

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 16 DECEMBER 2015**

- 1.1 PRESENT**
- 1.2 APOLOGIES**
- 1.3 IN ATTENDANCE**
- 1.4 COMMENCEMENT**
- 2. APPLICATIONS:**
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To construct three, two storey row dwellings with Dwelling (1) incorporating a garage wall along the northern side boundary
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HELD ON 16 DECEMBER 2015

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DEVELOPMENT ASSESSMENT PANEL

Wednesday 16 December 2015

Agenda Ref No: DAP161215 – 2.1

Originating Officer: Stephen Both
Senior Development Officer - Planning

Applicant: Tk Building Design

Development Description: To construct three, two storey row dwellings with Dwelling (1) incorporating a garage wall along the northern side boundary.

Site Location: 55 Limbert Avenue, Seacombe Gardens

Zone: Residential Zone

Policy Area: Medium Density Policy Area 12

Application Type: Category 2 / Consent

Lodgement Date: 09/07/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/1227

Recommendation: That Development Plan Consent be Granted subject to conditions

CATEGORISATION & DELEGATION

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

BACKGROUND

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

Information Requested	Information Received
The applicant was requested to provide shadow diagrams to help determine the extent of shadow to be cast over the adjacent properties to the east and south.	The applicant has provided the required shadow diagrams as requested which are attached to this report.
The applicant was requested to provide a landscaping plan which included the planting	The applicant has provided a landscaping plan which provides a planting schedule that

of vegetation to the front of each dwelling. The landscaping is required to help break up the hard surface paving to the front of the dwellings and to enhance the streetscape.	includes the planting of small shrubs and low growing vegetation along driveways areas and to the front of each dwelling.
The applicant was requested to provide an engineered site works and drainage plan to assist with the assessment of the application.	The applicant has provided a site works and drainage plan which has been assessed by Council's Engineering Department.
The applicant was requested to provide a streetscape plan illustrating all three dwellings instead of individual dwellings.	The applicant has provided a streetscape plan which illustrates all three row dwellings joined as a single building presenting to the street.
Requested Amendments	Amendments Made
The applicant was requested to increase the size of the upper level sections of Dwellings (1) and (3) in order to provide a more integrated street presentation and to help reduce the visual impact of the double width garages on the streetscape.	The applicant has amended the plans accordingly. The dwellings now provide larger upper level sections which provide a more positive streetscape presentation.
The applicant was requested to replace the proposed double width garage doors of Dwellings (1) and (3) with two single width garage doors which are to be staggered across the front of each dwelling.	The applicant has amended the plans with Dwellings (1) and (3) now providing two, single width garage doors in a staggered formation across the front of each dwelling.
The applicant was requested to amend the site plan to provide a 6.5 metre distance of separation between the driveway crossovers of Dwellings (1) and (2) in order to provide a single on-street car parking space.	The applicant has amended the plans which now illustrate an area of sufficient width between the crossovers of the Dwellings (1) and (2) to park a single vehicle on the road.

SUBJECT LAND & LOCALITY

The subject land is situated on the eastern side of Limbert Avenue at 55 Limbert Avenue, Seacombe Gardens. The subject land comprises a large irregular shaped allotment which has a 24.3 metre frontage to Limbert Avenue and an average depth of 38.4 metres to provide a total site area of approximately 820 square metres.

The subject land has recently been cleared of all existing buildings and mature vegetation that once occupied the site and now sits vacant ready for re-development. The subject land slopes naturally downwards towards the northern side property boundary, whilst the certificate of title for the subject land confirms that the site is clear of any encumbrances or easements.

The locality exhibits a diverse mix of housing stock comprising single storey detached dwellings (circa 1950) on large regular shaped allotments at low densities, with land to the south of the subject land developed with medium density two storey Housing Trust units of average amenity value facing towards Shearer Avenue.

The locality is undergoing considerable change with many new dwellings in the form of single storey detached and semi-detached dwellings replacing older housing stock within the area. This includes land directly to the north and south of the subject land at 53 and 57 Limbert Avenue where a multiple number of two storey dwellings are proposed for each parcel of land.

The subject land is also located approximately 250 metres from an existing Neighbourhood Centre Zone to the south-east along Miller Street and Diagonal Road. This Centre Zone is serviced by public transport (bus stop 31) along Miller Street which provides a direct link to the Marion Shopping Centre located to the north-west.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes to construct three, two storey row dwellings with associated car parking and landscaping. The dwellings will each provide three bedrooms (master bedroom at ground level with en-suite) with open plan kitchen/meals/living areas all directly linked to north facing areas of useable private open space located to the rear of each dwelling.

The dwellings will have a modern appearance with second storey components displaying an adequate degree of articulation to help reduce the bulk and scale of the dwellings when viewed from adjacent land. Materials and finishes will include a mix of brick and rendered Hebel panels to external walls. The dwellings will each provide a hipped roof design which is to be clad with Colorbond sheeting and set at a 25 degree roof pitch.

In respect to on-site car parking provision, Dwellings (1) and (3) will both provide two undercover car parking spaces with Dwelling (2) providing a single width garage under the main roof. A total of five on-site visitor car parking spaces are also to be provided within the driveway areas located forward of each garage.

Driveways are to be paved, whilst the open front yard areas of each dwelling is to be landscaped with a combination of small shrubs and ground covering vegetation.

It is noted that Land Division application 100/D186/15 has been received by Council which proposes to create three Torrens Title allotments which reflects the subject dwelling application.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	14 properties were notified during the Category 2 public notification process.
Representations:	A total of 7 representations were received by Council with 2 in favour and 3 against the proposed development, whilst 2 representors provided neutral responses.
Persons wishing to be heard:	4 representors have indicated a desire to be heard.
Summary of representations:	<ul style="list-style-type: none">• The density of the development is a concern and will result in additional traffic and noise impacts.• Loss of privacy as a result of overlooking from the upper level windows of the two storey dwellings.• Concerns raised in relation to the levels of the site which have not been specified with the application.• Concerns raised regarding earthworks and potential retaining walls and fencing to be constructed.• Objections raised in relation to the removal of several existing large trees on the land which support a local possum population.• Concerns raised in relation to the removal of existing significant trees on the land to build the dwellings.• The front setback of the proposed dwellings looks close and should be no less than 5 metres from the street boundary.• The character of the locality will change with the

	<p>introduction of two storey dwellings in the area.</p> <ul style="list-style-type: none"> • Too much development occurring within the locality with new dwellings proposed at 53 and 57 Limbert Avenue. • The development will increase the amount of traffic in the street and reduce on-road parking potential. • The upper level windows of the dwellings should be fitted with opaque glass to protect the privacy of adjacent residents. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • All required retaining walls will be designed by our Engineer who has been engaged to prepare the site works and drainage plan. • The proposed developments at 53 and 57 Limbert Avenue do not concern this project. • The proposed development accords with the medium density policies set out within the Council's Development Plan • The significant tree on the subject land was subject to a separate application which was approved by the Council. • The proposed dwellings will all be setback at least 5 metres from the street property boundary. • All upper level rear and side windows will be fitted with fixed obscure glass to 1.7 metres above floor level as per Council requirements. • Dwellings on Lots (1) and (3) provide two undercover parks and two visitor parks. Lot (2) provides one undercover and one visitor's car park. • The development allows for the parking of one on road car parking space to the front of the property. • Approval for the removal of the large trees on the property was sought as a separate application and has already been granted approval by Council. <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>The application was referred to the Council's Engineer who raised no concerns following his assessment of the site and drainage plan for the proposed development.</p> <p>The finished floor levels of the individual dwellings and the drainage of stormwater from the subject land has all been deemed to be acceptable.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Medium Density Policy Area 12

Objectives

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

Desired Character

The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.

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

Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building (buildings between one and three storeys) ▪ row dwellings ▪ semi-detached dwelling ▪ supported accommodation. 	<p>Complies</p> <p>As listed opposite, row dwellings are an envisaged form of housing type within Medium Density Policy Area 12.</p>
PDC 4	<p>Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should be in the form of 2 to 3 storey buildings.</p> <p>(i.e. Site areas between 149.3 and 250 m²)</p>	<p>Does Not Comply</p> <p>Dwelling (1) = 293.4 m² Dwelling (2) = 229.9 m² Dwelling (3) = 297.0 m²</p> <p>Whilst the proposed development does not comply with the statistics provided opposite, it is considered that the proposed density of the development to be appropriate for the locality.</p>

PDC 7	<p><i>Minimum Site Area:</i></p> <p><i>Row Dwellings: 210 m²</i></p>	<p>Complies</p> <p>Dwelling (1) = 293.4 m²</p> <p>Dwelling (2) = 229.9 m²</p> <p>Dwelling (3) = 297.0 m²</p>
	<p><i>Minimum Frontage:</i></p> <p><i>Row Dwellings: 7 metres</i></p>	<p>Complies</p> <p>Dwelling (1) = 11.66 metres</p> <p>Dwelling (3) = 11.28 metres</p> <p>Does Not Comply</p> <p>Dwelling (2) = 5.94 metres</p>
	<p><i>Minimum Depth:</i></p> <p><i>Row Dwellings: 20 metres</i></p>	<p>Complies</p> <p>Dwelling (1) = 38.5 metres</p> <p>Dwelling (2) = 39.2 metres</p> <p>Dwelling (3) = 39.1 metres</p> <p><u>Note:</u> Given the irregular shape of the allotments, the above measurements indicate the average depth of each allotment.</p>

Assessment

The application seeks approval to replace an existing single storey detached dwelling on the land with three two-storey row dwellings, being a form of housing that is envisaged by Principle of Development Control 1 which can be up to two stories in height. Whilst the density of the proposed development is considered lower than that envisaged by Principle of Development Control 4 above, it is considered that the proposed development complements the Desired Character of the Policy Area which seeks for the redevelopment of existing properties at greater densities than that of the original housing stock. This is particularly noted through-out the immediate locality where existing single dwelling allotments have been sub-divided and developed with two or more dwellings in line with the desired character for the locality.

The only notable shortfall to have been identified above relates to the frontage width of the allotment designed to accommodate Dwelling (2) which is to be 5.9 metres in width, some 1.1 metres short of the prescribed distance of 7 metres required for row dwellings within Medium Density Policy Area 12. That having been said, it is considered that this shortfall in frontage width will not be especially noticeable once the dwellings have been completed given that the proposed development projects an integrated frontage comprising a single building containing three dwellings facing the street.

In addition to the above, it is also considered that this shortfall in the frontage width should not adversely impact upon the amenity of adjoining land nor prevent Dwelling (2) from being appropriately developed in accordance with the requirements set out within the Development Plan. This is further reinforced by the fact that each dwelling achieves appropriate front, side and rear setbacks from adjacent property boundaries, suitable areas of useable private open space to the rear of each dwelling and provision for at least 2 on-site car parking spaces.

Fundamentally, the ability of the dwellings to accord with a majority of other Development Plan criteria demonstrates that the shortfall in the frontage width for Dwelling (2) will not jeopardise the underlying merits of the overall proposal. It is therefore considered that the proposed development appropriately satisfies the Objectives, Principles and Desired Character of Medium Density Policy Area 12.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p>Maximum site coverage: Site area between 270 and 375 m²: 130 m² or 40% (whichever is the greater)</p> <p>(Note: 130 m² is the relevant measure)</p> <p>Site area less than 270 m²: 100 m² or 40% (whichever is the greater)</p> <p>(Note: 100 m² is the relevant measure)</p> <p>Medium Density Policy Area 12: PDC 8</p>	<p>Does Not Comply Dwelling (1) = <u>161.1m²</u> or 54.9% Dwelling (3) = <u>153.6m²</u> or 51.7%</p> <p>Does Not Comply Dwelling (2) = <u>136.9m²</u> or 59.6%</p>
<p>Maximum floor area ratio:</p> <p>Site area between 270 and 375 m²: 0.6</p> <p>Site area less than 270 m²: 0.7</p> <p>Medium Density Policy Area 12: PDC 8</p>	<p>Complies Dwelling (1) = 0.48 Dwelling (3) = 0.49</p> <p>Complies Dwelling (2) = 0.63</p>
<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles <p>General Section: Residential Development: PDC 13</p>	<p>Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 14</p>	<p>Complies</p>
Private Open Space	
<p>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</p> <ul style="list-style-type: none"> (a) to be accessed directly from a habitable rooms of the dwelling (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy (c) to take advantage of, but not adversely affect, natural features of the site (d) to minimise overlooking from adjacent buildings (e) to achieve separation from bedroom windows on adjacent 	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from a habitable room of the associated dwelling b) All POS is located at ground level to the rear of the dwellings and capable of being screened for privacy c) The subject land does not maintain natural features which warrant preservation d) The POS areas should not be directly overlooked by adjacent buildings. e) The POS areas of all three dwellings will not

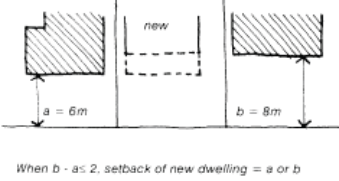
<p>sites</p> <p>(f) to have a northerly aspect to provide for comfortable year round use</p> <p>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</p> <p>(h) to be partly shaded in summer</p> <p>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</p> <p>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p> <p>General Section: Residential Development: PDC 15</p>	<p>be directly located next to bedrooms of dwellings on adjacent sites</p> <p>f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use</p> <p>g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development</p> <p>h) POS areas are capable of being shaded during summer by verandahs which are to be attached to the rear of each dwelling</p> <p>i) Traffic, industry or other business activities should not affect the subject land</p> <p>j) The POS areas are considered to have sufficient shape and area to be functional.</p>
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<p>Site Area 250 m² or greater:</p> <p>Minimum area of POS: 20% of the 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.</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>Site area less than 250 m²:</p> <p>20% of the site area or 35 m², whichever is the greater</p> <p>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</p> <p>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>General Section: Residential Development: PDC 17</p>	<p>Complies</p> <p>Dwelling (1) = 68.8m² (23.4%)</p> <p>Dwelling (3) = 74.3m² (25.0%)</p> <p>(Minimum dimensions of 5.0 metres by 5.0 metres are provided for Dwellings (1) and (3).</p> <p>Complies</p> <p>Dwelling (2) = 66.0m² (28.7%)</p> <p>(Minimum dimensions of 10.0 metres by 6.0 metres is provided for Dwellings (2).</p>
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Street Setbacks

<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 23</p>	<p>Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback which ranges between 5.6 to 6.2 metres is similar to that of other new dwellings located within in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
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<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>	<p>Partially Complies</p> <p>Dwellings (1 – 3) : Front setback ranges between 5.6 – 6.2 metres when measured from the street property boundary.</p> <p><i>(Dwellings on adjoining land set back approximately 8 and 5 metres, which equals an average setback of 6.5 metres)</i></p> <p>However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area “where a new</p>
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Setback difference between buildings on adjacent allotments	Setback of new building	
Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b > a$: 2, setback of new dwelling = a or b</p>	character is desired". Given that the Medium Density Policy Area 12 encourages redevelopment of existing dwelling stock at higher densities, PDC 25 has limited weight.
Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 36</p>
Side Setbacks		
<p>Where the wall height is not greater than 3 metres: 1 metre</p> <p>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p>Residential Zone: PDC 7</p>	<p>Complies Dwellings (1) & (3) = 1.0m – 3.4m</p> <p>Complies Dwelling (1) = 2.5m – 3.5m (western boundary) Dwelling (3) = 2.4m – 3.5m (eastern boundary)</p> <p>(Note: The wall height of the dwellings measures 5.6 metres).</p>	
<p>Dwellings with walls located on the boundary should be designed in accordance with the following:</p> <p>(a) the walls should not abut more than one side allotment boundary</p> <p>(c) no wall exists on the adjacent boundary: (i) be setback 2 or more metres behind the main face of the adjacent dwelling (ii) not exceed 6 metres in length (iii) not exceed 3 metres in height (iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</p> <p>(d) adjoining communal open space or a public reserve, not to exceed (i) 50 per cent of the length of the boundary (ii) 4 metres in height.</p> <p>General Section: Residential Development: PDC 38</p>	<p>Does Not Comply Whilst the proposed development satisfies (a) in that the proposed development only abuts one side boundary, the garage of Dwelling (1) proposes a wall along the northern side boundary which will stand 3.4 metres in height and will extend for a distance of 6.4 metres along the boundary, thereby failing the tests set out in (C)(ii) and (iii) opposite.</p>	
<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</p> <p>(a) the visual impact of the building as viewed from adjacent properties (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p>General Section: Design & Appearance: PDC 2</p>	<p>Complies The separation achieved from side boundaries is considered sufficient to minimise the visual impact of the dwellings from adjacent properties. Furthermore, the proposed development should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>	

