

**DEVELOPMENT ASSESSMENT PANEL  
AGENDA FOR MEETING TO BE HELD ON  
WEDNESDAY 16 AUGUST 2017**

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**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 16 August 2017**

<b>Agenda Ref No:</b>	<b>DAP160817 – 2.1</b>
<b>Originating Officers:</b>	<b>Alex Wright</b> <b>Development Officer - Planning</b>  <b>Justin Clisby</b> <b>Development Officer – Planning</b>
<b>Applicant:</b>	<b>DHL Projects Pty Ltd</b>
<b>Development Description:</b>	<b>Land Division Residential Community Title - 1 into 3 allotments and the construction of a two storey detached dwelling as well as a single storey residential flat building comprising two dwellings all with associated garaging.</b>
<b>Site Location:</b>	<b>32 Castle Street, Edwardstown</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1/ Consent</b>
<b>Lodgement Date:</b>	<b>29/05/2017</b>
<b>Development Plan:</b>	<b>Consolidated – 26 April 2016</b>
<b>Application No:</b>	<b>100/950/2017</b>
<b>DAC No.</b>	<b>100/C103/17</b>
<b>Recommendation:</b>	<b>That Development Plan Consent and Land Division Consent be GRANTED subject to conditions</b>

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**CATEGORISATION & DELEGATION**

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed dwellings supporting allotment areas less than the minimum sought within the Northern Policy Area 13. Dwelling 1 supports an allotment area less than the minimum 375 square metres required for a detached dwelling, whilst Dwellings 2 and 3 support allotment areas less than the minimum 300 square metres required for residential flat buildings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

## BACKGROUND

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

<b>Amendments Requested</b>	<b>Amendments Made</b>
Reduction in the site coverage of Dwelling 2 & 3	Dwelling 2 & 3 site coverage reduced by 2.1%
Increase the distance between proposed driveway crossover access point to maximise opportunities for on-street car parking	Change made as requested.
<b>Additional information requested</b>	
Partywall detail to verify that proposed dwellings Residence 2 & 3 comprise 1 building and therefore satisfy the definition of a Residential Flat Building	Information provided as requested

## SUBJECT LAND & LOCALITY

The subject site is located at 32 Castle Street, Edwardstown. The site is a regular shaped allotment with an 18.29m frontage, a depth of 45.72m and a total site area of 836m<sup>2</sup>. The site is flat and a single storey dwelling with associated outbuilding exists on the site. There are no existing significant trees on the site.

The locality consists primarily of single storey detached dwellings varying in styles from bungalows and post war housing on large allotments to more recently constructed detached and group dwellings on smaller allotments. While the majority of dwellings have street frontage, there are some buildings in the immediate locality which have shared driveway access leading to a battle axe allotment.

The subject site is located within close proximity to Adelaide Metro train services (Edwardstown Train Station) which provides access to the Adelaide CBD and within 300 metres of the Maxwell Avenue Reserve which provides small scale recreation facilities and open space.

*Refer Attachments I*

## PROPOSED DEVELOPMENT

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

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

Dwellings 2 and 3 (residential flat dwellings) are single storey in nature and incorporate three bedrooms, an en-suite, laundry area, water closet and an open plan kitchen/living/meals area with direct access to the associated area of private open space. Both dwellings are provided

with single width garages and an associated visitor space. Vehicular access is achieved through an internal common driveway running the length of the eastern boundary.

Low through to high level landscaping has been provided forward of Dwelling 1, whilst low to medium level plantings have been provided throughout the remainder of the subject site, and along both sides of the common driveway.

*Refer Attachment II*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	Council's Development Engineer has reviewed the application and advised vehicle access and manoeuvrability is adequate
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## GOVERNMENT AGENCY REFERRAL

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

*Refer Attachment VI*

## ZONE & POLICY AREA ASSESSMENT

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

<b>Residential Zone</b>
<p><b>Objectives</b></p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>
<b>Northern Policy Area 13</b>
<p><b>Objectives</b></p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>4 Development densities that support the viability of community services and infrastructure.</p> <p>5 Development that reflects good residential design principles.</p> <p>6 Development that contributes to the desired character of the policy area.</p>
<p><b>Desired Character</b></p> <p>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</p>

