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WEDNESDAY 15 MARCH 2017**

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# DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 March 2017

**Agenda Ref No:** DAP150317 – 2.1

**Originating Officer:** Alex Wright  
Development Officer - Planning

**Applicant:** Alice Wright

**Development Description:** Two storey detached dwelling with associated earthworks, retaining and swimming pool (including pool fencing)

**Site Location:** 1 Vista Street, Seacombe Heights

**Zone:** Residential Zone

**Policy Area:** Hills Policy Area 11

**Application Type:** Category 2 / Consent

**Lodgement Date:** 18/05/2016

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

**Application No:** 100/2016/890

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

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## CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan which assigns retaining wall/s and/or earthworks which, other than where assigned Category 1, as a Category 2 form of development. In this instance the extent of earthworks and retaining proposed were not considered to be of a minor nature and therefore required Category 2 Public Notification. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

## BACKGROUND

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

Amendments Requested	Amendments Made
Location, gradient and path of proposed driveway must be altered to accord with the advice given by Council's Development Engineer.	Location and gradient of driveway amended.
Screening, or similar, must be provided to the	Screening provided to the northern balcony.

northern balcony and windows to appropriately reduce the potential for, and extent of, direct overlooking to the north.	
Information Required.	Information Provided.
Fully engineered site works and drainage plan.	Provided.
Confirmation of colours/materials for the façade walls, alucobond cladding, panel-lift garage door and driveway required.	Provided.
Streetscape elevation illustrating the subject dwelling and adjacent dwellings required.	Provided.
Detailed landscape plan required.	Provided.

## SUBJECT LAND & LOCALITY

The subject land is situated at 1 Vista Street, Seacombe Heights. The allotment is predominately rectangular in shape with angled eastern and western boundaries, and incorporates a frontage width of 16.6 metres, an approximate depth of 64.54 metres and an overall allotment area of 1025 square metres.

The subject site is relatively steep and maintains an east to west fall of approximately 11.7 metres from the rear boundary to the front boundary which equates to a gradient of 18.17%. The land is currently vacant and is devoid of any Significant or Regulated Trees or further vegetation of note.

No crossovers currently exist along the street boundary. A large Council road reserve is located to the front of the allotment and incorporates a retaining wall/bank which assists in stabilizing the land between the front boundary and footpath.

The locality primarily consists of large detached dwellings, both single and two storeys, with many incorporating split-levels, on large allotments. Whilst several recently constructed dwellings are present within the wider locality, a majority of dwellings were constructed in the 1960's - 1980's and therefore incorporate architectural styles common to this era.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes the construction of a two storey split-level detached dwelling, with associated earthworks, retaining, swimming pool (including pool fencing) and landscaping.

The dwelling incorporates a home gym, home theatre, study, water closet and double garage with direct access to Vista Street on the ground floor. The upper level incorporates 4 bedrooms, walk-in-robe, en-suite, separate bathroom and water closet, laundry and family room with direct access to a rear alfresco and a combined kitchen/meals/living area with direct access to a west facing balcony.

In addition to the dwelling, the application also proposes the construction of a partial in-ground swimming pool and associated decking which is to be located forward of the dwelling.

Access to Vista Street to be gained via the construction of a new crossover to the northern end of the allotment. The construction of this crossover will require modifications to the existing retaining wall located within Council's road reserve.

Considerable earthworks and associated retaining along the northern and southern boundaries, and internally to the rear of the dwelling, all predominately in cut and/or to retain cut, is also proposed as part of the subject application.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	12 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	4 representations in total were received by Council. <ul style="list-style-type: none"> <li>• 1 against the proposal was received.</li> <li>• 2 neutral representations were received.</li> <li>• 1 in favour of the application was received.</li> </ul>
<b>Persons wishing to be heard:</b>	Mr & Ms Cawse Mr Zhang Ms Rositano
<b>Summary of representations:</b>	<p>City of Marion – Land &amp; Property</p> <ul style="list-style-type: none"> <li>• Any damage to the existing retaining wall on the road reserve is to be repaired to Council's satisfaction, at the owners cost.</li> </ul> <p>Ms Rositano – 3 Vista Street</p> <ul style="list-style-type: none"> <li>• The proposed setback is currently not in compliance with the Development Plan "Design and appearance" setbacks table, section 22 on page 34.</li> <li>• The proposed front setback will cause visual impacts on views achieved from the front portion of the dwelling and cause some loss of natural light along the north facing side wall.</li> <li>• Front setback should be pushed back so that it is in line with the dwelling at 3 Vista Street.</li> </ul> <p>Mr &amp; Ms Cawse – 643 Morphett Road, Seacombe Heights</p> <ul style="list-style-type: none"> <li>• Proposed retaining walls should not destabilize existing rainwater tanks.</li> <li>• Proposed front balcony may result in overlooking onto existing swimming pool.</li> <li>• Unobscured north facing windows will overlook property.</li> <li>• Construction noise will impact on amenity.</li> </ul> <p>Mr Zhang – 4 Osman Avenue</p> <ul style="list-style-type: none"> <li>• The proposed rear boundary fence should not be higher than the existing fence.</li> <li>• Trees located to the rear yard should not cover the sea view.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	A copy of the applicant's response to the representations has been attached to this report. <p style="text-align: right;"><i>Refer Attachment V</i></p>

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	<p>Any deviation to the driveway design must be contained within private land and should not straddle the boundary between the subject allotment and the Council road reserve.</p> <p>The driveway crossover should be constructed at the western boundary crossing the front boundary retaining wall at 90 degrees so that any load bearing impact of earthworks on the retaining wall is minimised.</p>
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	<p>Structural engineering assessment of the impact of the driveway should form part of the building assessment.</p> <p>Maximum driveway grades should form part of the building assessment.</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><b>Objectives</b></p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>
Hills Policy Area 11
<p><b>Objectives</b></p> <p><i>1 A policy area primarily comprising detached dwellings at low densities.</i></p> <p><i>2 Residential development which is sensitive to the particular topography of the locality.</i></p> <p><i>3 Residential development which has minimal visual and environmental impacts.</i></p> <p><i>4 Development that contributes to the desired character of the policy area.</i></p>
<p><b>Desired Character</b></p> <p><i>The policy area encompasses parts of the escarpment which forms an east-west band through the centre of the council area, including elevated land visible from the Adelaide Plains in the suburbs of Seacliff Park, Seaview Downs, Seacombe Heights and Darlington. The policy area also contains undulating to steep land along the coast from Marino to Hallett Cove. Many dwelling sites have good views of the Adelaide Plains or the coast.</i></p> <p><i>The desired character is a high quality residential environment containing site appropriate houses set in attractively landscaped, relatively large gardens. This desired character is derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the re-vegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</i></p> <p><i>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p> <p><i>Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Appropriate designs will continue to include split-level buildings to reduce visual bulk and reduce the need to cut and fill sloping sites.</i></p> <p><i>Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.</i></p> <p><i>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.</i></p>

<p><i>Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except in areas where land has been subdivided into smaller allotments than now desired in this policy area, any new land division and development will be at a lower density and intensity than existing. In addition, larger-than-minimum allotments may be preferable due to the natural topography.</i></p>		
PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> </ul>	<b>Complies</b>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<b>Complies</b>
PDC 3	<p><i>Development should be designed and sited to relate to the slope of the land, so that:</i></p> <p><i>(a) the bulk and scale of the buildings do not dominate the landscape</i></p> <p><i>(b) the amount of cutting and filling of the natural ground profile is minimised.</i></p>	<p><b>Partially Complies</b></p> <p>Whilst the bulk and scale of the proposed development does not dominate the landscape, significant cutting to the rear of the allotment is proposed.</p>
PDC 5	<p><i>Development that would be prominently visible from the Adelaide Plains should:</i></p> <p><i>(a) achieve a profile that blends with the topography of the land</i></p> <p><i>(b) avoid the use of bright and highly reflective external materials and finishes</i></p> <p><i>(c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.</i></p>	<p><b>Complies</b></p> <p>Dwelling is not prominently visible from the Adelaide Plains.</p>
PDC 6	<p><i>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land by:</i></p> <p><i>(a) incorporating stepping in the design in accordance with the slope of the land</i></p> <p><i>(b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.</i></p>	<b>Complies</b>

The proposed development maintains the existing low density character of the Hills Policy Area 11 by proposing the construction of a detached dwelling on an existing allotment. Generally, the building maintains acceptable setbacks and separation to the property boundaries. As such, the proposal is considered to reasonably reflect Objective 1 and the Desired Character of the Policy Area.

The proposal maintains a coherent streetscape as a result of the proposed street setback, incorporates generous front garden landscaping and promotes a design that ensures the bulk and scale of the proposal is in with existing built form within the immediate locality and will not dominate or adversely impact the streetscape.

The dwelling has been designed and sited to relate to the natural slope of the land, minimise visual alteration of the natural landform and reduce the visible amount of cutting and filling of the natural ground. Whilst the two storey split level nature of the dwelling results in a significant amount of concealed cut, as this is located to the side and rear of the dwelling it is not highly visible from the streetscape or adjoining nearby land. As a result, the extent of earthworks required to accommodate the proposed dwelling is considered acceptable, and will aid in reducing the visual bulk of the structure from the street and adjacent allotments and minimise visible earthworks.

The proposed dwelling design is considered to contribute to the variety of architectural styles within the locality. The front façade (western) incorporates a varying mixture of colours and materials which are not overly reflective or bright, whilst the two storey profile of the building is considered to complement the scale of adjacent buildings. The front façade has been afforded significant articulation through the inclusion of two different skillion roof-pitches, upper level balcony, staggered upper and lower level setbacks and an alucobond cladded portion of the dwelling that protrudes forward of the remaining built form. The proposed façade will improve the visual appearance and enhance the surrounding environment by providing an aesthetically pleasing and unique design. Given the angles of the proposed roof sections, the amount of glare/reflection through the day will be limited.

The allotment is located within a locality that achieves significant views of the Adelaide coastline and Gulf St Vincent (illustrated in Image 1). It is the applicant's intention through the design of the dwelling to take advantage of these views. The proposal will have the potential to impact on the neighbouring properties in relation to potential loss of views, privacy and amenity.

To avoid repetition, the Visual Privacy Chapter of this report further discusses the existing and anticipated extent of overlooking and how the proposal seeks to reduce the potential impact of the privacy and amenity of existing development.

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

In assessing the potential loss of view, in my opinion, the dwelling most potentially affected by the proposed development is located at 3 Vista Street, Seacombe Gardens (south of the dwelling). In my opinion, the dwellings located to the southeast at 4 and 4A Osman Avenue will not be impacted by potential loss of views as these dwellings are sited significantly higher than the proposed dwelling, and views achieved will be over the roof and largely unaffected.

Such is the varying topography of the land and the opportunity to obtain a view; most dwellings within the locality have raised finished floor levels and incorporate split levels or multiple storeys (2 to 3 stories). The dwelling sited at 3 Vista Street is 2 storeys in nature and incorporates a garage at the lower level and a west facing kitchen/meals/living area on the second level. A small portion of the northern façade incorporates high level windows enabling a standing view to the northwest from the kitchen. The dwelling incorporates a west facing balcony that extends on from this living area and also achieves some partial north-western ocean/coastal views from this level (in addition to western views).

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.

The dwelling at 3 Vista Street is located directly south of the subject allotment. At present, the dwelling enjoys significant and uninterrupted views of the coastline and Gulf St Vincent that extend from the northwest to the west, including partial views of Glenelg. In taking the approach of Justice DeBelle, it is considered that view of the coast which includes “icons” such as Glenelg are valued higher than other views. These views are largely enjoyed from a standing and sitting position from the second storey balcony, and to a significantly lesser extent, from a standing and sitting position from within the living area and kitchen. It should be noted only partial views to the northeast are achieved from the lower level of the dwelling due to the placement of existing dwellings and associated vegetation. Furthermore, the existing allotment achieves a west to east orientation, and the dwelling has been constructed and designed to primarily achieve views to the west, and to a lesser extent, views to the north-west.

The proposed development will have an impact on the views that are currently experienced from the site in north-westerly direction. These views are primarily achieved to the side of the dwelling, and therefore over the adjacent vacant allotment (and subsequent allotments) to the north.

The proposed dwelling and existing dwelling at 3 Vista Street are proposed to achieve a relatively similar upper finished floor level. Due to the proposed setback of the dwelling, and protruding nature of the upper level, existing northern views achieved from within the kitchen of the coastline and Gulf St Vincent, and a portion of north-westerly views achieved from the balcony and within the living room will be lost. Considerable western views of the coastline and Gulf St Vincent from the living room and balcony will be retained, whilst a majority of north-westerly views of the coastline and Gulf St Vincent from the balcony will be retained. Minor western views from the kitchen of Gulf St Vincent will be retained. Views to the west and partial views to the northwest can be obtained from a standing and sitting position (refer attachment IV).

In my opinion, view loss experienced by the adjoining property to the south from the north facing windows and from the northern balcony façade can be described ‘moderate’.

The fourth and final stage in the assessment process is to assess the reasonableness of the proposal causing the impact. Two storey dwellings are an anticipated form of development within the Residential Zone Hills Policy Area 11.

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

The proposed building maintains a maximum height of 8 metres which is under the maximum permitted building height of 9.0 metres. Furthermore, the dwelling is provided with reasonable setbacks to boundaries, with the front setback of 22.6 metres significantly further than the 8 metres desired within the Policy Area, comparable finished floor levels, and will not result in significant overshadowing or overlooking (discussed further within this report).

From my assessment, the setbacks to boundaries, height, bulk and scale anticipated as part of this application will result in an acceptable view impact. Having regard to the relevant considerations of the ERD Court and the Development Plan as a whole, I have considered the likely extent of view loss as experienced from the dwelling at 3 Vista Street to be acceptable in this instance.

As such, the proposed development is considered to adequately comply with the applicable Objectives, Principles and Desired Character of the Residential Zone and the Hills Policy Area 11.

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage			
<p><i>Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area and a maximum floor area ratio of 0.4.</i></p> <p><i>Hills Policy Area 11: PDC 7</i></p>			<p><b>Site coverage:</b> 316m<sup>2</sup> / 30.82%</p> <p><b>Complies</b></p> <p><b>Floor area ratio:</b> 0.34</p> <p><b>Complies</b></p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>			<p><b>Complies</b></p> <p>Proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>			<p><b>Complies</b></p>
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p><b>Complies</b></p> <p>335.37m<sup>2</sup> / 32.7%</p> <p>A minimum 8m by 8.5m area of POS is directly accessible from a living room and achieves an area equal to or greater than 10 per cent of the site area and a maximum gradient of 1-in-10.</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	

		<p>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>	
<p><i>Residential Zone: PDC 7</i></p>		<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <ul style="list-style-type: none"> <li><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></li> <li><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></li> <li><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></li> <li><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></li> <li><i>(e) to minimise overlooking from adjacent buildings</i></li> <li><i>(f) to achieve separation from bedroom windows on adjacent sites</i></li> <li><i>(g) to have a northerly aspect to provide for comfortable year round use</i></li> <li><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></li> <li><i>(i) to be partly shaded in summer</i></li> <li><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></li> <li><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></li> </ul> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <ul style="list-style-type: none"> <li><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></li> <li><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></li> <li><i>(c) common areas such as parking areas and communal open spaces</i></li> <li><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></li> <li><i>(e) any area at ground level with a dimension less than 2.5 metres</i></li> </ul> <p><i>General Section: Residential Development: PDC 17</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</li> <li>b) With the exception of the front balcony all POS is located at ground level</li> <li>c) With the exception of the front balcony all POS is located to the side/rear of the dwelling and is capable of being screened for privacy.</li> <li>d) The subject land does not maintain natural features which warrant preservation.</li> <li>e) The POS areas should not be directly overlooked by adjacent buildings.</li> <li>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</li> <li>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</li> <li>i) POS areas are capable of being shaded during summer.</li> <li>j) Traffic, industry or other business activities should not affect the subject land.</li> <li>k) The POS areas are considered to have sufficient shape and area to be functional.</li> </ul> <p><b>Does Not Comply</b></p> <ul style="list-style-type: none"> <li>g) Due to the east-west orientation of the allotment, the proposed POS areas maintain an easterly aspect, however, should nonetheless receive adequate solar access.</li> </ul>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>			<p><b>Complies</b></p>
<p><b>Building Setbacks from Road Boundaries</b></p>			
<p><i>Minimum setback from primary road frontage where an established streetscape exists:</i></p> <p><i>8 metres from arterial roads shown on Overlay Map – Transport and any road within Hills Policy Area 11.</i></p> <p><i>Residential Zone: PDC 6</i></p>			<p><b>Complies</b></p> <p>22.1 metres (closest wall to front boundary)</p>
<p><b>Side Setbacks</b></p>			
<p><i>Minimum setback from side boundaries:</i></p>			<p><b>Does Not Comply</b></p> <p>Northern Ground Level: 1.5m</p>

<p><i>Where the wall height is not greater than 3 metres: 2 metres</i></p> <p><i>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres: (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><u>Southern Ground Level:</u> 1.1m</p> <p><u>Northern Upper Level:</u> 1.5m (6 metre wall height from proposed ground level, maximum 5.1m wall height from existing ground level – i.e. top of retained level adjacent the wall).</p> <p><u>Southern Upper Level:</u> 3m (7 metre wall height from lowest point of proposed ground level, maximum 5.8 metre wall height from existing ground level – i.e. top of retained level adjacent the wall).</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p>
<p>Due to the downward slope of the land, the required setbacks to northern and southern boundaries of 1.5 metres and 1.1 metres, respectfully, do not meet the minimum 2 metre setback to the northern boundary and 3 metre setback to the southern boundary required for a dwelling proposing a wall height of between 3 and 6 metres. Furthermore, the proposed setbacks do not meet the minimum 2 metre setback required within the Hills Policy Area 11 for walls under 3 metres in height.</p> <p>Whilst the setbacks do not achieve the numerical setback standards, it is important to note the siting of the dwelling in context with the topography of the land. Considerable cut is proposed that enables the dwelling to effectively ‘sit’ into the land, and therefore the built form (and associated finished floor levels) will maintain a similar height and profile to the adjacent dwellings to the north and south. As such, the extent of non-compliance in setbacks is limited to the built form located to the front half of the dwelling.</p> <p>The adjacent dwelling to the south achieves a northern setback of predominately 3.5 metres and incorporates several windows (kitchen) along the northern façade. A site inspection confirms this area is not the primary area of POS and is primarily used as a service yard area and side path. As such, given the lack of habitable windows or open space located to the northern side of the adjacent dwelling, the lack of a compliant southern setback is unlikely to result in significant or adverse visual, bulk/scale or amenity impacts. The adjacent dwelling to the north achieves a southern setback of approximately 2 metres and incorporates a predominately blank façade with limited windows. The extent of existing separation afforded between the northern boundary and southern façade of the adjacent dwelling is considered sufficient to enable appropriate adequate natural light. In my opinion, the lack of setback will not create adverse visual or amenity impacts.</p> <p>Whilst the lack of compliant setbacks to the northern and southern boundaries are considerable in a quantitative context - especially the lack of southern setback – the greatest extent of non-compliance is limited to the front portion of the dwelling where the wall height exceeds 3 metres. Although the wall height and shortfall in setbacks is considerable, they are unlikely to result in visual bulk/scale impacts and are considered to be compatible with existing dwellings on adjoining land. The extent of separation and proposed setbacks are not considered to result in unreasonable overshadowing onto habitable room windows and POS areas of adjacent allotments, or result in adverse visual bulk/scale impacts to the extent where amendments are necessary or the application cannot be supported.</p>	

## Rear Setbacks

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

*Residential Zone: PDC 6*

**Complies**  
 16.9 metres

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

*General Section: Design and Appearance: PDC 2*

**Complies**

## Building Height

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

*Residential Zone: PDC 6*

**Complies**  
 The proposed dwelling incorporates a maximum building height of 8 metres, which is less than the maximum permitted in the Policy Area.

## Garages, Carports, Verandas and Outbuildings

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

*General Section: Residential Development: PDC 10*

**Complies**  
 The proposed garage forms part of the 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*

<b>Parameter</b>	<b>Value</b>
Maximum floor area	60 square metres
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.
Maximum 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**  
 45m<sup>2</sup>

**Complies**  
 Garage is located 1.25m behind the main face of the dwelling (upper level).

**Complies**  
 5m garage width / 38.46%

<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><b>Complies</b></p>
<p><b>Vehicle Parking</b></p>	
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 34</i></p>	<p><b>Complies</b></p> <p>A minimum 3 vehicle parking spaces are provided, two of which are undercover.</p>
<p><i>Detached Semi-detached Row</i></p>	<p><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>	
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <p><i>(a) not dominate internal site layout</i></p> <p><i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i></p> <p><i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 42</i></p>	<p><b>Complies</b></p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>	<p><b>Complies</b></p>
<p><b>Access</b></p>	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b></p> <p>3.5m</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p><b>Complies</b></p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.</p>
<p><b>Design &amp; Appearance</b></p>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p>	<p><b>Complies</b></p>

- (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

The proposed dwelling design reflects the desired character of the locality as it incorporates an attractive presentation to the streetscape. The front façade is well-articulated, with substantial stepping and a mix colours and materials. The dwelling façade incorporates the following elements to enhance its design and appearance:

- Mixture of brick, render and Alucobond on the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Protruding portico, balcony and a window frame
- Eave overhang and skillion pitched roof form
- Fenestration incorporating differing window styles and sizes

The dwelling incorporates a skillion roof form in Charcoal Grey. The section of southern façade sited between the northern and southern skillion roof forms incorporates clerestory windows and colorbond cladding. The garage of the dwelling features a graphite Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

Throughout the day, the mass of the building will be reduced via shaded and stepped walls. This is further assisted by the eaves overhang and verandah and balcony elements.