Rear Setbacks

<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Dwelling (1) = 10.4 - 12.0 metres Dwelling (2) = 10.6 - 12.2 metres Dwelling (3) = 9.6 - 11.0 metres</p>
<p><i>6 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Dwelling (1) = 24.6 - 26.2 metres Dwelling (2) = 23.0 - 24.8 metres Dwelling (3) = 22.5 - 23.8 metres</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>The dwellings have been suitably stepped and setback away from existing side and rear boundaries to help minimise the visual impact of the proposed dwellings when viewed from adjacent properties.</p> <p>Given the distances of separation achieved by the proposed development from side and rear boundaries, it is unlikely that there will be any unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>(i) 2 storeys of not more than 9 metres</i></p> <p><i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 7.4 metres, which is less than the maximum permitted in the Policy Area.</p>
<h2>Garages, Carports and Outbuildings</h2>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies</p> <p>The garages of all three dwellings are to be set back at least 5.5 metres from the primary road frontage with upper storey sections of each dwelling to be set forward of the garages to reduce the visual dominance of the garages when viewed from the street. It is considered that this should result in a positive streetscape outcome.</p>

<p><i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>
<p><i>Garages, carports 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: PDC8</i></p>	<p>Complies The garages of all three row dwellings are to be incorporated into the design of the building or located under the main roof.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies The garages of Dwellings (1) and (3) which comprise double width garages measure 5.4 metres in width representing 44% and 46% of the frontage width of each individual allotment.</p> <p>Dwelling (2) will provide a single width garage measuring 2.5 metres across representing 42% of the frontage width of the allotment to also comply with PDC 6.</p>
Car Parking	
<p><i>Minimum number of on-site car parking spaces (one of which should be covered) :</i> <i>2 per detached, semi-detached, or <u>row dwelling containing up to 3 bedrooms.</u></i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Dwellings (1) and (3) provide two undercover parks within each double garage with two visitor spaces provided within each of the driveways.</p> <p>Dwelling (2) is to provide one undercover space within the single garage with one visitor space provided with in the driveway.</p> <p>As each dwelling provides a maximum of three bedrooms, the proposed development needs to provide a total allocation of six spaces where ten have been provided.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7 with a surplus of four spaces provided above that prescribed for the development. b) The subject land is located some 250 metres from an existing Neighbourhood Centre Zone situated on Miller Street and Diagonal Road to the south-east of the subject land which is serviced by public transport (Bus) within walking distance from the proposed dwellings. c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) The proposed development provides one (1) on-street car parking space which shall 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>Partially Complies Only one (1) on-street car parking space is to be provided for the proposed three allotments. No on-street car parking spaces are to be provided for the proposed three allotments, which does</p>

	<p>not accord with PDC 22.</p> <p>That having been said, the proposed development provides a total of ten (10) on-site car parking spaces with five (5) of these designated as visitor parking spaces which is more than the required amount of parks required for the proposed development.</p>
Access	
<p><i>The width of driveway crossovers 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>Partially Complies</p> <p>The proposed development provides two new driveways for Dwellings (2) and (3) with the driveway of Dwelling (2) measuring 2.8 metres in width whilst the driveway of Dwelling (3) will measure 5.4 metres in width. The driveway of Dwelling (1) is an existing driveway which is to be re-used and widened to 6.7 metres in width.</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are all to be set back a minimum distance of 1 metre from existing street infrastructure whilst there are no street trees located along the front of the subject land.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Partially Complies</p> <p>The distance of separation achieved between the driveways of Dwellings (1) and (2) measures 6.5 metres to provide sufficient space for one on-street parking space.</p> <p>The distance of separation achieved between the driveways of Dwellings (2) and (3) measures only 2.8 metres and does not comply with the PDC 28.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 17</i></p>	<p>Complies</p> <p>It is considered that the proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of brick and rendered Hebel cladding together with the incorporation of large horizontal upper level windows along the front façade of each dwelling • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding porticos and cantilevered upper storey sections facing the street • Eave overhang and pitched roof form at a 25 degree slope <p>The dwellings incorporate a 25 degree Colorbond roof which will be Jasper in colour, with rendered facades. The garage of each dwelling features a "Shale Grey" Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p>

	<p>The side elevations of the dwellings feature rendered Hebel cladding, the incorporation of high level windows and the stepping of upper storey sections to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Complies All three dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<h2>Overshadowing</h2>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i> <i>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i> <i>(i) half of the existing ground level open space</i> <i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</i> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that:</p> <p>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</p> <p>b) Given the orientation of the subject land where west forms the street boundary, a majority of winter shadow will be cast within the front yard of the proposed dwellings in the early morning. However, some shadow will be cast into the southern adjoining property in the mid to late afternoon hours, with the property to the east of the subject land to be hardly affected by any significant shadow in the late afternoon. Shadow cast into the southern adjoining property only begins in afternoon hours with access to full sunlight provided until 12.00 noon. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p>

Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Complies

The dwellings incorporate fixed obscure glazing and/or window sill heights 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 overlooking of habitable areas.

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 29

Complies

The bedrooms of all three row dwellings are suitably located away from vehicle access and driveway areas with each dwelling providing at least two bedrooms located at first floor level.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.

General Section: Energy Efficiency: PDC 3

Complies

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

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

Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.

General Section: Energy Efficiency: PDC 4

Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.

General Section: Energy Efficiency: PDC 5

Complies

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

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the proposed finished floor levels of the dwellings which range between 99.55 to 99.70 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*

General Section: Landscaping, Fences & Walls: PDC 2

Complies

The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas when viewed from the street and surrounding land.

<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>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Complies</p> <p>The application proposes retaining walls varying in height to a maximum 300 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.1 metres.</p> <p>This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p> <p>As no fencing of any type is proposed along the front of the dwellings, this should provide clear lines of sight for residents backing vehicles out on to Limbert Avenue from their individual driveways.</p>
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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 Dwellings (1), (2) & (3)
- Garage Wall along the boundary Dwelling (1)

Site Coverage

As identified above, the site coverage achieved in relation to proposed Dwellings (1), (2) and (3) all exceed the required maximum provision of 130 m² or 100 m² within Medium Density Policy Area 12 with Dwelling (1) providing a site coverage of 161m², Dwelling (2) 136.9 m² and Dwelling (3) achieving a site coverage of 153.6 m². That having been said, it is not uncommon for row dwellings to exceed this measure, especially row dwellings which are “hemmed” in by outer row dwellings located either side. As a result, middle placed row dwellings generally always provide a high site coverage as these dwellings are provided with limited side yards or narrow separation from adjacent land and boundaries.

Whilst Dwellings (1), (2) and (3) all exceed the maximum site coverage prescribed within Policy Area 12, it is not considered that the proposed development represents an over-development of the total site area where the application might warrant refusal. As previously mentioned, it has been determined that the proposed dwellings each achieve a high level of compliance with the quantitative criteria identified above. Whilst exceeding the requirements set out within the Council’s Development Plan, it is considered that the site coverage achieved in respect to the proposed dwellings should not adversely impact upon the amenity of adjoining land, nor impair the design and function of these dwellings.

Further to this point, 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. It is noted that the subject land is located within the Determined Area for the purposes of Schedule 4, which permits a maximum site coverage of 60%. This signifies that a new detached or semi-detached dwelling(s) could be constructed on the land “as of right” (i.e. without an assessment against Development Plan criteria) with site coverage of 60%.

Whilst it is acknowledged that the proposed row dwellings could not be regarded as a Complying form of development pursuant to Schedule 4, this consideration nonetheless demonstrates that it is inappropriate to enforce the maximum 40% site coverage to merit applications with such rigidity. Consequently, subject to satisfying other Development Plan

criteria, the excess in site coverage is not considered to be fatal to the over merits of the subject application.

Garage Wall of Dwelling (1) along the northern side property boundary

As noted on the application plans, the garage wall along the northern boundary of Dwelling (1) will stand 3.4 metres in height and will extend for a distance of 6.4 metres in length, thereby exceeding the prescribed 3.0 metre wall height limit and 6.0 metre length for solid walls to be constructed along a boundary. The construction of solid walls along boundaries commonly occurs where land is developed at higher densities where the total land area of development sites is maximised to make efficient use of the land.

That having been said, it is considered that the proposed garage wall of Dwelling (1) will have a minimal impact on the adjacent property located to the north at 53 Limbert Avenue as this wall will be located slightly forward of the adjacent dwelling and along the southern side. Consequently, the proposed wall will not cast any shadow over the adjoining property, nor will it detrimentally compromise any useable areas of private open space located to the rear of the dwelling. To this end, it is considered that the construction of the proposed wall along this section of the boundary to be appropriate, in that it is unlikely to result in having any direct adverse impacts on the amenity of the owners of the property at 53 Limbert Avenue.

Putting the above argument to one side, it also needs to be mentioned that the land at number 53 has the potential to be re-development sometime in the future with up to four new dwellings. Having viewed the application plans for the development at number 53, it is noted that an internal driveway measuring 4 metres in width is proposed along the southern boundary of the land adjacent the location of the garage wall of Dwelling (1). The plans for the development at number 53 indicate that this driveway is to be landscaped along both sides and is to extend to the rear of the allotment. It is considered that this proposed driveway, together with the associated landscaping which is to be planted along the southern boundary will help to create a reasonable distance of separation between the two adjoining sites and will assist with minimising any impacts that this wall might have on the future development of the land at number 53 Limbert Avenue.

REPRESENTOR'S CONCERNS

The numerous concerns raised in the representations regarding the density of the development, the changing character of the locality, the loss of existing mature vegetation from the land, the lack of on-road and on-site car parking spaces and other traffic and amenity related impacts including privacy and noise issues have all been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The concerns raised within the representations regarding the removal of numerous mature and non-regulated trees from the subject land is acknowledged. Whilst this issue has been raised, a planning assessment under the Development Act 1993 does not allow consideration of this matter as the removal of such trees does not require Council approval.

That having been said, the subject land did until very recently contain a regulated tree which can still be seen on the aerial photograph provided to the rear of the report (Refer to Attachment II). An application to remove the subject tree was received by Council (DA 100/285/2015 – To remove a significant tree) which was assessed by both Council's Planning staff and Arborist. Members are advised that approval to remove the subject tree was granted in February 2015.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development reflects the low-to-medium level of density that is envisaged within Medium Density Policy Area 12. The proposed development is also suitably located within walking distance to a nearby Neighbourhood Centre Zone and public transport links. As such, the subject land is considered to be an appropriate site for medium density development satisfying some of the locational attributes prescribed within Objective 2 of the Residential Zone.

It is considered that the proposal complies with a majority of the quantitative and qualitative provisions of the Council's Development Plan, with the proposed dwellings providing suitable areas of private open space, setbacks from boundaries and sufficient car parking provision for both future occupants and visitors to the site. Where shortfalls have been identified with the proposed development, they have been found to be minor in nature without having a detrimental impact on the function of the proposed dwellings.

In terms of design and appearance, it is considered that the proposed development provides a medium-density form of development that is envisaged within Policy Area 12. The proposed dwellings provide a satisfactory level of articulation and streetscape presentation, whilst the two-storey nature of the dwellings accords with the desired character of the policy area and is considered to be in keeping with the design and density of development that is envisaged within Policy Area 12.

Notwithstanding the concerns raised within the representations received during the Category 2 public notification process, I am of the opinion that the proposed development is not seriously at variance to the Development Plan in accordance with Section 35(2) of the Development Act, 1993. Furthermore, the proposed development 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: 100/2015/1227 to construct three, two storey row dwellings with Dwelling (1) incorporating a garage wall along the northern side boundary at 55 Limbert Avenue Seacombe Gardens be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the amended plans and details stamped dated received 3 August 2015 and 9 December 2015 and the amended Engineered Site Drainage Plan prepared by ANZAS & Associates (Consulting Engineers) dated 9 December 2015 all submitted with and forming part of Development Application No. 100/2015/1227, except where varied by the following conditions of consent.
2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. 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. All external wall surfaces on the property boundary are to be finished in a professional manner, similar to other external wall surfaces on the subject dwelling.

NOTES

1. **Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.**
2. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**
3. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**
4. **The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.**
5. **Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
6. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 December 2015

Agenda Ref No: DAP161215 – 2.2

Originating Officer: Kristen Schutte
Development Officer - Planning

Applicant: Clint S Girardi

Development Description: Three, two storey dwellings, one of which incorporates a garage wall on the western side boundary.

Site Location: 1 St Peters Way, Glengowrie

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 13/10/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/1870

Recommendation: That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

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

BACKGROUND

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

Amendments Requested	Amendments Made
Increased articulation and/or fenestration should be added to the secondary street façade.	No change.

SUBJECT LAND & LOCALITY

The subject site is located at 1 St Peters Way, Glengowrie. The land comprises a corner allotment, of irregular shape, with a north-eastern primary street frontage to St Peters Way of 18.29 metres, a south-eastern secondary street frontage to Wendover Walk of 25.91 metres, and a total site area of 746.6 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to an attached garage from Wendover Walk. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

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

Refer Attachments I & II

PROPOSED DEVELOPMENT

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

The ground floor proposal for each dwelling features a garage (double garage for Res 1), a separate WC, laundry and open-plan kitchen, living and dining areas (as well as a separate family room to Res 2, and study/third bedroom to Res 3). The second floors of Res 1 and 2 each comprise three bedrooms (main with WIR and ensuite), and a bathroom (and a retreat to Res 1), while the upper level of Res 3 includes 2 bedrooms (main with WIR and ensuite), a bathroom and a retreat.