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>dwelling including a residential flat building</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<p><b>Complies</b> The proposed development comprises dwellings</p>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p><b>Complies</b></p>
PDC 3	<p><i>Site Area:</i> <i>Detached dwelling: 375m<sup>2</sup></i> <i>Residential Flat Buildings (RFB): 300m<sup>2</sup> Average</i></p>	<p><b>Does Not Comply</b> Dwelling 1: 236m<sup>2</sup> Dwellings 2 &amp; 3: 210.4m<sup>2</sup> (average)</p>
	<p><i>Minimum Frontage:</i> <i>Detached dwelling: 12 metres</i> <i>Dwelling 2 &amp; 3: 4 metres (hammerhead handle width)</i></p>	<p><b>Complies</b> Dwellings 2 &amp; 3: 4.0m</p> <p><b>Does Not Comply</b> Dwelling 1: 10.59m</p>
	<p><i>Minimum Depth:</i> <i>Detached dwelling: 20 metres</i> <i>Residential Flat Buildings (RFB): 45 metres</i></p>	<p><b>Complies</b> Dwellings 2 &amp; 3: 45.72m</p> <p><b>Does Not Comply</b> Dwelling 1: 17.2m</p>

## Assessment

The applicant proposes to replace one dwelling and construct three dwellings in its place. Objective 1 of the Residential Zone seeks a range of dwellings densities, whilst Principle 1 of the Northern Policy Area 13 envisages the construction of detached and residential flat-buildings. The proposal is considered to reflect the Objectives and Desired Character of the Residential Zone and Northern Policy Area 13 by replacing the existing housing stock with greater density development, whilst contributing positively to the area with the establishment of modern dwelling types at a higher density that differs to that typically found within the immediate locality. Furthermore, the development proposes a cohesive streetscape though the dwelling's design, as the height and bulk of the proposed two storey dwelling is not considered to adversely impact upon the amenity of neighbouring development.

Furthermore, the site is located within relatively close proximity to a number of desirable attributes where higher densities are sought. Future occupants will be within walking distance of Adelaide Metro Train services and Maxwell Avenue Reserve.

The site area of each proposed allotment fails to meet the minimum prescribed for detached and residential flat buildings within the Northern Policy Area 13. Detached dwellings require a minimum 375 square metres whereas residential flat buildings require an average site area of 300 square metres.

Dwelling 1 achieves an allotment area of 235.6 square metres, which equates to a shortfall of 139.4 square metres (37%). Although the undersized nature of the allotment is significant, the two storey design of the dwelling has demonstrated that the lack of site area has not adversely compromised the provision of appropriate area of private open space or setbacks to boundaries (as discussed within this report). Furthermore, although the allotment incorporates a 10.56m frontage to Castle Street (less than the 12 metres required for a detached dwelling), the balance of the allotment maintains an internal width of 14.35 metres, 2.35 metres greater than the required 12 metres within this policy area. As such, in my opinion, the undersized nature of the allotment will not be as apparent from the street as the predominant pattern of wider frontages for detached dwellings will be maintained.

Dwellings 2 and 3 incorporate an average site area of 210.4 square metres, which equates to a shortfall of 71.5 square metres (29.8%). 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 General Section: Land Division Principle of Development Control 8, which stipulates;

*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 and manoeuvring areas were to be included within site area calculations, the combined allotment and driveway area of allotments 2 and 3 would equate to 606.3 square metres, or 303.15 square metres per allotment – above the minimum 300 square metres sought.

The above notwithstanding, 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. In my opinion, the shortfall in site each area is not fatal to the overall merits of the subject application. This is further demonstrated by the ability of the dwellings to satisfy a majority of other design criteria (illustrated in the below table, and discussed further below).

It is also worthy to note that sites to immediate east (30 Castle Street) and west (34 Castle Street) incorporate a similar design and site area (detached dwelling and residential flat building comprising two dwellings). Both applications were determined by the Development Assessment Panel.

### **Site Depth**

Dwelling 1 proposes an allotment depth of 17.2 metres, 2.8 metres short of that sought for detached dwellings within the Northern Policy Area 13. Whilst the site depth does not comply with the quantitative provisions of the Policy Area, it is not considered to compromise the functionality of the dwelling, provision of acceptable area and dimensions of private open space or compromise the streetscape or amenity of adjoining land.

## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control:

### Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Site coverage:</b></p> <p><b>Does Not Comply</b>  Dwelling 1: 43.2%  Dwellings 2 &amp; 3: 58%</p> <p><b>Floor area ratio:</b></p> <p><b>Complies</b>  Dwelling 1: 0.58</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <li><i>(a) would not be contrary to the relevant setback and private open space provisions</i></li> <li><i>(b) would not adversely affect the amenity of adjoining properties</i></li> <li><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></li> </ul> <p><i>Residential Zone: PDC 9</i></p>	<p><b>Complies</b></p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) rainwater tanks</i></li> <li><i>(e) private open space and landscaping</i></li> <li><i>(f) convenient storage of household waste and recycling receptacles.</i></li> </ul> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <p>Combined pervious surfaces: 23%</p>

The Northern Policy Area 13 prescribes a maximum site coverage of 40% where Dwelling 1 proposes site coverage of 45% and Dwellings 2 and 3 site coverage of 60.5%.

The excess in site coverage of Dwelling 1 is considered negligible in nature and will not result in unreasonable impacts on the future occupants or adjacent allotments.

Although the proposed site coverage of Dwellings 2 and 3 is considerably high, each dwelling has been afforded with adequate side and rear setbacks, vehicle turning areas that enable the provision of safe, efficient and convenient manoeuvring and adequate dimensions/area of private open space. Additionally, given the single storey nature of the proposal, the excess in site coverage is unlikely to result in overshadowing of the areas of private open space or create

adverse visual impacts on adjoining properties. Furthermore, site coverage for the whole of the land is approximately 52.75% indicating the overall extent of site coverage proposed is not overly excessive.

Private Open Space			
Dwellings should include POS that conforms to the requirements identified in the following table:			<b>Complies</b> Dwelling 1: 43.3m <sup>2</sup> / 22.5% Dwellings 2 & 3: 54.7m <sup>2</sup> / 22%
Site area of dwelling	Minimum area of POS	Provisions	<b>Complies</b> Dwelling 1: 5.92m by 5.7m  Each dwelling has a minimum 10% of private open space directly accessible from a living room.  <b>Does Not Comply</b> Dwellings 2 and 3: 7m by 4m
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.  One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.  The remainder of the space should have a minimum dimension of 2.5 metres	
Residential Zone: PDC 7			
Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed: (a) to be accessed directly from the internal living rooms of the dwelling (b) to be generally at ground level (other than for dwellings without ground level internal living rooms) (c) to be located to the side or rear of a dwelling and screened for privacy (d) to take advantage of, but not adversely affect, natural features of the site (e) to minimise overlooking from adjacent buildings (f) to achieve separation from bedroom windows on adjacent sites (g) to have a northerly aspect to provide for comfortable year round use (h) to not be significantly shaded during winter by the associated dwelling or adjacent development (i) to be partly shaded in summer (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.  General Section: Residential Development: PDC 16  Private open space should not include: (a) any area covered by a dwelling, carport, garage or outbuildings (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas (c) common areas such as parking areas and communal open spaces (d) any area at ground level at the front of the dwelling (forward of the building line) (e) any area at ground level with a dimension less than 2.5 metres (f) to achieve separation from bedroom windows on adjacent sites			<b>Complies</b> a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional.  <b>Does Not Comply</b> g) Due to the existing north-south orientation of the allotment, the proposed POS areas do not achieve a northerly aspect. The location of POS forward of the dwelling, in order to achieve a northern orientation, would likely result in an unattractive and unacceptable streetscape outcome.



(g) to have a northerly aspect to provide for comfortable year round use  
 (h) to not be significantly shaded during winter by the associated dwelling or adjacent development  
 (i) to be partly shaded in summer  
 (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality  
 (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.

General Section: Residential Development: PDC 17

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

General Section: Residential Development: PDC 22

#### Complies

All private open space to each dwelling is open to the sky and free from verandas.

Although Dwellings 2 and 3 are not provided with minimum 5m by 5m dimensions of private open space (POS), they have, in my opinion, been provided with an overall sufficient area of POS. The dwellings have each been provided with an area achieving minimum dimensions of 7m by 4m, in addition to another smaller area of POS that achieves dimensions of 5m by 3m. The larger of the two areas is directly accessible from a living room and provides a large, usable area for the future use and enjoyment of the occupants.

In my opinion, given the entire area of POS is provided to the rear of the dwelling, the numerical shortfall in dimension is not considered fatal to the application and is considered to satisfy the intent of Principle 15. Furthermore, the two side areas of POS provide appropriate, functional areas which can be used for the location of waste, recycling and green matter receptacle storage, rainwater tanks and other utilities.