The balcony, accessed from the dining/living area is integrated into the design of the dwelling and will be located under the main roof. The balcony, whilst primarily orientated to face west, achieves a partial northern aspect to improve solar access and comprises an area of 25 square metres, functional for the likely needs of the occupants.

The dwelling incorporates an attractive entry point to the building, and enables surveillance of the street via the office and stairwell windows.

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

*Balconies should:*

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

General Section: Design & Appearance: PDC 5

**Complies**

The proposed balcony, which has been integrated into the upper level and overall dwelling design, incorporates 1 metre high opaque glass balustrading. The 1 metre height enables privacy to users whilst also enabling appropriate causal surveillance to the street. Timber slatted privacy screening to a height of 1.7 metres has been incorporated to the northern balcony façade to further reduce potential downward overlooking.

*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**

The dwelling has been designed to present and overlook Vista Street whilst also achieving coastal/ocean views.

**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 dwelling has been designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

The elevations of the dwelling feature fenestration and a range of materials 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**

Shadow diagrams from the applicant has not been sought. The proposed dwelling achieves similar upper FFL's to the dwelling located to the south at 3 Vista Street. This, combined with the provision of predominately compliant upper level southern side setbacks (as discussed within the side setbacks section of this report), and the cutting and siting of the dwelling, will result in the dwellings presenting to each other as predominately single storey.

Given the setbacks and building height proposed, and the setbacks of the adjacent dwelling combined with the location of north facing windows, it is anticipated the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.



## Visual Privacy

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

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

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

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

*General Section: Design & Appearance: PDC 11*

**Partially Complies**

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

*General Section: Design & Appearance: PDC 12*

**Complies**

Due to the existing topography, view into the front and side yards of allotments and front and side façades of the adjacent dwellings to the north and south are obtainable whilst standing on existing ground level, indicating a significant level of privacy is not presently afforded.

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 under main roof balcony to the front façade is oriented to obtain views of the streetscape, however, screening to a height of 1.7 metres to the northern side has been provided to appropriately minimise the potential for downward and uninterrupted view into the adjacent northern dwelling's front balcony and terrace/pool. The provision of privacy screening was considered necessary given the balcony is likely to be a frequently used area and would provide significant downward view into the adjacent pool. The above notwithstanding, the adjacent dwelling's front balcony is located forward of the dwelling, and given the topography of the land and its location some extent of mutual overlooking would be anticipated.

Three upper level north facing windows located to the front portion of the dwelling have not been obscured and therefore partial northern view of the adjacent dwelling from the living/dining room is achieved. Potential views gained from these windows will be generally limited to the predominately windowless southern façade of the adjacent dwelling. Oblique downward view onto the pool/patio area sited forward of the adjacent dwelling will be possible from westernmost windows, however, the extent of overlooking is not direct and potential view gained into the adjacent allotment will be interrupted by boundary fencing and existing fencing/screening on the adjacent allotment. A 550mm internal ledge within the dwelling further restricts persons from gaining maximum view from these windows.

In my opinion, the dwelling has been reasonably designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.

The existing pool/terrace of the adjacent dwelling to the north is located forward of the dwelling and does not form part of the allotments private open space, nonetheless the proposed design does provide some level of privacy through the inclusion of 1.8 metre high screening to the northern balcony façade. Furthermore, as discussed above, downwards views from the north facing living room windows into the pool/patio area will be constrained by the window location and design, internal limitations as to how close a person can stand to the edge of the window,

and external structures such as boundary fencing and existing screening.

Given the comparable finished floor levels of the proposed dwelling's upper level and the adjacent northern dwelling's deck the extent of additional overlooking (in addition to the existing mutual overlooking currently occurring) is not considered unreasonable.

## 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 main activity areas of the dwellings are oriented east (rear yard) and west (front balcony), 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 dwelling incorporates a skillion roof form, with north-facing sections upon which solar collectors could be sited efficiently.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

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

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

### **Complies**

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

<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not result in damage to neighbouring trees</i></li> <li><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></li> <li><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></li> <li><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></li> <li><i>(e) assist in highlighting building entrances</i></li> <li><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></li> <li><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></li> <li><i>(h) be constructed of non-flammable materials.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 5</i></p>	<p><b>Complies</b></p>
<p><b>Sloping Land</b></p>	
<p><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <ul style="list-style-type: none"> <li><i>(a) minimises their visual impact</i></li> <li><i>(b) reduces the bulk of the buildings and structures</i></li> <li><i>(c) minimises the extent of cut and/or fill</i></li> <li><i>(d) minimises the need for, and the height of, retaining walls</i></li> <li><i>(e) does not cause or contribute to instability of any embankment or cutting</i></li> <li><i>(f) avoids the silting of watercourses</i></li> <li><i>(g) protects development and its surrounds from erosion caused by water runoff.</i></li> </ul> <p><i>General Section: Sloping Land: PDC 2</i></p>	<p><b>Partially Complies</b></p>
<p><i>The cutting and/or filling of land should:</i></p> <ul style="list-style-type: none"> <li><i>(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation</i></li> <li><i>(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment</i></li> <li><i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i></li> <li><i>(d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i></li> </ul> <p><i>General Section: Sloping Land: PDC 7</i></p>	<p><b>Partially Complies</b></p>
<p><i>Retaining walls should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not exceed 1.5 metres in height</i></li> <li><i>(b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total</i></li> <li><i>(c) be constructed to a high standard from high amenity materials</i></li> <li><i>(d) be landscaped to enhance their appearance.</i></li> </ul> <p><i>General Section: Sloping Land: PDC 8</i></p>	<p><b>Does Not Comply</b></p> <p>Maximum retaining wall height of 3.25m proposed to the south-eastern corner (within cut). Area is immediately adjacent the rear yard.</p>
<p>As previously discussed within this report, the dwelling has largely been designed and sited to relate to the natural slope of the land, minimise visual alteration of the natural landform where possible and reduce the visible amount of cutting and filling of the natural ground. This being said, the two storey split level nature of the dwelling results in a considerable extent of cut under the dwelling, and to the rear of the dwelling. A maximum retaining wall height of 3.25m (to retain cut) is proposed to the south-eastern corner and will enable the provision of a flat section of rear</p>	

yard. Additional retaining in the order of 700mm to a maximum 2.5 metres is proposed along the northern and southern property boundaries to retain cut. Whilst considerable, a majority of this cut is concealed and therefore not visible from the streetscape or adjoining nearby land.

Although these retaining walls exceed a height of 1.5 metres, they are considered acceptable as they will not result in an adverse visual impact on the locality and are not highly visible from adjoining land.

The visual bulk of the proposed development, whilst significant, is appropriately minimised by the dwelling's two storey split level nature which is predominately viewed as a single storey development from the rear and minimises the amount of exposed cut and fill required to accommodate the building.

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

As such, the development is considered to reflect and utilise the current topography of the land. The height of visible retaining walls has been appropriately reduced through a reasonably designed split level dwelling, which adequately minimises the visual impact and bulk/scale of structure as viewed from the street. The proposal is considered to reasonably accord with applicable 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*

**Complies**  
 Whilst the proposed skillion roof form is inconsistent with the slope of the land, the incorporation of eave overhang and the recessed front balcony will assist in providing shadowed areas that reduce the bulky appearance of the built form. Given the reasonable provision of setbacks to boundaries (as discussed earlier within the report), I am of the view that as the building should not result in unreasonable visual impacts 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.

*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 mixture of materials proposed (brick, render and cladding) 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 loss of oblique northern views, the proposed front setback and 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 likely construction noise and potential tree heights. 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

Whilst the proposal complies with a majority of the applicable principles, it is not compliant with Council's Development Plan in respect to side setbacks (northern and southern setbacks) where the wall height exceeds 3 metres, the proposed extent of cut and height of retaining walls and visual privacy. Furthermore, a number of additional minor shortfalls are apparent upon assessment.

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

The proposal seeks the construction of retaining walls, to retain cut, of up to 3.25 metres (highest point). A majority of cut and retaining proposed is located to the side and rear of the dwelling, and whilst visible from within the bounds of the subject allotment, will not be visible within the wider locality. The visual bulk of the proposed development, whilst considerable, is appropriately minimised by the dwelling's two storey split level nature which is predominately viewed as a single storey development from the rear. The split level design, proposed finished floor levels and extent of cut proposed, whilst considerable, enables the dwelling to effectively 'nestle' into the land and subsequently reduces the overall visual impact and bulk/scale of the structure as viewed from the street and adjacent allotments.

The proposed northern and southern side setbacks do not accord with the requirements of the Hills Policy Area 11. Whilst the lack of appropriate setbacks to the northern and southern boundaries are considerable in a quantitative context - especially the non-compliance in the southern setback – the most significant lack of non-compliance is limited to the front portion of the dwelling where the wall height exceeds 3 metres. Although the wall height and lack of associated setbacks is considerable, this in my opinion is unlikely to create adverse visual bulk/scale impacts given the adjacent dwellings incorporate limited, if any, habitable room windows on their respective side façades. In my opinion, an appropriate level of separation has been afforded and the shortfall in setbacks is not considered to result in unreasonable overshadowing onto habitable room windows and POS areas of adjacent allotments, or result in adverse visual bulk/scale impacts to the extent where the application cannot be supported. Additionally, these setbacks are considered to be compatible with existing dwellings within the wider locality.

The proposal will disrupt northern views achieved from the balcony and north-western views achieved from within the dwelling at 3 Vista Street. The dwelling at 3 Vista Street has been designed and orientated to primarily achieve views to the west, and to a lesser extent, views to the north-west. The proposed development will have an impact on the views that are currently experienced from the site in a north-westerly direction. These views are primarily achieved to the side of the dwelling, and therefore over the adjacent vacant allotment (and subsequent allotments) to the north. Due to the proposed setback of the dwelling, and protruding nature of the upper level, existing northern views achieved from within the kitchen of the coastline and Gulf St Vincent, and a portion of north-westerly views achieved from the balcony and within the living room will be lost. Considerable western views of the coastline and Gulf St Vincent from the living room and balcony will be retained, whilst north-westerly views of the coastline and Gulf St Vincent from the balcony views will be retained.

In my opinion, the setbacks to boundaries, height, bulk and scale anticipated as part of this application are appropriate and the extent of view loss is acceptable, especially as these views are achieved to the side of the dwelling and over adjacent allotments. Furthermore, it is worthy to note that significant views to the west of the horizon and Gulf St Vincent will be retained. In my opinion, view loss experienced by the adjoining property to the south from the north facing windows and from the northern balcony façade would be 'moderate'. This notwithstanding, considerable views to the west and north-west from the west facing windows and balcony will be retained.

Direct downward overlooking into the adjacent allotments from the west facing upper level balcony has been minimised through the incorporation of 1.7 metre high screening to the northern façade. Three upper level north facing windows located to the front portion of the dwelling have not been obscured and therefore partial northern views from the living/dining room are achieved. Potential views gained from these windows will be generally limited to the predominately windowless southern façade of the adjacent dwelling to the north. Whilst oblique downward view onto the pool/patio area sited forward of the dwelling will be possible from westernmost windows, potential overlooking is not direct and view gained into the adjacent allotment will be interrupted by boundary fencing and existing fencing/screening on the adjacent allotment. An internal ledge achieving a width of 550mm further restricts persons from gaining maximum view from these windows by preventing persons from standing directly at the window's edge. In my opinion, the dwelling has been reasonably designed to minimise direct overlooking of habitable rooms and private open spaces of adjacent dwellings, whilst still providing outlook and passive surveillance to the public realm.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/890 for a two storey detached dwelling with associated earthworks, retaining and swimming pool (including pool fencing) at 1 Vista Street, Seacombe Heights 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. 100/2016/890, being;
  - 1.1. 'A-110' and 'A-111' Revision 7, 'A-104', 'A-102' and 'A-100' Revision 4 all prepared by PSA Design,
  - 1.2. 'Landscape Plan' prepared by Dimension Design Studio and
  - 1.3. 'Drainage Plan' Revision PC prepared by TMK Consulting Engineers.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 areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
4. All new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

## NOTES

1. Any damage to the existing retaining wall on the road reserve is to be repaired to Council's satisfaction, at the owners cost.

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

#### Attachments

- Attachment I: Certificate of Title*  
*Attachment II: Aerial Photograph & Site Locality Plan*  
*Attachment III: Proposal Plan and supporting documentation*  
*Attachment IV: Statement of Representations*  
*Attachment V: Applicant's Response to Representations*  
*Attachment VI: Images (extent of potential view loss)*



# DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 March 2017

**Agenda Ref No:** DAP150317 – 2.2

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

**Applicant:** Rossdale Homes Pty Ltd

**Development Description:** Single-storey residential flat building comprising three dwellings and incorporating a wall on the eastern boundary

**Site Location:** 9 Norrie Avenue, Clovelly Park

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 2 / Consent

**Lodgement Date:** 29/09/2016

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

**Application No:** 100/2016/1808

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

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## CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan which assigns development that has a wall abutting a side or rear property boundary exceeding a height of 3 metres (above natural ground level) as Category 2 development.

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

## BACKGROUND

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

Amendments Requested	Amendments Made
The front setback should be increased to more closely align with other dwellings in the street.	Front setback increased from 5 metres to 6.02 metres.
The private open space of House 1 and 2 should be increased to more closely align with minimum sought for residential flat dwellings within the Northern Policy Area (20% of 300 square metres = 60 square metres).	POS of House 1 increased from 40.9 square metres to 46 square metres. POS of House 2 increased from 39.9 square metres to 42.1 square metres.
The POS of House 3 should incorporate a minimum dimension of 5 x 5 metres directly accessible from the living area of the dwelling.	Minimum POS dimensions not met.
2 x 0.5m landscaping strips should be provided on either side of the common driveway (only 1 x 0.5m landscaping strip provided).	Driveway landscaping increased from one 0.5 metre landscaping strip, to a 0.4 metre landscaping strip along the western side boundary and landscaping varying in width from 0.6 metres to 1.5 metres along the eastern side of the driveway (where appropriate).
Further separation should be provided between the proposed dwellings and the common driveway, with landscape screening provided forward of any habitable room windows facing the driveway area.	Increased separation provided between the proposed dwellings and the common driveway and additional landscaping provided forward of habitable room windows of House 1 and 2.
Vehicle manoeuvrability spaces for Houses 2 and 3 must be amended to enable the provision of safe and convenient movements.	Aisle width of the vehicle turning spaces increased.
The garage of House 3 should achieve a minimum internal width of 3 metres in order to comply with AS2890.1.2004.	Internal garage width of House 3 increased from 2.93 metres to 3.06 metres.
The front façade of the building should incorporate increased visual interest through a portico element and or further stepping/articulation.	Portico element provided to the entrance of House 1, with the front façade of the building amended to incorporate varied front setbacks/stepping.

## SUBJECT LAND & LOCALITY

The subject site is located at 9 Norrie Avenue, Clovelly Park. The land comprises a regular allotment with a width of 17.678 metres, a depth of 45.72 metres and a site area of 808.24 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to an attached carport adjacent the eastern side boundary, as well as a second double crossover provided alongside the western side boundary. Several other ancillary structures are located to the rear of the existing dwelling. The contour of the land is relatively flat.

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

The subject land is sited 300 metres walking distance to the south-east of the Rosslyn Street Reserve, which includes a children’s playground. A Neighbourhood Centre Zone is some 120 metres to the east, on South Road. South Road is provided with bus services to the City as well as the Marion Regional Centre.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to construct a single-storey residential flat building comprising three dwellings with associated car parking and landscaping.

House 1 and 2 incorporate two bedrooms, while House 3 is provided with three bedrooms. The main bedroom of each dwelling includes a walk-in-robe and ensuite, with each dwelling also provided with a bathroom, laundry and open plan kitchen/living areas.

Each dwelling is provided with a single width garage and an associated visitor space. The proposal includes a crossover providing exclusive access to House 1 from Norrie Avenue, while vehicular access to House 2 and 3 is achieved through a common driveway running the length of the western boundary.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	14 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	1 representation primarily against the application received by Council. (Although noting email correspondence from the representor confirmed that their concerns had been adequately addressed by the applicant’s response).
<b>Persons wishing to be heard:</b>	Nil
<b>Summary of representations:</b>	<p><b>7 Norrie Avenue</b></p> <ul style="list-style-type: none"> <li>• Concerns regarding noise/dust impacts during construction.</li> <li>• Concerns regarding fencing</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant’s response:</b>	<i>Refer Attachment V</i>

## INTERNAL DEPARTMENT COMMENTS

<b>Open Space:</b>	The proposed development has been assessed by Council’s Arborist who has advised that the proposed clearance from the existing street tree forward of the subject land is considered appropriate.
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**ZONE & POLICY AREA ASSESSMENT**

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

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

PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	<b>Complies</b>
PDC 3	<i>Minimum Site Area: Residential flat building: 300m<sup>2</sup> average per dwelling</i>	<b>Does Not Comply</b> 222.1m <sup>2</sup> (excluding common driveway)  269.4m <sup>2</sup> (including common driveway)
	<i>Minimum Frontage: Residential flat building: 20m</i>	<b>Does Not Comply</b> 17.678m
	<i>Minimum Depth: Residential flat building: 45m</i>	<b>Complies</b> 45.72m

## Assessment

### **Objectives & Desired Character**

The application proposes to replace an existing single-storey detached dwelling in average condition, with a single-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.

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

The Desired Character also seeks for the range of dwelling types to increase to meet a variety of accommodation needs. The proposal includes two, two-bedroom and one three-bedroom dwelling options, and therefore provides a distinct variety in dwelling size.

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

### **Site Areas**

The proposed dwellings each comprise an average site area of 222.1 square metres, where an average of 300 square metres is prescribed for residential flat dwellings within the Northern Policy Area 13. This equates to a shortfall of 77.9 square metres per dwelling, or 26% less than the minimum sought. While the individual site area of each dwelling falls significantly short of the prescribed minimum, it is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that if the driveway were to be included in site areas, the overall average site area per dwelling equals 269.4 square metres per dwelling, still substantially less than the minimum sought.

Given the considerable shortfall in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is noted that row dwellings require a minimum site area of 250 square metres within the Northern Policy Area 13, whereby a site of 750 square metres could theoretically accommodate three dwellings. The subject land maintains an overall site area of 808.24 square metres. Therefore, it may be suggested that while the site configuration results in shortfalls in site area, the proposed density may not necessarily be inconsistent with that envisaged for the Policy Area, albeit acknowledging that row dwellings are specifically permitted a lesser site area as they provide a more efficient use of land than that of group or residential flat dwellings where a considerable portion of the subject land is used for the common driveway and vehicle manoeuvring areas.

Development with similar layouts to that proposed have been constructed in the locality at 10 and 23 Finchley Street. However, these sites maintained total site areas varying between 875 and 890 square metres, closer to the minimum sought for three dwellings in a residential flat/group dwelling configuration. The proposed site areas represent the smallest in the locality for the subject dwelling types/layout.

Accordingly, the significant extent of the shortfall in site areas is acknowledged and considered on balance with the proposal's merits.

### ***Frontage width***

Allotments of residential flat buildings should maintain a minimum frontage width of 20 metres within the Northern Policy Area 13, whereas the subject land comprises a frontage to Norrie Avenue of 17.678 metres. It is considered that minimum frontage width requirements for Residential Flat Buildings seek to ensure appropriate vehicular manoeuvrability, however it is noted that a minimum frontage width of 18 metres is identified for Residential Flat Buildings within other Council Policy Areas, demonstrating that appropriate manoeuvrability can be anticipated at this width.

Nonetheless, the proposal maintains appropriate on-site manoeuvring in accordance with relevant Australian Standards. Furthermore, in my view, the shortfall in frontage width does not result in any significant impact upon desired streetscape outcomes.

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## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage			
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>			<p><b>Site coverage:</b></p> <p><b>Does Not Comply</b>                      House 1: 49.2% (109.2m<sup>2</sup>)                      House 2: 48.4% (107.5m<sup>2</sup>)                      House 3: 58.6% (130.2m<sup>2</sup>)</p> <p><i>Average site coverage: 42.9%</i></p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>			<p><b>Complies</b></p> <p>The proposal generally maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>			<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>			<p><b>Complies</b></p> <p>Approx. 23.5% (190m<sup>2</sup>)</p>
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p><b>Complies</b></p> <p>House 1: 20.7% (46m<sup>2</sup>)                      House 3: 26.3% (58.32m<sup>2</sup>)</p> <p>5 x 5 metre POS dimension achieved by each House 1 and 2.</p> <p><b>Does Not Comply</b>                      House 2: 19% (42.1m<sup>2</sup>)</p> <p>5 x 5 metre POS dimension not achieved by House 3.</p>
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.	
<p><i>Residential Zone: PDC 7</i></p>			

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <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><b>Complies</b></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) The POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>g) The proposed POS area to House 1 maintains a northerly aspect to provide for comfortable year round use.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p><b>Partially Complies</b></p> <p>g) The proposed POS areas of House 1 and 2 face east, which should nonetheless benefit from adequate levels of northern solar access.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p><b>Complies</b></p>
<p><b>Building Setbacks from Road Boundaries</b></p>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p><b>Complies</b></p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 6.02 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>



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

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

General Section: Design and Appearance: PDC 22

**Partially Complies**

House 1: 6.02 metres

(Dwellings on adjoining land set back approximately 8.5 and 9 metres, which results in a required setback of 8.5 metres)

PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.

