Res 2 – 10.65m
	<i>Minimum Depth: 20m</i>	Complies Res 1 and 2 - 28.77m

Assessment

The application seeks to construct two single 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 at a density greater than the existing. It will also increase the housing types within the locality which are predominantly detached dwellings on larger allotments whilst maintaining some consistency with the prevailing character of the area.

It is acknowledged that the allotments are undersized by 43m² for Residence 1 and 18m² for Residence 2 from the 320m² prescribed in the Development Plan. However, I contend that there is merit in the proposal despite this shortfall.

It is worthy to note that the subject site is located within Policy Area 13, yet two blocks directly to the east and one block directly to the west, the area becomes Policy Area 12. This is despite the subject land being similarly located and encompassing the same characteristics (of the two Policy Area 12 sections on either side) in which higher densities are suited to, that being land which is in close proximity to a Regional Centre, public transport nodes and public open space.

Accordingly, in my view, some consideration should be given to the fact that the allotments would meet the minimum size (270m²) within Policy Area 12 and as such, there is justification to increase the density in this instance without it compromising the pattern of development in the immediate locality and given the site's proximity to public transport, shopping facilities and public open space.

Additionally, although the allotments are undersized, an assessment of the application indicates that the proposal complies with the majority of the relevant provisions in the Development Plan and any shortfalls are relatively minor and are not considered to produce detrimental impacts on the locality or result in poor streetscape outcomes.

The site does not contain any significant or regulated trees and the proposal seeks to maintain the existing street tree on Kildonan Avenue.

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

DEVELOPMENT ASSESSMENT

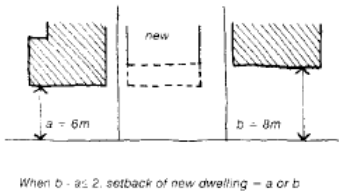
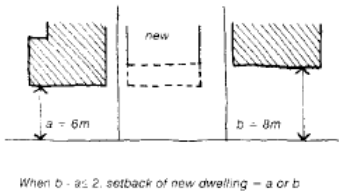
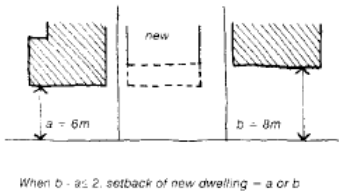
The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

Principles of Development Control:

Assessment:

Site Coverage		
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>		<p>Site coverage:</p> <p>Does Not Comply Res 1 – 58.6% 52.6% (excluding verandah) Res 2 – 53.9% 48.6% (excluding verandah)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>		<p>Complies</p> <p>The proposal complies with the requirements for side and rear setback and private open space provision.</p> <p>Throughout the assessment of this application it can be demonstrated that the proposed dwellings will not adversely impact on the amenity of adjoining properties.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>		<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>		<p>Complies</p> <p>Res 1 – 67m² (24%) Res 2 – 92m² (30.5%) Each dwelling will have greater than 20% of the site remain pervious and undeveloped.</p>
Private Open Space		
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		
Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum</p>
		<p>Complies</p> <p>Res 1 – 57.8 (20.9%) Res 2 – 63.9 (21.2%)</p> <p>Complies</p> <p>Res 1 - 6m x 9.63m with a gradient no less than 1-in10</p>

<p>Residential Zone: PDC 7</p>	<p>gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</p>	<p>Res 2 – 6m x 10.64m with a gradient no less than 1-in-10</p>
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from the internal living rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i> <i>(c) to be located to the side or rear of a dwelling and screened for privacy</i> <i>(d) to take advantage of, but not adversely affect, natural features of the site</i> <i>(e) to minimise overlooking from adjacent buildings</i> <i>(f) to achieve separation from bedroom windows on adjacent sites</i> <i>(g) to have a northerly aspect to provide for comfortable year round use</i> <i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(i) to be partly shaded in summer</i> <i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <ul style="list-style-type: none"> <i>(a) any area covered by a dwelling, carport, garage or outbuildings</i> <i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i> <i>(c) common areas such as parking areas and communal open spaces</i> <i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i> <i>(e) any area at ground level with a dimension less than 2.5 metres</i> <p><i>General Section: Residential Development: PDC 17</i></p>		<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional. <p>Complies</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>		<p>Complies</p> <p>Res 1 – 74% Res 2 – 77% is open to the sky and free from verandahs</p>
<p>Building Setbacks from Road Boundaries</p>		
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <ul style="list-style-type: none"> <i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> <i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i> <p><i>General Section: Design and Appearance: PDC 21</i></p>		<p>Partially Complies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock.</p> <p>Whilst it is noted that the proposed front setback of 5.0 metres is not consistent with the setbacks of buildings on adjoining and adjacent land, the proposed setback is considered to contribute positively to the function, appearance and desired character of the locality as the proposed setback will allow</p>