The dwellings will have a modern appearance and are to be well articulated. Materials and finishes include face brick work to the lower levels and a mix of horizontal cladding and texture coat rendered lightweight walls to the upper levels. The dwellings will each provide a hipped roof design to be clad with Colorbond sheeting which is to be set at a 25 degree pitch. Landscaping is also proposed and is to be provided to the front and side of each dwelling.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	12 properties were notified during the Category 2 public notification process.
Representations:	5 representations were received by Council.
Persons wishing to be heard:	17 Wendover Walk
Summary of representations:	12 Wendover Walk <ul style="list-style-type: none">• Concerns regarding the impact of increased density within the locality upon traffic flows.• The increase in vehicle traffic may reduce safety on an already busy and confusing intersection (of St Peters

	<p>Way, Wendover Walk, Chalfont and St Giles Streets).</p> <ul style="list-style-type: none"> • Concerns regarding the orientation of the proposed dwellings towards Wendover Walk. • Objection to the construction of Res 1 on the boundary. • Concerns regarding overshadowing from the boundary wall of Res 1 over solar panels. <p>13 Wendover Walk</p> <ul style="list-style-type: none"> • The increase from one single storey to three two-storey dwellings is inappropriate in a low scale/density residential street. • Concerns regarding increased traffic. • Concerns regarding the impact of increased traffic upon a currently problematic intersection between St Peters Way, Wendover Walk, Penn Corner and Chalfont and St Giles Streets • Privacy of the occupants of 12 Wendover Walk may be further compromised. • Concerns regarding residents' safety during the demolition of the existing dwelling, potentially containing asbestos. <p>15 Wendover Walk</p> <ul style="list-style-type: none"> • Increase in on-street parking becoming a problem resulting from increased densities within the locality. • Concerns regarding congestion near the 5-way intersection. • Concerns regarding the orientation of the proposed dwellings towards Wendover Walk. <p>17 Wendover Walk</p> <ul style="list-style-type: none"> • Concerns regarding the orientation of the proposed dwellings towards Wendover Walk. • The increase in density from three to nine dwellings in the immediate locality (1 & 3 St Peters way and 17 Whiteleaf Crescent) resulting in an increased number of cars in the vicinity and increased on-street parking. • Concerns regarding three new driveways located near a dangerous 5-way intersection. <p>15 Whiteleaf Crescent</p> <ul style="list-style-type: none"> • Increase in on-street parking becoming a problem resulting from increased densities within the locality. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<p>Vehicle Parking</p> <ul style="list-style-type: none"> • Off-street car parking provided exceeds Development Plan requirements. • On-street car parking has been provided by separating driveway access points from Wendover Walk. • Additional on-street car parking will be available in front of the subject site on St Peters Way. <p>Vehicle Access</p> <ul style="list-style-type: none"> • The driveway of Res 3 has been positioned away from the intersection to allow for safe vehicular access.

	<p>Overshadowing</p> <ul style="list-style-type: none"> • The proposed garage to be sited on the boundary is single storey in nature only. As such the shadows cast by the boundary wall will have no impact upon the solar panels on the roof of 12 Wendover Walk. • The proposed upper level comprises a side setback of 2 metres in accordance with Development Plan requirements. • Shadow diagrams demonstrate that any overshadowing of the adjoining dwelling at 12 Wendover Walk is kept to a minimum, with a majority of shadows cast by the proposed development to fall within the front yards of the subject site. <p>Density</p> <ul style="list-style-type: none"> • The Development Plan supports two-storey row dwellings at the densities proposed within the Northern Policy Area 13. <p>Visual Privacy</p> <ul style="list-style-type: none"> • Upper level windows of the proposed development incorporate obscure glazing to a height of 1.8 metres above the upper floor level to prevent overlooking into neighbouring properties. <p>Residential Address</p> <ul style="list-style-type: none"> • The addresses of the new residences fronting Wendover Walk to be confirmed by Council prior to occupation of the dwellings. <p>Demolition</p> <ul style="list-style-type: none"> • The demolition of the existing dwelling does not form part of this application. However, the demolition (including the removal of any potentially hazardous waste should it be located) will be completed by suitably qualified professionals and in accordance with environmental requirements. <p style="text-align: right;"><i>Refer Attachment V</i></p>
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INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>The site works plan has been assessed by Council's Engineer who advised that the finished floor levels for the new dwellings should be increased from 100.2 to 100.3.</p> <p>The finished floor levels of the proposed dwellings have been amended accordingly.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Northern Policy Area 13

Objectives

- 1 A policy area primarily accommodating low scale, low to medium density housing.
- 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.
- 3 Development that contributes to the desired character of the policy area.

Desired Character

The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	<p>Complies As listed opposite, row dwellings are an envisaged form of housing type within Northern Policy Area 13.</p>
PDC 3	<p>Minimum Site Area: Row Dwellings 250 m²</p>	<p>Complies Res 1: 251.1m² Res 3: 258.3m²</p> <p>Does Not Comply Res 2: 237.5m²</p>
	<p>Minimum Frontage: Row Dwellings 7 metres</p>	<p>Complies Res 1: 8.6m Res 2: 9m Res 3: 8.31m</p>
	<p>Minimum Depth: Row Dwellings 20 metres</p>	<p>Complies Res 1: 27.8m-30.4m Res 2: 24.8m-27.8m</p> <p>Partially Complies Res 3: 18.4m- 24.8m</p>

Assessment

The application proposes to replace an existing single storey detached dwelling in average condition, with three two-storey row dwellings, which is a form of development anticipated by

PDC 1. The proposal complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock.

A minimum site area of 250 square metres is prescribed for row dwellings in the Northern Policy Area 13. Res 2 comprises a site area of 237.5 square metres, which equates to a shortfall of 12.5 square metres (5%). It is noted that both Res 1 and 3 exceed the minimum site area requirements, and as such, a 1.2% discrepancy exists for the total site area. In my view, this shortfall is not considered to represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application.

Res 3 has a site depth varying from 18.4 metres to 24.8 metres, where a minimum of 20 metres is prescribed. It is noted that the measurement of 18.4 metres exists along the north-eastern boundary only, and does not include the corner cut off of the allotment. The depth of the site along the north-eastern façade of the dwelling exceeds the minimum requirement.

Fundamentally, the ability of the dwellings to accord with a majority of other Development Plan criteria demonstrates that the minor shortfalls in site area and depth do not jeopardise the underlying merit of the proposal. The proposed development is considered to appropriately satisfy the Objectives, Principles and Desired Character of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Res 1: 53.6%</p> <p>Res 2: 52.2%</p> <p>Res 3: 52.2%</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Res 1: 0.66</p> <p>Res 2: 0.65</p> <p>Res 3: 0.63</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 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>

Private Open Space

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

- (a) to be accessed directly from a habitable rooms of the dwelling*
- (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy*
- (c) to take advantage of, but not adversely affect, natural features of the site*
- (d) to minimise overlooking from adjacent buildings*
- (e) to achieve separation from bedroom windows on adjacent sites*
- (f) to have a northerly aspect to provide for comfortable year round use*
- (g) not to be significantly shaded during winter by the associated dwelling or adjacent development*
- (h) to be partly shaded in summer*
- (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality*
- (j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.*

General Section: Residential Development: PDC 15

Complies

- a) All POS areas are directly accessible from a habitable room of the associated dwelling.
- b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy.
- c) The subject land does not maintain natural features which warrant preservation.
- d) The POS areas should not be directly overlooked by adjacent buildings.
- f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.
- g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- h) POS areas are capable of being shaded during summer.
- i) Traffic, industry or other business activities should not affect the subject land.
- j) The POS areas are considered to have sufficient shape and area to be functional.

Does Not Comply

- e) The POS area of Res 2 will be located next to a bedroom of the newly constructed dwelling on the adjacent site to the north. Given that the bedroom window is set back some 2.7 metres the impacts upon the amenity of this bedroom should not be significant.

Site Area 250 m² or greater: Res 1 & 3

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

Site area less than 250 m²: Res 2

*20% of the site area or 35 m², whichever is the greater (20% applies for Res 2)
Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.
One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.*

General Section: Residential Development: PDC 17

Complies

Res 1: 27% (67.7m²)
Res 3: 25.7% (66.4m²)
Minimum dimension of 5x5 metres provided.

Complies

Res 2: 34.4% (81.5m²)
Minimum dimension of 4x4 metres provided.

Street Setbacks

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

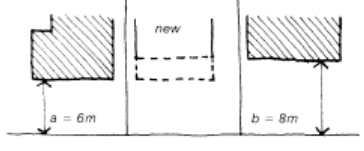
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

General Section: Design and Appearance: PDC 23

Complies

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setbacks of 6 metres (Res 1 and 2) and 5.4 metres (Res 3) is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 25

Partially Complies

Res 1: 6m
Res 2: 6m
Res 3: 5.4m

(Dwelling on adjoining land set back approximately 9 metres)

However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, PDC 25 has limited weight in this instance.

Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads 5 metres in all other circumstances.

Residential Zone: PDC 7

Complies

Minimum setback from secondary road frontage: 3 metres

Residential Zone: PDC 7

Does Not Comply

Res 3: 1.48m increasing to 2.92m.

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Dwellings with walls located on the boundary should be designed in accordance with the following:

- (a) the walls should not abut more than one side allotment boundary
- (b) a wall from an adjacent dwelling already exists on the boundary:
 - (i) be located immediately abutting the adjacent wall
 - (ii) be constructed to the same or to a lesser length and height as the adjacent wall
 - (iii) be setback 2 or more metres behind the main face of the adjacent dwelling
- (c) no wall exists on the adjacent boundary:
 - (i) be setback 2 or more metres behind the main face of the adjacent dwelling
 - (ii) not exceed 6 metres in length
 - (iii) not exceed 3 metres in height
 - (iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window
- (d) adjoining communal open space or a public reserve, not to exceed
 - (i) 50 per cent of the length of the boundary
 - (ii) 4 metres in height.

General Section: Residential Development: PDC 38

Res 1:

Partially Complies

a) Abuts both side boundaries. However, it is noted that the dwelling must abut Res 2 on its north-eastern side boundary to comprise a row dwelling, and therefore the north-eastern boundary wall is inevitable. Whether boundary-to-boundary development is acceptable should therefore be determined by the length/height of the wall on the existing side boundary.

Does Not Comply

c) Garage boundary wall set back 2.2m forward of the main face of adjacent dwelling, 6.3 metre length, 3 metre wall height, not located adjacent habitable room windows of neighbouring dwelling.

Rear Setbacks

<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Res 1: 6.6m-8.8m Res 2: 7.6-10.4m</p> <p>Partially Complies Res 3: 4.51m- 7.6m</p>
<p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Res 1: 8.37m-10.4m Res 2: 10.54m- 12.4m</p> <p>Partially Complies Res 3: 7.88-10.54</p> <p>The portion of the upper level which does not meet the minimum 8 metres setback requirement equals approximately half a metre.</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies The proposed dwellings incorporate a maximum building height of 8.1 metres, which is less than the maximum permitted in the Policy Area.</p>
<h2>Garages, Carports and Outbuildings</h2>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 8 metres for a freestanding structure. 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies The garage/carport of each dwelling is set back at least 5.5 metres from the primary road frontage and 0.5 metres behind the main face of the associated dwelling.</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 12</i></p>	<p>Complies</p>

<p><i>Garages, carports 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: PDC8</i></p>	<p>Complies</p> <p>The proposed garages are located under the main roof of each dwelling and incorporate materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p><i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>All dwellings feature three bedrooms and at least two on-site car parking spaces (one of which is covered).</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 (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 4 on-street car parking spaces shall remain available adjacent the subject land.</p> <p>Partially Complies</p> <p>b) The subject land is located within reasonable proximity to public transport, but this proximity is not of such convenience to warrant a dispensation in on-site parking.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Complies</p> <p>4 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers 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>Complies</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure. (SA Water has granted approval for the relocation of a fire plug marker).</p>

A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.

General Section: Transportation and Access: PDC 28

Complies

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

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

General Section: Design & Appearance: PDC 17

Complies

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

- Mixture of brick, horizontal cladding and render on the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Protruding portico, and cantilevered upper levels
- Eave overhang and pitched roof form at 25 degree slope
- Fenestration
- 'Timber Grain' Colorbond panel lift doors to the garages.

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

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

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

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

Residential development should be designed to ensure living rooms have an external outlook.

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

Res 1 and 2 are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

Partially Complies

Res 3 is designed so that the main façade and habitable windows face the primary street frontage, however the entrance door is sited to face the secondary frontage. The 'wrap around' verandah/portico to this dwelling provides appropriate emphasis on the pedestrian entry point to the dwelling.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

- (a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June*
- (b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:*
 - (i) half of the existing ground level open space*
 - (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.*

General Section: Design & Appearance: PDC 10

Complies

The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams demonstrate 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 21st of June.
- b) Given that south-east forms the street boundary, a majority of winter shadow will be cast within the front yard of the proposed dwellings. However, some shadow will be cast into the south-western adjoining property in morning hours.

Shadow cast into the south-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. Furthermore, the solar panels located on the adjacent dwelling will be completely free from shadow shortly after 9am on the 21st of June. Consequently, the extent of shadow cast from the proposed development into adjacent properties complies with PDC 9 and 10.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Complies

The dwellings incorporate fixed obscure glazing to 1.8 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.

General Section: Energy Efficiency: PDC 3

Complies

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

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

Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.

General Section: Energy Efficiency: PDC 4

Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.

General Section: Energy Efficiency: PDC 5

Complies

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

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the proposed finished floor level of 100.3 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*

General Section: Landscaping, Fences & Walls: PDC 2

Complies

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

TABLE DISCUSSION

The proposal satisfies a 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

Site coverage considerably exceeds criteria; the Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas the proposal comprises site coverage of 53.6%, 52.1% and 52.2% for Res 1, 2 and 3 respectively. The following considerations are noted with regard to the discrepancy in site coverage;

- a) The proposed dwellings each include an undercover terrace/verandah area. Were these to be deleted from the proposal, site coverage would reduce to 47%, 45.4% and 44.8% for Res 1 to 3 respectively. While this level of site coverage more closely aligns with Council's policies, it does not necessarily improve outcomes, resulting in less functional areas of POS with no shading provided to enhance year-round usability.

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

- b) The proposal substantially exceeds the minimum POS requirement of 20%, at 27%, 34.4% and 25.7% for Res 1, 2 and 3 respectively. Additionally, the proposed dwellings achieve sufficient setbacks from boundaries. Accordingly, the excess in built form should not result in any significant impact on the function or amenity of the proposed dwellings nor that of adjacent land.
- c) The proposal is considered to comply with PDC 13 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.

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

Floor area ratio

Floor area ratio (FAR) should not exceed 0.6 for dwellings within the Northern Policy Area 13. Each proposed dwelling surpasses this limit, with FAR equating to 0.66, 0.65 and 0.63 for Res 1, 2 and 3 respectively. These excesses do not result in direct impacts to adjacent land, the street or the proposed dwellings, and as such, suggests the size of the dwellings is acceptable having regard to the form of development proposed.

Secondary Street Setback (Res 3)

Dwellings within the Northern Policy Area 13 should maintain a minimum setback from the secondary road frontage of 3 metres; whereas Res 3 incorporates a secondary street setback to St Peters Way ranging between 1.48 metres and 2.92 metres, falling considerably short of the minimum requirement for a length of 7.1 metres towards the rear of the dwelling.

It is noted that this portion of the dwelling (and the shortfall in setback) will not be readily apparent from the streetscape, as the side boundary will incorporate fencing up to 2 metres in height from this point to the rear boundary. The portion of the dwelling with a 2.92 metre setback is visible, providing apparent separation from the secondary street.

Further, despite not incorporating fenestration, the secondary façade is well articulated, with visual interest provided through the varied setbacks, a mix of materials, and a 'wrap around' verandah/portico highlighting the entry to the dwelling.

Whilst the shortfall in secondary street setback is undesirable, the above considerations demonstrate that it does not necessarily warrant refusal of the application. The non-compliance in setback is noted and considered accordingly with the overall merit of the proposal.

Boundary Wall

Walls located on a boundary should be setback 2 or more metres behind the main face of the adjacent dwelling. The garage wall of Res 1 is proposed to be located on the south western boundary, sited 2.2 metres forward of the main face of adjacent dwelling.

The adjacent dwelling is reflective of the original housing stock, incorporating generous setbacks from the street. It is of worth to note that the Northern Policy Area 13 encourages a new character of low-medium residential density with the redevelopment of properties generally at greater densities than that of the original dwelling stock. This vision implies that lesser setbacks should be established in order to create a more efficient use of land to facilitate increased residential densities.

Nonetheless, the proposed garage of Res 1 features a setback of 6.96 metres, appropriately providing transition between the front setbacks of the proposed dwellings and the existing adjacent dwelling. Given the above, the location of the boundary wall is considered acceptable.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to density, privacy, overshadowing, the boundary wall of Res 1 and increased on-street parking resulting from the proposal, have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

Concerns regarding increased traffic resulting from the proposed development in relation to the location of the 5-way intersection of St Peters Way, Wendover Walk, Chalfont Way, Giles Way and Penn Corner are noted. It is acknowledged that due to the configuration of this intersection, high driver concentration is required. However it is considered that an additional two dwellings will not have a severe increase upon traffic in the locality. Any unauthorised parking in or near the intersection is a matter for Council's Community Safety inspectorate, falling outside the scope of this assessment given that adequate on-site and authorised on-street car parking is maintain by the proposed development.