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

Residential Zone: PDC 6

**Complies**

Eastern side setback (not including boundary wall): 0.9m increasing to 2.52m, 4.2m and 5.04m thereafter.  
Western side setback: 3.048m increasing to 4.008m and 4.985m thereafter

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

Eastern boundary wall

**Does not Comply**

Length: 9.15m  
Height: 3.15m (from natural ground level)

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

General Section: Design and Appearance: PDC 2

**Complies**

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

## Rear Setbacks

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

Residential Zone: PDC 6

### Does Not Comply

House 3: 0.96m (for 31.2%) increasing to 3.6m (for 27.8%) and 5.28m for 18.3% of the allotment width.

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

General Section: Design and Appearance: PDC 2

### Partially Complies

Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. This is discussed further within the Table Discussion 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 dwellings incorporate a maximum building height of 5 metres, which is less than the maximum permitted in the Policy Area.

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

General Section: Residential Development: PDC 2

### Complies

## Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

### Complies

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

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

General Section: Residential Development: PDC 12

#### Parameter

#### Value

Maximum floor area

60 square metres

### Complies

Maximum wall or post height

3 metres

### Partially Complies

Garage wall height of House 2 and 3 exceed 3 metres in height from the natural ground level (albeit only comprise a wall height of 2.7m from the top of the footings).

<i>Minimum setback from a primary road frontage</i>	<i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i>	<b>Complies</b> House 1: Garage set back 6.98m, 0.96m behind the main face of the building.
<i>Maximum frontage width of garage or carport with an opening facing the street</i>	<i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i>	<b>Complies</b> House 1: 17% (3m)
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>		<b>Complies</b>

## Vehicle Parking

<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 34</i></p>		<p><b>Complies</b></p> <p>Each dwelling provides one garage space and one open visitor space, which equals a total of 6 on-site parking spaces. Albeit, no independently accessible visitor parks are available.</p>
<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>	<p><i>Note: 1.5 resident spaces x 3 dwellings = 4.5</i></p> <p><i>Plus 1 visitor spaces required for 3 dwellings = 5.5 on-site spaces required</i></p>
<i>Multiple dwelling</i>	<i>0.7 per bedroom</i>	
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>		
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>		<p><b>Complies</b></p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 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) 1 on-street car parking spaces shall remain available adjacent the subject land.</p> <p>e) The proposed development does not result in a loss of on-street car parking, with the subject land currently accommodating two crossovers.</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <p><i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i></p> <p><i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i></p> <p><i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 44</i></p>		<p><b>Complies</b></p> <p>(a) (b) The development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>

<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p><b>Does not Comply</b> 1 on-street car parking space is provided for the proposed allotments, which does not satisfy PDC 22.</p>
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**Access**

<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b> House 1: 3.12m House 2 and 3: 4.002m (existing crossover altered and utilised for the proposed common driveway).</p>
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<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p><b>Complies</b> The proposed crossovers are set back a minimum 2 metres from the existing street tree.</p>
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<p><i>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</i></p>					<p><b>Complies</b> 3-metre-wide common driveway and 0.4 metre landscaping strip along the western side of the driveway. Landscaping along the eastern side of the driveway varies in width between 0.6 metres and 1.5 metres (where appropriate).</p>
<p><b>Dwellings served</b></p>	<p><b>Trafficable width (metres)</b></p>			<p><b>Minimum landscape strips on both sides of driveway (metres)</b></p>	
	<p><b>Intersection with public road and first 6 metres</b></p>		<p><b>Width beyond first 6 metres</b></p>		
<p><b>Arterial roads</b></p>	<p><b>Other roads</b></p>				
<p>1 – 3</p>	<p>6</p>	<p>3</p>	<p>3</p>	<p>0.5</p>	
<p>4 – 7</p>	<p>6</p>	<p>5</p>	<p>3</p>	<p>0.8</p>	
<p>8 or more</p>	<p>6</p>	<p>6</p>	<p>5</p>	<p>1.0</p>	
<p><i>General Section: Residential Development: PDC 41</i></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><b>Partially Complies</b> Vehicle access points are not separated by a minimum distance of 6 metres, however with the existing crossover adjacent the eastern side boundary to be reinstated, the proposed development does not result in a loss of on street car parking.</p>
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**Design & Appearance**

<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p>	<p><b>Complies</b> The proposed building reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The front façade of the building incorporates varied setbacks, fenestration and a protruding portico, providing a reasonable level of articulation.</p> <p>The dwellings incorporate a 25 degree Colorbond roof, with a mixture of face brickwork and render to the facades of the building. 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>
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*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 building is designed so that the main facade faces the primary street frontage, presenting the entrance door, portico and habitable windows of House 1 to the street.

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

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

**Complies**

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

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

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

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

## Noise

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

*General Section: Residential Development: PDC 30*

### **Complies**

Each dwelling features bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of at least 1.5 metres. The bedroom windows of House 1 and 2 also incorporate generous landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29 to these windows.

However, the landscaping provided forward of Bedroom 2 (House 3), is considered insufficient, particularly given light intrusion into this bedroom may be somewhat more than that of the other dwellings, given this bedroom is sited at the end of the common driveway. Accordingly, it has been included as a recommended condition of consent that an amended landscaping plan maximising landscaping forward of this bedroom be submitted to Council for administration's consideration and approval prior to issuing Development Approval.

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

## Site Facilities and Storage

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

*General Section: Residential Development: PDC 31*

### **Partially Complies**

a) Mail box facilities have not been specified within the proposal. It is included as a recommended condition of consent that an amended site plan, illustrating common letterboxes at the front of the property, be submitted to Council for administration's consideration and approval prior to issuing Development Approval.

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/garage 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**

House 3 is oriented so that the main area of private open space and living areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

The main activity areas of House 1 and 2 are oriented east, which should nonetheless receive some northern winter sunlight.

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

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

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

*General Section: Energy Efficiency: PDC 3*

### **Complies**

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

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

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

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

### **Complies**

As previously mentioned, it has been included as a recommended condition of consent that a revised landscaping plan, maximising landscaping forward of Bedroom 2 of House 3, be submitted to Council for administration's consideration and approval prior to issuing Development Approval.

The proposed planting species and distribution is otherwise considered to appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

## TABLE DISCUSSION

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

- Site coverage
- Private open space
- Private open space dimensions (House 3)
- Boundary wall length/height
- Rear setback
- On street car parking

### **Site coverage**

The Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas the proposal comprises site coverage of 49.2%, 48.4% and 58.6% for House 1, 2 and 3 respectively. The following considerations are noted with regard to the discrepancy in site coverage;

- a) Overall site coverage equates to 42.9% of the total site area (including the common driveway), marginally above the prescribed maximum of 40%
- b) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below). Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.
- c) The proposal is considered to generally comply with PDC 13 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, landscaping, domestic storage, outdoor clothes drying, rainwater tanks, private open space 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.

### **Private open space**

Private open space should comprise at least 20% of the site area; whereas the proposed POS of House 2 equates to 19%, representing a shortfall of some 2.3 square metres. While the numerical dispensation against 20% of the average site area (excluding the common driveway) appears somewhat minor, it must also be acknowledged that the proposed area of POS, at 42.1 square metres, falls substantially short of the 20% sought for the minimum site area prescribed for residential flat dwellings, being 300 square metres, whereby a minimum 60 square metres



POS is anticipated. In this regard, it must also be noted that the POS provided to Houses 1 and 3 (being 46 square metres and 58.32 square metres respectively), whilst exceeding 20% of the proposed site areas, falls short of that anticipated for residential flat dwellings within the Northern Policy Area 13.

It is also recognised however, that the proposal incorporates two, two-bedroom dwellings (House 1 and 2), and one three-bedroom dwelling (House 3). Accordingly, lesser areas of POS may be considered acceptable/tolerated for the two-bedroom dwelling options. In my view, despite the numerical discrepancies, the proposed POS areas are comprised of sufficient area and shape to be functional for likely occupant needs.

### **Private open space dimensions (House 3)**

POS should incorporate a minimum dimension of 5 x 5 metres, directly accessible from the internal living area of the associated dwellings. The POS dimensions of House 3 do not strictly comply with the prescribed dimension requirements, with the main area of POS (accessible from the living area) comprising dimensions of 9.12 metres by 3.6 metres. Another area of the POS (to the rear of Bedroom 1 of this dwelling) incorporates maximum dimensions of 5.28 metres by 4.2 metres. While neither of these areas satisfy the minimum dimensions sought by the Development Plan, I am of the opinion that the POS of this dwelling nonetheless comprises sufficient area and shape to be functional for likely occupant needs, particularly when considering that the proposed POS exceeds the minimum 20% sought (26.3%) and that an additional area (6 metres by 3.048 metres) is provided as a service yard on the western side of the dwelling.

### **Boundary wall length/height:**

The Development Plan prescribes a maximum length of 8 metres, and height of 3 metres (from the natural ground level) for boundary development, whereas the proposed development incorporates a wall on the eastern side boundary for a length of 9.15 metres, and a height of 3.15 metres, from the existing ground level (noting that the wall height measures at 2.7 metres from the finished floor level of the building).

It is of worth to note that pursuant to Schedule 4- 2B, walls located on a boundary with a length of up to 8 metres, and a height of up to 3 metres (from the top of the footings), can be built 'as of right' without any consideration as to the impacts on the adjoining land. In my opinion, the additional 1.15 metres in wall length, and 0.15m excess in wall height, are not considered to result in unreasonable impacts upon the occupiers of the adjoining property.

### **Rear setback:**

Principle of Development Control 6 of the Residential Zone seeks for development to maintain a rear setback of at least 3 metres for up to 50% of the allotment width, with a minimum rear setback of 6 metres required thereafter. House 3 incorporates a setback of 0.96 metres for a length of 5.51 metres, or some 31.2% of the allotment width. The rear setback increases thereafter to 3.6 metres, and again to 5.28 metres. Clearly, the proposed rear setback fails to accord with the numerical criteria of PDC 6.

However, and perhaps more importantly, PDC 2 (General Section: Design and Appearance) outlines 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.*

In this regard, it is noted that the adjacent dwelling to the north-east comprises a shed on the rear boundary of the subject land, while the adjacent dwelling to the north-west incorporates a garage wall on the shared boundary for a length of approximately 5 metres, and a side setback to the dwelling thereafter. The portion of the proposed building sited closest to the rear boundary is located adjacent a portion of the garage wall on the boundary and the side setback of the associated dwelling (22C Wingfield Street). This layout separates the main area of POS provided to House 3, from bedrooms of the adjoining dwelling to the north-west, reducing potential noise impacts upon this dwelling. Further the proposed single-storey building does not result in visual bulk and scale impacts upon adjoining dwellings, and is generally considered to maintain the character of the locality in regards to the patterns of space between buildings. Accordingly, the proposed rear setback, in my opinion, is considered acceptable in this instance.

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

The proposed increase in density requires the provision of two (2) (rounded up from 1.5) on-street parking spaces adjacent the subject land (i.e. one on-street space per two allotments). However, only one on-street car park is maintained by the proposal. Given that the proposed development exceeds the total on-site parking requirements (albeit not including independently accessible on site visitor parks), and that the dwellings are located an acceptable walking distance to public transport and centre facilities, the shortfall in on-street car parking is deemed acceptable.

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### REPRESENTOR'S CONCERNS

The representor raised concerns over noise and dust during the construction of the proposed development, as well as concerns regarding fencing. 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. Nonetheless, email correspondence from the representor confirmed that their concerns had been adequately addressed by the applicant's response.

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## ANALYSIS/CONCLUSION

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

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/shortfalls including site coverage, private open space, rear setbacks, boundary wall length/height and on-street car parking. Further assessment of each excess/shortfall and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

The most significant numerical shortfall maintained by the proposal involves site areas, with a 10.9% shortfall noted for the total site area, including the common driveway. It is acknowledged that the proposal is finely balanced in this regard. It is my view that the various non-compliances maintained by the proposed development could each be deemed acceptable in isolation; however, these must be considered as a whole in conjunction with the proposal's areas of compliance.

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

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1808 for a single-storey residential flat building comprising three dwellings and incorporating a wall on the eastern boundary at 9 Norrie Avenue, Clovelly 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. 100/2016/1808, 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. A revised landscaping plan, maximising landscaping forward of Bedroom 2 of House 3, shall be submitted to Council for consideration and approval prior to Development Approval being issued.
4. Common mail box facilities shall be provided at the front property boundary of the subject land. An amended site plan illustrating the mail facilities shall be submitted to Council for consideration and approval prior to Development Approval being issued.
5. 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.
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](http://www.marion.sa.gov.au/page.aspx?u=181)*

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

8. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
9. 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.
10. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
11. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

## 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 March 2017

<b>Agenda Ref No:</b>	<b>DAP150317 – 2.3</b>
<b>Originating Officer:</b>	<b>Justin Clisby Development Officer - Planning</b>
<b>Applicant:</b>	<b>Sunrise Christian School Incorporated</b>
<b>Development Description:</b>	<b>Freestanding sign</b>
<b>Site Location:</b>	<b>284-286 Sturt Road, Marion</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 3 / Non-complying</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/2017/10</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Granted) subject to seeking the concurrence of the Development Assessment Commission</b>

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## BACKGROUND

The subject application is a Category 3/Non-complying form of development by virtue of the Procedural Matters section of the Residential Zone within the Marion Council Development Plan, where advertisements and/or advertising hoardings are listed as non-complying forms of development, unless satisfying a number of criteria.

The proposed development is considered to be non-complying form of development as each side of the sign's display area exceeds 2 square metres. The application is classified as a Category 3 form of development, by virtue of not meeting the test contained within Section 3, Part 1 of Schedule 9 of the Development Regulations, 2008.

## SUBJECT LAND & LOCALITY

The subject land is on the northern side of Sturt Road near the intersection with Marion Road. The subject allotment has a frontage width of 40.23 metres to Sturt Road and a depth of 98.45 metres.

The site comprises the Marion Campus of the Sunrise Christian School, associated car parking areas and outdoor play areas. Whilst located within a Residential Zone, the site maintains a long-standing educational use with Sunrise Christian School operating from the site for several decades.

Forward of the campus building there currently exists 19 car parking spaces, a drop-off point and a double-sided freestanding sign close to boundary with Sturt Road measuring 1.1 metres wide by 6.0 metres high.

Adjoining land to the east comprises the Maranatha Christian Assembly with car parking to the rear of the hall fronting Sturt Road whereas adjoining land to the north and west of the subject land contains dwellings of various types including group dwellings and single-storey detached dwellings. Land to the immediate south, opposite Sturt Road is also within Residential Zone - Northern Policy Area 13 and comprises predominately single-storey detached dwellings.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to erect a free-standing sign in the southern-eastern corner of the allotment. The proposed sign will be 4.5 metres in height and 1.4 metres wide. The sign is to be double-sided with each sign face achieving an area of 6.3 square metres. Each sign face features the Sunrise Christian School logo and text on an orange and white background

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	27 properties were notified during the Category 3 public notification process.
<b>Representations:</b>	3 representations were received by Council.
<b>Persons wishing to be heard:</b>	None.
<b>Summary of representations:</b>	None of the representations relate specifically to the application.  <i>Refer Attachment IV</i>
<b>Applicant's response:</b>	As none of the representations relate specifically to the application, the applicant has declined the opportunity to respond to the representations made.

## ZONE & POLICY AREA ASSESSMENT

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

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

## Northern Policy Area 13

### Objectives

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

### Desired Character

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

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

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

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

*Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development.*

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>dwelling including a residential flat building</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<b>Does Not Comply</b>
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The above Objectives, Desired Character statement and Principles provide little guidance for the assessment of the subject proposal and are silent in respect to all forms of advertising signage whether free-standing or attached to existing buildings.

Whilst the subject land is situated within the Residential Zone, the site maintains a long-standing educational use.

As such, it would be unsuitable to rely solely on these provisions in assessing the proposal, rather, consideration is more appropriately confined to the Advertisements provisions below.



## DEVELOPMENT ASSESSMENT

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

Principles of Development Control	Assessment
<b>Advertisements</b>	
<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><b>Complies</b></p> <p>The siting and height of the proposed advertisement is considered to be in keeping with other existing free-standing advertisements within the subject locality.</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><b>Complies</b></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><b>Complies</b></p> <p>The proposed free-standing sign is limited to information relating to the legitimate use of the subject land.</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><b>Complies</b></p> <p>The proposed advertisement will be located entirely within the bounds of the subject allotment.</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><b>Complies</b></p> <p>The proposed advertisement is double-sided thus concealing the supporting structure from view.</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><b>Complies</b></p> <p>The proposed advertisement comprises a simple layout incorporating the Sunrise Christian School logo and text and adopts only three colours.</p>

<p><b>Safety</b></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><b>Complies</b></p> <p>a) The proposed advertisement is not illuminated.</p> <p>b) The proposed advertisement is unlikely to confuse drivers passing the site.</p> <p>c) The proposed advertisement should not result in unreasonable driver distraction as it does not involve any moving/flashing elements.</p> <p>d) Whilst limited separation from the allotment boundary is proposed, the location of the advertisement is not considered to obscure a driver's view or other 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><b>Complies</b></p>						
<p><b>Freestanding Advertisements</b></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><b>Complies</b></p> <p>a) The proposed advertisement is a replacement for the sign that currently exists approximately 10 metres to the west of the proposed location of the new sign and will be removed once the new sign is erected.</p> <p>b) Whilst the display area exceeds the maximum area permitted for a non-residential site within the Residential Zone, the advertisement is considered to be of an appropriate height and scale and is considered to be in keeping with the existing character of the locality and compatible with the development on the site.</p>						
<p><i>The maximum height and display area or panel size of freestanding advertisements and/or advertising hoardings should not exceed the following dimensions within the respective zones:</i></p> <table border="1" data-bbox="172 1541 911 1727"> <thead> <tr> <th><b>Zone</b></th> <th><b>Maximum Height (metres)</b></th> <th><b>Maximum Display Area or Panel Size (square metres)</b></th> </tr> </thead> <tbody> <tr> <td>Non-residential sites within the Residential Zone</td> <td>4</td> <td>4 (2 per side if double-sided)</td> </tr> </tbody> </table> <p><i>General Section: Advertisements: PDC 20</i></p>	<b>Zone</b>	<b>Maximum Height (metres)</b>	<b>Maximum Display Area or Panel Size (square metres)</b>	Non-residential sites within the Residential Zone	4	4 (2 per side if double-sided)	<p><b>Does Not Comply</b></p> <p>The proposed advertisement is a maximum 4.5 metres in height and 1.4 metres in width. The structure achieves a total advertising display area of 12.6 square metres, which equates to 6.3 square metres per side.</p>
<b>Zone</b>	<b>Maximum Height (metres)</b>	<b>Maximum Display Area or Panel Size (square metres)</b>					
Non-residential sites within the Residential Zone	4	4 (2 per side if double-sided)					
<p><b>Advertising along Arterial Roads</b></p> <p><i>Advertising and/or advertising hoardings should not be 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>	<p><b>Complies</b></p> <p>Sturt Road has a maximum speed limit of 60 km/h.</p>						

## TABLE DISCUSSION

The proposal satisfies the majority of applicable Principles of Development Control contained within the Marion Council Development Plan.

The proposed advertisement is a fully enclosed portrait orientated rectangular structure. The proposed advertisement is a maximum 4.5 metres in height and 1.4 metres in width. The structure achieves a total advertising display area of 12.6 square metres, which equates to 6.3 square metres per side. The advertisement is sited to the south-western corner of the allotment to gain maximum visual exposure and provide directional information to motorists.

Although the proposed display area of 12.6 square metres or 6.3 square metres per sign face is significantly more than the 4 square metres (2 per side if double-sided) permitted by Advertisements Principle of Development Control 21 for non-residential sites within the Residential Zone, the sign face area is considered reasonable and will not result in adverse visual bulk and/or scale impacts. Furthermore, the proposed sign replaces an existing sign which has a display area of 13.2 square metres (or 6.1 metres per side) representing a reduction in total display area of 0.6 square meters.

In considering the merits of the signage proposed it is of value to consider the context of the subject land, the wider locality, and signage which currently exists within the local area.

Whilst the subject land is situated within the Residential Zone, the site maintains a long-standing educational use, with the Sunrise Christian School operating from the site for several decades. It is anticipated that most, if not all forms of non-residential development require some signage element to provide exposure to the premises and activities conducted on the land. The signage proposed, in my view, affords reasonable exposure to the site without having an unreasonable impact upon the appearance of the site or the locality.

## ANALYSIS/CONCLUSION

Assessment relating to the qualitative Principles of Development Control identifies the development satisfies a majority of the relevant and applicable Development Plan criteria.

The proposed advertisement is considered reasonable in terms of its height, width and overall size and is not considered to be out of character with other similar advertisements within the locality.

In my opinion, whilst the sign face exceeds the maximum permitted for a non-residential use within the Residential Zone, the proposed height and dimensions of the advertisement are unlikely to dominate the landscape character or result in significant visual amenity impacts on adjacent land uses. Additionally, the advertisement is considered complementary to the existing lawful use of land and therefore a type of sign that is appropriate for the locality.