### Building Setbacks from Road Boundaries

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

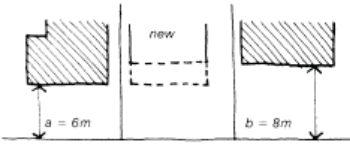
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
- (b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 21

#### Complies

The subject locality is one where a new character is desired, and the front setbacks of new dwellings are anticipated to be less than the original housing stock. The proposed front setback of 5.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

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 22

#### Complies

Dwelling 1: 5.0 metres

(Dwellings on adjoining land set back approximately 5.0 metres.)

<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Complies</b></p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<h2>Side Setbacks</h2>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 0.9 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>Dwelling 1: Ground Floor: 6m (western) &amp; 4.61m (eastern) Upper Floor: 6m (western) &amp; 4.61m (eastern)</p> <p>Dwelling 2 &amp; 3: 960mm (eastern and western boundaries)</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<h2>Rear Setbacks</h2>	
<p><i>Minimum setback from rear boundary:</i> (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres) (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres, subject to the following variations: (iii) within <b>Northern Policy Area 13</b> (a) may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary.</p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Does Not Comply</b></p> <p>Dwellings 2 &amp; 3: 3 metres (55.6%), increasing to 6.95m metres for (34%).</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>Although the rear setbacks of Dwellings 2 and 3 do not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in</p>

		unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.
<b>Building Height</b>		
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>		<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 8.035 metres, which is less than the maximum permitted in the Policy Area.</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>		<p><b>Complies</b></p> <p>Dwelling 2 and 3 are single storey.</p>
<b>Garages, Carports, Verandas and Outbuildings</b>		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>		<p><b>Complies</b></p>
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		
<b>Parameter</b>	<b>Value</b>	
Maximum floor area	60 square metres	<p><b>Complies</b></p> <p>Dwelling 1: 36m<sup>2</sup> Dwelling 2 and 3: 22.75m<sup>2</sup></p>
Maximum wall or post height	3 metres	<p><b>Does Not Comply</b></p> <p>Dwelling 1 incorporates piers that form a carport on the eastern boundary of the site that are 3.09 metres in height.</p>
Maximum building height	5 metres	<p><b>Complies</b></p> <p>Dwelling 1: 4.4 metres Dwellings 2 and 3: Garage roof incorporated into the main roof achieving maximum 4.04 metres in height.</p>
Maximum height of finished floor level	0.3 metres	<p><b>Complies</b></p> <p>Finished floor level to each dwelling is 0.09 metres above natural ground level.</p>
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling.	<p><b>Complies</b></p> <p>The carport of Dwelling 1 is setback from the primary road frontage at a distance of 5.5 metres which is 0.5 metres behind the main face of the dwelling.</p>
Minimum setback from a rear or side vehicle access way	1 metre	<p><b>Complies</b></p> <p>The carport of Dwelling 1 is setback from the rear vehicle access way at a distance of 5.7 metres.</p>
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	<p><b>Complies</b></p> <p>The carport of Dwelling 1 is 6.0 metres deep. 45% of the length of the boundary is 7.74</p>

		metres.
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	<b>Complies</b> The total width of the carport to Dwelling 1 is 5.95 metres.
Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit.  General Section: Residential Development: PDC 13		<b>Complies</b>
<b>Vehicle Parking</b>		
Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.  General Section: Transportation & Access: PDC 34		<b>Complies</b> Dwelling 1 (3 bedrooms): 3 parking spaces provided, 2 of which are covered.  Dwelling 2 & 3 (3 bedrooms): 2 parking spaces per dwelling, 1 of each covered.
Detached	2 per dwelling containing up to 3 bedrooms one of which is to be covered.	<b>Complies</b> Each dwelling is provided with sufficient on-site parking.
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
On-site visitor parking spaces should be sited and designed to: (a) not dominate internal site layout (b) be clearly defined as visitor spaces not specifically associated with any particular dwelling (c) be accessible to visitors at all times.  General Section: Transportation & Access: PDC 42		<b>Complies</b>
On-site vehicle parking should be provided having regard to: (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).  General Section: Transportation & Access: PDC 43		<b>Complies</b> a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Public transport is located within walking distance of the dwellings. c) The likely occupants are anticipated to have standard mobility and transport requirements.  <b>Does Not Comply</b> d) & e) Only one on-street car parking space shall remain available adjacent the subject land.
Vehicle parking areas servicing more than one dwelling should be of a size and location to: (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area (c) reinforce or contribute to attractive streetscapes.  General Section: Transportation & Access: PDC 44		<b>Complies</b> (a) (b) Sufficient space has been provided that will enable vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner. (c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.