The representors have also raised concerns over the orientation and address of the proposed dwellings towards Wendover Walk (when the existing address is 1 St Peters Way). While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development accords with a number of applicable Development Plan criteria, and that the provisions not strictly adhered to result in only minor impacts upon the amenity of the proposed dwellings or upon that of adjoining properties. Redevelopment of the subject land to facilitate higher densities than that of the original housing stock nonetheless complements the Desired Character of the Northern Policy Area 13.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. While the proposal maintains a number of quantitative shortfalls, including site area, site coverage, floor area ratio and secondary street setback, assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

When these shortfalls are considered on balance with the proposal's compliance with the Development Plan, the overall merit of the proposal is considered to outweigh any discrepancies. To this end, it is my view that the non-compliances are not of such severity to warrant refusal of the application.

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

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: 100/2015/1870 for three, two storey dwellings, one of which incorporates a garage wall on the western side boundary at 1 St Peters Way, Glengowrie, be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1870, except when varied by the following conditions of consent.
2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

9. 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.
10. Any habitable room walls shared with the garage of another dwelling shall be treated with an appropriate noise acoustic treatment to minimise noise transfer between dwellings.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 16 December 2015

Agenda Ref No:	DAP161215 – 2.3
Originating Officer:	Dylan O'Brien Development Officer - Planning
Applicant:	City of Marion
Development Description:	To undertake tree damaging activity (root severance) to various Regulated and Significant Trees in association with the installation of a walking trail and associated park upgrades
Site Location:	161 Bradley Grove Mitchell Park
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area12
Application Type:	Category 2 / Consent
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1763
Recommendation:	Development Plan Consent and Development Approval Granted

BACKGROUND

The subject application is a Category 2 form of development pursuant to Schedule 9 of the Development Regulations 2008, which assigns development that comprises a tree-damaging activity in relation to a regulated tree on land owned or occupied by a Council where the Council is the relevant authority in relation to the development.

Whilst it is questionable as to whether the proposal constitutes tree damaging activity and therefore development, the application has been lodged out of an abundance of caution. To this end, Council has received two independent arborist reports that conclude minimal impact will occur to adjacent regulated and significant trees as a result of the proposed walking paths.

SUBJECT LAND & LOCALITY

The subject land contains the Mitchell Park Oval and Sporting Complex, situated between Waterman Terrace to the north, Bradley Grove to the east, Quick Road to the south and Moreland Avenue to the west.

The total site area is approximately 59500m² incorporating a number of buildings and an extensive number of mature trees which are generally clustered towards the reserve boundaries.

The reserve contains many trees of the same or similar species which are classified as regulated or significant, pursuant to the Development Regulations 2008

Refer Attachment I

PROPOSED DEVELOPMENT

As part of a Master Plan for the redevelopment of the site / facilities, the proposal includes a new walking trail which will be located around the entire oval in a meandering pattern.

Refer Attachment II

PUBLIC NOTIFICATION

Properties notified:	Approximately 184 properties were notified during the Category 2 public notification process.
Representations: <i>Refer Attachment III</i>	6 representations were received by Council.
Persons wishing to be heard:	Nil
Summary of representations:	<p>3 in favour of the application; and 3 against the application.</p> <p>Issues raised include:</p> <ul style="list-style-type: none"> • Walking path is unnecessary; • People use the footpath around the park; • Simply improving the existing footpaths around the reserve would be preferable; • Worried about damaging the trees; • diminishing existing beauty of the trees, and; • Walking trail should be moved further away from the significant trees. <p style="text-align: right;"><i>Refer Attachment III</i></p>

INTERNAL DEPARTMENT COMMENTS

Council Arborist:	<p>Gordon Sykes: The path will be constructed without excavation... the construction method used will allow water penetration and minimise compaction... any trees within 2.0 metres of the edge of the path should be temporarily covered with boards to prevent potential damage from machinery... overall minimal harm will be caused.</p> <p>Health Reynolds: ...the intended type of path construction is considered less invasive than a conventional path... implementation of the project will have to be monitored... it is imperative that any contractors adhere to protective measures such as installing fencing or bunting to exclude unwarranted access inside the TPZ.</p> <p>Note: full copy of comments attached.</p>
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DEVELOPMENT ASSESSMENT

The primary Objectives and Principles of the Residential Zone, Medium Density Policy Area 12 and associated Desired Character Statement are as follows:

RESIDENTIAL ZONE:

Objectives

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

POLICY AREA 12:

Objectives

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

Desired Character

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

The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.

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

Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.

As noted, it is questionable as to whether the proposal constitutes tree damaging activity. However the application has been lodged for tree damaging activity out of an abundance of caution. Council has also received two independent Council arborist reports/opinions that conclude minimal impact as a result of the proposed walking paths on all trees subject to certain provisions being met during the construction process. Nevertheless, the proposed paths, apart from improving the accessibility/usability of the reserve, are unlikely to have any impact upon the immediate or greater

locality. To this end, the proposal will have minimal bearing on the Policy Area Objectives or Desired Character.

QUALITATIVE ASSESSMENT

The following sections of the report assess the proposal's compliance with qualitative provisions from the General Section of the Marion Council Development Plan.

REGULATED TREES

Objectives

- 1 *The conservation of regulated trees that provide important aesthetic and/or environmental benefit.*
- 2 *Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:*
 - (a) *significantly contributes to the character or visual amenity of the locality*
 - (b) *indigenous to the locality*
 - (c) *a rare or endangered species*
 - (d) *an important habitat for native fauna.*

Principles Of Development Control

- 1 *Development should have minimum adverse effects on regulated trees.*
- 2 *A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:*
 - (a) *the tree is diseased and its life expectancy is short*
 - (b) *the tree represents a material risk to public or private safety*
 - (c) *the tree is causing damage to a building*
 - (d) *development that is reasonable and expected would not otherwise be possible*
 - (e) *the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.*
- 3 *Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.*

SIGNIFICANT TREES:

Objectives

- 1 *The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.*
- 2 *The conservation of significant trees in balance with achieving appropriate development.*

Principles Of Development Control

- 1 *Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:*
 - (a) *makes an important contribution to the character or amenity of the local area; or*
 - (b) *is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species*
 - (c) *represents an important habitat for native fauna*
 - (d) *is part of a wildlife corridor or a remnant area of native vegetation*
 - (e) *is important to the maintenance of biodiversity in the local environment*
 - (f) *forms a notable visual element to the landscape of the local area.*
- 2 *Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.*
- 3 *Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:*
 - (a) *in the case of tree removal:*
 - (i) *the tree is diseased and its life expectancy is short*

- (ii) the tree represents an unacceptable risk to public or private safety*
 - (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area*
 - (iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value*
 - (v) all other reasonable remedial treatments and measures have been determined to be ineffective*
 - (vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.*
 - (b) in any other case, any of the following circumstances apply:*
 - (i) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree*
 - ii) the work is required due to unacceptable risk to public or private safety*
 - (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area*
 - (iv) the tree is shown to be causing or threatening to cause damage to a substantial building or structure of value*
 - (v) the aesthetic appearance and structural integrity of the tree is maintained*
 - (vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.*
- 4 *Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.*
- 5 *Land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree.*
-

A number of significant / regulated trees within the Mitchell Park reserve make an important contribution to both the character and amenity of the area. However, all trees identified as being regulated or significant are to be preserved, whilst the likely impact upon the health of all trees in the reserve as a result of the proposed path construction is negligible. To this end, the proposal accords sufficiently with the qualitative provisions from the General Section of the Marion Council Development Plan noted in this report.

REPRESENTOR'S CONCERNS

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

Comments regarding the use, location or relocation of the path (outside the context of tree damaging works) is outside the scope of this assessment, as pedestrian paths do not constitute 'development' pursuant to the Development Act 1993

ANALYSIS/CONCLUSION

Assessment of the proposal, taking into consideration the comments from two of Council's arborists identifies subject to providing appropriate tree protection zones and devises during the construction period, that no notable impacts on any of the trees in the Mitchell Park reserve are likely to occur as a result of the proposed development. To this end, a condition requiring the placement of protective boards against the trunk of any Regulated and Significant tree within 5 metres of the proposed path must be implemented during construction, has been included as part of the recommended decision.

For these reasons, 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 and Approval 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; and
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/2015/1763 to undertake tree damaging activity (root severance) to various Regulated and Significant Trees in association with the installation of a walking trail and associated park upgrades at 161 Bradley Grove, Mitchell Park be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1763, except when varied by the following condition of consent.
2. During construction of the paths, protective boards shall be placed against the trunk of any Regulated and Significant tree within 5 metres of the proposed path.
3. The protective boards referred to in Condition 2 shall be removed as soon as practicable following completion of the path.

Attachments

- Attachment I: Aerial Photograph*
- Attachment II: Proposal Plan and supporting documentation*
- Attachment III: Statement of Representations*
- Attachment IV: Arborist comments*

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 December 2015

Agenda Ref No: DAP161215 – 2.4

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Seedbird Property Trust

Development Description: Change of use from dwelling to consulting rooms and retention of existing garage, with associated car parking, signage and landscaping

Site Location: 665 Marion Road, Ascot Park

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 3 / Non-Complying

Lodgement Date: 15/09/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/1686

Recommendation: That Development Plan Consent be GRANTED subject to seeking concurrence from the Development Assessment Commission and conditions

CATEGORISATION & DELEGATION

The subject application is a Category 3/Non-Complying form of development by virtue of the Procedural Matters section of the Residential Zone, which identifies consulting rooms with a floor area exceeding 100 square metres and/or on a site with a frontage to an arterial road as a non-complying form of development.

Council has delegated authority to the Development Assessment Panel to determine applications for non-complying development.

BACKGROUND

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

Amendments Requested	Amendments Made
Provide a majority of car parking to the rear of the site, to increase landscaping at the front of the property	All car parking spaces, except the disabled persons parking space located to rear of site

Increase width of car park space 8 to a minimum of 2.7 metres to ensure appropriate entry and exit of that space	Width of car park increased to satisfy request
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SUBJECT LAND & LOCALITY

The subject land is located at 665 (Lot 86) Marion Road, Ascot Park. The land is a rectangular shaped allotment totalling 710.79 square metres, with a frontage of 15.24 metres and depth of 46.64 metres. The site currently contains a single storey detached dwelling, attached carport and two galvanised iron outbuildings, all in average condition.

Vegetation on the land is varied, and located in the front and rear yard areas – none of which is classified as Regulated, pursuant to the Development Regulations 2008.

The locality comprises a mix of small-medium scale commercial land uses fronting Marion Road (generally within the Commercial Zone), and low to medium density residential development within the Residential Zone.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposal seeks to change the nature of the land from residential to consulting rooms and includes the erection of a freestanding sign at the front of the site, creation of car parking areas at the front and rear of the building and additional landscaping.

The dwelling will be converted to incorporate three consulting rooms, reception/waiting area, procedure room and associated rooms for operations. The proposal does not result in changes to the internal layout or external appearance of the building, apart from the provision of a disabled persons access ramp.

Nine car parking spaces are to be located at the rear of the allotment and will be accessed via the existing crossover and driveway. An additional (disabled) tenth space is to be located forward of the building. The carpark will comprise a paved surface and landscaping adjacent the northern, eastern and southern boundaries. Landscaping at the front of the site will be altered/enhanced with additional plantings.

The application seeks for the consulting room to operate Monday to Wednesday and Friday from 9:00am to 5:00pm, and Thursday 9:00am to 9:00pm. Deliveries to the site are anticipated to be minimal and will arrive via small domestic-size courier vehicles or similar, during normal business hours.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	13 properties were notified during the Category 3 public notification process, as well as the public generally, via notice in the Messenger newspaper.
Representations:	1 representation, in favour, was received by Council.
Persons wishing to be heard:	The representor advised they will be represented by a 'Council Representative'. Staff have been unable to make contact with the representor to seek clarity regarding this point.

Summary of representations:	Fence between 665 and 667 Marion Road is in disrepair. <i>Refer Attachment IV</i>
Applicant's response:	The owner/applicant will discuss any alteration to boundary fencing with respective property owners in accordance with the Fences Act 1975. <i>Refer Attachment V</i>

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport and Infrastructure (DPTI):	DPTI did not object in principle to the proposal, subject to a number of (included) conditions.
Development Assessment Commission (DAC):	In the event the Panel support the application, concurrence will be sought from the Development Assessment Commission. <i>Refer Attachment VI</i>

INTERNAL DEPARTMENT COMMENTS

Engineering:	The internal width of the garage should be no less than 5.7 metres, and car park 8 should be no less than 2.7 metres in width to ensure safe and convenient vehicle movements. The applicant has confirmed the garage exceeds the dimension above and car park 8 has been amended during the processing of the application to incorporate a width of 2.7 metres.
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<i>Objective 1</i>	<i>A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing</i>	Does Not Comply
<i>Objective 2</i>	<i>Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i>	Does Not Comply

PDC 1	<p>The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> • affordable housing • domestic outbuilding in association with a dwelling • domestic structure • dwelling • dwelling addition • small scale non-residential uses that serve the local community, for example: <ul style="list-style-type: none"> - child care facilities - health and welfare services - open space - primary and secondary schools - recreation areas - shops, offices or consulting rooms • supported accommodation. 	Complies
PDC 4	<p>Non residential development such as shops, schools and consulting rooms should be of a nature and scale that:</p> <ol style="list-style-type: none"> (a) serves the needs of the local community (b) is consistent with the character of the locality (c) does not detrimentally impact on the amenity of nearby residence. 	Complies
Northern Policy Area 13		
<p>Objectives</p> <ol style="list-style-type: none"> 1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area. 		Does Not Comply
<p>Desired Character</p> <p>The character of the 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>Some suburbs contain significant areas developed by the South Australian Housing Trust for public housing, including one and two-storey units/town houses, maisonettes, cottage flats, imported (timber) housing and small detached houses of various construction types.</p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve contribute to the landscape character of the locality.</p>		Does Not Comply

Assessment

The Objectives and Desired Character of Northern Policy Area 13 encourage residential development of a low to medium density. This character is demonstrated by a majority of residential development throughout the locality, including the subject site and adjoining properties. Whilst the proposed use of the building is at odds with the Desired Character of the locality, small scale non-residential uses, including consulting rooms, are nonetheless

envisaged throughout the Residential Zone in accordance with Residential Zone Principle 1 and 4.

The use is considered to serve the needs of the local community, the built form remains consistent with the existing character of the locality and the activities occurring on the site are unlikely to detrimentally impact upon the amenity of nearby residences as outlined in Principle 4 above (refer also Interface Between Land Uses).

It is acknowledged that when presenting the report to the Development Assessment Panel advising of administration's decision to proceed to full assessment of the application, it was requested that consideration be given to the extent of non-residential development within the Residential Zone. Concern was raised as to the incursion of non-residential development into the Residential Zone when there remains appropriate zoning already available on Marion Road for such a use.

For Member's benefit, a map has been drafted (Attachment VI) which identifies the existing non-residential land uses within the Residential Zone for land fronting Marion Road, north of Oaklands Road/Daws Road.

It is acknowledged that there remains a high percentage of residential land uses within the Residential Zone, and that the subject site is one property removed from the Commercial Zone.