The subject sign is not internally illuminated and is therefore unlikely to be considered a traffic hazard to motorists using Sturt 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 seeking concurrence from the Development Assessment Commission.

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/10 for Freestanding Sign – 4.5 metres high by 1.4 metres wide at 284-286 Sturt Road, Marion be GRANTED, subject to seeking concurrence from the Development Assessment Commission and the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/10, being the following documents;
  - 'Detail and Contour Survey' prepared by Michael Grear Surveys and received by Council 04/01/2017
  - 'Elevations' prepared by Signs by Knight and received by Council 04/01/2017 except when varied by the following conditions of consent.
2. The existing freestanding sign fronting Sturt Road is removed from the subject land prior to the erection of the proposed replacement freestanding signage.
3. The advertisement and supporting structure 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.
4. The proposed signs shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.

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## Attachments

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

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 March 2017

**Agenda Ref No:** DAP150317 – 2.4

**Originating Officer:** Nicholas Timotheou  
Development Officer - Planning

**Applicant:** Mr Maurice Hood

**Development Description:** Alterations and additions to an existing dwelling, comprising a two storey addition, balcony, alfresco and garage

**Site Location:** 124 Perry Barr Road, Hallett Cove

**Zone:** Residential Zone

**Policy Area:** Southern Policy Area 18

**Application Type:** Category 1 / Consent

**Lodgement Date:** 11/11/2016

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

**Application No:** 100/2016/2093

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

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### CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(b)) of the Development Regulations 2008, which assigns the alteration of a detached dwelling, as Category 1 development.

### BACKGROUND

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

Amendments Requested	Amendments Made
Due to the natural fall in the land and prominent location of the upper level, in order to reduce the amount of uninterrupted wall exposed to public view, the upper level north-eastern elevation of the dwelling should incorporate full length windows, fitted with obscure glazing (1700mm above the finished floor levels).	Full length windows provided along the north-eastern elevation, incorporating obscure glazing 1700mm above the finished floor levels.

Additional Information Requested	Information Provided
Updated plans, correctly plotting the existing location of the dwelling in relation to the allotment boundaries.	Updated plans submitted to Council.
The initial application plans indicated a portion of the garage situated along the south-western boundary, increasing to approximately 200mm. In order to satisfy the relevant BCA requirements, the garage would need to be situated on the boundary or setback minimum 600mm. Further, Council's Development Plan seeks for a minimum setback equal to 900mm from side boundaries (when a wall is not situated along the boundary). As such, the plans should be updated to locate the garage wall on the boundary or setback 900mm.	Garage wall setback 900mm (at the closest point from the south-western boundary).
A schedule of proposed colours/materials/finishes to be used on the external elements of the dwellings.	Colours and materials provided.
A fully engineered site works and drainage plan.	Not provided; however, the request for a fully engineered site works and drainage plan has been placed as a recommended condition of consent.

## SUBJECT LAND & LOCALITY

The subject land is situated at 124 Perry Barr Road, Hallett Cove. The allotment is generally rectangular in shape, incorporating a slight angle to the front boundary, which flares to the rear. As such, the allotment achieves a total frontage width of 20.5 metres, average depth of 30 metres and total site area equal to 641 square metres. The site currently accommodates a single storey detached dwelling in good condition, which is setback 9.2m at the closest point and increases to 9.5m as a result of the angled front boundary.

Vehicular access is currently gained via Perry Barr Road, which leads to a carport, situated in close proximity to the south-western boundary. The carport design includes a verandah which wraps around the rear of the existing dwelling and is situated adjacent a pergola, which extends closer to the rear boundary.

The ground level of the subject land falls approximately 4.0 metres from south-east to north-west. The existing contour of the land is generally flat in relation to the location of the dwelling and area of private open space. As a result of the ground level, the subject site sits below the adjacent buildings situated to the north-east and south-east and generally above buildings to the north-west and south-west. There are no regulated or significant trees on the subject land.

The pattern of development within the locality is typically defined by the original housing stock, displaying a presence of single and double storey detached dwellings, on large allotments. Recent development within the locality has seen the construction of newly built two storey dwellings and two storey dwelling additions.

It is also acknowledged that a public walkway is situated immediately south-west of the subject land, linking Perry Barr Road to Neeangarra Crescent.

*Refer Attachments I & II*

PROPOSED DEVELOPMENT

The subject application proposes alterations and additions to an existing dwelling, comprising a two storey addition, balcony, alfresco and garage.

Internal alterations are required to the ground level in order to accommodate the staircase leading to the upper level; however, the general layout is retained, which includes a bedroom and study, bathroom/laundry and open plan kitchen/living/meals with direct access to the main area of private open space. A double width garage is proposed adjacent the south-western boundary, which seeks to gain access via the existing crossover. The upper level addition incorporates an additional three bedrooms with associated ensuite/bathroom and open plan living area, with direct access to a balcony, protruding forward of the main façade.

The dwelling incorporates a mixture of colours and materials to the front façade, including exposed brick, render, panel lift doors and Colorbond roofing. The front entrance point is covered by the protruding balcony, which features a glass balustrade.

*Refer Attachment III*

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Southern Policy Area 18 are listed in the following table and discussed in further detail below:

<b>Residential Zone</b>
<p><b>Objectives</b></p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>
<b>Southern Policy Area 18</b>
<p><b>Objectives</b></p> <p><i>1 A policy area primarily comprising low scale, low to medium density housing.</i></p> <p><i>2 Development that minimises the impact of garaging of vehicles on the character of the locality.</i></p> <p><i>3 Development that reflects good residential design principles.</i></p> <p><i>4 Development that contributes to the desired character of the policy area.</i></p>
<p><b>Desired Character</b></p> <p><i>This policy area encompasses the generally established residential areas in the suburbs of Hallett Cove (east of the Adelaide-Seafood railway), Sheidow Park (north), and Trott Park. Land is typically undulating with some areas of steeper terrain. The existing character of streetscapes is largely derived from single-storey detached dwellings built since the 1970s which incorporate generous front and rear setbacks.</i></p> <p><i>The desired character of the policy area is an attractive residential area comprising predominantly single-storey, low density dwellings exhibiting a variety of architectural styles. Future development of vacant land within the policy area will contribute to a mix of housing densities and housing types to improve housing diversity.</i></p> <p><i>New buildings will minimise alteration of the natural or existing landform. The built form, architectural and landscape design of individual sites should make a positive contribution to the streetscape.</i></p> <p><i>Buildings should not exceed two storeys in height and sloping sites should be developed at lower densities. Where buildings and extensions (including decks) are proposed on sloping land, particular attention will be given to the protection of the privacy and amenity of neighbouring properties and the avoidance of construction problems involving retaining walls and fences on boundaries.</i></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>		
<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>dwelling including a residential flat building</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<b>Complies</b>
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	<b>Complies</b>
<i>PDC 3</i>	<i>Where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings.</i>	<b>Complies</b>

## Assessment

The proposed development maintains the existing low to medium density character of the Southern Policy Area 18 by proposing a two storey dwelling addition. It is also acknowledged that the 'density' of the development, in terms of setbacks to boundaries, reflects that sought by the Desired Character statement of the Southern Policy Area 18 (discussed throughout this report). The design of the dwelling is considered to achieve generous separation to all boundaries and provide a positive contribution to the streetscape.

The proposal maintains a coherent streetscape as a result of the street setback, existing front yard landscaping and design to reduce the bulk and scale the dwelling. The design is considered to modernise the existing dwelling's appearance through the use of a mixture of colours and materials.

The Desired Character statement acknowledges sloping land within the Policy Area and that buildings/extensions should pay particular to the protection of the privacy and amenity of neighbouring properties.

## 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 32 and 34 Neeangarra Crescent, Hallett Cove (south and south-east of the allotment, respectively), and to a lesser degree, 36 Neeangarra Crescent.

It should be noted the owner of this land has the right to develop their property for a residential dwelling/dwelling additions, and given that adjacent dwellings to the rear of the subject site are situated significantly higher than the subject land and have their associated private open space areas oriented 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 upper level addition on this land will have an impact upon the views currently available to adjacent properties.



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

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 the sake of clarity, a separate views assessment undertaking the above mentioned steps will be undertaken for each property.

### **32 Neeangarra Crescent, Hallett Cove**

The dwelling at 32 Neeangarra Crescent is located to the south of the subject site. At present, a partial view of the ocean horizon is visible. Views currently available from this land and dwelling span from the west to the north-north-west (in a clock-wise direction). It should be acknowledged that the views gained from the subject property only comprise the ocean horizon. In my opinion, the most attractive views are to the north-west as they are generally unobstructed by buildings and mature vegetation within the locality. It is also my opinion that these views do not include ‘icons’ as described in *Hutchens v City of Holdfast Bay*.

The dwelling is single storey in nature; however, views can be enjoyed from the area of private open space, kitchen/meals room and living room. Within the area of private open space, views can be enjoyed from both the covered and uncovered area and to the west and north-north-west. These views can be gained in a sitting and standing position.

Within the kitchen/meals room, views can be enjoyed from an oblique angle to the north-west, through a doorway leading to the main area of POS. It is acknowledged that portions of the ocean horizon are screened via mature vegetation. These views can be gained in a standing position. Any views gained from a sitting position are considered minor.

In relation to the living room, similar to the kitchen/meals room, views are gained through a doorway, which leads to the main area of POS. The views gained are to the north-west and can be gained in a sitting and standing position. Views gained from this room are best enjoyed from a standing position and directly in-front of the doorway leading to the private open space.

With consideration to the above, in my opinion, it is view from the area of private open space that should be given most weight in relation to the proposed development.

From my estimates, the proposed development will mostly impact views to the north-north-west. Any view loss from the kitchen/meals and living room are considered minor as existing vegetation adjacent the rear boundary and angle in which views are enjoyed screen a majority of the proposed development.

In relation to the area of private open space, I am of the opinion that any view loss can be considered minor to moderate, as a significant portion, and the main view, will remain unobstructed by the proposed development.

The impact of the proposed development upon the views available from 32 Neeangarra Crescent relates to dwelling setback (to side and rear boundaries) and building height.

The dwelling does not exceed 9.0 metres above ground level (discouraged by Zone Principle 6 – refer to Table Discussion for explanation) whilst the side and rear setbacks exceed the minimum sought. As such, any view loss as a result of the building is somewhat ‘anticipated’ by the Policy Area provisions.

As such, it is my opinion that the proposed development will not have such a detrimental impact upon the views currently enjoyed from the land and dwelling at 32 Neeangarra Crescent as to warrant amendments to the proposal or refusal of the application.

### **34 Neeangarra Crescent, Hallett Cove**

The dwelling at 34 Neeangarra Crescent is located to the south-east of the subject site. At present, a partial view of the ocean horizon is visible. Views currently available from this land and dwelling span from west to north-west (in a clock-wise direction). It should be acknowledged that the views gained from the subject property only comprise the ocean horizon. In my opinion, the most attractive views are to the west, directly above the existing dwelling at 124 Perry Barr Road. It is also my opinion that these views do not include ‘icons’.

The dwelling is single storey in nature; however, views can be enjoyed from the area of private open space, kitchen/meals room and living room. Within the area of private open space, views can be enjoyed from both the covered and uncovered area and to the west and north-west. These views can be gained in a sitting and standing position.

Partial views can also be gained through the kitchen window and doorway (meals room) leading to the main area of private open space; however, it is acknowledged that a significant portion of these views are across the side boundary of the allotment. A similar outlook can be gained from the living room windows, albeit is somewhat screened via existing structures on the land and vegetation.

With consideration to the above, in my opinion, it is view from the area of private open space that should be given most weight in relation to the proposed development.

The proposed development will result in the removal of a majority of ocean horizon view in a north-westerly direction. It should be acknowledged that whilst view to the west and north-west of the ocean horizon will be obstructed by the proposed development, 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.”

When this approach is taken into consideration, approximately 50 per cent of the views gained from this property would be unavailable. Nonetheless, 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 overall compliance of the proposed development;
- The extent of view available and the amount of view lost as a result of the proposed dwelling.

Whilst the 'outlook' to the west and north-west will be removed by the proposed development, any double storey dwelling on the land will significantly affect this view in any event. As identified above and throughout this report, the proposal satisfies the applicable quantitative criteria in relation to dwelling setbacks and building height.

To this end, it is my opinion that the impact upon the views currently enjoyed from the dwelling and private open space at 34 Neeangarra Crescent is reasonable, given the relatively limited view currently available, and the high compliance the proposed development displays with Council's design criteria. The potential loss of view as a result of the proposed development 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.

### **36 Neeangarra Crescent, Hallett Cove**

The main area of this property that would be impacted by the proposed development is within the north-eastern corner of the private open space; however, it is acknowledged that a significant portion of this area accommodates an in-ground pool. Beyond the pool a decked area is located, which gains views over the roof of 122 Perry Barr Road (adjacent the subject land). Given the property sits above 124 Perry Barr Road, its elevated positioning, combined with the separation between the two properties, any view loss is not considered significant.

Given two storey dwellings are envisaged within the Policy Area, the building does not exceed 9.0 metres above natural ground level and a generous level of separation between the two properties is achieved, I am of the opinion that the extent of view loss as experienced by the occupiers of 36 Neeangarra Crescent is negligible.

### **Conclusion**

In conclusion, it is apparent the views currently enjoyed by adjacent properties are limited and do not comprise 'icons'. The dwelling maintains a reasonable level of compliance with the applicable Development Plan provisions and the built form is somewhat anticipated within the locality. The amenity of adjacent properties, whilst affected to some degree, is not considered unreasonable. To this end, it is my opinion that the extent of view loss is not of a magnitude as to warrant amendments to the proposal or refusal of the application.

*Refer Attachment IV*

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## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage			
<p><i>Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area and a maximum floor area ratio of 0.5.</i></p> <p><i>Southern Policy Area 18: PDC 5</i></p>		<p><b><u>Site coverage:</u></b></p> <p><b>Complies</b> 201.5sqm (31.4%)</p> <p><b><u>Floor area ratio:</u></b></p> <p><b>Complies</b> 0.3</p>	
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>		<p><b>Complies</b></p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>	
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>		<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>	
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		<p><b>Complies</b></p> <p>No changes made to the amount of private open space to the rear of the dwelling.</p>	
Site area of dwelling	Minimum area of POS		Provisions
175 square metres or greater	20 per cent of site area		<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>
<p><i>Residential Zone: PDC 7</i></p>			

<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p><b>Complies</b></p>
<b>Building Setbacks from Road Boundaries</b>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p><b>Complies</b></p> <p>The upper level addition does not seek a reduction in the front setback; however, it is acknowledged that the balcony extends 3.6 metres closer to the street. Although this element of the dwelling will be situated forward of the buildings on adjacent land, it is acknowledged that the building at 120 Perry Barr Road achieves limited separation from the street, which gradually increases to the south-west.</p> <p>It is also acknowledged that a number of dwellings within the locality seek to take advantage of sea views from the north-west to north-east. In my opinion, protruding elements such as balconies, decks (and the like) to the front façade of dwellings are highly appropriate within the locality and assist in reducing the overall bulk of the building when viewed as a whole. Lastly, it is acknowledged that PDC 4 of the General Section, Siting and Visibility, encourages large eaves, verandahs and pergolas, so as to reduce the bulk of buildings which in my opinion has been achieved.</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><b>Complies</b></p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<b>Side Setbacks</b>	
<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><i>Where the wall height is between 3 metres and 6 metres:</i> <i>(a) 3 metres if adjacent southern boundary</i> <i>(b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres:</i> <i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i> <i>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>North-east: 2.3 - 2.5m South-west: 6.6 – 6.8m</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><b>Complies</b></p> <p>The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this</p>

<p>General Section: Design and Appearance: PDC 2</p>	<p>report). The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
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## Rear Setbacks

<p><i>Minimum setback from rear boundary:</i>  <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>  <i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p>Residential Zone: PDC 6</p>	<p><b>Complies</b></p> <p>12.8 – 13.6 metres</p>
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<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i>  <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> <p>General Section: Design and Appearance: PDC 2</p>	<p><b>Complies</b></p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report). The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
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## Building Height

<p><i>Maximum building height (from natural ground level):</i>  <i>2 storeys of not more than 9 metres</i></p> <p>Residential Zone: PDC 6</p>	<p><b>Complies</b></p> <p>The original dwelling plans have been reviewed and as part of my assessment it has been identified that the dwelling incorporates a maximum building height of 7.9 metres (taken from natural ground level), which is less than the maximum permitted in the Policy Area.</p>
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## Garages, Carports, Verandas and Outbuildings

<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p>General Section: Residential Development: PDC 10</p>	<p><b>Complies</b></p>										
<p><i>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:</i></p> <p>General Section: Residential Development: PDC 12</p>											
<table border="1"> <thead> <tr> <th>Parameter</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Maximum floor area</td> <td>60 square metres</td> </tr> <tr> <td>Maximum wall or post height</td> <td>3 metres</td> </tr> <tr> <td>Maximum building height</td> <td>5 metres</td> </tr> <tr> <td>Minimum setback from a primary road frontage</td> <td>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</td> </tr> </tbody> </table>	Parameter	Value	Maximum floor area	60 square metres	Maximum wall or post height	3 metres	Maximum building height	5 metres	Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide	<p><b>Complies</b></p>
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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										

	<i>articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i>	appropriate articulation to the streetscape to reduce garage dominance.
<i>Minimum setback from side or rear boundaries (when not located on the boundary)</i>	<i>0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall</i>	<b>Complies</b> 900mm at the closest point
<i>Maximum frontage width of garage or carport with an opening facing the street</i>	<i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i>	<b>Complies</b> 5.7m (27.8%)
<p><i>Carpports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>		<p><b>Complies</b></p> <p>Existing driveway/crossover to be utilised.</p>

## Vehicle Parking

<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 34</i></p>		<p><b>Complies</b></p> <p>3 on-site parking spaces made available, two of which are covered.</p>
<p><i>Detached Semi-detached Row</i></p>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i></p> <p><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>		
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>		<p><b>Complies</b></p> <p>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><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b></p> <p>Existing crossover utilised.</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>	

## 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 dwelling reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling façade incorporates the following elements to enhance the 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 balcony/porch and verandah
- Eave overhang and pitched roof form at 20 degree slope
- Fenestration

The dwelling incorporates a 20 degree Colorbond roof in Basalt, with a rendered facade. The garage of the dwelling features a panel lift door and the balcony balustrade incorporates a steel frame with glass infills. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

*Balconies should:*

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

*General Section: Design & Appearance: PDC 5*

### **Complies**

The proposed balcony is integrated into the portico design, with clear glass balustrade that enables line of sight to the street.

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

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

The dwelling has 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.



## Relationship to the Street and Public Realm

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

*General Section: Residential Development: PDC 8*

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

*General Section: Residential Development: PDC 9*

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

*General Section: Design & Appearance: PDC 13*

*Buildings 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 dwelling is designed so that the main facade faces the primary street frontage, presenting an entrance door, balcony/porch and habitable windows to the street.

The elevation of the dwelling features a mixture of colours and materials and appropriately sized windows to avoid areas of uninterrupted wall presenting to the street and adjacent properties.

It is acknowledged that the upper level western elevation of the dwelling features a blank wall; however, I am of the opinion that the pitched roof of the garage shall provide appropriate transition to the two storey wall of the dwelling and assist in reducing the overall bulk of the building.

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

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

b) Given the generous setbacks achieved to the side and rear boundaries, the natural fall in the land (from south to north and north-east to south-west) and the fact that south-west of the subject land is used as a public walk-way, I am of the opinion that any shadow cast to adjacent properties will not unreasonably impacts areas of private open space. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

*Buildings should be sited and designed:*

- (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 area of private open space remains as existing and south facing; however, it is acknowledged that the area is of appropriate dimension to receive natural light throughout the day.

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

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

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

*General Section: Energy Efficiency: PDC 3*

### **Complies**

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

## 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*

### **Complies**

(a) When assessed in strict accordance with PDC 4, the roofline does not complement the natural form of the land; however, it is not considered out of character within the locality and other recent development.

(b) The bulk of the building is lessened through the provision of the protruding balcony and verandah and the roof form above the garage which provides appropriate transition to the upper level.

(c) The balcony protrudes 3.6m forward of the main façade which is welcomed by PDC 4 and shall assist in reducing the overall bulk of the building.

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

*General Section: Siting and Visibility: PDC 5*

### **Complies**

The proposed colours and materials are not considered out of character with the locality and should not result in glare to neighbouring properties, drivers or cyclists.

## ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character, Principles of Development Control and Objectives of the Southern Policy Area 18, being an area which envisages two storey dwellings and generous setbacks boundaries.

Assessment of the proposal against the qualitative and quantitative Development Plan criteria has demonstrated that the proposal achieves the design outcomes envisaged for residential development within the Southern Policy Area 18.

The views assessment contained within this report has identified that the level of view loss likely to be experienced by the occupants of 32 and 34 Neeangarra Crescent is not unreasonable. Two storey dwellings are a common aspect of the locality. The overall compliance of the proposed development further demonstrates that the design is reasonable and anticipated within the Southern Policy area 18.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/2093 for alterations and additions to an existing dwelling, comprising a two storey addition, balcony, alfresco and garage at 124 Perry Barr Road, Hallett Cove be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/2093, except when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
4. 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.