<p><i>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</i></p> <p><i>(a) not face the primary street frontage</i></p> <p><i>(b) be located to the rear of buildings with access from a shared internal laneway</i></p> <p><i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p>General Section: Transportation &amp; Access: PDC 45</p>	<p><b>Complies</b></p> <p>The parking areas for Dwellings 2 and 3 are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.</p>
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<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>General Section: Land Division: PDC 22</p>	<p><b>Complies</b></p>
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## Access

<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p>General Section: Residential Development: PDC 39</p>	<p><b>Complies</b></p> <p>The driveway of Dwelling 1 achieves a maximum width of 3 metres. Given this driveway services a double width carport, the proposed width is considered acceptable.</p> <p>The common driveway servicing Dwellings 2 and 3 achieves a maximum width of 3 metres.</p>
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<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p>General Section: Residential Development: PDC 40</p>	<p><b>Complies</b></p>
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Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:				Complies	
Dwellings served	Trafficable width (metres)				Minimum landscape strips on both sides of driveway (metres)
	Intersection with public road and first 6 metres		Width beyond first 6 metres		
	Arterial roads	Other roads			
1 – 3	6	3	3		0.5
General Section: Residential Development: PDC 41					

<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p>General Section: Transportation and Access: PDC 28</p>	<p><b>Complies</b></p> <p>Vehicle access points are separated by 12.2 metres.</p>
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## Design & Appearance

<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following</p>
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<p>(c) roof form and pitch (d) façade articulation and detailing (e) verandas, eaves, parapets and window screens.</p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p>	<p>elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> <li>• Mixture of brick, large glazed areas and render to the front façade</li> <li>• Vertical cladding incorporated into the eastern and southern elevations to break up the two-storey mass of Dwelling 1</li> <li>• Eaves overhang and pitched roof formed at 20 degree pitch</li> </ul> <p>The dwellings incorporate a 22 degree pitched Colorbond roof in 'Monument' colour, with rendered facades. The garage of each dwelling features Off White Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants (b) individual entries for ground floor accommodation (c) opportunities to overlook adjacent public space.</p> <p><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 from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p><b>Complies</b></p> <p>Dwelling 1 has been designed so that its main façade faces the primary street, presenting an entrance door, portico and habitable windows to the street. Additional landscaping has been provided forward of Dwelling 1 to improve the design and appearance of the dwelling and reduce the bulky nature of the two storey built form.</p>
<p><b>Relationship to the Street and Public Realm</b></p>	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 16</i></p>	<p><b>Complies</b></p> <p>The 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>The elevations of the dwellings feature a mixture of render, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### Complies

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 north forms the street boundary to Dwelling 1, a majority of winter shadow will be cast within the rear yard of that dwelling. In addition, proposed Dwellings 2 and 3 are situated 8.5m from the rear wall of Dwelling 1 and are unlikely to be negatively impacted by overshadowing. Dwellings 2 and 3 are single storey only, setback from the rear boundary between 3.0 metres and 6.95 metres and are unlikely to overshadow adjoining land.

Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

## Visual Privacy

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

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

*General Section: Design & Appearance: PDC 11*

### Complies

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

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

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

*General Section: Design & Appearance: PDC 12*

### Complies

## Noise

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

*General Section: Residential Development: PDC 30*

### Complies

Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 500mm and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

## Site Facilities and Storage

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

*General Section: Residential Development: PDC 31*

### Partially Complies

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

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

### Partially Complies

The dwellings are oriented so that their open spaces and main activity areas are facing south. As such, these areas are likely to receive limited exposure to winter sun. However, the private open space to each dwelling will receive some morning and afternoon winter sun. Dwelling 1 incorporates a large glazed area to the combined living/kitchen/dining area at ground level which will receive significant winter sun. The only north facing windows to Dwellings 2 and 3 are to one bedroom in each.

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

*Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:*  
(a) *taking into account overshadowing from neighbouring buildings*  
(b) *designing roof orientation and pitches to maximise exposure to direct sunlight.*

*General Section: Energy Efficiency: PDC 3*

### Complies

The dwellings incorporate a hipped roof form set at a 22 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.



## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

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

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

### **Complies**

The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas. Higher level plantings are proposed forward of Dwelling 1 and within the common driveway adjacent the western façade to further aid in reducing and softening the visual bulk/scale posed by the two storey nature of the dwelling.

*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 proposed development does not include the construction of retaining walls. If a standard 1.8 metre high fence is constructed the height is considered necessary to maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

The proposed site plan indicates fencing will be provided along the front boundary of Dwelling 1, however further detail has not been provided. It is suggested a condition of consent be included requesting further details and elevations of the fencing proposed for Dwelling 1 be provided prior to the issuing of Development Approval. Furthermore, it is recommended that to provide visibility of buildings to the street and allow appropriate casual surveillance the fence should be of low height and not completely solid to enable partial visibility.

## Land Division

<p><b>Objectives</b></p> <p><i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</i></p>	<p><b>Complies</b></p>
<p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>	<p><b>Complies</b></p>
<p><i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i></p>	<p><b>Complies</b></p>
<p><b>Principles of Development Control</b></p> <p><i>1 When land is divided:</i></p> <ul style="list-style-type: none"> <li><i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i></li> <li><i>(b) a sufficient water supply should be made available for each allotment</i></li> <li><i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i></li> <li><i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></li> </ul>	<p><b>Complies</b></p> <p>SA Water has no requirements pursuant to the Development Act as the services are existing.</p>
<p><i>2 Land should not be divided if any of the following apply:</i></p> <ul style="list-style-type: none"> <li><i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i></li> <li><i>(b) any allotment will not have a frontage to one of the following:</i> <ul style="list-style-type: none"> <li><i>(i) an existing road</i></li> <li><i>(ii) a proposed public road</i></li> <li><i>(iii) access to a public road via an internal roadway in a plan of community division</i></li> </ul> </li> <li><i>(c) the intended use of the land is likely to require excessive cut and/or fill</i></li> <li><i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i></li> <li><i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i></li> <li><i>(f) the intended use of the land would be contrary to the zone objectives</i></li> <li><i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></li> </ul>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) It has been demonstrated that the allotments are suitable for their intended use.</li> <li>b) The allotment for Dwelling 1 will have frontage to a public road. Access to the Allotments for Dwellings 2 and 3 is via a shared driveway with access to a public road.</li> <li>c) No excessive cut and/or fill is required as the subject land is relatively flat.</li> <li>d) Boundary realignment is unlikely to result in undue erosion of the subject land or locality.</li> <li>e) The site has access to existing services.</li> <li>f) Detached dwellings and residential flat dwellings and are an envisaged built form in the Residential Zone</li> <li>g) Boundary realignment will remain in the Northern Policy Area 13 within the Residential Zone.</li> </ul>
<p><i>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p>	<p><b>Complies</b></p>

<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p><b>Complies</b></p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p><b>Partially Complies</b></p> <p>As a result of being situated on the southern side of a street running east-west, the layout of the land division provides good solar access to some habitable spaces in Dwelling 1 but only limited efficient solar access to habitable spaces of Dwellings 2 and 3.</p> <p>Despite being situated to the south of each dwelling, the private open space provided is likely to receive direct morning and afternoon sun throughout the year.</p>
<p><b>Roads and Access</b></p> <p>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p>	<p><b>Complies</b></p> <p>a) adequate on-site parking available</p> <p>b) public transport services are accessible in the wider locality</p> <p>c) the locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.</p>
<p>23 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.</p>	<p><b>Complies</b></p>

## 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 and is located within close proximity to public transportation routes and areas of open space.

Assessment of the proposal against the quantitative and qualitative Development Plan provisions has demonstrated that the proposal complies with a number of applicable criteria and achieves appropriate design outcomes envisioned for residential development. It is acknowledged however the proposal maintains significant shortfalls relating to the site area of each allotment, high site coverage for Dwellings 2 and 3, lack of north facing POS for each dwelling and a lack of 5m by 5m POS dimensions for Dwellings 2 and 3.

The most significant shortfall proposed is the lack of site area for each dwelling. The proposal is finely balanced in this regard. Assessment within this report has demonstrated that whilst the shortfall in site area is substantial, the proposed density is not necessarily inconsistent with that envisaged within the Policy Area. Whilst each allotment is undersized, the design and layout of the dwellings demonstrates that the site area are sufficient in size to accommodate a detached dwelling and residential flat building comprising two dwellings in the form proposed.