However, in my view, despite the non-complying nature of the application, the location of the site and proposed use of the land is nonetheless appropriate for the following reasons;

- Low scale non-residential land uses (including shops, offices and consulting rooms) are envisaged within the Residential Zone;
- The proposed change of use will not noticeably alter the character of the locality and will maintain the low scale built form sought in the Northern Policy Area;
- The immediate locality has a lowered level of residential amenity due to the site's location on a busy arterial road; and
- The use will maintain typical business hours, and will not have a detrimental impact upon adjoining residential land by way of light spill, noise, traffic movements, waste generation or fumes/odours.

Whether or not the proposal warrants support will be identified through the application's compliance with the Council-wide provisions, relating to, but not limited to; car parking, interface between land uses and advertising.

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 (PDC):

Assessment:

Design & Appearance	
<i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i>	Complies No changes are proposed to the external appearance of the building; maintaining the low scale residential character of the locality.

General Section: Design & Appearance: PDC 1

<p>Relationship to the Street and Public Realm</p> <p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p>	<p>Complies</p>
<p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies A majority of the front yard of the property will be re-landscaped as part of the proposal; enhancing the streetscape appearance of the property.</p>
<p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 18</i></p>	<p>Complies The existing portico and front door will remain as the primary entry for staff and visitors.</p>
<p>Outdoor Storage and Service Areas</p> <p><i>Outdoor storage, loading and service areas should be:</i></p> <ul style="list-style-type: none"> <i>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</i> <i>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</i> <i>(c) sited away from sensitive land uses.</i> <p><i>General Section: Design & Appearance: PDC 22</i></p>	<p>Complies The proposal does not incorporate a dedicated area for waste storage. Given the scale of the operations, it is not anticipated that use of a waste receptacle larger than the standard Council waste bins will be required. The applicant's representative has confirmed that no medical waste will be generated or stored at the premises.</p>
<p>Interface Between Land Uses</p>	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i> <i>(b) noise</i> <i>(c) vibration</i> <i>(d) electrical interference</i> <i>(e) light spill</i> <i>(f) glare</i> <i>(g) hours of operation</i> <i>(h) traffic impacts.</i> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Complies</p>
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p>Complies</p>
<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 3</i></p>	<p>Complies</p>

<p><i>Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 4</i></p>	<p>Complies</p>
<p><i>Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 5</i></p>	<p>Complies</p>
<p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p>Complies</p>

The use of the site is considered to result in low impacts upon adjoining land, given the nature of the business activities that will be conducted. The use itself is unlikely to result in impact from vibration, electrical interference, light spill and glare.

It is acknowledged the location of the car park will result in some exhaust fumes and vehicle noise emanating from the site. However, given the low-scale nature of the land use, limited hours of operation and location of the property on a busy arterial road, these impacts are considered unlikely to be to such an extent as to detrimentally impact upon the amenity of adjacent residential land. Furthermore, the paving of the driveway will reduce the noise of vehicles, and associated landscaping will provide additional buffering between the site and adjoining properties.

Having said this, fencing on both the northern and southern side boundaries is in a state of disrepair, and if not replaced, the activities occurring on site would be readily visible from adjoining land. Fencing on the eastern (rear) boundary is low, but in reasonable condition. Given the dwelling to the east does not incorporate any windows on its eastern façade, and retention of the existing garage on the subject site will restrict view from the neighbouring dwelling's rear yard, replacement fencing, is not considered as imperative as that for the northern and southern sides. (In the event the landowner/s seek to replace this fencing, I would not be concerned with such).

The applicant's representative has confirmed they are comfortable with a condition of consent requiring fencing, to a minimum of 1.8 metres in height, to be erected on the northern and southern side boundaries to minimise the audible and visual impacts of the proposed use. Such has been included as a recommended condition of consent.

In conclusion, it is considered that the proposal incorporates appropriate treatments that will reduce the impacts of the non-residential use upon adjoining residential development to an acceptable degree and provides an appropriate interface between land uses in accordance with the above provisions.

Transportation and Access

<p>Land Use</p> <p><i>Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.</i></p> <p><i>General Section: Transportation and Access: PDC 1</i></p>	<p>Complies</p>
<p>Movement Systems</p> <p><i>Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport network.</i></p> <p><i>General Section: Transportation and Access: PDC 2</i></p>	<p>Complies</p>

<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p>Complies</p>
<p><i>Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</i></p> <p><i>General Section: Transportation and Access: PDC 11</i></p>	<p>Complies</p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p>	<p>Complies</p>
<p>Cycling and Walking</p> <p><i>Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:</i></p> <p><i>(a) showers, changing facilities and secure lockers</i></p> <p><i>(b) signage indicating the location of bicycle facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 19</i></p>	<p>Does Not Comply</p> <p>Shower facilities are not provided within the building. However, given the limited number of staff and floor area of the building, provision for such is not considered necessary.</p>
<p><i>On-site secure bicycle parking facilities should be:</i></p> <p><i>(a) located in a prominent place</i></p> <p><i>(b) located at ground floor level</i></p> <p><i>(c) located undercover</i></p> <p><i>(d) located where surveillance is possible</i></p> <p><i>(e) well lit and well signed</i></p> <p><i>(f) close to well used entrances</i></p> <p><i>(g) accessible by cycling along a safe, well lit route.</i></p> <p><i>General Section: Transportation and Access: PDC 20</i></p>	<p>Does Not Comply</p> <p>There are no bicycle parking spaces proposed as part of the application. Adequate area is available at the front of the building, and as such, it has been included as a recommended condition of consent that a bicycle rack, with the ability to accommodate no less than two bicycles shall be provided adjacent the 'procedure room'.</p>
<p><i>Pedestrian and cycling facilities and networks should be designed and provided in accordance with relevant provisions of the Australian Standards and Austroads Guides.</i></p> <p><i>General Section: Transportation and Access: PDC 21</i></p>	<p>Complies</p>
<p>Access</p> <p><i>Development should have direct access from an all-weather public road.</i></p> <p><i>General Section: Transportation and Access: PDC 22</i></p>	<p>Complies</p>
<p><i>Development should be provided with safe and convenient access which:</i></p> <p><i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i></p> <p><i>(b) provides appropriate separation distances from existing roads or level crossings</i></p> <p><i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i></p> <p><i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i></p> <p><i>General Section: Transportation and Access: PDC 23</i></p>	<p>Complies</p>

<p><i>The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised and, where possible, access points should be:</i></p> <p><i>(a) limited to local roads (including rear lane access)</i></p> <p><i>(b) shared between developments.</i></p> <p><i>General Section: Transportation and Access: PDC 25</i></p>	<p>Complies</p> <p>One driveway, of an appropriate width to enable simultaneous two-way movement of vehicles is provided at Marion Road.</p>
<p><i>Development with access from arterial roads or roads as shown on Overlay Maps – Transport should be sited to avoid the need for vehicles to reverse onto or from the road.</i></p> <p><i>General Section: Transportation and Access: PDC 27</i></p>	<p>Complies</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p>
<p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i></p> <p><i>(a) follow the natural contours of the land</i></p> <p><i>(b) minimise excavation and/or fill</i></p> <p><i>(c) minimise the potential for erosion from surface runoff</i></p> <p><i>(d) avoid the removal of existing vegetation</i></p> <p><i>(e) be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 30</i></p>	<p>Complies</p>
<p><i>The length of driveways should be minimised and together with manoeuvring areas be only sufficient to allow the proper functioning of the parking areas and their access.</i></p> <p><i>General Section: Transportation and Access: PDC 31</i></p>	<p>Complies</p>
<p>Access for People with Disabilities</p> <p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p>	<p>Complies</p>
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p> <p><i>Consulting room: 10 per 100 square metres</i></p> <p><i>Table Mar/2</i></p>	<p>Complies</p> <p>10 car parking spaces are provided for the building which incorporates 100 square metres of floor area</p>
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 35</i></p>	<p>Complies</p>

<p><i>Vehicle parking areas should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i> <i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i> <i>(c) not inhibit safe and convenient traffic circulation</i> <i>(d) result in minimal conflict between customer and service vehicles</i> <i>(f) minimise the number of vehicle access points onto public roads</i> <i>(g) avoid the need for vehicles to reverse onto public roads</i> <i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces</i> <i>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i> <i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i> <p><i>General Section: Transportation and Access: PDC 36</i></p>	<p>Complies</p>
<p><i>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</i></p> <p><i>General Section: Transportation and Access: PDC 38</i></p>	<p>Partially Complies (See below)</p>
<p>The applicant's representative has advised that use of the site will rarely operate outside of daylight hours, and as such, there is no need for lighting to be provided on site. Whilst this is likely to be the case, the application nonetheless seeks to operate until 9.00pm on Thursday evenings – which during autumn, winter and spring months would require staff and customers to navigate the car park in darkness.</p> <p>As such, it has been included as a recommended condition of consent that bollard lighting be placed throughout the car park and driveway area, which may only require operation on Thursday evenings.</p>	
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p><i>General Section: Transportation and Access: PDC 39</i></p>	<p>Complies The proposed driveway and car parking area will be appropriately paved prior to the commencement of the use</p>
<p><i>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</i></p> <p><i>General Section: Transportation and Access: PDC 40</i></p>	<p>Complies The driveway and car parking area is surrounded by landscape bays of appropriate dimension</p>
<p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p>	<p>Complies Appropriate line-marking is to occur prior to the commencement of the use</p>
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i> <p><i>General Section: Transportation and Access: PDC 42</i></p>	<p>Complies</p>
<p>The proposed development will utilise the existing vehicle access point from Marion Road, however, it will be widened to 6.0 metres to enable the simultaneous passing of vehicles. The driveway will be paved for its entirety, with landscape bays surrounding to soften the appearance of the driveway and car park area.</p> <p>Access will be a left in/left out only as restricted by the median strip on Marion Road. The site is generally flat with minimal excavation and fill required for the car park area.</p>	

The associated car park comprises a total of 10 spaces. In accordance with Table Mar/2 – Off Street Vehicle Parking Requirements, consulting rooms should be provided with 10 parking spaces per 100 square metres. As the building comprises a floor area of 118 square metres, the proposal should be provided with 12 car parking spaces.

Of the 118 square metres of floor area, it is noted that 10 square metres of the building incorporates the existing laundry and toilet area at the rear of the building. Unlike new buildings, whereby the floor area and layout would be fit-for-purpose, the existing floor area/layout may result in some areas (such as the laundry) that will serve a limited role in the operations of the business. In the event the laundry area was removed from the floor area calculations, the proposal would require 11 on-site spaces.

Despite the theoretical shortfall of two spaces, it is considered the car parking provided will adequately service the proposed use given that it will, in most instances, work to appointments; limiting the number of customers visiting the site at any one time.

Council's Development Engineer has not raised any concerns with the number of car parks provided on site. Further, the property is situated within 135 metres of a bus stop on Marion Road. As such, the subject land is situated within convenient reach of public transport facilities, which may be utilised by clientele.

The car parking area incorporates a disabled parking space at the front of the site, to enable convenient access to the building.

The vehicle movements generated from the use are not considered to result in an excessive additional load for Marion Road and will still maintain safe and efficient movement of vehicles from the site. Furthermore, the application was referred to the Department of Planning, Transport and Infrastructure (DPTI) who have also indicated their support for the proposal and do not consider it will result in a significant impact upon the operation of Marion Road.

The proposed access, layout and design of the car parking is considered to adequately service the proposed use. Along with the proposed surface and landscaping that address the amenity of the site, locality and environmental benefits, the car parking is considered an appropriate result for the intended use of the land and satisfies the above provisions.

Advertisements

The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:

- (a) consistent with the predominant character of the urban or rural landscape*
- (b) in harmony with any buildings or sites of historic significance or heritage value in the area*
- (c) co-ordinated with and complement the architectural form and design of the building they are to be located on.*

General Section: Advertisements: PDC 1

Complies

- (a) the sign is similar in appearance to other freestanding signs within the locality;
- (b) The building and site is not of historic significance or heritage value
- (c) N/A

The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:

- (a) clutter*
- (b) disorder*
- (c) untidiness of buildings and their surrounds*
- (d) driver distraction.*

General Section: Advertisements: PDC 2

Complies

One advertisement, a freestanding sign at the front of the site is proposed.

The content of advertisements should be limited to information relating to the legitimate use of the associated land.

General Section: Advertisements: PDC 4

Partially Complies

The applicant has not identified the text/imagery detail of the proposed sign. However, it has been included as a recommended condition of consent that the sign must contain information relating to the legitimate use of the land, and must not include any third-party advertising.

<p><i>Advertisements and/or advertising hoardings should:</i> <i>(a) be completely contained within the boundaries of the subject allotment</i> <i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i> <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>Complies</p>
<p><i>Advertisements and/or advertising hoardings should not be erected on:</i> <i>(a) a public footpath or veranda post</i> <i>(b) a road, median strip or traffic island</i> <i>(c) a vehicle adapted and exhibited primarily as an advertisement</i> <i>(d) residential land.</i></p> <p><i>General Section: Advertisements: PDC 6</i></p>	<p>Complies</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>Does Not Comply The supporting structure (1.8m in height) of the sign is readily visible, however, the limited height will not, in my view, result in a detrimental impact upon the streetscape.</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>Partially Complies The applicant has not identified the text/imagery detail of the proposed sign. However, given the limited height and face area of the sign (1.92 square metres), it is not anticipated such a sign would offend Principle 11. Nonetheless, a recommended condition of consent seeks for details of the text/imagery on the sign to be provided to Council prior to Development Approval being issued.</p>
<p>Safety</p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i> <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> <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> <i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i> <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>Partially Complies (a) The applicant has confirmed the sign will not be illuminated. (b) A recommended condition of consent seeks for details of the text/imagery on the sign to be provided to Council prior to Development Approval being issued. (c) The sign is not illuminated and not located in close proximity to a signalised or pedestrian-actuated crossing. (d) The sign will not obscure a driver's view of any road/traffic features.</p>
<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p><i>General Section: Advertisements: PDC 16</i></p>	<p>Complies</p>

<p>Freestanding Advertisements</p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i> <i>(a) limited to only one primary advertisement per site or complex</i> <i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i></p> <p><i>General Section: Advertisements: PDC 18</i></p>	<p>Complies</p>
<p>Advertising along Arterial Roads</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>Complies Marion Road is limited to 60 km/h</p>
<p>Crime Prevention</p>	
<p><i>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</i></p> <p><i>General Section: Crime Prevention: PDC 1</i></p>	<p>Complies</p>
<p><i>Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.</i></p> <p><i>General Section: Crime Prevention: PDC 2</i></p>	<p>Complies</p>
<p><i>Development should provide a robust environment that is resistant to vandalism and graffiti.</i></p> <p><i>General Section: Crime Prevention: PDC 3</i></p>	<p>Complies</p>
<p><i>Development should provide lighting in frequently used public spaces including those:</i> <i>(a) along dedicated cyclist and pedestrian pathways, laneways and access routes</i> <i>(b) around public facilities such as toilets, telephones, bus stops, seating, litter bins, automatic teller machines, taxi ranks and car parks.</i></p> <p><i>General Section: Crime Prevention: PDC 4</i></p>	<p>Partially Complies (See below)</p>
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p>Partially Complies (See below)</p>
<p>The applicant's representative has advised use of the site will rarely operate outside of daylight hours, and as such, there is no need for lighting to be provided on site. Whilst this is likely to be the case, the application nonetheless seeks to operate until 9.00pm on Thursday evenings – which during autumn, winter and spring months would require staff and customers to navigate the car park in darkness.</p> <p>As such, it has been included as a recommended condition of consent that bollard lighting be placed throughout the car park and driveway area, which may only require operation on Thursday evenings. The applicant's representative has confirmed they are comfortable with this condition.</p>	

<p><i>Landscaping should be used to assist in discouraging crime by:</i></p> <ul style="list-style-type: none"> <i>(a) screen planting areas susceptible to vandalism</i> <i>(b) planting trees or ground covers, rather than shrubs, alongside footpaths</i> <i>(c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.</i> <p><i>General Section: Crime Prevention: PDC 6</i></p>	<p>Complies</p>
<p><i>Site planning, buildings, fences, landscaping and other features should clearly differentiate public, communal and private areas.</i></p> <p><i>General Section: Crime Prevention: PDC 7</i></p>	<p>Complies</p>
<p>Landscaping is proposed along the side and rear boundaries and throughout the car park area. The landscaping will generally incorporate low level ground covers reducing concealment opportunities.</p> <p>It is acknowledged however that the proposal incorporates Pittosporum trees (to form a hedge) along the eastern and (part) northern and southern boundaries. Pittosporum trees can have a 'bushy'/shrubby habit, which could provide an area for concealment – particularly in the area to the rear (east) of the existing garage. Vegetation in this area is considered appropriate, and in discussions with Council's Planning Officer – Arboriculture, it has been recommended that Flowering Pear trees, or similar, are planted adjacent the property boundary only, with ground-covers or small plants occupying the remainder, to minimise any opportunity for persons to be concealed by vegetation. This has been included as a recommended condition of consent.</p> <p>The proposed development will not result in large expanses of blank walls that are easily accessible to the street, therefore, reducing the opportunity for graffiti.</p> <p>It is considered that the proposed development incorporates suitable crime prevention measures and satisfies the above provisions of the Development Plan.</p>	
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p>	<p>Partially Complies</p> <p>The amount of landscaped areas throughout the site will ensure an attractive street frontage and will soften the appearance of the driveway and car parking area. Over time, as vegetation becomes established, it is likely view from adjoining properties will be softened via this landscaping also.</p> <p>It is acknowledged that alternative species can be selected to achieve greater compliance with the Crime Prevention provisions (above), and subject to that amendment, I consider the proposed species and location of landscaping to appropriately satisfy Principle 1 and 2.</p>
<p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Partially Complies

The proposal does not seek to erect any fencing. However, in staff's view, given the height and condition of the northern and southern boundary fencing, it is important for fencing on these boundaries to be in good serviceable condition, and of a height that minimises the audible and visual impacts of the proposed car park.