## 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: Photographs*

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 March 2017

<b>Agenda Ref No:</b>	<b>DAP150317 – 2.5</b>
<b>Originating Officer:</b>	<b>Kristen Sheffield Development Officer - Planning</b>
<b>Applicant:</b>	<b>Weeks Building Group</b>
<b>Development Description:</b>	<b>Single-storey detached dwelling incorporating a wall on the western boundary</b>
<b>Site Location:</b>	<b>76 Norrie Avenue, Clovelly Park</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>20/09/2016</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/2016/1740</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be REFUSED</b>

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### CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development.

### BACKGROUND

Development Application 100/1202/2016 (100/D136/16) for land division of the subject land was lodged with Council on 05 July 2016. As the Development Plan seeks for hammerhead driveways to incorporate a minimum width of 4 metres, the applicant was advised that the proposed driveway width (3.28 metres) was not deemed appropriate, and that administration could not support the application. The subject application for a single-storey detached dwelling to the rear of the existing dwelling was subsequently lodged. Given a resolution regarding the proposal could not be reached between administration and the applicant, the application is being presented to the Development Assessment Panel for determination.

Council staff did not request modifications to the subject application during the assessment process.

SUBJECT LAND & LOCALITY

The subject land is located at 76 Norrie Avenue, Clovelly Park. The allotment is rectangular with a width of 19.2 metres, depth of 44.96 metres, and total site area of 863.2 square metres.

The subject land currently accommodates a single-storey detached dwelling in average/good condition with vehicular access to an attached carport adjacent the eastern side boundary (recently approved via separate Development Application 100/821/2016). An attached verandah is located to the rear of the existing dwelling. Fencing has already been constructed by the applicant separating the existing dwelling from the proposed allotment, which has been cleared of other ancillary structures and vegetation.

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

The site is located 600 metres north of the Mitchell Park Reserve, a large public open space reserve with playing fields, cricket nets, fitness equipment and a children’s playground. The Mitchell Park Railway Station is located some 750 metres walking distance to the south of the subject land.

*Refer Attachments I & II*

PROPOSED DEVELOPMENT

The application proposes to construct a single storey detached dwelling incorporating a wall on the western boundary to the rear of the existing dwelling. The proposed dwelling features three bedrooms (main with ensuite), a bathroom, laundry, separate WC and open plan kitchen/living areas as well as a double garage under the main roof of the dwelling. An existing crossover is proposed to service the rear dwelling providing for a battleaxe driveway along the western side boundary.

For the purposes of assessment, the proposed dwelling has been considered a detached dwelling, as it is indicated to be sited on its own allotment with direct and exclusive access to a public road.

*Refer Attachment III*

ZONE & POLICY AREA ASSESSMENT

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

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

## Northern Policy Area 13

### Objectives

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

### Desired Character

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

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

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

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

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

PDC 1	The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ dwelling including a residential flat building</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	<b>Complies</b>
PDC 3	Minimum Site Area: 375m <sup>2</sup> (detached dwellings)	<b>Complies</b> Existing dwelling: 400.2m <sup>2</sup> Proposed dwelling: 463m <sup>2</sup>
	Minimum Frontage: 12m (detached dwelling) 4m (battleaxe driveway)	<b>Complies</b> Existing dwelling: 15.2m Proposed dwelling (battleaxe allotment): 4m
	Minimum Depth: 20m	<b>Complies</b> Existing dwelling: 20.78m Proposed dwelling: 19.59m-44.96m

### Assessment

The proposal complements the Desired Character of the Policy Area, as it incorporates the retention of existing housing stock in good condition, whilst establishing a higher density on the subject land than that of the original housing. The proposed development is considered to appropriately satisfy relevant Objectives and Principles of the Northern Policy Area 13.



## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

<b>Site Coverage</b>	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b><u>Site coverage:</u></b></p> <p><b>Does not Comply</b> Existing dwelling: 43.6% (174.3m<sup>2</sup>)</p> <p><b>Complies</b> Proposed dwelling: 39.1% (181m<sup>2</sup>)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p><b>Complies</b></p> <p>The proposal generally maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage of the existing dwelling is unlikely to adversely affect the amenity of adjoining properties.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p> <p>Issues regarding vehicular access (as discussed further below within this report) are considered a result of the siting of the existing dwelling on the land, rather than as a result of excessive site coverage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <p>Approx. 24.3% (210m<sup>2</sup>)</p>

## Private Open Space

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

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

*Residential Zone: PDC 7*

### Partially complies

Existing dwelling: 19.6% (78.6m<sup>2</sup>)  
5 x 5 metre POS dimension achieved.

### Complies

Proposed dwelling: 25.2% (116.6m<sup>2</sup>)  
5 x 5 metre POS dimension achieved.

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

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

*General Section: Residential Development: PDC 16*

*Private open space should not include:*

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

*General Section: Residential Development: PDC 17*

### Complies

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

### Does Not Comply

- g) The proposed POS areas face south. Whilst undesirable, given the single-storey nature of the dwellings, the POS area should nonetheless receive some level of sunlight during winter months.
- h) The POS areas may be somewhat shaded during winter by each associated dwelling.

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

*General Section: Residential Development: PDC 22*

### Complies

## Building Setbacks from Road Boundaries

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

General Section: Design and Appearance: PDC 21

### Complies

The front setback will remain unchanged through the retention of the existing dwelling.

*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*

Residential Zone: PDC 6

### Complies

#### Existing dwelling

Eastern side setback: 3m  
 Western side setback: 0m (to the hammerhead driveway of the proposed dwelling, 3.28m from existing western boundary)

#### Proposed dwelling

Eastern side setback: 0.97m

*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

#### Proposed dwelling

Length: 4.245m  
 Height: 2.94m (from natural ground level)

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

General Section: Design and Appearance: PDC 2

### Complies

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

## Rear Setbacks

*Minimum setback from rear boundary:*

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

Residential Zone: PDC 6

### Partially Complies

Existing dwelling: 5.3m

### Complies

Proposed dwelling: 3.482m increasing to 7.283m.

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>Although the rear setback of the existing dwelling does not strictly comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight to the proposed dwelling to the rear of the subject land. 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>
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## Building Height

<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>The proposed dwelling incorporates a maximum building height of 4.5 metres, which is less than the maximum permitted in the Policy Area.</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p><b>Complies</b></p>

## Garages, Carports, Verandas and Outbuildings

<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p><b>Complies</b></p> <p>The garage of the proposed dwelling is incorporated under the main roof of the dwelling.</p>								
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>									
<table border="1"> <thead> <tr> <th><b>Parameter</b></th> <th><b>Value</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="177 1671 491 1722">Maximum floor area</td> <td data-bbox="491 1671 930 1722">60 square metres</td> </tr> <tr> <td data-bbox="177 1722 491 1783">Maximum wall or post height</td> <td data-bbox="491 1722 930 1783">3 metres</td> </tr> <tr> <td data-bbox="177 1783 491 1839">Maximum building height</td> <td data-bbox="491 1783 930 1839">5 metres</td> </tr> </tbody> </table>	<b>Parameter</b>	<b>Value</b>	Maximum floor area	60 square metres	Maximum wall or post height	3 metres	Maximum building height	5 metres	<p><b>Complies</b></p>
<b>Parameter</b>	<b>Value</b>								
Maximum floor area	60 square metres								
Maximum wall or post height	3 metres								
Maximum building height	5 metres								
<p>Maximum floor area</p>	<p>60 square metres</p>	<p><b>Complies</b></p>							
<p>Maximum wall or post height</p>	<p>3 metres</p>	<p><b>Complies</b></p>							
<p>Maximum building height</p>	<p>5 metres</p>	<p><b>Complies</b></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><b>Complies</b></p> <p>Concerns relating to the safe entry and exit of vehicles (as discussed further below within this report) are due to the siting of the existing dwelling on the land.</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

Existing dwelling (4 bedrooms): 3 on-site car parking spaces are available, 1 covered within the carport.

Proposed dwelling (3 bedrooms): 2 on-site car parking spaces are available, both covered within the garage.

Detached  
Semi-detached  
Row

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

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

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

General Section: Transportation & Access: PDC 43

### Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.  
b) Public transport options are located in 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

The proposal utilises an existing crossover for the proposed hammerhead driveway

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

### Does Not Comply

Driveway width: 2.88m  
Landscaping width: 0.4m along the western side of the driveway + 0.5m forward of the existing dwelling on the eastern side of the driveway.

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

General Section: Residential Development: PDC 41

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

General Section: Transportation and Access: PDC 28

### Complies

Existing 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 streetscape presentation of the subject land shall not change substantially as a result of the proposed development, given that the existing dwelling is proposed to be maintained.

Nonetheless, the proposed dwelling reflects the desired character of the locality. It incorporates face brickwork to each elevation and Colorbond roof sheeting set at a 20-degree pitch. These materials should not result in glare to neighbouring properties.

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

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

An assessment of the projected extent of overshadowing on 21 June (winter solstice) illustrate that;

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

b) A majority of winter shadow will be cast within the rear yard of the existing and proposed dwellings. However, some shadow will be cast into the western adjoining property in morning hours, and the eastern adjoining properties in the afternoon. 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, shadows cast into the eastern adjoining properties only begin in late afternoon hours.

Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 10 and 11.

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

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

*Buildings should be sited and designed:*

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

*General Section: Energy Efficiency: PDC 2*

### **Complies**

The proposed dwelling is oriented so that the open spaces and main activity areas face south. However, as the dwelling is single storey, the private open space will receive adequate sunlight. Furthermore, the internal living areas will receive northern sunlight through the proposed north facing family room windows.

As identified in the Overshadowing section of this table, 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**

Both the existing and proposed dwellings incorporate a hipped roof form with north-facing sections upon which solar collectors could be sited efficiently.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

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

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

### **Does not Comply**

Whilst 'landscape strips' are illustrated on the site plan, a specific landscaping plan has not been submitted (nor requested by staff given administration are not in support of the application).

Should the panel resolve to grant Development Plan Consent, it is respectfully recommended that a condition of consent be included requesting that a landscaping plan be submitted to Council for consideration and approval by administration prior to the issue of Development Approval.

## 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 (existing dwelling)
- POS (existing dwelling)
- Hammerhead driveway width

### **Site coverage (existing dwelling)**

The Northern Policy Area 13 prescribes that dwellings should comprise a maximum 40% site coverage of the allotment area. The site coverage of the existing dwelling surpasses this limit at 43.6% of the proposed site area for this dwelling. It is noted that this figure is based upon the curtilage of the existing dwelling only; when considering the whole of the subject land, including the proposed dwelling, site coverage equates to 41.2%, only marginally above that sought. The excess in site coverage is considered relatively minor in extent and consequence.

### **POS (existing dwelling)**

Private open space should comprise at least 20% of the site area, whereas POS of the existing dwelling equates to 19.6%, (when allowing for three on-site car parking spaces as required for four-bedroom dwellings, one of which will need to be accommodated to the rear of the carport). This represents a shortfall of some 1.44 square metres, which in my view is considered to be of minor consequence given that the POS of this dwelling nonetheless comprises sufficient area and shape to be functional for likely occupant needs.

### **Hammerhead driveway width**

Principle of Development Control 41 specifies that driveways servicing hammerhead sites should incorporate a minimum width of 4 metres; comprised of a trafficable width of 3 metres, and landscaping strips of 0.5 metres on either side of the driveway. It is generally anticipated that additional separation (by way of a side setback) will be provided to dwellings sited alongside hammerhead driveways, in order to provide appropriate amenity outcomes for such dwellings.

The subject application seeks to retain an existing dwelling, providing a hammerhead driveway to the proposed dwelling. The existing dwelling is sited between 3.28 and 3.29 metres from the western boundary, (as confirmed via a survey of the subject land for the associated land division application 100/D136/16, and included within the attachments of this report for Panel Members' reference), resulting in a hammerhead driveway width substantially less than the minimum sought by PDC 41. It is further noted that fencing already constructed forward of the existing dwelling is nominated at 3.13 metres from the western boundary, further reducing the width of the proposed hammerhead driveway, albeit acknowledging that this fencing could be relocated by the applicant to provide a greater driveway width at this point.

The applicant has provided a traffic engineers report in support of the application. Within this report, it is noted that AS/NZS 2890.1:2004 provides recommendations in relation to the use of narrow driveways in low-volume situations, whereby a minimum width of 3.6 metres is anticipated. The proposed hammerhead driveway provides a trafficable width of between 2.73 meters and 2.88 metres (with a width of 0.4 metres provided for landscaping along the western side boundary) adjacent the existing dwelling, falling substantially short of the relevant Australian Standard. The Development Plan seeks for residential development to be provided with the dimensions to accommodate convenient and safe vehicle access and parking (PDC 1(c) General Section; Residential Development). Given the trafficable width of the proposed



hammerhead driveway does not satisfy Australian Standards, it cannot be concluded that safe and convenient access is provided.

The narrow width of the hammerhead driveway may increase the likelihood of collisions between vehicles and the existing dwelling. While it is acknowledged that the proposal is a small residential development, and as the applicant's traffic engineer suggests, traffic generation would be very low, it is nonetheless considered that movements within the narrow hammerhead driveway may be undertaken numerous times per day. This in itself can create an issue, as it may result in drivers becoming complacent, further increasing the likelihood of collisions.

It is acknowledged that administration have in the past granted consent to applications for hammerhead development where the hammerhead driveway does not satisfy minimum criteria. However, following completion of such development, these have been recognised as poor outcomes. It is observed that where substantial shortfalls in driveway width exist, driveway landscaping is often compromised and/or forfeited by the occupants utilizing the driveway in order to achieve increased paving/driveway area for reasons of ease of access and increased safety, resulting in poor streetscape outcomes. The limited dimension between the existing dwelling and western property boundary also results in the eaves of the existing dwelling overhanging the hammerhead driveway, further compounding the perceived narrowness of the driveway.

It is important to note that the BDP (Better Development Plan) changes implemented in 2010, specifically increased the minimum combined driveway/landscaping width from 3.5 metres to 4 metres. Since this time, administration have sought to minimise the instances in which lesser driveway widths are accepted. Where shortfalls in driveway width have been accepted, these have been limited to instances where the shortfall is observed for relatively short distances. Based on a survey of the land, the proposed development comprises a hammerhead driveway width of between 3.13 metres and 3.29 metres over a distance of 16.4 metres. This represents a significant shortfall in driveway width, one which in my opinion, proves fatal to the application.

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## ANALYSIS/CONCLUSION

The proposed development finds compliance with a majority of relevant Development Plan provisions, however, the siting of the existing dwelling on the land results in a hammerhead driveway width of between 2.73 meters and 2.88 metres (with a width of 0.4 metres provided for landscaping along the western side boundary) adjacent the existing dwelling, falling substantially short of both Development Plan requirements and the relevant Australian Standard.

It is acknowledged that the proposed development is finely balanced, in that were the existing dwelling located 0.72 metres further away from the existing boundary, the proposed development would be considered appropriate. However, given the location of the existing dwelling, and that the proposed dwelling is provided with an extremely limited driveway width, an increase in density (whilst retaining the existing dwelling) may not be appropriate. Despite the overall level of compliance of the proposed dwelling, the shortfall in hammerhead driveway width is considered significant, and in administrations view, is fatal to the application.

As a result of the above considerations, it is my view that whilst the proposed development is not seriously at variance to the Development Plan, the proposal fails to satisfy a sufficiently accord with the relevant provisions of the Development Plan, and therefore warrants refusal

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; however
- (c) That Development Plan Consent for Development Application No: 100/2016/1740 for a single-storey detached dwelling incorporating a wall on the western boundary at 76 Norrie Avenue, Clovelly Park, be REFUSED for the following reasons:

## REASONS FOR REFUSAL

1. The proposed hammerhead driveway fails to satisfy minimum width requirements required by Principle of Development Control 41 of the General Section: Residential Development, does not provide for safe and convenient vehicle access as required by Principle of Development Control 1(c) of the General Section: Residential Development, and does not comply with AS:2890 as required by Principle of Development Control 30(e) of the General Section: Transportation and Access.

## Attachments

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

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 March 2017

**Agenda Ref No:** DAP150317 – 2.6

**Originating Officer:** Rhiannon Hardy  
Development Officer - Planning

**Applicant:** Castelanelli Surveys

**Development Description:** To undertake development in stages:  
Stage 1: to construct a carport to the rear of the existing dwelling  
Stage 2: to construct a single-storey detached dwelling

**Site Location:** 15 Abbeville Terrace, Marion

**Zone:** Residential Zone

**Policy Area:** Residential Character Policy Area 17

**Application Type:** Category 1 / Consent

**Date Lodged:** 08/02/2017

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

**Application No:** 100/2017/210

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

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### CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of a detached dwelling or a single storey dwelling 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 420 square metres required for detached dwellings within the Residential Character Policy Area 17. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

### BACKGROUND

Land division application 100/D135/16 was lodged with Council on 11 July 2016, which sought to subdivide the subject land into two Torrens Title allotments. Council staff requested that a land use (dwelling) application be lodged in order to confirm that the proposed allotments can accommodate dwellings in accordance with the Development Plan. Land division application 100/D135/16 remains on hold pending the outcome of the subject application.

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

Amendments Requested	Amendments Made
The garage of the proposed dwelling should be set back off the side boundary by 0.9 metres. Boundary walls are expressly discouraged in the Residential Character Policy Area 17.	Garage wall set back 0.9 metres from side boundary.
The carport to the existing dwelling could be moved closer to Bassi Street, as carports require a minimum setback of 0.9 metres from secondary road frontages. This relocation would maximise the amount of private open space to the rear of the existing dwelling.	Carport relocated to be 0.9 metres from Bassi Street.
Landscaping throughout the site of both the existing dwelling and proposed dwelling should be increased. The Residential Character Policy Area 17 specifies that "Front and side garden landscaping is particularly important and should complement and reinforce street tree planting to help enhance the leafy, garden suburb character and the visual separation between houses."	Additional landscaping proposed forward of the proposed dwelling.

## SUBJECT LAND & LOCALITY

The subject land comprises allotment 513 of deposited plan 3054 in certificate of title 5734/674, known as 15 Abbeville Terrace, Marion. The allotment maintains a south-eastern primary frontage to Abbeville Terrace of 15.24 metres, and north-eastern secondary street frontage to Bassi Street of 47.4 metres. The allotment is rectangular despite a corner cut-off in its south-eastern corner, and maintains a total site area of 915.1 square metres.

The allotment currently accommodates a single storey detached dwelling constructed circa 1955. A verandah and lean-to extension are located at the rear of the dwelling, while a freestanding garage is located to the rear of the allotment with access from Bassi Street.

The land is relatively flat and does not contain any regulated trees.

The locality is residential in nature and contains predominantly single storey low density detached dwellings. A majority of dwellings were constructed in the 1950s, however newer dwellings are also evident in the locality. Subdivision has occurred of corner allotments immediately north and west of the subject land, which has created allotments of a similar size to that proposed in the subject application.

The Marion train station is located approximately 200 metres walking distance to the south of the subject land, while the Oaklands Wetlands are located approximately 400 metres to the west, and the Park Holme Neighbourhood Centre is located 420 metres to the north.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes to undertake development in two stages.

Stage 1 includes the construction of a double carport immediately to the rear of the existing dwelling, with access from Bassi Street. The carport incorporates a flat roof to match the height of the dwelling's rear lean-to.

Stage 2 comprises the construction of a single storey detached dwelling to the rear of the existing dwelling on the subject land, with a primary street frontage to Bassi Street. The proposed dwelling incorporates a double garage, open-plan living/kitchen area, three bedrooms (main with ensuite/robe), bathroom, toilet and laundry.

A selection of landscaping is proposed to be planted forward of the proposed dwelling.