	the dwellings to maintain useable private open space areas without, in my view, compromising the appearance of the streetscape (see table discussion).						
<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1" data-bbox="188 398 914 750"> <thead> <tr> <th data-bbox="188 398 491 465">Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th data-bbox="491 398 914 465">Setback of new building</th> </tr> </thead> <tbody> <tr> <td data-bbox="188 465 491 716">Up to 2 metres</td> <td data-bbox="491 465 914 716">The same setback as one of the adjoining buildings, as illustrated below: </td> </tr> <tr> <td data-bbox="188 716 491 750">Greater than 2 metres</td> <td data-bbox="491 716 914 750">At least the average setback of the adjoining buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below: 	Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Does Not Comply Res 1 and 2 - 5m</p> <p>Adjacent dwelling to the west has a setback of 8m Adjacent dwelling to the east has a setback of approximately 8.5m</p> <p>The proposed dwellings should have a setback of 8m</p>
Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building						
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below: 						
Greater than 2 metres	At least the average setback of the adjoining buildings						
<p><i>Minimum setback from secondary road frontage: 2 metres</i></p> <p>Residential Zone: PDC 6</p>	<p>Complies Res 2 – 2m</p>						
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>						
Side Setbacks							
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 0.9 metres</p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>Res 1 – 0.985m (western side) Res 2 – 2m (eastern side)</p>						
<p><i>Maximum length and height when wall is located on side boundary:</i> (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height (b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</p> <p>Residential Zone: PDC 6</p>	<p>Does not Comply The wall length exceeds the specified length identified in PDC 6 (a) however, the boundary wall is the shared party wall of the two proposed dwellings which abut each other for the same distance and will therefore not result in any impacts on neighbouring properties and accords with Design and Appearance PDC 2 below.</p>						
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p>General Section: Design and Appearance: PDC 2</p>	<p>Complies The dwellings meet the specified side and rear setback requirements from the 'external' boundaries of the site.</p>						

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

Res 1 and 2 - 6m

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 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).

Building Height

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

Residential Zone: PDC 6

Complies

The proposed dwelling/dwellings incorporate a maximum building height of 4.9 metres, which is less than the maximum permitted in the Policy Area.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

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

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

General Section: Residential Development: PDC 12

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. Outbuildings should not protrude forward of any part of the associated dwelling.

Complies

The proposed garages are setback 5.5m from the primary street and 0.5m back from 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

Res 1 – 0.985m (enclosed wall)

Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies Res 2 – 6m and adjoins wall of Res 1
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 3.3m in width and less than 50% of the front façade of the associated dwelling.
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		<p>Complies</p> <p>The proposed development is considered to adequately foster the safe and convenient entry and exit from the site so as not to adversely impact on the safety of road users.</p>
Vehicle Parking		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		<p>Complies</p> <p>Each dwelling provides two parking spaces, one of which is undercover.</p>
<p>Detached Semi-detached Row</p>	<p>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</p> <p>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</p>	
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>		
<p>On-site visitor parking spaces should be sited and designed to:</p> <p>(a) not dominate internal site layout</p> <p>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</p> <p>(c) be accessible to visitors at all times.</p> <p>General Section: Transportation & Access: PDC 42</p>		<p>Complies</p> <p>The car parking associated with each dwelling is considered to be easily identifiable, accessible and will not dominate the internal site layout.</p>
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>		<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 3 on-street car parking spaces shall remain available adjacent the subject land.</p>
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>		<p>Complies</p> <p>3 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>

Access	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p>(a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway.</p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies The driveway width is 3m for each driveway.</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies The proposed crossovers are set back a minimum of 3.9 metres for Residence 1 and 2.1 metres for Residence 2 from the existing street tree.</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies Vehicle access points are separated by a minimum distance of 6 metres.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(a) building height, mass and proportion (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandas, eaves, parapets and window screens.</p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies The proposed dwellings incorporate the following elements to provide articulation to the façade and enhance their design and appearance:</p> <ul style="list-style-type: none"> Mixture of materials comprising rendered facade, with timber infill to the portico façade and protruding bulkhead with contrasting render A large proportion of fenestration to the façade with a combination of vertical and horizontal window frames Eave overhang and pitched roof form at 25 degree slope <p>The dwellings incorporate a 25 degree Colorbond roof and Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Complies Each dwelling displays its entrance and portico towards the primary street as well as a habitable room window.</p>
Relationship to the Street and Public Realm	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p>	<p>Complies The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and</p>

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

habitable windows to the street, enabling the dwelling to be easily accessible and identifiable.

The design and appearance of the buildings are such that the walls of the building will be articulated to avoid extensive areas of uninterrupted walling exposed to public view.

Landscaping is proposed as part of the proposal to enhance the visual appearance of the site on completion of the build.

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 single storey nature of the dwellings, their proposed setbacks and the location of the site are such that overshadowing on adjoining properties will be negligible.

Any shadow produced during winter on the southern side will be over the front yard and driveways of the subject site.

The main activity areas are orientated north and will receive a good amount of winter sunlight.

There will be no unreasonable overshadowing that prevents light entering adjoining dwellings or impacts on private open space areas.

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 bedroom of Residence 1 adjoins the garage of Residence 2 which was the resultant outcome of retaining the existing street tree.