Furthermore, the excess in the dwelling footprints has not come at the expense of the amount of POS provided for each dwelling, nor the achievement of appropriate setbacks to boundaries.

Whilst Dwellings 2 and 3 do not provide 5m by 5m dimensions of POS, the dimensions provided are considered sufficient in size and area for the future use and enjoyment of occupants. Due to the northern orientation of the allotment and the overall layout and design of the development, the south facing private open space areas are an unfortunate consequence. The private open space to each dwelling will however receive some morning and afternoon sun in winter, the extent of which will increase throughout the year. Whilst northern orientated private open space areas are a desirable aspect of a development, this non-compliance, in itself, in my view, is insufficient to warrant refusal of the proposal.

The proposal also maintains several other quantitative shortfalls; however, these shortcomings have not resulted in a poor layout and design of the dwellings, nor do they adversely impact the amenity of adjacent properties, the streetscape or the locality. These shortfalls, in my opinion, are relatively minor in nature and consideration of their potential impacts and consequences demonstrates that they do not adversely jeopardise the layout and function of the proposed development, nor do they result in unreasonable impacts on the amenity of adjacent land, the streetscape or the immediate locality.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent and Land Division 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) Development Plan Consent and Land Division Consent pursuant to section 33(1)(d) of the Development Act 1993 is hereby granted to Development Application No: 100/950/2017 (issued with Development Assessment Commission land division application number 100/C103/16) for Land Division - Community Title 1 into 3 allotments and further development of those allotments for the construction of a two (2) storey detached dwelling and a single storey residential flat building comprising two (2) dwellings and associated landscaping at 32 Castle Street, Edwardstown, 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. 100/950/2017, being drawing numbers;
  - 1.1. PL02.D, PL01.C, PL03.D (inclusive) prepared by Alexander Brown Architects, received by Council on 10/07/2017
  - 1.2. 'Plan of Proposed Division' prepared by SKS Surveys Pty Ltd except when varied by the following conditions of consent.
- 2. An amended floor plan illustrating the amended location of the tapered driveway for Dwelling 1 shall be provided to Council for consideration and approval prior to the issuing of Development Approval.
- 3. Details and elevations of the fencing proposed for Dwelling 1 shall be provided to Council for consideration and approval prior to the issuing of Development Approval. To provide visibility of buildings to the street and allow appropriate casual surveillance, the fence should be of low height and not completely solid to enable partial visibility.
- 4. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 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](http://www.marion.sa.gov.au/page.aspx?u=181)*

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

## **NOTES**

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

## **Attachments**

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

**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 16 August 2017**

<b>Agenda Ref No:</b>	<b>DAP160817 – 2.2</b>
<b>Originating Officer:</b>	<b>Nicholas Timotheou Development Officer - Planning</b>
<b>Applicant:</b>	<b>Tour De Cruise Pty Ltd</b>
<b>Development Description:</b>	<b>Residential Torrens Title Land Division - 1 into 3 allotments and to construct three (3), two storey row dwellings with associated car parking and landscaping</b>
<b>Site Location:</b>	<b>20 Cedar Avenue, Warradale</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>05/05/2017</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/782/2017 (DAC Reference: 100/D084/17)</b>
<b>Recommendation:</b>	<b>That Development Plan Consent &amp; Land Division Consent be GRANTED subject to conditions</b>

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**CATEGORISATION & DELEGATION**

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of row dwellings up to two stories in height 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 allotment area less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

## BACKGROUND

Development Application 259/2017 for the construction of three, two storey row dwellings has previously been lodged with Council, albeit did not include the division of the land. This application is currently on hold pending the outcome of the subject application; however, during the assessment process, Council staff requested modifications (which are reflected in the subject application) to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
Site coverage of each dwelling should be reduced to more closely align with Council's Development Plan provisions.	Site coverage of Res. 1 has increased from 47.5% to 50.1%, whereas Res. 2/3 have reduced from 51.4% to 51.1%.
Floor area ratio of each dwelling should be reduced to more closely align with Council's Development Plan provisions.	Floor area ratio of Res. 1 has reduced from 0.66 to 0.6, while Res. 2/3 have reduced from 0.64 to 0.62.
The POS area of each dwelling should be provided with a minimum of 5 x 5 metre area.	The layout of each dwelling has been amended in order for each dwelling to achieve a minimum 5 x 5 metre area of private open space.
The driveway width of each dwelling should be reduced to meet Council's Development Plan provision of 5m in order to increase landscaping and on-street parking opportunities.	Crossover width of Res. 2/3 has been reduced from 6m to 5m.
The proposed access point of Res. 1 should be relocated in order to avoid interference with the Council street tree along Dorset Street.	The garage of Res. 1 has been relocated to gain access from Cedar avenue (previously via Dorset Street).