*Refer Attachment III*

## ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Residential Character Policy Area 17 are listed in the following table and discussed in further detail below:

Development Plan Provisions:

Assessment:

Residential Zone	
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li><i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></li> <li><i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></li> </ol>	<p><b>Complies</b></p> <p>The proposed development will provide for increased dwelling density in close proximity to public transport (Marion Railway Station), a centre zone (Park Holme Neighbourhood Centre) and public open space (Oaklands Wetlands).</p>
Residential Character Policy Area 17	
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li><i>Preservation of the existing development patterns and built form.</i></li> <li><i>Development which reflects the traditional character elements of the locality, particularly as presented to the streetscape.</i></li> <li><i>Development that minimises the impact of garaging of vehicles on the character of the locality.</i></li> <li><i>Development that reflects good residential design principles.</i></li> <li><i>Development that contributes to the desired character of the policy area.</i></li> </ol>	<p><b>Partially Complies</b></p> <ol style="list-style-type: none"> <li>The proposed development reflects the existing development patterns in the immediate locality (corner allotments have been subdivided).</li> <li>The locality does not maintain particular built form character elements. However, the proposed dwelling incorporates a design which complements both new and original dwellings in the locality.</li> <li>The proposed garage for the new dwelling is located behind the main face of the dwelling, under the main roof, which is typical for new dwellings. The carport of the existing dwelling is located forward of the dwelling's secondary street façade, but should not be readily visible from its primary frontage.</li> <li>The proposed dwelling reflects good residential design principles.</li> <li>The proposed development contributes to the desired character of the locality (discussed below).</li> </ol>
<p><b>Desired Character</b></p> <p><u>Marion</u></p> <p><i>In that part of the policy area located in the suburb of Marion, the established character is primarily low density detached dwellings on large allotments. This form of development will continue through the replacement of detached dwellings with the same. In this area the maintenance and enhancement of the generous and vegetated garden character is most important.</i></p>	<p><b>Partially Complies</b></p> <p>The application proposes a detached dwelling on an allotment area of 384 square metres, which falls within the range of "low density". However, the application does not involve "the replacement of detached dwellings with the same", as it proposes to retain the existing dwelling whilst constructing a new dwelling.</p>

	<p><i>Buildings should be well setback from all property boundaries, and existing vegetation should be protected and enhanced wherever possible. Front and side garden landscaping is particularly important and should complement and reinforce street tree planting to help enhance the leafy, garden suburb character and the visual separation between houses.</i></p> <p><i>Buildings of up to two storeys in height are appropriate, provided that landscaping is available or proposed to soften the visual impact of the second storey.</i></p> <p><i>Fences forward of the building line will be low and constructed of stone, masonry or timber and in a style that complements those in the locality.</i></p>	<p>The proposal reasonably enables “maintenance and enhancement of the generous and vegetated garden character” by retaining a majority of existing trees forward of the existing dwelling, and revegetation of the front garden of the new dwelling.</p> <p>While the proposed dwelling is set back from boundaries in a manner that reflects the pattern of development in the locality, the setbacks cannot be described as “generous”.</p> <p>1.2 metre high timber paling fencing is proposed forward of the building line of the new dwelling, which should positively contribute to streetscape presentation and complement the locality.</p>
PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ detached dwelling</li> <li>▪ semi-detached dwelling within the suburbs of Edwardstown, Glandore and Glengowrie.</li> </ul>	<p><b>Complies</b> Detached dwelling proposed</p>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p><b>Partially Complies</b> (see above)</p>
PDC 4	<p><i>Development should preserve and enhance streetscapes by:</i></p> <p><i>(a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality</i></p> <p><i>(b) limiting the number of driveway crossovers.</i></p>	<p><b>Complies</b></p> <p>The subject application proposed a new 1.8-metre-high Colorbond side fence between the proposed dwelling and existing dwelling, but only a 1.2 metre high timber fence between the dwelling's main face and the front boundary in order to complement the open landscape character of the area. The proposed fencing is consistent with other side fences in the locality.</p> <p>Only 1 vehicle crossover is proposed per dwelling.</p>
PDC 5	<p><i>Where a new dwelling is constructed alongside or within a group of pre 1950 residential buildings, the new dwelling should be of a similar height, scale and proportions and be constructed of materials that complement and reinforce the character and design elements of existing buildings.</i></p>	<p><b>Not applicable</b></p> <p>Of the 14 dwellings on Bassi Street, 8 were constructed between 1994 and 2011. Given the modernity of surrounding dwellings, PDC 5 is not considered to be relevant to the subject application.</p>
PDC 8	<p><i>Land division should create allotments with an area of greater than 420 square metres.</i></p>	<p><b>Partially Complies</b></p> <p>The existing dwelling's site area is 531 m<sup>2</sup>, but the proposed dwelling's allotment is only 384 m<sup>2</sup>.</p>
PDC 9	<p><i>Land division should not result in the creation of battle-axe or similar allotments.</i></p>	<p><b>Complies</b></p>
PDC 6	<p><i>Minimum Site Area: 420 m<sup>2</sup></i></p>	<p><b>Complies</b> Existing dwelling: 531 m<sup>2</sup></p> <p><b>Does Not Comply</b> Proposed dwelling: 384 m<sup>2</sup></p>
	<p><i>Minimum Frontage: 15 metres</i></p>	<p><b>Complies</b> Existing dwelling: 15.2 metres (unchanged) Proposed dwelling: 21.0 metres</p>

	<i>Minimum Depth: 20 metres</i>	<p><b>Complies</b> Existing dwelling: 29.3 metres</p> <p><b>Does Not Comply</b> Proposed dwelling: 18.3 metres</p>
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### 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 0.5.</i></p> <p><i>Residential Character Policy Area 17: PDC 7</i></p>	<p><b>Site coverage:</b></p> <p><b>Complies</b> Existing dwelling: 172 m<sup>2</sup> = 32.4%</p> <p><b>Does Not Comply</b> Proposed dwelling: 176 m<sup>2</sup> = 45.8%</p>
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<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p><b>Complies</b></p> <p>While the site coverage of the proposed dwelling exceeds criteria by 5.8%, the excess is not considered to adversely impact the amenity of adjoining properties. The dwelling provides sufficient setback from boundaries and private open space.</p>
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<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, and waste storage.</p> <p><b>Partially Complies</b></p> <p>Landscaping is limited due to the size and setbacks of the dwelling. However, the extent of landscaping is similar to other newer dwellings in Bassi Street.</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><b>Complies</b></p> <p>The allotment of the proposed dwelling maintains approximately 123 m<sup>2</sup> pervious areas, which equals approximately 32% of the site.</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><b>Complies</b></p> <p>Existing dwelling: 131.2 m<sup>2</sup> = 24.7% 17.0% is directly accessible from the living area with a minimum dimension of 6.2 x 9.3 metres and negligible gradient.</p> <p>Proposed dwelling: 91.7 m<sup>2</sup> = 23.9% All of the POS is directly accessible from the living area with a minimum dimension of 5.0 x 12.1 metres and negligible gradient.</p>
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	<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>			



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) POS is provided for both dwellings that is directly accessible from the internal living rooms of the dwelling.
- b) All POS is located at ground level
- c) All POS is located to the side/rear of the dwelling/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) h) The POS of the proposed dwelling maintains a south-western orientation, which is not ideal, but should not be significantly shaded during winter in the afternoon hours due to the single storey profile of the proposed dwelling. The POS of the existing dwelling maintains a north-western orientation which should provide for comfortable year round use.
- i) POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities should not affect the subject land.
- k) The POS areas are considered to have sufficient shape and area to be functional.

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

General Section: Residential Development: PDC 22

**Complies**

The verandah of the existing dwelling covers only 13.9% of its POS.

**Building Setbacks from Road Boundaries**

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

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

General Section: Design and Appearance: PDC 22

**Complies**

Proposed dwelling: 4.5 – 5.0 metres

(Dwelling on north-western adjoining land with the same primary street frontage is set back approximately 3.5 metres)

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p><b>Complies</b></p> <p>The proposed front setback of 4.5 metres is similar to and compatible with that of new dwellings in the locality (those facing Bassi Street).</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><b>Complies</b></p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<h2>Side Setbacks</h2>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i></p> <p><i>0.9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>Proposed dwelling: 0.9 metres</p>
<h2>Rear Setbacks</h2>	
<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), and</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>Existing dwelling: 6.0 metres</p> <p><b>Does Not Comply</b></p> <p>Proposed dwelling: 2.5 metres (38% of lot width), 5.0-6.3 metres remainder</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>Although the rear setback of the proposed dwelling does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties, given that the adjoining property features a large garage adjacent to the proposed rear wall.</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>(i) within the suburb of Marion, 2 storeys of not more than 9 metres</i></p> <p><i>(ii) in all other areas, one storey with an ability to provide a 2 storey addition within the roof space subject to Principles of Development Control within the policy area of not more than 7 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>1 storey of not more than 5.0 metres</p>
<h2>Garages, Carports, Verandas and Outbuildings</h2>	
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p><b>Complies</b></p> <p>The garage of the proposed dwelling is incorporated under the main roof with complementary colours, materials and detailing.</p>

		The carport of the existing dwelling incorporates a flat roof attached to the lean-to, which is considered to appropriately complement the existing dwelling's roof profile.
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		<p><b><u>Carport to existing dwelling:</u></b></p> <p><b>Complies</b> 30.25 m<sup>2</sup></p> <p><b>Complies</b> 3.0 m</p> <p><b>Complies</b> 3.0 m</p> <p><b>Complies</b> As per existing ground level</p> <p><b>Complies</b> 0.9 metres (Note: the associated dwelling is set back 4.4 metres, therefore 0.9 metres is the lesser applicable setback)</p> <p><b>Complies</b> 1.5 metres from north-western boundary</p> <p><b>Complies</b> 5.5 metres or 38% of dwelling width</p>
<b>Parameter</b>	<b>Value</b>	
Maximum floor area	60 square metres	
Maximum wall or post height	3 metres	
Maximum building height	5 metres	
Maximum height of finished floor level	0.3 metres	
Minimum setback from a secondary road frontage	0.9 metres or in-line with the associated dwelling (whichever is the lesser)	
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure	
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)	
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>		<b>Complies</b>
<b>Vehicle Parking</b>		
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 34</i></p>		<p><b>Complies</b> Proposed dwelling: 3 bedrooms: 3 parking spaces, 2 of which are covered</p> <p><b>Does Not Comply</b> Existing dwelling: 4 bedrooms: 2 parking spaces, both of which are covered</p>
<p><i>Detached</i></p> <p><i>Semi-detached</i></p> <p><i>Row</i></p>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i></p> <p><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>		
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p>		<p><b>Complies</b></p> <p>a) Although the on-site car parking for the existing dwelling doesn't comply with PDC 34, it is noted that ample on-street parking is available around the site. As such, the overall on-site and on-street parking is considered to be suitable for the</p>

<p><i>(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).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>	<p>number, nature and size of the proposed dwellings. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 6 on-street car parking spaces should remain available adjacent the subject land.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p><b>Complies</b> 6 on-street car parking spaces are maintained for the proposed 2 allotments, which satisfies PDC 22.</p>
<b>Access</b>	
<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;"><i>(a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b> Existing dwelling: 5.0 metres (at the property boundary) Proposed dwelling: 3.0 metres (at the property boundary)</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p><b>Complies</b> The proposed crossovers are set back a suitable distance from street infrastructure and trees.</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><b>Partially Complies</b> The proposed vehicle access points are sited next to one another, but in doing so, the opportunities for on-street parking are maximised.</p>
<b>Design &amp; Appearance</b>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p style="margin-left: 40px;"><i>(a) building height, mass and proportion (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p>	<p><b>Complies</b> The proposed dwelling reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling's front façade incorporates the following elements to enhance its design and appearance:</p> <ul style="list-style-type: none"> <li>• Mixture of red brick and render</li> <li>• Timber Colonial windows</li> <li>• Protruding front porch with gable end to match that of the main dwelling</li> <li>• Eave overhang and pitched roof form</li> </ul> <p>It is noted that the Desired Character of the suburb of Marion does not seek to enhance the character of the locality through built form, but rather through landscape character and setbacks.</p> <p>The proposed building materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwelling is considered to appropriately satisfy relevant Development Plan criteria.</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**

The proposed dwelling presents an entrance door, porch and a number of habitable windows to Bassi Street.

The street presentation of the existing dwelling will remain unaltered.

**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 proposed dwelling is designed so that its main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

The elevations of the dwelling feature fenestration, eaves overhang and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

**Overshadowing**

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

**Complies**

Given that the proposed dwelling is single storey, overshadowing impacts should be minor in nature.

Winter shadow will be predominantly cast south, which should primarily affect the rear yard of the proposed dwelling. Any potential shadow cast onto adjacent land would primarily affect the garage and driveway of that property, and should not unreasonably impact on private open space or living area windows.

## 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 front boundary of the subject land faces north-east. The dwelling's front façade incorporates living area windows to maximise access to winter sunlight.

Although the dwelling's POS faces south-west, it should not be unreasonably overshadowed in winter months given the single-storey nature of the building.

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

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

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

*General Section: Energy Efficiency: PDC 3*

### **Complies**

The dwelling incorporates a hipped roof form with north-facing sections upon which solar collectors could be sited efficiently.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

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

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

### **Complies**

The application proposes a range of landscape plantings throughout the front yard of the proposed dwelling, including small shrubs, borders, hedges and grasses.

Given that the dwelling is single-storey, these low level plantings are considered appropriate.

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

<p><i>Fences and walls, including retaining walls, should:</i></p> <p>(a) not result in damage to neighbouring trees</p> <p>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</p> <p>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</p> <p>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</p> <p>(e) assist in highlighting building entrances</p> <p>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</p> <p>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</p> <p>(h) be constructed of non-flammable materials.</p> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 5</i></p>	<p><b>Complies</b></p> <p>The application proposes a 1.8-metre-high Colorbond fence between the existing and proposed dwelling, reducing to a height of 1.2 metres and timber paling construction between the main face of the dwelling and front boundary.</p> <p>The proposed fencing should enable privacy between the dwellings, whilst maintaining the open landscape character of the streetscape.</p>
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## TABLE DISCUSSION

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

	<b>Development Plan criteria</b>	<b>Proposed</b>	<b>Extent of shortfall</b>
Site area of proposed dwelling	420 m <sup>2</sup>	384 m <sup>2</sup>	36 m <sup>2</sup> (8.6%)
Site depth of proposed dwelling	20	18.3	1.7 m (8.5%)
Site coverage of proposed dwelling	40%	45.8%	5.8% (22.2 m <sup>2</sup> )
Rear setback of proposed dwelling	3 m (50% of lot width), 6 m remainder	2.5 m (38% of lot width), 5.0-6.3 m remainder	0.5 m (partial 1.0 m shortfall in remainder)
Car parking for existing dwelling	3 spaces (for a 4 bedroom dwelling)	2 spaces	1 space

### Site area and depth

The allotment for the proposed dwelling falls short of the minimum prescribed site area and site depth by approximately 8.5%. These shortfalls are not considered to compromise the suitability of the allotment for its intended use given that the proposed dwelling complies with a majority of design criteria (discussed further below).

Furthermore, it is noted that the site dimensions are similar to other allotments in the locality located at 1, 1A, 1B, 2 and 14 Bassi Street, and 1 and 3 Fiscom Street. As such, the proposed allotment should not be out of character with the pattern of development in the locality.

### Site coverage

The site coverage of the proposed dwelling exceeds criteria by 5.8%. However, given that the dwelling maintains adequate private open space and is generally set back from boundaries in accordance with criteria, the excess in site coverage should not result in detrimental impacts to the subject land or adjacent land.

### Rear setback

The proposed dwelling is set back 2.5 metres from its rear boundary, where a minimum of 3.0 metres applies. The 0.5 metre shortfall is considered relatively minor in nature, particularly given

that this portion of the dwelling only comprises 38% of the allotment width, where 50% is envisaged. Consequently, the overall impact of the rear setback should be similar to that envisaged by the Development Plan. Furthermore, it is noted that the adjacent property features a garage and driveway adjacent this section of wall, and therefore the lesser setback should not impact on habitable areas of the adjacent property.

### **Car parking**

The on-site car parking provided for the existing dwelling falls short of criteria because the dwelling maintains 4 rooms capable of being used as bedrooms (including the "sunroom" in the lean-to). However, the dwelling itself is of a relatively modest size typical of 1950s dwellings, and is not considered to generate a parking demand greater than a typical 3-bedroom home. As such, the provision of 2 on-site parking spaces is considered appropriate, particularly given that ample on-street parking is maintained around the subject land.

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## **ANALYSIS/CONCLUSION**

The proposed development of the land to accommodate an additional dwelling is not specifically envisaged in the suburb of Marion in the Residential Character Policy Area 17, as the policy area primarily envisages replacement of existing dwellings with the same. It also encourages a generous landscaped garden character via large front gardens, which the proposed dwelling does not achieve due to its modest front setback.

Whilst the above shortfalls are acknowledged, it must also be acknowledged that the proposed development is very similar to other developments on corner allotments in the locality. While the proposed front setback is modest, it complies with numerical standards because it is set back a greater distance than the adjoining properties. The front yard nonetheless contains a selection of landscaping, and the property is set back from side boundaries to create a sense of space and separation between adjoining properties. As such, the proposal reflects the Desired Character, Objectives and Principles of the Policy Area as best as possible, and should not result in detrimental impacts to the existing streetscape character.

Although the proposed allotment falls short of the minimum 420 square metres, that shortfall should not compromise the Desired Character of the locality given the existence of other similar examples. Moreover, the subject land is suitably located directly opposite the site of the recently redeveloped Marion Railway Station which provides transport links to existing community facilities and shopping opportunities. Further, the Park Holme Neighbourhood Centre and open space in the Oaklands Wetlands are located within walking distance of the subject land. As such, the subject land is an appropriate site for in-fill development in accordance with Objective 2 of the Residential Zone.

On balance, the proposal complies with a majority of applicable quantitative and qualitative Development Plan provisions. Where the proposal fails to satisfy site coverage, rear setback and car parking criteria, those shortfalls are considered to be of a minor scope and should not result in unreasonable impacts to adjacent land or the locality.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/210 to undertake development in stages: Stage 1: to construct a carport to the rear of the existing dwelling, Stage 2: to construct a single-storey detached dwelling, at 15 Abbeville Terrace, Marion, be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/210, being drawing numbers PA01 to PA03 (inclusive) prepared by Gavin Jones Building Design received by Council on 8 February 2017, except when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
3. All works to the existing dwelling (including construction of the carport, construction of the new driveway and crossover invert to access that carport, and installation of fencing around all areas nominated as POS), shall be constructed, completed and available for use prior to occupation of the proposed new dwelling.
4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

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

## NOTES

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

## Attachments

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

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 March 2017

<b>Agenda Ref No:</b>	<b>DAP150317 – 2.7</b>
<b>Originating Officer:</b>	<b>Jo-Anne Ragless Cadet Planner</b>
<b>Applicant:</b>	<b>Mr Derek Royans</b>
<b>Development Description:</b>	<b>Demolition of existing outbuildings, relocation of existing carport and construction of a single storey detached dwelling</b>
<b>Site Location:</b>	<b>28 Clifford Street Ascot Park</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Complying</b>
<b>Lodgement Date:</b>	<b>08/02/2017</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/2017/213</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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### CATEGORISATION & DELEGATION

The subject application has been lodged as a complying form of development by virtue of Schedule 4, 2B of the Development Regulations.

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the existing and 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, pursuant to Schedule 4, 2B(5) which states *“Insofar as this clause applies to a site that does not comprise an entire allotment— (a) the minimum site area and any minimum frontage requirements specified in the relevant Development Plan apply in relation to the site and any balance of the allotment (and if the relevant Development Plan specifies different minimum site areas and minimum frontage requirements for detached and semi-detached dwellings respectively, the areas and frontage requirements that are lesser in size are to be taken to be the minimum site area and minimum frontage requirements for the purposes of this paragraph)”*. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed division supporting allotment areas less than the minimum of 320 square metres required pursuant to Schedule 4, 2B (5). Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

## BACKGROUND

Members may recall that Development Plan Consent was granted on 07/12/2016 for application 1716/2016 on this site to construct a pair of semi-detached dwellings with associated garages and landscaping. The previous application proposed the demolition of the existing dwelling and the division of the existing allotment into 2 new allotments, each being 303m<sup>2</sup>. The applicant has submitted a new application for this site, which proposes the same allotment division, but will retain the existing dwelling, relocate the existing carport and construct one new detached dwelling.

## SUBJECT LAND & LOCALITY

The subject land is located at 28 Clifford Street, Ascot Park and is a corner allotment situated on the south-western corner of Clifford Street and Linda Street. The allotment is rectangular in shape and has a frontage of 15.24m and a depth of 39.78m. The total site area is 606m<sup>2</sup>.

The site contains a single storey detached dwelling with ancillary outbuildings. The site incorporates 2 access points, both of which are currently in use. One access point services the main driveway. The second access point is off the secondary street (Linda Street) at the rear of the property. One car park is located at the front of the dwelling, the other located at the rear of the site within an existing shed.

The site does not incorporate any slope in the land and there are no significant or regulated trees.

The locality is predominantly residential in nature with a mixture of dwelling types, primarily single storey detached dwellings at low to low-medium densities. There is a minor presence of residential flat dwellings (7 Linda Street) and semi-detached dwellings (15 Linda Street). There is minimal recent development within the locality. The rear of an electricity substation (16a Wood Street) is located approximately 30m to the north-west of the property on Clifford Street.

Commercial properties situated along Marion Road, within the Neighbourhood Centre Zone, are located approximately 170m to the west of the property.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The applicant seeks to retain the existing dwelling and construct a single storey detached dwelling to the rear.

It is proposed that the carport to the front of the existing dwelling be relocated to allow for a setback of 6.19m, to accommodate a second off-street parking space for the existing dwelling.

The proposed dwelling will present to Linda Street and comprises two bedrooms, an open plan kitchen/living/dining area and associated wet areas. Access to a proposed single carport will utilise the existing access point on Linda Street.