To minimise any vehicle noise entering the bedroom of Residence 1, the proposal plans indicate that the party wall will include treatment to mitigate transfer of noise and a built-in-robe will sit along the affected wall to further restrict noise entry into the room.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

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

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

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

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed method of filling and grading the front of the site to 150mm from the perimeter paving level of the dwellings and retained with a plinth on the front and side boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

Complies

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

The landscaping proposed includes a mixture of tall trees and small to medium shrubs within planter boxes and brick edging to complement the built form.

<p><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Complies</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>The application proposes a plinth to a maximum 150 millimetres above natural ground level. If a standard 1.8 metre high fence is constructed atop the plinth, this will result in a maximum structure height of 1.95 metres. This fencing/retaining height is considered necessary to mitigate against flooding and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of the subject site and adjoining land.</p>

TABLE DISCUSSION

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

- Site coverage
- Front setback

Site Coverage

The proposal exceeds the maximum site coverage requirement of 40% by 18.6% and 13.9% for Residences 1 and 2 respectively. However, in my view, further consideration of the merits of the application should occur despite this departure.

The proposal is compliant with the Development Plan in its provision of private open space, side and rear setbacks and car parking.

Each dwelling is also provided with a verandah. The removal of the verandah would reduce site coverage down to 52.6% (Residence 1) and 48.6 % (Residence 2) which would bring the figure closer to the prescribed Development Plan requirement. The inclusion of a verandah is in my view beneficial to the function of the private open space and provides an undercover area for the enjoyment of the occupants and also assists in reducing the heat load within the dwelling during the summer months. Given that a verandah of the size proposed could be granted approval without Planning Consent under Schedule 1A of the Development Regulations, 2008 with up to 60% site coverage, removing the verandah to achieve greater compliance with the Development Plan is, in my view, of no benefit.

For the reasons identified above, I am of the view that site coverage is acceptable and will not result in detrimental impacts on adjoining properties or how the dwellings will function overall.

Front Setback

The proposed dwellings have a setback of 5m when they ought to be set back at 8m when Design and Appearance Principle 22 is applied. However, the Desired Character of the Northern Policy Area 13 anticipates that new development may have a lesser setback than the original housing stock and in my view, the setback proposed will not result in detrimental impacts when viewed from the street.

It is noted that the applicant could have chosen to orientate the dwellings towards Mattson Avenue where a front setback of 4.5m could have been accepted on the primary street and more notably a 2m setback on Kildonan Road (the secondary street). However, in my view, the siting of the dwellings as proposed is a superior outcome, enabling living rooms and POS areas to have a northerly orientation as well as continuing the pattern of development along Kildonan Road. To this end, I am of the opinion that a 5m setback when compared to a 2m setback will contribute to the streetscape more positively by providing greater area for landscaping and thereby achieving an enhanced appearance when presenting to the street.

Furthermore, being a corner property, the separation of the dwelling to the eastern adjacent property by the roadway will result in the disparity in setback being less apparent when viewed from the street.

Accordingly, I believe that the front setback proposed will contribute positively to the function of the dwellings and its appearance within the context of the locality.

ANALYSIS/CONCLUSION

Despite the shortfall in site area, the proposal is considered to display substantial merit when assessed against the Desired Character of the Policy and the relevant provisions of the Development Plan.

The site is conveniently located to public transport, a Regional Centre Zone, a Neighbourhood Centre Zone and public open space (Wyndham Street Reserve), all attributes where higher densities should be concentrated. Additionally, Policy Area 12 is located within 150m to the east and west of the subject site and the site areas will comply with the requirements of that Policy Area.

The proposal achieves high consistency with the remaining provisions of the Development Plan and where there are variances, namely site coverage and front setback, I am of the opinion that the shortfalls will not unreasonably impact on the amenity of the locality or the function of the dwellings, nor will achieving compliance in these areas necessarily result in an improved outcome.

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: 100/2016/2215 for two single storey semi-detached dwellings with associated garages at 27 Kildonan Road Warradale 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. 100/2016/2215, being drawing number PD1C, Sheets 1 of 6 to 6 of 6 (inclusive) prepared by MCA Design (SA) Pty Ltd, and received by Council on 24 January 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 prior to the occupation of the premises to the reasonable satisfaction of the Council.
3. That any walls shared with a garage shall be treated with an appropriate noise acoustic treatment to minimise noise transfer between dwellings.
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. 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.
7. Any variation/amendment to the plans and documentation granted Development Plan Consent will require further approval from the Council. If the amendments are deemed to be minor in nature in the opinion of the Council, they may be accepted as part of the current application pursuant to Regulation 47A of the Development Regulations 2008. Alternatively, if the variation(s) are not considered to be minor in nature in the opinion of the Council, a new variation application must be lodged with the Council for assessment against the Marion Council Development Plan. Please note that minor variations cannot be simply incorporated within the Building Rules Consent documents; they must be applied for in writing. Any discrepancies between the plans granted Development Plan Consent and Building Rules Consent documents may prevent the issue of Development Approval, unless the amendments have previously been authorised by the Council.

Attachments

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