The applicant's representative has confirmed they are comfortable with a condition of consent requiring fencing, to a minimum of 1.8 metres in height, to be erected on the northern and southern side boundaries to minimise the impacts of the proposed use. Such has been included as a recommended condition of consent.

REPRESENTOR'S CONCERNS

The representor raised concerns regarding fencing, which have been duly noted and included in the recommended decision. The representor also raised concerns regarding timing of costs; 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 non-residential uses in residential areas may have undesirable consequences for the amenity of the locality, it is considered that the proposed development incorporates a range of circumstances that result in minimal negative impacts upon the surrounding neighbourhood.

The site has a primary frontage to an arterial road and is in close proximity to sites with other commercial and non-residential uses. Access to the site is from the arterial road and will not require the use of heavy commercial vehicles. Further, the design of the car park and driveway will ensure all vehicles can enter and exit the site in a forward manner; ensuring that on-road safety is not compromised.

The Residential Zone contemplates the establishment of non-residential uses where that use will not have serious consequences on the general amenity of the locality. The location of the site and proposed use of the land is nonetheless appropriate for the following reasons;

- Low scale non-residential land uses (including shops, offices and consulting rooms) are envisaged within the Residential Zone;
- The proposed change of use will not noticeably alter the character of the locality and will maintain the low scale built form sought in the Northern Policy Area;
- The immediate locality has a lowered level of residential amenity due to the site's location on a busy arterial road; and
- The use will maintain typical business hours, and will not have a detrimental impact upon adjoining residential land by way of light spill, noise, traffic movements, waste generation or fumes/odours.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1686 for a change of use from dwelling to consulting rooms and retention of existing garage, with associated car parking, signage and landscaping at 665 Marion Road, Ascot Park 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. 100/2015/1686, except when varied by the following conditions of consent.
2. Bollard lighting shall be provided throughout the car park area to provide improved safety of staff and customers. Details of the location and type of lighting shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
3. Details of the text/imagery contained within the face area of the sign shall be provided to Council, for consideration and approval, prior to Development Approval being issued. The text/imagery shall relate entirely to the approved use of the land and shall not include any third-party text/imagery.
4. Flowering Pear trees, or similar, shall be planted adjacent the rear (eastern) property boundary only, with ground-covers or small plants occupying the remainder, to minimise any opportunity for persons to be concealed by vegetation. An amended landscape plan shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
5. A bicycle rack, with the ability to accommodate no less than two bicycles shall be provided adjacent the 'procedure room'. Details shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
6. Non-masonry fencing, to a minimum height of 1.8 metres, shall be erected on the northern and southern side boundaries prior to the commencement of the use.
7. The hours of operation of the premises shall be restricted to the following times:
 - a. Monday to Wednesday and Friday: 9:00am – 5:00pm; and
 - b. Thursday: 9:00am – 9:00pm.
8. All deliveries to and from the site (including waste collection) shall be restricted to the following times:
 - a. Monday to Friday: 9:00am – 5:00pm.
9. A trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater

from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order to the reasonable satisfaction of the Council.

10. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
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.
12. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
13. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
14. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
15. Wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council.
16. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
17. The designated accessible car parking space shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
18. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
19. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
20. All car parking spaces shall be line-marked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
21. All goods and materials placed in the area designated for the outside display of goods and materials shall be kept in a tidy manner and condition at all times.
22. 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.
23. The sign shall incorporate the street number of the premises.

DPTI CONDITIONS

24. **The site shall be served by a single two-way access point direct to/from Marion Road. The access shall be a minimum of 6.0 metres in width at the property boundary and incorporate a clear area (6.0 metres wide by 6.0 metres inbound from the property boundary) prior to the commencement of car parking to allow vehicles to store off-street while waiting for another vehicle to enter or exit the property.**
25. **All vehicles shall enter and exit the site in a forward direction.**
26. **All non-illuminated signage on the site that is visible from Marion Road shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.**
27. **Any illuminated signage associated with the development that is visible from Marion Road shall be limited to a low level of illumination (equal to or less than 200 cd/m²) so as to minimise distraction to motorists.**
28. **Any signage associated with the development that is visible from Marion Road shall not contain any element that flashes, scrolls, moves or changes.**
29. **The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.**
30. **Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Marion Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.**

NOTES

1. **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.**
2. **Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.**

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment VI:</i>	<i>External Agency Referral Comments</i>
<i>Attachment VII:</i>	<i>Land Use Map – Non-residential development in the Residential Zone</i>
<i>Attachment VIII:</i>	<i>Photograph of rear yard and existing (southern) boundary fence</i>

DEVELOPMENT ASSESSMENT PANEL

Wednesday 16 December 2015

Agenda Ref No: DAP161215 – 2.5

Originating Officer: Joanne Reid
Development Officer – Planning

Kristen Schutte
Development Officer – Planning

Applicant: Inspire Design

Development Description: Four single storey dwellings with associated garages, car parking, common driveway and landscaping

Site Location: 17 Myer Road Sturt

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 16/07/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/1264

Recommendation: Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an average allotment area less than the minimum of 300 square metres required for group dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

Another application (100/748/2015) was previously submitted by the applicant for a single storey detached dwelling and two single storey group dwellings for the subject land. During the assessment process, the applicant submitted plans proposing an increase in density, from three to four dwellings. The applicant was advised that a new application would be required, as the essential nature of the development was to change. The previous application remains on hold pending a decision on the subject application.

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

Amendments Requested	Amendments Made
Dwellings should include one or two-bedroom dwelling options to enhance housing diversity and cater for a variety of accommodation needs, alternatively density should be reduced.	Residences 2, 3 and 4 reduced from three-bedroom to two-bedroom dwellings. Density not reduced.
The garage of Residence 1 should be relocated to the rear of the dwelling and reoriented to gain access from the common driveway.	The garage of Residence 1 relocated to the rear of the dwelling and reoriented to gain access from the common driveway.
The carport of Residence 4 is not permitted to be constructed over the existing easement. Car parking arrangements for Residence 4 to be reconsidered/redesigned.	Layout of Residence 4 redesigned to ensure no structures over the existing easement.
The common driveway should be increased to a width of 4.5 metres for the first 6 metres, with a width thereafter of 3 metres, and 0.8 metre landscaping strips on either side.	Driveway width reduced from 4 metres to 3.5 metres. 2 x 0.5m landscaping strips added to either side of the driveway. Resulting overall driveway and landscaping width of 4.5 metres.
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 (i.e. in addition to resident parking spaces). Given that 4 dwellings are located on the site, 2 on-street visitor spaces should be provided. Given that only 1 on-street park is available, an additional on-site visitor park should be provided.	No change.

SUBJECT LAND & LOCALITY

The subject site is located at 17 Myer Street, Sturt. The land, sited on the outer elbow of the street, is described here as an irregular shaped pentagon that expands in width from the street through to the middle of the allotment before narrowing to the rear boundary. The site maintains a frontage to Myer Street of 15.6 metres, and a total site area of approximately 1150 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition as well as a freestanding garage located to the south-west of the dwelling. Several trees are located on the subject land, none of which are classified as regulated pursuant to the current legislation. An indiscernible slope exists from the south-east to the north-west corner, falling approximately 0.4 metres over a distance of some 62 metres.

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

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes to construct four single storey group dwellings with associated garaging. Residence 1 and 4 are shown as detached, while Residence 2 and 3 abut one another, they are not joined together by a party wall. Therefore, all four dwellings are classified as group dwellings.

Residence 1 features three bedrooms (main with ensuite), a bathroom, laundry and open-plan kitchen, dining and living areas. Residence 2, 3 and 4 each incorporate two bedrooms (main with ensuite and WIR), a bathroom, laundry and open-plan kitchen/living areas. Each dwelling also includes a single garage under the main roof of the associated dwelling.

An existing street tree is proposed to be removed to provide vehicle access to the proposed dwellings. The common driveway is to be located adjacent the eastern boundary, with the existing crossover adjacent the western boundary to become redundant.

The north-western half of the site will be filled, with retaining walls reaching a height of between 0.4 and 0.5 metres adjacent part of the eastern boundary, as well as the northern and western boundaries.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	<ul style="list-style-type: none">• The subject land is located in a floodway. As such, any development on the site requires a finished floor level 350mm above the surrounding finished paving level.• A corner cut-off to Bed 3 (Residence 1) is required to allow for vehicle manoeuvrability into the garage.• All roof water and tank overflow is to be discharged directly to the street watertable via a sealed system, separate to the sump/pump which should only carry site paving drainage. (To be conditioned).• Two pumps (one for back-up) shall be installed and provided with both audible and visual alarms in case of pump failure. (To be conditioned).
Open Space:	<ul style="list-style-type: none">• The existing street tree (<i>Metrosideros excelsa</i>- New Zealand Christmas tree) may be removed subject to costs of \$300 for removal and \$150 for replacement.• The proposed 6 metre Tree Protection Zone from the Regulated Lemon Scented Gum (on the adjoining land at 1/1 Duncan Street) is adequate.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
Objectives		
<p>1 A 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		
<p>1 A policy area primarily accommodating 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 contributes to the desired character of the policy area.</p>		
Desired Character		
<p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	<p>Complies</p> <p>Proposal is for 4 single storey group dwellings</p>
PDC 3	<p>Minimum Site Area:</p> <p>Group Dwellings - 300m²</p>	<p>Does Not Comply</p> <p>Residence 1: 279.4m²</p> <p>Residence 2: 218.5m²</p> <p>Residence 3: 218m²</p> <p>Residence 4: 258.8m²</p> <p>Average site area including driveway – 287m²</p>
	<p>Minimum Frontage: 20m</p> <p>Driveway width – 4.5m for first 6m</p>	<p>Does Not Comply</p> <p>Site frontage: 15.6m</p> <p>Driveway width: 3.5m with 0.5m landscaping either side.</p>
	<p>Minimum Depth:45m</p>	<p>Complies</p> <p>47.167m</p>

Assessment

Objectives and Desired Character

The subject land is located approximately 600 metres (walking distance) from the Regional Centre Zone which accommodates a number of centre facilities including Westfield Marion, Marion Cultural Centre, Domain Medical Centre and the SA Aquatic Centre. The nearest bus stop on Sturt Road is located 300 metres walking distance north of the site, while the nearest reserve is located 250 metres south of the subject site.

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

It is noted that the proposed development represents the first incursion of group dwellings within the immediate locality, and are therefore different to the prevailing character of the area. However, as previously noted, a majority of dwellings within the locality are original housing stock, where the Desired Character specifies that redevelopment of properties should occur generally at greater densities than that of the original housing stock.

The Desired Character encourages low-medium density dwellings of a variety of architectural styles. Furthermore, the proposed group dwellings are a form of development directly envisaged by Principle 1 of the Policy Area. Accordingly, the essential form and nature of the proposal complements the overarching policies of the Medium Density Policy Area 12.

Site Area

A minimum site area of 300 square metres is prescribed for group dwellings in the Northern Policy Area 13, which equates to a shortfall of 20.6 square metres (6.9%) for Res 1, 81.5 square metres (27.2%) for Res 2, 82 square metres (27.3%) for Res 3 and 41.2 square metres (13.7%) for Res 4. The average site area of the proposed dwellings equals 243.7 square metres; this results in an average deficiency of 18.8% below the minimum requirement.

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)

If the driveway were to be included in the site area calculations, the average site area of the proposed dwellings equates to a 287.5 square metres per dwelling. It is noted, that even when including the driveway, the proposal maintains a 4.2% discrepancy against the prescribed minimum.

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is noted that row dwellings require a minimum site area of 250 square metres within the northern Policy Area 13, whereby a site of 1000 square metres could theoretically accommodate 4 dwellings. The subject land maintains an overall site area of 1150 square metres. Therefore, it is suggested that while the site configuration results in shortfalls in site area, the proposed density is not necessarily inconsistent with that envisaged for the Policy Area.

Frontage width

Allotments of group dwellings should maintain a minimum frontage width of 20 metres, whereas the subject land comprises a frontage to Myer Street of 15.6 metres. Despite the shortfall in frontage width, the allotment maintains a depth of 60 metres, where 45 metres is anticipated. Accordingly, the shortfall in site width is sufficiently compensated by the generous dimensions of the site, albeit, it is acknowledged the frontage width limits the opportunity for on-street car parking in front of the site (as discussed further below within this report).

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Residence 1: 45.9% (128.2m²) Residence 2: 52.6% (115m²) Residence 3: 48.8% (106.4m²) Residence 4: 44.9% (116.1m²)</p> <p>Site coverage including driveway – 40.5% (465.7m²)</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> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from habitable rooms of the associated dwelling. b) All POS is located at ground level to the side/rear of the dwelling/dwellings and capable of being screened for privacy. c) The subject land does not maintain natural features which warrant preservation. d) The POS areas should not be directly overlooked by adjacent buildings. e) POS areas are not located next to bedrooms of dwellings on adjacent sites. f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use. g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional.</p>

Site Area 250 m² or greater:

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

This applies to Residences 1 and 4

Site area less than 250 m²:

20% of the site area or 35 m², whichever is the greater
 Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.
 One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.

20% of site area is relevant in this instance and this applies to Residences 2 and 3

General Section: Residential Development: PDC 17

Complies

Residence 1: 20.3% (56.8m²)
 Residence 4: 35% (90.3m²)

Each dwelling provides an area that is accessible from a living room with a minimum dimension of 5m and gradient of no less than 1-in-10.

Residence 2: 27.5% (60.1m²)
 Residence 3: 26.5% (57.8m²)

Each dwelling provides an area that is accessible from a living room with a minimum dimension of 4m and gradient of no less than 1-in-10.

Street Setbacks

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

- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
- (b) contribute positively to the function, appearance and/or desired character of the locality.