*Refer Attachment III*

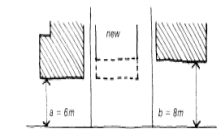
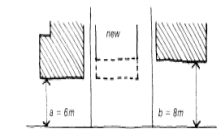
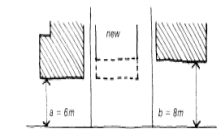
## ASSESSMENT - PROPOSED DWELLING

Complying Assessment Pursuant to Schedule 4 (2B) of Development Regulations, 2008							
<p><i>Subject to subclause (3), this clause applies in relation to any area determined by the Minister for the purposes of this clause and identified by notice in the Gazette.</i></p>	<p><b>Complies</b> The subject site is located in an area determined in the Gazette to be an applicable area for assessment under these regulations.</p>						
<p><i>Despite any determination under subclause (1), this clause does not apply to any development—</i>  <i>(a) in relation to a local heritage place; or</i>  <i>(b) in—</i>  <i>(i) a Historic Conservation Zone/Area; or</i>  <i>(ii) the Hills Face Zone; or</i>  <i>(iii) a Flood Management Zone/Area unless—</i></p>	<p><b>Complies</b> The subject site is not heritage listed, in an Historic Conservation Zone, Hills Face Zone or Flood Management Area.</p>						
<p><i>In relation to the site—that the site is, for the purposes of a dwelling, capable of being connected to a sewage system or a waste control system (being a system which complies with the requirements of the Public and Environmental Health Act 1987);</i></p>	<p><b>Complies</b></p>						
<p><i>The development will not be built, or will not encroach, on an area that is, or will be, required for a sewerage system or waste control system which complies with the requirements of the Public and Environmental Health Act 1987.</i></p>	<p><b>Complies</b></p>						
Site Area							
<p><i>Insofar as this clause applies to a site that does not comprise an entire allotment—</i>  <i>(a) the site, and any balance of the allotment, must each at least meet the minimum site area and any minimum frontage requirements prescribed in the relevant Development Plan (and if the relevant Development Plan prescribes different minimum site areas and minimum frontage requirements for detached and semi-detached dwellings respectively, the areas and frontage requirements that are lesser in size are to be taken to be the minimum site area and minimum frontage requirements for the purposes of this paragraph)</i></p> <p><i>320m<sup>2</sup> and 9m frontage is relevant in Northern Policy Area 13</i></p>	<p><b>Complies</b> Allotment frontage – 19.89m</p> <p><b>Does not comply</b> Allotment size – 303m<sup>2</sup></p>						
Private Open Space							
<p><i>The following minimum private open space requirements will apply in relation to the site after the development has been completed (after including the areas of the dwelling and any outbuildings, carports or verandahs on the site):</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="text-align: center; padding: 5px;">Site size</th> <th style="text-align: center; padding: 5px;">Minimum area of private open space</th> <th style="text-align: center; padding: 5px;">Minimum dimension</th> </tr> </thead> <tbody> <tr> <td style="text-align: center; padding: 5px;">300—500m<sup>2</sup></td> <td style="text-align: center; padding: 5px;">60m<sup>2</sup></td> <td style="text-align: center; padding: 5px;">4m</td> </tr> </tbody> </table> <p><i>and in any event at least 24 square metres of private open space at the rear or side of the dwelling with access directly from a habitable room within the dwelling must be provided</i></p>	Site size	Minimum area of private open space	Minimum dimension	300—500m <sup>2</sup>	60m <sup>2</sup>	4m	<p><b>Complies</b> 78.51m<sup>2</sup> (25.91%)</p> <p>The proposed dwelling has a minimum dimension of 4m and an area greater than 24m<sup>2</sup> accessible from a living area.</p>
Site size	Minimum area of private open space	Minimum dimension					
300—500m <sup>2</sup>	60m <sup>2</sup>	4m					

<b>Car Parking</b>	
<p><i>A dwelling that will have 2 or more bedrooms at the completion of the development—the dwelling will have at least 2 car parking spaces, 1 of which is enclosed or covered, or able to be enclosed or covered, and both of which comply with the requirements set out in subparagraph (iii) in relation to garages and carports</i></p>	<p><b>Complies</b> Proposed dwelling – Single garage with external visitor space.</p>
<b>Garages, Carports and Outbuildings</b>	
<p><i>For the proposed dwelling in relation to any proposed garage or carport, the garage or carport—</i></p> <p><i>(A) will be set back at least 5.5 metres from the primary street; and</i></p> <p><i>(B) is or will be situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling; and</i></p> <p><i>(C) will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and</i></p> <p><i>(D) is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and</i></p> <p><i>(E) will use a driveway that is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing and will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or</i></p> <p><i>(F) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport when work is completed is not steeper than 1:4 on average.</i></p>	<p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p>
<p><i>Where a carport is associated with an existing dwelling, the structure is assessed against Schedule 4, Part 1 (3) of the Development Regulations, 2008</i></p> <p><i>(a) the designated structure is ancillary to a dwelling erected on the site; and</i></p> <p><i>(b) the designated structure is not being constructed, added to or altered so that any part of the designated structure is situated—</i></p> <p><i>(i) in front of any part of the building line of the building to which it is ancillary that faces the primary street; or</i></p> <p><i>(ii) within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on 2 or more roads); and</i></p> <p><i>(c) in the case of a carport—the carport is set back at least 5.5 metres from the primary street; and</i></p> <p><i>(d) the designated structure complies with the following requirements as to dimensions:</i></p> <p><i>(i) a total floor area not exceeding 60 square metres;</i></p> <p><i>(ii) a height for any posts or other parts of the designated structure (other than the roof) not exceeding 3 metres (measured as a height above the natural surface of the ground); and</i></p> <p><i>(iii) a roof height where no part of the roof is more than 5 metres above the natural surface of the ground; and</i></p> <p><i>(iv) if situated so as to abut, or to have any part of the designated structure on, a boundary of the allotment (not being a boundary with a primary street or a secondary street)—a length not exceeding 8 metres; and</i></p> <p><i>(e) if situated so as to abut a boundary of the allotment (not being a boundary with a primary street or a secondary street)—the development will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and</i></p> <p><i>(f) in the case of a designated structure that is ancillary to—</i></p> <p><i>a detached or semi-detached dwelling — the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or</i></p> <p><i>(g) if facing the primary street—the carport will not have an opening or openings for vehicle access facing a street frontage that exceed, in total, 7 metres in width; and</i></p> <p><i>(iii) the carport is located so that vehicle access—</i></p>	<p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b> - 18 square metres</p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Not relevant</b></p> <p><b>Not relevant</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p>

<p>(A) will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land;</p>	<p><b>Complies</b> Existing crossover will be utilised.</p>
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## Street Setback

<p>The dwelling is not being constructed so that any part of the dwelling will be</p> <p>(A) nearer to an existing boundary of the primary street for the dwelling than any distance that applies in respect of setbacks under the relevant Development Plan in relation to any road or portion of a road that constitutes the primary street frontage; or</p> <p>(B) in front of the average setbacks of any existing dwellings on any adjoining allotments with the same primary street (or, if there is only 1 such dwelling, the setback of that dwelling), whichever provides the lesser of 2 distances;</p> <p><i>General Section: Design and Appearance: PDC 25</i></p> <p>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1" data-bbox="183 824 603 1122"> <thead> <tr> <th style="background-color: #cccccc;">Setback difference between buildings on adjacent allotments</th> <th style="background-color: #cccccc;">Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjacent buildings, as illustrated below:    <small>When D &gt;= 2, setback of new dwelling = a or b</small> </td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjacent buildings</td> </tr> </tbody> </table>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:  <small>When D &gt;= 2, setback of new dwelling = a or b</small>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p><b>Complies</b></p> <p>The setback of the proposed dwelling is no closer than the portion of the adjacent dwelling which faces the primary street of the proposed dwelling, which is consistent with the Development Plan requirement and therefore part (A).</p>
Setback difference between buildings on adjacent allotments	Setback of new building						
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:  <small>When D &gt;= 2, setback of new dwelling = a or b</small>						
Greater than 2 metres	At least the average setback of the adjacent buildings						

## Rear Setbacks

<p>If the size of the site exceeds 300 square metres—</p> <p>(A) in relation to the ground floor of the dwelling—within 4 metres of the rear boundary of the site (measured from the closest solid wall);</p>	<p><b>Complies</b> 4m</p>
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## Side Setbacks

<p>The dwelling will have a setback of at least 900 millimetres on at least 1 side boundary of the site;</p>	<p><b>Complies</b></p>
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## Building Height

<p>The dwelling is not constructed so that—</p> <p>(i) any part of the dwelling will exceed 9 metres in height when measured from the top of the footings; or</p> <p>(ii) any wall height will exceed 6 metres when measured from the top of the footings;</p>	<p><b>Complies</b> Maximum building height – 4.0m</p> <p><b>Complies</b> Maximum wall height is 2.7m</p>
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## Design & Appearance

<p>The dwelling will have at least 1 habitable room window facing the primary street;</p>	<p><b>Complies</b> Proposed dwelling has three habitable room windows facing the street.</p>
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Site Coverage	
<i>The development will not result in the total roofed area of all buildings on the allotment exceeding 60% of the total area of the allotment;</i>	<b>Complies</b> 45%
Site Works	
<i>The development does not involve— (i) excavation exceeding a vertical height of 1 metre; or (ii) filling exceeding a vertical height of 1 metre, and if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 metres;</i>	<b>Complies</b> There is not proposed to be any excavation or filling exceeding 1m in height.

## ASSESSMENT - EXISTING DWELLING

Complying Assessment Pursuant to Schedule 4 (2B) of Development Regulations, 2008	
<i>Subject to subclause (3), this clause applies in relation to any area determined by the Minister for the purposes of this clause and identified by notice in the Gazette.</i>	<b>Complies</b> The subject site is located in an area determined in the Gazette to be an applicable area for assessment under these regulations.
<i>Despite any determination under subclause (1), this clause does not apply to any development— (a) in relation to a local heritage place; or (b) in— (i) a Historic Conservation Zone/Area; or (ii) the Hills Face Zone; or (iii) a Flood Management Zone/Area unless—</i>	<b>Complies</b> The subject site is not heritage listed, in an Historic Conservation Zone, Hills Face Zone or Flood Management Area.
<i>In relation to the site—that the site is, for the purposes of a dwelling, capable of being connected to a sewage system or a waste control system (being a system which complies with the requirements of the Public and Environmental Health Act 1987);</i>	<b>Complies</b>
<i>The development will not be built, or will not encroach, on an area that is, or will be, required for a sewerage system or waste control system which complies with the requirements of the Public and Environmental Health Act 1987.</i>	<b>Complies</b>
Site Area	
<i>(5) Insofar as this clause applies to a site that does not comprise an entire allotment— (a) the site, and any balance of the allotment, must each at least meet the minimum site area and any minimum frontage requirements prescribed in the relevant Development Plan (and if the relevant Development Plan prescribes different minimum site areas and minimum frontage requirements for detached and semi-detached dwellings respectively, the areas and frontage requirements that are lesser in size are to be taken to be the minimum site area and minimum frontage requirements for the purposes of this paragraph)  320m<sup>2</sup> and 9m frontage is relevant in Northern Policy Area 13</i>	<b>Complies</b> Allotment frontage – 15.24m  <b>Does not comply</b> Allotment size – 303m <sup>2</sup>





It should be noted that site area is the sole aspect of the development that is required to be assessed and considered and regard cannot be had for any other aspect of the development.

**ZONE & POLICY AREA ASSESSMENT**

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

<b>Residential Zone</b>		
<b>Objectives</b>		
<p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>		
<b>Northern Policy Area 13</b>		
<b>Objectives</b>		
<p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>4 Development densities that support the viability of community services and infrastructure.</p> <p>5 Development that reflects good residential design principles.</p> <p>6 Development that contributes to the desired character of the policy area.</p>		
<b>Desired Character</b>		
<p>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</p> <p>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</p> <p>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
<b>PDC 1</b>	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ dwelling including a residential flat building</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
<b>PDC 3</b>	<p>Minimum Site Area: 375 square metres</p>	<b>Does Not Comply</b> 303.1 square metres

## Assessment

The proposed development seeks the construction of an additional dwelling on a site that currently contains a single dwelling. This represents an increase in the density generally sought within the Policy Area and will facilitate an increase in dwelling types and accommodation needs within the locality.

The additional dwelling, which is to be located to the rear of the existing, will not result in the removal of street trees or of trees that are regulated or significant.

To this end, despite the shortfall in site area, the proposal is considered to display consistency with the Objectives and Desired Character of the Development Plan.

Whilst there is a substantial disparity in the allotment's site area when assessed against the Development Plan, it should be noted that the allotment is only 17m<sup>2</sup> short of being a fully complying development, as Schedule 4, 2B requires that the allotment size only meet the Development Plan's requirement for semi-detached dwellings.

I am of the view that the proposed site area warrants consideration due to its locational attributes and in my view, will not result in unreasonable impacts upon the streetscape and the amenity of the locality. In addition, the reduction of site area of the existing dwelling can be achieved whilst maintaining appropriate levels of private open space and appropriate site coverage levels.

Accordingly, the proposal displays sufficient merit for the following reasons:

- 1) The density of the site is not over and above what is generally sought within the Policy Area. The number of dwellings on the site is considered to represent the low to medium scale density that characterises and is sought within Northern Policy Area 13.
- 2) The frontage width of the proposed dwelling is well above the 12m prescribed in the Development Plan and therefore, the site will still retain the wider frontage pattern that is characteristic of detached dwellings, and will not be overly apparent from the street.
- 3) Whilst the depth of the allotment for the proposed dwelling fails to meet the minimum 20 metre requirement, it is acknowledged that allotment depth is not applicable assessment criteria under Schedule 4, 2B of the Development Regulations. In addition, it is considered that this shortfall will not come at the expense of the proposed dwelling's ability to function appropriately.
- 4) The site is located in close proximity to the Ascot Park Shopping Centre along Marion Road, which is located within a Neighbourhood Zone. In addition, it is within close proximity to public transport options including bus routes along Marion Road and is within 850 metres of Woodlands Park Railway Station. Edwardstown Sporting Grounds are also located approximately 520 metres from the site. Objective 2 of the Residential Zone encourages increased densities where they are located in close distance to these services.
- 5) The site, when viewed from the secondary street, currently consists of a fence and two roller doors. The removal of this fencing and roller doors for the purpose of developing a new dwelling will improve the visual attractiveness along Linda Street and reflect the desired character of the locality.
- 6) Two dwellings with the same site area as proposed was recently granted consent by the Panel, and as such, the proposal does not seek a density greater than that approved.

## ANALYSIS/CONCLUSION

The proposed development is a complying development and only requires assessment against the shortfall in site area for the existing and proposed dwelling.

The proposal displays sufficient merit to accept the proposed shortfall due to its locational attributes being in close proximity to public transport, open space and a Neighbourhood Centre Zone and its support to increase densities within the policy area. The proposed shortfall in site area, in my opinion, will also not result in impacts on the streetscape or impair the existing character.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/213 for Demolition of existing outbuildings, relocation of existing carport and construction of a single storey detached dwelling at 28 Clifford Street Ascot Park be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/213, except when varied by the following conditions of consent.

## 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*  
*Attachment III: Proposal Plan and supporting documentation*

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 March 2017

<b>Agenda Ref No:</b>	<b>DAP150317 – 2.8</b> <i>Previously deferred item DAP150217</i>
<b>Originating Officer:</b>	<b>Rob Tokley</b> Team Leader - Planning
<b>Applicant:</b>	<b>J.K.O. Investments</b>
<b>Development Description:</b>	<b>A two storey building comprising three dwellings and associated landscaping and car parking</b>
<b>Site Location:</b>	<b>510 Morphett Road, Dover Gardens</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Regeneration Policy Area 16</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/2016/714</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Granted)</b>

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### BACKGROUND

As members will recall, the subject application was considered by the Panel at its meeting of 15 February 2017, whereby a decision upon the application was deferred for the following reason;

**1. To reduce the bulk of the front façade of the proposed dwellings.**

The applicant has revisited the design of the proposal in light of the Panel's position and having regard to the previously recommended conditions of consent, and amended the proposal where practicable.

For the previous plans for this proposal, please refer to the Agenda of 15 February 2017, or contact the author of this report.

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## DISCUSSION

The applicant has amended the proposal by the following, as described by the applicant's representative;

- The front portico for each dwelling has been reduced in height, with cedar infill provided;
- The upper level, east-facing parapet walls have been removed from each dwelling;
- Horizontally oriented Scyon Linea cladding has been specified in lieu of render to all east-facing upper level walls; and
- Cedar panelling added to a portion of the 1.8 metre-high rendered block wall (facing Morphett Road).

In addition, the following amendments have been made to address the previously recommended conditions of consent;

- A detailed landscaping plan has been provided; and
- Double glazing has been specified for all Morphett Road-facing upper level windows.

In my view, the amendments proposed achieve the intent of the Panel's reason for deferral by softening the built form as viewed from Morphett Road and by incorporating higher-quality materials, to provide a more attractive streetscape outcome.

Further discussion regarding the amendments can be found in the applicant's representative's correspondence dated 1 March 2017 in Attachment II.

As such, in staff's view, amendments to proposal reasonably satisfy the Panel's reasons for deferral.

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## ANALYSIS/CONCLUSION

The applicant has sought to address the Panel's reasons for deferral where practicable. This has resulted in a more attractive built form as viewed from Morphett Road and adjoining properties and a reduced bulk, by removing the parapet façade and introducing additional materials.

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

---

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan in accordance with Section 35(2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/714 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. No less than 50% of the trees to be planted on site shall be semi-mature at planting and of a minimum height of 1.5 metres.
4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

5. All 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 prior to the occupation of the premises and shall be nurtured and maintained in good health and condition at all times, with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.



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

#### DPTI CONDITIONS

10. The site shall be served by a single access point direct to/from Morphett Road. No additional access shall be permitted.
11. 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.
12. 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.
13. A minimum 1.0 metre separation shall be provided between the proposed access and existing stobie pole.
14. All vehicles shall enter and exit the site in a forward direction.
15. 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).
16. 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. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.

#### Attachments

- Attachment I: Aerial Photograph*  
*Attachment II: Proposal Plan and supporting documentation*

# DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 March 2017

**Agenda Ref No:** DAP150317 – 2.9

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

**Applicant:** Scope Development Solutions

**Development Description:** Residential land division (Community Title- 1 into 3 allotments) as well as a two-storey detached dwelling and a single storey residential flat building comprising two dwellings.

**Site Location:** 125 Cliff Street, Glengowrie

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 1 / Consent

**Lodgement Date:** 05/01/2017

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

**Application No:** 100/2017/20

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

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## CATEGORISATION & DELEGATION

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

## BACKGROUND

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

Amendments Requested	Amendments Made
Front setback should be increased to more closely align with other dwellings in the street.	No change.
Boundary carport height of Dwelling 1 should be reduced.	Boundary carport height reduced from 3.3 metres to 3 metres.

The POS of Dwellings 2 and 3 should be provided with minimum dimensions of 5 x 5 metres.	No change.
Greater separation should be provided between the common driveway and eastern side elevation of Dwelling 1, including stepping between the lower and upper levels to provide additional articulation.	No change.
Vehicle manoeuvrability spaces for allotments 2 and 3 must be amended to enable the provision of safe and convenient movements.	Aisle width of the vehicle turning spaces increased.

## SUBJECT LAND & LOCALITY

The subject land is located at 125 Cliff Street, Glengowrie. The allotment is rectangular with a width of 16.86 metres, depth of 50.593 metres, and total site area of 853 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to an attached garage adjacent the eastern side boundary. Several other ancillary structures are located to the rear of the existing dwelling. The 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 is primarily residential in nature, comprising a mixture of dwelling types including original detached dwellings on large allotments and older established group dwellings which are particularly prevalent in the immediate vicinity, as well as detached, semi-detached and row dwellings on smaller redeveloped allotments.

A bus stop (Stop 23) is sited some 120 metres from the subject land on Cliff Street providing services between the Glenelg Interchange and Adelaide CBD while services between the Marion Regional Centre and the Adelaide CBD are available along Morphett Road. The Denham Avenue Neighbourhood Centre is located approximately 400 metres walking distance to the south-east of the site. The subject land is also located within reasonable walking distance of several areas of public open space; with the Willoughby Avenue Reserve approximately 700 metres walking distance to the north, Sturt Linear Park 500 metres to the east, and the Morphettville Oval and Kellett Reserve 650 metres walking distance to the south-east.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The applicant proposes a Community Titled residential sub-division to create two additional allotments (three in total) and the construction of a two-storey detached dwelling (Dwelling 1) facing Cliff Street, and a single storey residential flat-building comprising two dwellings (Dwellings 2 and 3) to the rear.

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

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

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

*Refer Attachment III*

GOVERNMENT AGENCY REFERRAL

<b>SA Water:</b>	Refer to <i>Attachment IV</i> for the standard SA Water land division comments.
<b>Development Assessment Commission (DAC):</b>	Refer to <i>Attachment IV</i> for the standard SA Water land division comments.

*Refer Attachment IV*

INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	The site works plan has been assessed by Council's Engineer who has advised that the finished floor levels for the new dwellings are considered appropriate with respect to the risk of flooding.
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ZONE & POLICY AREA ASSESSMENT

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

<b>Residential Zone</b>
<p><b>Objectives</b></p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>
<b>Northern Policy Area 13</b>
<p><b>Objectives</b></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>

**Desired Character**

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

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>dwelling including a residential flat building</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<b>Complies</b>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<b>Complies</b>
PDC 3	<p><i>Minimum Site Area:</i>  <i>Detached dwellings (Dwelling 1): 375m<sup>2</sup></i>  <i>Residential flat dwellings (Dwelling 2 &amp; 3): 300m<sup>2</sup></i></p>	<p><b>Does Not Comply</b>  Dwelling 1: 248.7m<sup>2</sup>  Dwellings 2 &amp; 3: 213.4m<sup>2</sup></p> <p><b>Partially Complies</b>  Average site areas of  Dwellings 2 and 3: 302.15m<sup>2</sup>  (including common driveway)</p>
	<p><i>Minimum Frontage:</i>  <i>Detached dwellings (Dwelling 1): 12m</i>  <i>Residential flat dwellings (Dwelling 2 &amp; 3): 4 metres (hammerhead handle width)</i></p>	<p><b>Does Not Comply</b>  Dwelling 1: 11.36m</p> <p><b>Complies</b>  Dwellings 2 &amp; 3: 5.5m</p>
	<p><i>Minimum Depth:</i>  <i>Detached dwellings (Dwelling 1): 20m</i>  <i>Residential flat dwellings (Dwelling 2 &amp; 3): 45m</i></p>	<p><b>Complies</b>  Dwelling 1: 20.05m  Dwellings 2 &amp; 3: 50.593m</p>

## Assessment

### **Objectives & Desired Character**

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

Given that the subject land is located in close proximity to public transport routes and within an acceptable walking distance of centre facilities and public open space, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

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

### **Site Areas**

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

Detached dwellings require a minimum 375 square metres whereas Dwelling 1 comprises an allotment area of 248.7 square metres, which equates to a shortfall of 126.3 square metres (33.7%). Although the undersized nature of the allotment is significant, the allotment generally presents a frontage width reflective of that required for detached dwellings within this policy area (as discussed below). As such, in my opinion, the undersized nature of the allotment will not be as apparent from the street as the predominant pattern of wider frontages for detached dwellings will be maintained.

Dwellings 2 and 3 each maintain an average site area of 213.4 square metres each, where an average of 300 square metres is prescribed for residential flat dwellings within the Northern Policy Area 13. This equates to a shortfall of 86.6 square metres per dwelling, or 28.9% less than the minimum sought. While the individual site area of each dwelling falls substantially short of the prescribed minimum, it is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that if the driveway and manoeuvring areas were to be included within site area calculations, the combined allotment and driveway area of allotments 2 and 3 would equate to 604.3 square metres, or 302.15 square metres per allotment –above the minimum 300 square metres sought.

Nonetheless, given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. The subject land maintains an overall site area of 853 square metres; resulting in an average site area of 284.3 square metres per dwelling. This average site area still falls short of the minimum 300 square metres required for group and residential flat dwellings in the Northern Policy Area 13, but would satisfy the minimum required for three row dwellings. Therefore, it may be suggested that while the site configuration results in shortfalls in site area, the proposed density is not necessarily inconsistent with that envisaged for the Policy

Area, albeit acknowledging that row dwellings are specifically permitted a lesser site area as they provide a more efficient use of land than that of group or residential flat dwellings where a considerable portion of the subject land is used for the common driveway and vehicle manoeuvring areas.

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

**Frontage width**

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

**DEVELOPMENT ASSESSMENT**

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Site coverage:</b>  <b>Does Not Comply</b>                      Dwelling 1: 42.6% (105.9m<sup>2</sup>)                      Dwelling 2: 60.3% (128.7m<sup>2</sup>)                      Dwelling 3: 60.3% (128.7m<sup>2</sup>)                      Average site coverage (including common driveway): 42.6%</p> <p><b>Floor area ratio:</b>  <b>Complies</b>                      Dwelling 1: 0.57 (143.1m<sup>2</sup>)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <li><i>(a) would not be contrary to the relevant setback and private open space provisions</i></li> <li><i>(b) would not adversely affect the amenity of adjoining properties</i></li> <li><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></li> </ul> <p><i>Residential Zone: PDC 9</i></p>	<p><b>Partially Complies</b></p> <p>The proposal maintains a shortfall in front setback, but otherwise maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) rainwater tanks</i></li> <li><i>(e) private open space and landscaping</i></li> <li><i>(f) convenient storage of household waste and recycling receptacles.</i></li> </ul> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>

<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>		<p><b>Does Not Comply</b> 15.3% (130.5m<sup>2</sup>)</p>	
<p><b>Private Open Space</b></p>			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		<p><b>Complies</b> Dwelling 1: 23.5% (58.5m<sup>2</sup>) 5 x 5 metre POS dimension achieved by Dwelling 1.</p> <p><b>Partially Complies</b> Dwelling 2: 21.1% (45.1m<sup>2</sup>) Dwelling 3: 21.3% (45.5m<sup>2</sup>) 5 x 5 metre POS dimension not achieved by each Dwelling 2 and 3.</p>	
<p><b>Site area of dwelling</b></p>	<p><b>Minimum area of POS</b></p>		<p><b>Provisions</b></p>
<p>175 square metres or greater</p>	<p>20 per cent of site area</p>		<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. 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>
<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><b>Complies</b></p> <p>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. 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> <p><b>Partially Complies</b></p> <p>f) POS areas of Dwellings 2 and 3 are located next to bedrooms of the dwelling on the adjacent site to the south. However, this remains unchanged from the arrangement of the existing dwelling, albeit acknowledging that the main areas of POS will be within closer proximity to the southern boundary of the land.</p> <p><b>Does not Comply</b></p> <p>g) The proposed POS areas maintain a southerly aspect, which means they will have limited access to sunlight in winter months. h) The POS areas are likely to be shaded during winter by the associated dwelling, particularly the POS of Dwelling 1.</p>	



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

General Section: Residential Development: PDC 22

**Complies**

## Building Setbacks from Road Boundaries

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

General Section: Design and Appearance: PDC 21

### Partially Complies

The proposed front setback of 5.5 metres will be notably closer than the dwellings on adjoining land, which are setback at 8.5 metres and 10 metres, and as such, may not appear compatible with the existing setbacks. However, the Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock.

Newer dwellings within the locality comprise front setbacks varying between 5 and 7 metres, and as such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality, despite being located substantially forward of the dwellings on adjoining land.

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

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

General Section: Design and Appearance: PDC 22

### Partially Complies

Dwelling 1: 5.5 metres

(Dwellings on adjoining land set back approximately 8.5 and 10 metres, which results in a required setback of 8.5 metres)

PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks. Furthermore, the proposed front setback is nonetheless reflective of other buildings in the locality.

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

General Section: Residential Development: PDC 37

### Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

## Side Setbacks

<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>Where the wall height is greater than 6 metres: (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><u>Wall height not greater than 3 metres</u></p> <p><b>Does not Comply</b> Dwelling 1: 0.6m</p> <p><b>Complies</b> Dwelling 2: 0.9m Dwelling 3: 0.9m</p> <p><u>Wall height between 3 metres and 6 metres (Dwelling 1 only)</u></p> <p><b>Does not Comply</b> Eastern side setback: 0.7m</p> <p><b>Complies</b> Western side setback: 6m</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Partially Complies</b></p> <p>Despite both the lower and upper level of Dwelling 1 achieving limited separation from the internal boundary (located adjacent the common driveway servicing Lots 2 and 3), it is also acknowledged that the two storey wall will be setback 4.7m from the existing eastern allotment boundary. As such, any overshadowing/visual impacts are considered to be contained within the subject land and adjacent an area used for vehicle movements.</p>
<h2>Rear Setbacks</h2>	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><u>Wall height not greater than 3 metres</u></p> <p><b>Complies</b> Dwelling 2: 3m increasing to 8.017m Dwelling 3: 3m increasing to 8.017m</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>

## Building Height

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

*Residential Zone: PDC 6*

### **Complies**

The proposed dwellings incorporate a maximum building height of 7.91 metres, which is less than the maximum permitted in the Policy Area.

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

*General Section: Residential Development: PDC 2*

### **Complies**

## Garages, Carports, Verandas and Outbuildings

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

*General Section: Residential Development: PDC 10*

### **Complies**

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

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

*General Section: Residential Development: PDC 12*

<b>Parameter</b>	<b>Value</b>	
<i>Maximum floor area</i>	<i>60 square metres</i>	<b>Complies</b>
<i>Maximum wall or post height</i>	<i>3 metres</i>	<b>Complies</b>
<i>Minimum setback from a primary road frontage</i>	<i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i>	<b>Complies</b> Dwelling 1: Garage set back 6.5 metres and 1 metre behind the main face of the dwelling
<i>Minimum setback from side or rear boundaries (when not located on the boundary)</i>	<i>0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall</i>	<b>Complies</b>
<i>Maximum length on the boundary</i>	<i>8 metres or 45 per cent of the length on that boundary (whichever is the lesser)</i>	<b>Complies</b> Dwelling 1: Carport sited on the boundary for a length of 6 metres.
<i>Maximum frontage width of garage or carport with an opening facing the street</i>	<i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i>	<b>Complies</b> Dwelling 1: 44% (5m)
<i>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.</i>		<b>Complies</b>

*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*

*Detached  
Semi-detached  
Row*

*2 per dwelling containing up to 3 bedrooms one of which is to be covered.*

**\*Applies for Dwelling 1**

*Group  
Residential flat building*

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

**\*Applies for Dwellings 2 and 3**

*Multiple dwelling*

*0.7 per bedroom*

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

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

*General Section: Transportation & Access: PDC 43*

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

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

*General Section: Transportation & Access: PDC 44*

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

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

*General Section: Transportation & Access: PDC 45*

*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

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

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

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

### Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.  
 b) Centre facilities and public transport are located in walking distance of the dwellings  
 c) The likely occupants are anticipated to have standard mobility and transport requirements.

### Does Not Comply

d) e) The proposed development results in a loss of on street car parking, as only one on-street car parking space shall remain available adjacent the subject land, where two spaces are currently available.

### Complies

(a) (b) Sufficient space has been provided that will enable vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.  
 (c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.

### Complies

The parking areas of Dwelling 2 and 3 are located to the rear of Dwelling 1 with access from a shared internal laneway, and therefore do not face the primary street frontage.

### Does not Comply

1 on-street car parking space is provided for the proposed allotments, which does not satisfy PDC 22.

## Access

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

- 3 metres wide for a single driveway
- 5 metres wide for a double driveway.

General Section: Residential Development: PDC 39

### Complies

Dwelling 1: 5m  
Dwellings 2 and 3: Existing crossover utilized for the proposed common driveway.

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

General Section: Residential Development: PDC 40

### Complies

The proposed crossovers are set back a minimum 2 metres from the existing street tree.

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

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

General Section: Residential Development: PDC 41

### Complies

3-metre-wide common driveway and 0.5 metre landscaping strips along the southern side of the driveway. Landscaping along the northern side of the driveway varies in width between 0.5 metres and 1.1 metres (where appropriate).

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:

- building height, mass and proportion
- external materials, patterns, colours and decorative elements
- roof form and pitch
- façade articulation and detailing
- 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, and incorporate a relatively contemporary design.

Dwelling 1 incorporates a mixture of face brickwork to the lower level and vertical cladding to the upper level. Stepping is provided between the lower and upper levels of the western side of the dwelling. While it is acknowledged that stepping between the lower and upper levels of the eastern elevation of this dwelling is limited, a reasonable level of articulation is nonetheless provided due to a mixture of face brickwork, cladding and fenestration to this elevation, avoiding extensive areas of uninterrupted walling exposed to public view.

Dwellings 2 and 3 also incorporate face brickwork to each façade.

All dwellings incorporate Colorbond roof sheeting in 'Wallaby' at a 22.5-degree pitch and panel lift garage doors.

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

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

*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**

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

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

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

**Complies**

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

a) North-facing windows of living rooms of existing dwellings should not be overshadowed between 9 am and 3pm in winter solstice.

b) Given that south forms the rear boundary of the subject land, a majority of winter shadow will be cast within the rear yards of the proposed dwellings. Some shadow will also be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

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

## Visual Privacy

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

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

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

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

*General Section: Design & Appearance: PDC 11*

### **Complies**

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

The 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

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

*(a) active communal recreation areas, parking areas and vehicle access ways*

*(b) service equipment areas and fixed noise sources on the same or adjacent sites.*

*General Section: Residential Development: PDC 30*

### **Complies**

Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1 metre and incorporate landscape screening between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

## Site Facilities and Storage

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

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

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

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

*General Section: Residential Development: PDC 31*

### **Partially Complies**

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

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

*Buildings should be sited and designed:*

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

*General Section: Energy Efficiency: PDC 2*

### **Partially Complies**

The site's orientation (with the front boundary oriented north) makes it difficult to provide energy efficient dwelling orientation with typical modern dwelling layouts (living areas located at the rear of the dwellings, opening out onto the POS area). A southern orientation means that these living/POS areas will receive limited sunlight in winter months.

That being said, the internal living area of Dwelling 1, whilst opening to the south-facing POS, includes a northern orientation with generously proportioned windows to the front (northern) elevation. The dwelling also features north-facing windows to two of the three upper level bedrooms for exposure to winter sunlight.

Dwellings 2 and 3 have limited opportunity to maximise northern living areas, as this would result in living areas facing the common driveway.

On balance, the energy efficiency of the proposed dwellings is considered adequate.

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

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

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

*General Section: Energy Efficiency: PDC 3*

### **Complies**

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

## Flooding

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

*General Section: Hazards: PDC 4*

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

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

*General Section: Hazards: PDC 5*

### **Complies**

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor level of 11.9 for Dwelling 1, and 12 for Dwellings 2 and 3, combined with the proposed setbacks from 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*
- (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.*

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

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

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

### **Complies**

Landscaping is proposed throughout the development site, including Manchurian Pear trees to the front and rear of Dwelling 1, and rear of Dwellings 2 and 3. Mountain Ribbonwood (small trees/shrubs) and Seaspray groundcovers are proposed adjacent the common driveway.

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

## LAND DIVISION ASSESSMENT

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

Land Division	
<p><b>Objectives</b></p> <p><i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing underutilised infrastructure and facilities.</i></p>	<b>Complies</b>
<p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>	<b>Complies</b>
<p><i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i></p>	<b>Complies</b>

<p><b>Principles of Development Control</b></p> <p><i>When land is divided:</i></p> <p>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</p> <p>(b) a sufficient water supply should be made available for each allotment</p> <p>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</p> <p>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</p> <p>General Section: Land Division: PDC 1</p>	<p><b>Complies</b></p> <p>a) Stormwater is capable of being drained safely and efficiently from the allotment, subject to recommended conditions of consent 4, 5 and 6.</p> <p>b) SA Water have confirmed that water supply is available (subject to conditions).</p> <p>c) SA Water have confirmed that sewerage connection is available (subject to conditions).</p> <p>d) N/A</p>
<p><i>Land should not be divided if any of the following apply:</i></p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <p>(i) an existing road</p> <p>(ii) a proposed public road</p> <p>(iii) access to a public road via an internal roadway in a plan of community division</p> <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p> <p>General Section: Land Division: PDC 2</p>	<p><b>Complies</b></p> <p>a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use.</p> <p>b) All allotments will have a frontage to the public road (when including the common driveway).</p> <p>c) Minor cut/fill is required</p> <p>d) Erosion is unlikely</p> <p>e) The area is sewered</p> <p>f) The intended use of the allotments is consistent with the zone objectives</p> <p>g) The allotments are located wholly within the zone and policy area.</p>
<p><i>Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p> <p>General Section: Land Division: PDC 3</p>	<p><b>Complies</b></p>
<p><i>The design of a land division should incorporate:</i></p> <p>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</p> <p>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</p> <p>(d) suitable land set aside for useable local open space</p> <p>(e) public utility services within road reserves and where necessary within dedicated easements</p> <p>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</p> <p>(g) protection for existing vegetation and drainage lines</p> <p>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</p> <p>(i) the preservation of significant trees.</p> <p>General Section: Land Division: PDC 7</p>	<p><b>Complies</b></p>

<p><i>Allotments in the form of a battleaxe configuration should:</i></p> <p><i>(a) have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment)</i></p> <p><i>(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction</i></p> <p><i>(c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape</i></p> <p><i>(d) be avoided where their creation would be incompatible with the prevailing pattern of development.</i></p> <p><i>General Section: Land Division: PDC 8</i></p>	<p><b>Does Not Comply</b></p> <p>a) The area of the allotments do not satisfy the minimum allotment sizes for the proposed form of dwelling</p> <p><b>Complies</b></p> <p>b) Complies</p> <p>c) Complies</p> <p>d) Complies; other battleaxe developments are evident in the locality.</p>
<p><i>Access ways serving allotments in the form of a battleaxe configuration should:</i></p> <p><i>(a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:</i></p> <p><i>(i) 4 metres for an allotment that accommodates no more than 3 dwellings</i></p> <p>...</p> <p><i>General Section: Land Division: PDC 9</i></p>	<p><b>Complies</b></p>
<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p><i>(a) minimises the need for earthworks and retaining walls</i></p> <p><i>(b) maintains natural drainage systems</i></p> <p><i>(c) faces abutting streets and open spaces</i></p> <p><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></p> <p><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p> <p><i>General Section: Land Division: PDC 10</i></p>	<p><b>Complies</b></p>

## TABLE DISCUSSION

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

- Site coverage
- Percentage of pervious land area
- Private open space dimensions (Dwellings 2 and 3)
- On-street car parking

### Site coverage

The Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas Lot 1 comprises site coverage of 42.6%, while site coverage of 60.3% is observed for the curtilage of each Lots 2 and 3. The following considerations are noted with regard to the discrepancy in site coverage;

- a) Overall site coverage equates to some 42.6% of the total site area (including the common driveway), only marginally above the prescribed maximum of 40%.
- b) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below). Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.

- c) The proposal is considered to generally comply with PDC 13 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space 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.

### **Percentage of pervious land area**

The Development Plan seeks for at least 20% of the land area to remain pervious in order to reduce levels of stormwater runoff from the land, reduce urban heat loading and improve micro-climatic conditions around sites and buildings as well as allow for effective deep planting. The proposed development fails to satisfy this requirement, with only 130 square metres (15.2%) remaining pervious and undeveloped.

Ordinarily applications propose conservative areas of paving within the POS, enough to accommodate an alfresco area, whereas the subject application incorporates more generous levels of paving to the rear of the dwellings. Were the paving within the POS of each dwelling to be reduced to a more conservative area, the pervious surfaces of the site may increase to exceed 20% of the total site area. Whilst this excess is undesirable, it is acknowledged that paving a surface is not development, and may occur on any site to levels exceeding that sought by the Development Plan, without any approval required. Nonetheless the non-compliance in pervious surfaces is noted and considered accordingly with the overall merit of the proposal.

### **Private open space dimensions (Dwellings 2 and 3)**

POS should incorporate a minimum dimension of 5 x 5 metres, directly accessible from the internal living area of the associated dwellings. The POS dimensions of Dwellings 2 and 3 do not strictly comply with the prescribed dimension requirements, with an area of approximately 4 metres by 8 metres instead provided for each dwelling. This shortfall is considered to be of minor consequence given that the POS of this dwelling nonetheless comprises sufficient area and shape to be functional for likely occupant needs.

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

The proposed increase in density requires the provision of two (2) (rounded up from 1.5) on-street parking spaces adjacent the subject land (i.e. one on-street space per two allotments). However, only one on-street car park is maintained by the proposal. Given that the proposed development exceeds the total on-site parking requirements (albeit not including independently accessible on site visitor parks), and that the dwellings are located an acceptable walking distance to public transport and centre facilities, the shortfall in on-street car parking is deemed acceptable.

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## ANALYSIS/CONCLUSION

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

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains several non-compliances including site coverage, percentage of pervious areas, private open space dimensions, POS orientation and on-street car parking. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

The most significant numerical shortfall maintained by the proposal involves site areas, and it is acknowledged that the proposal is finely balanced in this regard. Considerations within this report have demonstrated that the shortfall in site area is substantial, but that proposed density is not necessarily inconsistent with that envisaged for the Policy Area. Ultimately, I am of the view that the shortfall in site area, although significant in its extent, is not considered to warrant refusal of the application given the proposal demonstrates merit in a majority of other assessment areas.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/20 for Residential land division (Community Title- 1 into 3 allotments) as well as a two-storey detached dwelling and a single storey residential flat building comprising two dwellings. at 125 Cliff Street, Glengowrie, be GRANTED subject to the following conditions:

## CONDITIONS

### Development Plan Consent

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/20, except when varied by the following conditions of consent.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

8. The portion of the upper floor windows (except the north-facing windows presenting to the street for the front dwellings) 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.
9. 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.
10. 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.
11. 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.

#### Land Division Consent

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

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to the development will be standard or non-standard fees.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

2. Payment of \$13352 into the Planning and Development Fund (2 allotment(s) @ \$6676/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

#### NOTES

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

3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

#### Attachments

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



DEVELOPMENT ASSESSMENT PANEL  
Wednesday 15 March 2017

**CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES**

**Agenda Ref No: DAP150317 - 3.1**

**REASON FOR CONFIDENTIALITY**

It is recommended that this Report be considered in CONFIDENCE in accordance with Section 56A (12) of the Development Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (vii) provision of legal advice
- (viii) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.

**RECOMMENDATION**

1. The Development Assessment Panel orders pursuant to Section 56A (12) of the Development Act 1993, that the public, with the exception of the Manager of Development Services, Team Leader Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Executive Officer, of the Development Assessment Panel.
2. Under Section 56A (12) of the Development Act 1993 an order be made that item 4 including the report, attachments and discussions having been dealt with in confidence under Section 56A (12) (ix) of the Development Act 1993, and in accordance with Section 56A(16) shall be kept in confidence until a decision of the Environment Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session the meeting be re-opened to the public.

DEVELOPMENT ASSESSMENT PANEL  
Wednesday 15 March 2017

**CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES**

**Agenda Ref No: DAP150317 - 3.2**

**REASON FOR CONFIDENTIALITY**

It is recommended that this Report be considered in CONFIDENCE in accordance with Section 56A (12) of the Development Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (vii) provision of legal advice
- (viii) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.

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