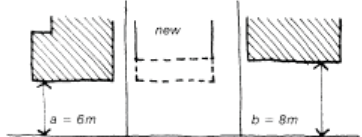
General Section: Design and Appearance: PDC 23

Partially Complies

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality.

Residence 1 incorporates front setbacks varying between 3.2 and 11.5 metres from the main face of the dwelling to the front boundary. Due to the angled front boundary, the portion of the dwelling setback at less than 5 metres is restricted to a length of 1.4 metres. This should not detract from the appearance and function of the dwelling, nor from the desired character of the locality.

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

Setback difference between buildings on adjacent allotments	Setback of new building
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:  When b > a: 2, setback of new dwelling = a or b
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

Partially Complies

Dwelling 1: 3.2 metres-11.5 metres

(Dwellings on adjoining land set back approximately 8 and 12 metres, which equals an average setback of 10 metres)

However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, PDC 25 has limited weight in this instance.

<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<p>Side Setbacks</p>	
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></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 7</i></p>	<p>Does Not Comply Residence 1: 0.9 m (south western boundary)</p> <p>Complies Residence 4: 3.4 (eastern boundary) 1.5m (western boundary)</p> <p><u>Note: Residence 2 and 3 do not incorporate side setbacks to existing allotment boundaries.</u></p> <p>The proposed 0.9 metre side setback of Residence 1 falls 0.1 metres short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.</p>
<p>Rear Setbacks</p>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply Residence 1: 0m Residence 2: 2m- 4.6m increasing to > 6m Residence 3: 1.7m -5m increasing to > 6m Residence 4: 4.4m increasing to > 6m</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i> <i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Does Not Comply Residence 1: 0m Residence 2: 2m- 4.6m (47.4% of allotment width) increasing to >6m Residence 3: 1.7m -5m (53.7% of allotment width) increasing to > 6m</p> <p>Complies Residence 4: 4.4m increasing to > 6m</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies Although the rear setbacks do not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<p>Building Height</p>	
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies The proposed dwellings incorporate a maximum building height of up to 4.9 metres, which is less than the maximum permitted in the Policy Area.</p>

Garages, Carports and Outbuildings

Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:

*Minimum setback from primary road frontage:
8 metres for a freestanding structure.
5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.*

Residential Zone: PDC 8

The garages are sited behind the main face of the dwellings and do not face the primary street, therefore this provision is not relevant in this instance.

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

General Section: Residential Development: PDC8

Complies

The proposed garages incorporate roof forms, materials and detailing which complement the associated dwellings.

Car Parking

Minimum number of on-site car parking spaces (one of which should be covered) :
1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.

Residential Zone: PDC 7

Complies

Each dwelling incorporates 2 car parking spaces, one of which is undercover.

Therefore a total of 8 car parking spaces are provided, exceeding the minimum prescribed by the Development Plan.

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

General Section: Transportation & Access: PDC 43

Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
b) Centre facilities and public transport are located in walking distance of the dwellings
c) The likely occupants are anticipated to have standard mobility and transport requirements.

Does not comply

d) 1 on-street car parking space shall remain available adjacent the subject land when two ought to be provided in accordance with Land Division Principle 22.

Partially Complies

e) The proposed development shall not result in a loss of on-street parking, given that the same number of vehicle crossovers shall be maintained. However, the demand for on-street parking is likely to substantially increase.

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

General Section: Land Division: PDC 22

Does not comply

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

Access

Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.

General Section: Residential Development: PDC 40

Complies

A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.

General Section: Transportation and Access: PDC 28

Complies

Only one vehicle access point has been provided.

Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:

Does Not Comply

The driveway has a width of 3.5 metres with 0.5 metre landscaping strips on either side.

No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)
4-7	4.5	3	Widen to 5 metres at a point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter	0.8

General Section: Residential Development: PDC 41

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

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

General Section: Design & Appearance: PDC 17

Complies

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

- Mixture of brick and render on the front façade
- Protruding portico feature.
- Pitched roof form at 25 degree pitch
- Fenestration

The dwellings incorporate a 25 degree pitched Colorbond roof in with rendered and face brick facades. These materials should not result in glare to neighbouring properties, drivers or cyclists. The garages of each dwelling are located to the rear of the proposed dwellings, minimising garage dominance.

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

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

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

Residential development should be designed to ensure living rooms have an external outlook.

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

- (a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June*
- (b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:
 - (i) half of the existing ground level open space*
 - (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)**
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.*

General Section: Design & Appearance: PDC 10

Complies

The single storey nature of the development and the separation of the dwellings from the boundaries, and the southern boundary in particular, suggest that any overshadowing caused by the development will not be unreasonable.

Buildings on battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining residential properties.

General Section: Design & Appearance: PDC 14

Complies

The dwellings located on the battleaxe allotment are single storey and designed to maintain the privacy of adjoining residential properties.

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 29

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 3.5 and 2.5 metres respectively and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

Site Facilities and Storage

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

General Section: Residential Development: PDC 30

Does Not Comply

a) The application does not detail common letterboxes to be featured at the entrance to the common driveway.

Partially Complies

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 a side gate or 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 so that the open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.

General Section: Energy Efficiency: PDC 3

Complies

Residence 3 and 4 are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

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

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

Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.

General Section: Energy Efficiency: PDC 4

Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.

General Section: Energy Efficiency: PDC 5

Complies

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

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the proposed finished floor level of 100.4 for Res 1, 100.3 for Res 2 and 3 and 100.2 for Res 4, (and finished paving levels of 350mm below that of the finished floor levels) as well as the 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*

General Section: Landscaping, Fences & Walls: PDC 2

Complies

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

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The application proposes retaining walls varying in height to a maximum 500 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.3 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without placing the dwellings at risk of flooding or unreasonably affecting the visual amenity or access to sunlight of adjoining land.

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

Site coverage should not exceed 40% of the site area; whereas the proposed dwellings comprise individual site coverage of 45.9%, 52.6%, 48.8% and 44.9% for Res 1 through 4 respectively. Overall, site coverage equals 40.9% of the total site area (including the common driveway). This excess in building footprint is considered relatively minor in its extent and consequence. This is reinforced by the fact that the dwellings nonetheless provide adequate private open space above the 20% requirement. Accordingly, the excess in site coverage should not adversely impact upon the amenity of adjoining land, or impair the design and function of the proposed dwellings.

Front setback

The main face of Residence 1 is set back between 3.2 and 11.5 metres from the front boundary, where PDC 7 of the Residential Zone stipulates a minimum setback of 5.0 metres. However, due to the angled nature of the street boundary, the portion of the wall set back 3.2 metres only extends for a width of 1.4 metres, and therefore this shortfall should not result in a perceptible impact to the streetscape.

This being said, it is noted that the majority of dwellings in the street maintain generous front setbacks between 8 and 12 metres, and therefore the proposed dwelling (Residence 1) will be of greater visual prominence. However, PDC 23 (General Section: Design & Appearance) prescribes that dwellings should be compatible with buildings on adjoining land and other buildings in the locality, except in areas where a new character is desired. In this case, the Northern Policy Area 13 encourages a new character of low-medium residential density with the redevelopment of properties generally at greater densities than that of the original dwelling stock. This vision implies that lesser setbacks should be established in order to create a more efficient use of land to facilitate increased residential densities.

Furthermore, due to the elbow in Myer Street, it is not as important to maintain a consistent pattern of front setbacks as it would be within a standard streetscape. On balance, the proposed separation from the street boundary is considered to contribute positively to the function, appearance and desired character of the locality.

Rear setbacks

The existing allotment arguably maintains two rear boundaries; being the northern and western boundaries. Residence 4 maintains appropriate rear setbacks to the northern boundary; however the dwelling is stepped along the western boundary, with the closest points of the dwelling setback 1.5 metres from this boundary. This setback fails to accord with PDC 7 (Residential Zone) which prescribes a rear setback of 6 metres for single storey dwellings. However, perhaps more importantly than the technical classification of side/rear boundaries, PDC 2 (General Section: Design and Appearance) also suggests that, where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:

- (a) the visual impact of the building as viewed from adjacent properties*
- (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings*

The visual impact of Residence 4 as viewed from western adjoining properties is considered appropriate as a result of a modest wall height of 2.7 metres and a hipped roof form. Given that

the dwelling is single storey, the proposed separation from the side/rear western boundary is considered adequate to minimise unreasonable overshadowing of adjacent land. Shadows cast to the west will be limited to morning hours only, and therefore the extent of overshadowing would comply with criteria specified in PDC 9 (General Section: Design and Appearance).

When applying numerical rear setback criteria to the nominated rear boundary of each Residence 1, 2 and 3, minor discrepancies are noted. Whilst the rear setbacks of each dwelling do not strictly meet the quantitative standard (3 metres for 50% and 6 metres for the remainder), the overall level of separation from the rear boundary is considered adequate. This is supported by the fact that each dwelling nonetheless exceeds POS requirements. Furthermore, these discrepancies are unlikely to result in unreasonable visual impacts or overshadowing of adjacent land.

On-street car parking

The proposed increase in density requires the provision of two 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, resulting in a shortfall of one on-street parking space. Given that the proposal exceeds the total on-site parking requirements (albeit not including independently accessible on site visitor parks), that three of the four dwellings comprise two bedrooms only and that the dwellings are located in relatively close proximity to public transport and centre facilities, the shortfall in on-street car parking is deemed acceptable.

Driveway width

Driveways servicing between four and seven dwellings should have a minimum width of 4.5 metres for the first 6 metres, with a width of 3 metres thereafter. In addition, 0.8 metres landscaping strips should be provided on either side of the driveway. The proposal incorporates a driveway width of 3 metres for the first 3.2 metres, and a width of 3.5 metres thereafter, with 0.5 metre landscaping strips on either side.

The 0.6 metre shortfall in landscaping should not result in perceptible impacts to the subject land or locality. The proposed widths should nonetheless enhance and define the driveway and parking areas, and therefore this shortfall does not jeopardise the merit of the proposal. It is noted that further landscaping is provided in the front garden of Res 1 to enhance streetscape presentation.

The shortfall in driveway width remains an outstanding shortfall associated with the development that was not addressed by the applicant. However, it is considered that the proposed width falls short of the prescribed minimum for a length of 6 metres only, with the remainder of the driveway exceeding requirements. Furthermore, Council's Development Engineer has not raised concern with the proposed width, with vehicle manoeuvrability considered satisfactory. Given the above considerations, the shortfall in driveway width is not considered so severe so as to impact upon the functionality of the driveway, or upon the amenity of future occupants utilizing the common driveway.

ANALYSIS/CONCLUSION

The proposed development complements the Objectives, Principles and Desired Character of the Residential Zone and Northern Policy Area 13, as it achieves an increase in dwelling densities, greater than that of the original housing stock, in close proximity to centres and public transport routes. Furthermore, the proposal provides 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 a number of numerical shortfalls, the most significant involving site areas. Whilst the individual site areas fall short of the minimum prescribed by the Development Plan, the overall density of the site remains in accordance with the low-medium level of density envisaged in Policy Area 13.

The proposal also maintains several other quantitative shortfalls, including site coverage and rear setbacks. However, these areas of non-compliance are relatively minor in nature. 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.

When these shortfalls are considered on balance with the proposal's compliance with the Development Plan, the overall merit of the proposal is considered to outweigh any discrepancies. To this end, it is my view that the non-compliances are not of such severity to warrant refusal of the application.

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

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: 100/2015/1264 for four single storey dwellings with associated car parking and landscaping at 17 Myer Road, Sturt 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. 100/2015/1264, except when varied by the following conditions of consent.
- 2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 3. All 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 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.
- 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 roof water and tank overflow is to be discharged directly to the street watertable via a sealed system, separate to the sump/pump which should only carry site paving drainage.
- 7. Two pumps (one for back-up) shall be installed and provided with both audible and visual alarms in case of pump failure.
- 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. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.**
- 5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- 6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 16 December 2015

Agenda Ref No: DAP161215 - 2.6

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Sterling Homes Pty Ltd

Development Description: A single storey detached dwelling and a pair of single storey semi-detached dwellings

Site Location: 483 Marion Road, South Plympton

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 06/10/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/1814

Recommendation: That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of 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 proposed Dwelling A supporting an allotment area less than the minimum of 375 square metres required for detached dwellings and Dwellings B and C supporting allotment areas less than the minimum of 320 square metres required for semi-detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

The proposal was amended during preliminary discussions between the land owner and Council staff. During the assessment process, following lodgement, Council staff requested modifications to the proposal plans to address the following concerns:

Amendment/Information Requested	Amendments Made/Information Provided
Increase distance between driveway of	Driveway separation increased as per request

Dwelling A and intersection with Marion Road in accordance with DPTI comments	
The driveway of House C is to be located over street infrastructure. This must be removed, relocated or made trafficable	Confirmation from infrastructure owner that a trafficable lid can be provided at cost to the applicant/owner.
Confirmation that payment of \$150+GST for removal of street tree	Confirmation provided.

SUBJECT LAND & LOCALITY

The subject land is situated at 483 (Lot 164) Marion Road, South Plympton, at the north-eastern intersection with Wheaton Street. The property incorporates a primary frontage width to Marion Road of 20.11 metres, a secondary street frontage width of 35.15 metres to Wheaton Street and a depth of 24.38 metres; resulting in a total site area of 951.9 square meters.

A single storey detached dwelling, with attached garage abutting the secondary street boundary and in-ground swimming pool is situated on the property – all in good condition.

The land is relatively flat, with no discernible slope. Various vegetation surrounds the perimeter of the property; none of which are classified as regulated pursuant to the Development Regulations 2008.

Land to the east of Marion Road generally comprises low to medium density housing; much of which was constructed in the 1950s. More recent development comprises single storey detached, row and residential flat dwellings.

Land to the north-east comprises the Vermont Retirement Village and Emmaus Christian College.

Land to the south and immediate west comprises various commercial land uses, within the Marion Road Policy Area of the Commercial Zone.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of a single storey detached dwelling and two, single storey semi-detached dwellings also with double garage. All dwellings will incorporate a primary frontage to Wheaton Street.

All three dwellings incorporate three bedrooms (main with ensuite), open plan kitchen/living/dining and double garage. House A also incorporates a separate lounge and under-main-roof alfresco.

A small Jacaranda street tree is sought to be removed to provide vehicular access to House A, whilst street infrastructure (within the footpath) will be made trafficable to enable vehicular access to House C.

The dwellings will incorporate brick and rendered facades with colorbond roofs at 25 degrees.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

<p>Department of Planning, Transport & Infrastructure:</p>	<p>To avoid conflicting vehicular movements in the vicinity of the Marion Road / Wheaton Street junction, all access from/to House A shall be located adjacent the boundary of adjoining House B and shall be no more than 3.5 metres in width at the property boundary.</p> <p>Proposal has been amended to satisfy concern of DPTI.</p>
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Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

<p>Planning Officer - Arboriculture:</p>	<p>As two (larger) street trees are being retained, removal of a third (smaller) Jacaranda is acceptable, as it provides little benefit to the streetscape. A cost of \$150+GST should be charged for the removal of the tree.</p> <p>Owner has agreed to pay tree removal fee.</p>
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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:

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

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies
PDC 3	<p>Minimum Site Area: Detached dwelling: 375 sq metres Semi-detached dwelling: 320 sq metres</p>	<p>Does Not Comply Dwelling A: 366.3 sq metres Dwelling B: 292.8 sq metres Dwelling C: 292.8 sq metres</p>
	<p>Minimum Frontage: Detached dwelling: 12 metres Semi-detached dwelling: 9 metres</p>	<p>Complies Dwelling B: 12.01m Dwelling C: 12.01m</p> <p>Does Not Comply Dwelling A: 11.13 metres (excluding corner cut-off)</p>
	<p>Minimum Depth:</p>	<p>Complies All dwellings: 24.38 metres</p>

Assessment

The proposed dwellings satisfy the intent of the Residential Zone and Northern Policy Area by providing low to medium density dwellings of a range of architectural styles.

The dwellings are located adjacent the Commercial Zone which provides a variety of services, whilst Marion Road provides direct bus routes to the CBD, Marion Shopping Centre and Flinders University. The location of the site is one that warrants increased densities in accordance with Zone Objective 2.

It is acknowledged the site areas of each dwelling are less than that sought for the respective dwelling type. House A, at 366.3 square metres incorporates a site area shortfall of 2.32%, whilst House B and C, at 292.8 square metres, are both 8.5% less than the minimum of 320 square metres sought for semi-detached dwellings.

In my view, the shortfall in site area has limited consequence, for the following reasons;

- The whole of the land incorporates a site area and frontage width well exceeding the minimum sought for three row dwellings (750m² and 21.0m), and as such, the land could feasibly be developed for three row dwellings;
- The separation between House A and House B results in the ‘technical’ shortfall in site area (by proposing a detached and two semi-detached dwellings – rather than three row dwellings), however an improved streetscape outcome is achieved, by avoiding ‘unbroken’ built form presenting to the street, whilst having no impact upon the underlying function and layout of the dwellings;
- All allotments incorporate a depth that exceeds the minimum sought, whilst the frontage width of House B and C exceeds that sought for semi-detached dwellings;
- The frontage width of House A is marginally less than the minimum 12 sought, however, when including the ‘corner cut-off’, exceeds that figure by 3.4 metres.

Given that each dwelling maintains 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 951 square metres; resulting in an average site area of 317 square metres per dwelling. This average site area substantially exceeds the minimum 250 square metres required for row dwellings in the Northern Policy Area 13, and, given the frontage widths and allotment depths provided, accordingly I consider that the subject land could feasibly be developed to accommodate three dwellings, whilst the break between House A and House B provides benefits to the streetscape, without compromising resident amenity or the integrity of the Policy Area.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Dwelling A: 57.17%</p> <p>Dwelling B: 52.28%</p> <p>Dwelling C: 52.28%</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 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>

Private Open Space

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

- (a) to be accessed directly from a habitable rooms of the dwelling*
- (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy*
- (c) to take advantage of, but not adversely affect, natural features of the site*
- (d) to minimise overlooking from adjacent buildings*
- (e) to achieve separation from bedroom windows on adjacent sites*
- (f) to have a northerly aspect to provide for comfortable year round use*
- (g) not to be significantly shaded during winter by the associated dwelling or adjacent development*
- (h) to be partly shaded in summer*
- (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality*
- (j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.*

General Section: Residential Development: PDC 15

Complies

- a) All POS areas are directly accessible from a habitable room of the associated dwelling.
- b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy.
- c) The subject land does not maintain natural features which warrant preservation.
- d) The POS areas should not be directly overlooked by adjacent buildings.
- e) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.
- g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- h) POS areas are capable of being shaded during summer.
- i) The primary area of POS for Dwelling A is adequately located away from traffic noise from the adjacent Marion Road.
- j) The POS areas are considered to have sufficient shape and area to be functional.

Site Area 250 m² or greater:

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

General Section: Residential Development: PDC 17

Complies

House B: 61.3 sq metres (20.96%)
House C: 61.3 sq metres (20.96%)
Both dwellings with min 5.0m dimension

Partially Complies

House A: 102.2 sq metres (27.91%)
Maximum 4.01m dimension

Whilst the POS dimension of House A does not meet the minimum 5.0m dimension sought, the east-west dimension of 8.16 metres is substantial and provides a usable area of some 34 square metres directly accessible from the family room, with a northern orientation for the enjoyment of the occupants.

The site comprises a total of 102 square metres of POS, equating to 27.9% of the site; significantly exceeding the minimum sought.

As such, the shortfall in POS dimension is not considered to result in poor amenity for the occupants of House A.

Street Setbacks

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

- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
- (b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 23

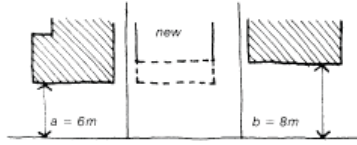
Complies

The proposed front setback of 4.5 - 5.0 metres is similar to that of new dwellings in the locality.

In addition, as the site is situated at the conclusion/commencement of Wheaton Street, the shortfall in setback when compared to immediate neighbours will be less apparent, as the dwellings 'introduce' the street.

As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

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

Setback difference between buildings on adjacent allotments	Setback of new building
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:  <p>When $b > a: 2$, setback of new dwelling = a or b</p>
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

Partially Complies

House A: 4.5 metres
House B and C: 5.0 metres

(Dwelling on adjoining land set back approximately 7 metres)

PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, PDC 25 has limited weight in this instance.

Minimum setback from secondary road frontage: 3 metres

Residential Zone: PDC 7

Partially Complies

Min setback 2.6 metres – 3.05 metres

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Where the wall height is not greater than 3 metres: 1 metre

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

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

Where the wall height is greater than 6 metres:

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

Residential Zone: PDC 7

Does Not Comply

Dwelling 1: 0.98 m

The proposed side setback falls 0.1 metres short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.

<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <p><i>(i) 50 per cent of the length of the boundary</i></p> <p><i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p>Partially Complies</p> <p>House A:</p> <p>(a) Walls abut one side boundary only;</p> <p>(b) N/A</p> <p>(c) (i) Setback 0.5m behind main face of (proposed) adjacent dwelling</p> <p>(ii) 10.79m in length</p> <p>(ii) 2.7m in height</p> <p>(See Table Discussion)</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<h2>Rear Setbacks</h2>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply</p> <p>House A: Min 2.57m</p> <p>House B: Min 5.11m</p> <p>House C: Min 5.11m</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Partially Complies</p> <p>House A: Min 2.57m – 4.01m</p> <p>House B: Min 5.11m</p> <p>House C: Min 5.11m</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 5.6 metres, which is less than the maximum permitted in the Policy Area.</p>

Garages, Carports and Outbuildings

Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:

*Minimum setback from primary road frontage:
8 metres for a freestanding structure.
5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.*

Residential Zone: PDC 8

Complies

All garages are setback no less than 500mm behind the main face of the associated dwelling.

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

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

General Section: Residential Development: PDC 12

Complies

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

General Section: Residential Development: PDC8

Complies

The proposed garages incorporate a roof form, materials and detailing which complement the associated dwelling.

Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.

Residential Zone: PDC 6

Complies

Car Parking

Minimum number of on site car parking spaces (one of which should be covered) :
2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.

Residential Zone: PDC 7

Complies

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

General Section: Transportation & Access: PDC 43

Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
b) Centre facilities and public transport are located in walking distance of the dwellings
c) The likely occupants are anticipated to have standard mobility and transport requirements.
d) e) 5 on-street car parking spaces shall remain available adjacent the subject land (although car parking on Marion Road is limited at times, and cannot be guaranteed to be available in perpetuity by DPTI).

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

General Section: Land Division: PDC 22

Complies

5 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22 (although car parking on Marion Road is limited at times, and cannot be guaranteed to be available in perpetuity by DPTI).

Access

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

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

General Section: Residential Development: PDC 39

Complies

Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are set back a minimum of 3.0 metres from existing street streets (except the small Jacaranda tree to be removed), whilst an existing infrastructure pit will be strengthened to enable vehicular traffic.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

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

- Mixture of brick, and render on the front façade
- Protruding porticos for Dwellings B and C
- Eave overhang and pitched roof form at 25 degree slope
- Fenestration

The dwellings incorporate a 25 degree Colorbond roof, with rendered and brick facades. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

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

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

Residential development should be designed to ensure living rooms have an external outlook.

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

- (a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June*
- (b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:*
 - (i) half of the existing ground level open space*
 - (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.*

General Section: Design & Appearance: PDC 10

Complies

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

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

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

Residential development close to high noise sources (eg major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, or protect these areas with appropriate noise attenuation measures.

General Section: Residential Development: PDC 26

Residential development on sites abutting established collector or higher order roads should include a landscaped buffer between the dwellings and the road as well as front fences and walls that will supplement the noise control provided by the building facade. 2

General Section: Residential Development: PDC 27

Complies

Dwelling A has been designed to ensure bedroom windows are oriented away from Marion Road, whilst the primary area of POS is situated as part as practicable from Marion Road.

In addition, House A incorporates double glazing to all windows.

The proposal does not detail any fencing on the Marion Road frontage of the property. A recommended condition of consent seeks for details of fencing to be provided prior to Development Approval being issued.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.

General Section: Energy Efficiency: PDC 3

Complies

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

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

<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>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.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>A landscape plan has not been provided. It has been included as a recommended condition of consent that a landscape plan be provided, for consideration and approval prior to Development Approval being issued.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Details of fencing abutting the western (Marion Road) boundary have not been provided. It has been included as a recommended condition of consent that details of this fencing be provided, for consideration and approval, prior to Development Approval being issued.</p>

TABLE DISCUSSION

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

- Site coverage;
- Rear setback; and

- Dwelling wall on boundary (House A)

Site coverage

Site coverage for House A equals 57.17%, while Houses B and C maintain site coverage at 52.28%. Maximum site coverage of 40% applies in the Northern Policy Area 13, and therefore all dwellings exceed provisions by between 12.28% and 17.17%.

It is noted that the proportion of site coverage for House A includes an under-main-roof alfresco, whereas the roof area of the dwelling itself equals 53.5% of the individual site area. Incorporation of an alfresco area reduces the need for owners/occupiers of the land to construct a verandah in the future, and therefore the higher proportion of site coverage proposed is reasonably justified by the benefit derived from delivering a usable all-weather area of private open space which is integrated within the design of the dwelling.

Principle 25 (General Section: Residential Development) prescribes that site coverage should be limited to ensure that sufficient space is provided for:

- (a) pedestrian and vehicle access and vehicle parking*
- (b) domestic storage*
- (c) outdoor clothes drying*
- (d) a rainwater tank*
- (e) private open space and landscaping*
- (f) front, side and rear boundary setbacks that contribute to the desired character of the area*
- (g) convenient storage of household waste and recycling receptacles.*

The dwellings each support:

- a) adequate areas for vehicle access/parking;
- b) room for domestic storage in the dwellings, garages and rear yards;
- c) opportunity for clothes drying in north-facing rear yards;
- d) ample area to accommodate rainwater tanks;
- e) sufficient private open space and landscaping throughout the site;
- f) appropriate setbacks; and
- g) opportunity for bin storage down the side path of each dwelling.

Given that these desired features are adequately accommodated in the proposal, the excess in site coverage is not considered to detract from the merit of the application.

In addition, it is noted that all dwellings incorporate a POS area that exceeds the minimum sought, with a northern orientation, whilst the boundary setbacks (discussed below) will not have a detrimental impact upon the streetscape, the amenity of future occupants of the subject land, nor the amenity of occupants of adjacent land.

As a result of these considerations, the excess in site coverage above Development Plan criteria is not considered to be fatal to the merit of the subject application.

Rear setback

The rear setback of House A, between 2.57 – 4.01 metres, and Houses B and C, at 5.11 metres, does not meet the minimum setback of 6.0 metres for 50% of the allotment width (with a setback of 3.0 metres for the remainder).

In my view, the shortfall in rear setback is not detrimental to the overall merits of the proposal, given appropriate POS dimension and area is provided, whilst the northern orientation of the POS will ensure year-round direct sunlight without any detrimental overshadowing occurring on adjoining land.

Further to the above, it is noted the proposed rear boundary forms the side boundary of the adjoining property, which contains a carport and detached outbuilding in close proximity to the boundary. As such, the shortfall in rear setback should not be overly apparent from that land.

Dwelling wall on boundary (House A)

The boundary wall length of House A, at 10.79 metres is 3.79 metres longer than that sought by the Development Plan.

In my view, however, the length of the wall will not have a detrimental impact upon the amenity of the adjoining property (House B), as the dwelling on that land comprises an ensuite and kitchen window only adjacent the proposed wall. Further, the POS area of that property is located to the rear – the proposed boundary wall will not be readily visible from that area, nor will it result in unreasonable overshadowing of that property given the northern orientation of the allotments.

As such, despite the excess in boundary wall length, I do not consider the location or length of the wall to result in any undesirable impacts upon the amenity of the adjoining property or upon the streetscape.

ANALYSIS/CONCLUSION

The preceding assessment has identified that the proposed dwellings comply with a majority of Development Plan criteria.

It is acknowledged that the proposed dwellings fail to meet the minimum site area sought for detached and semi-detached dwellings, however, given the dimensions and area of the proposed allotments, the shortfall in site area should not be apparent from the streetscape, nor does it result in gross deficiencies in POS, setbacks, orientation or resident amenity.

The site coverage proposed is high, however, in my view, the setbacks proposed and area, orientation and dimension of POS suggests that the excess in floor area does not result in a detrimental impact upon the overall merit of the proposal.

The application does not demonstrate how the amenity of residents of House A will be improved via fencing along the Marion Road frontage, although double glazing is to be provided to all windows of this dwelling. As such, it has been included as a recommended condition of consent that details of noise-attenuating fencing, of a colour and material that complements the dwelling, be provided prior to Development Approval being issued.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1814 for a single storey detached dwelling and a pair of single storey semi-detached dwellings at 483 Marion Road, South Plympton be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1814, except when varied by the following conditions of consent.
2. Details of noise-attenuating fencing, of a colour and material that complements House A, to be erected on the Marion Road (western) boundary of the land, shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
3. Strengthening of the infrastructure pit within the road reserve adjacent House C shall be undertaken and completed prior to the occupation of that dwelling.
4. All motor joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickworks on the subject dwelling.
5. 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

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

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

NOTES

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 December 2015

Agenda Ref No: DAP161215 – 3.1

Originating Officer: Rhiannon Hardy
Development Officer - Planning

Applicant: Mr Peter Stavros Elia

Development Description: Freestanding Garage

Site Location: 7 (Lot 17) Beachfront Court, Hallett Cove

Zone: Residential Zone

Policy Area: Hills Policy Area 11

Application Type: Category 3 / Non-Complying

Lodgement Date: 04/11/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/2050

Recommendation: That the report be noted

INTRODUCTION

The subject application is a Category 3 / Non-complying form of development by virtue of the Procedural Matters section of the Residential Zone, where a “store” is listed as non-complying.

The application seeks to construct a freestanding garage on the subject land.

Whilst the garage is proposed to be located on a vacant allotment, a dwelling is located nearby on Lot 6. The applicant has confirmed that the garage will be used in a manner that is ancillary to this dwelling for the storage of vehicles, gardening equipment, tools and building materials.

Given that the “store” is proposed to be used in a manner similar to that of residential outbuildings, and is of a similar size and scale as residential outbuildings, it is my view that the proposal displays sufficient merit to proceed with assessment.

The proposal was discussed at the Development Assessment Group meeting of 19 November 2015 and was considered to display sufficient merit to proceed to the next stage; requesting of a Statement of Effect and following this, Category 3 non-complying public notification.

As a result of the above considerations, it is staff’s view the proposed development displays merit. The Manager – Development Services has agreed with staff’s position and resolved to proceed to the full assessment of the application.

Category 3 / Non-Complying public notification will be undertaken after additional information and fees are submitted by the applicant.

In due course, the application will be presented to the Development Assessment Panel for a decision.

RECOMMENDATION

The Panel note this report and resolve that the determination of the Manager – Development Services to proceed with the further assessment of Non-complying Development Application No: 100/2015/2050 for a Freestanding Garage at 7 Beachfront Court, Hallett Cove, be NOTED.

Attachments

Attachment I: Certificate of Title

Attachment II: Aerial Photograph & Site Locality Plan

Attachment III: Proposal Plan and supporting documentation