## SUBJECT LAND & LOCALITY

The subject land is situated at 20 Cedar Avenue, Warradale. The allotment is rectangular in shape, incorporating a corner cut-off to the north-western corner, resulting in a frontage width of 15.24m to Cedar Avenue, average depth of 36.5m and total site area of 692 square metres. The site currently accommodates a detached dwelling in good condition, which is setback approximately 9.0 metres from the allotment boundary. The dwelling is setback approximately 4.5 metres from Dorset Street; however, an outbuilding is situated along the secondary street boundary.

Vehicular access is currently gained via Cedar Avenue, which leads to a covered parking area. An additional crossover is located along Dorset Street which leads to an outbuilding. The contour of the land is generally flat and there are no regulated or significant trees on the subject land.

The pattern of development in the locality varies, displaying a presence of detached, semi-detached, group and residential flat buildings, predominantly single storey in nature, at low to medium densities. Recent development in the locality has increased the variety of dwelling types through the provision of row dwellings both single and double storey in nature (22 Kent Avenue and 28 Cedar Avenue, Warradale). Further, members of the Panel may recall an application at 15 Kent Street, immediately south of the subject land, which proposed three two storey row dwellings and was issued Development Plan Consent in October 2016 (a copy of these application plans will be available for members reference, on the night of the subject DAP meeting).

*Refer Attachments I & II*



## PROPOSED DEVELOPMENT

The subject application proposes the sub division of the land to create two additional allotments (three in total) and the construction of three, two storey row dwellings facing Dorset Street.

The floor plan Res. 1 incorporates a living room, two bedrooms and associated bathroom on the upper level. The ground level incorporates a master bedroom with associated WIR and ensuite, bathroom and open plan kitchen/living/meals area with direct access to the main area of private open space. Residence 1 proposes a double width carport situated along the eastern boundary, which seeks to gain access via the existing crossover, albeit increased in width.

The floor plan of Res. 2 and Res. 3 is mirrored and incorporates the same rooms as Res. 1, albeit in a different configuration/layout. Vehicular access to Res. 2 and Res. 3 shall be gained via new crossovers along Dorset Street, which leads to a double width garage.

Each dwelling incorporates a mixture of colours and materials to the front façade, including exposed brick, cladding and render, panel lift doors and Colorbond roofing. The front entrance point is covered by a protruding porch and a rendered blade wall is featured between each dwelling. Res. 2 and Res. 3 feature a protruding balcony oriented to Dorset Street which incorporates a glass balustrade.

*Refer Attachment III*

## GOVERNMENT AGENCY REFERRAL

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

*Refer Attachment IV*

## INTERNAL DEPARTMENT COMMENTS

<b>Technical Design Officer – Civil Engineering:</b>	The proposed finished floor levels and setbacks to boundaries are considered appropriate to mitigate stormwater entering the property.
<b>Coordinator Arboriculture:</b>	The street tree situated along Dorset Street has been identified as a Jacaranda, which is mature and in good overall condition. Any new access point is required to be set back a minimum 2.5m from the trunk face of the tree.

## ZONE & POLICY AREA ASSESSMENT

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

### Residential Zone

#### Objectives

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

### Northern Policy Area 13

#### Objectives

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

#### Desired Character

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

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

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

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

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

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

PDC 3	Minimum Site Area: 250sqm	<b>Does Not Comply</b> Res. 1: 232sqm Res. 2: 230sqm Res. 3: 230sqm
	Minimum Frontage: 7m	<b>Complies</b> Res. 1: 9.9m Res. 2: 12.57m Res. 3: 12.57m
	Minimum Depth: 20m	<b>Does Not Comply</b> Res. 1: 15.24m – 18.29m Res. 2: 18.29m Res. 3: 18.29m

## Assessment

The application proposes three dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the density of the land by two. Whilst the dwellings are sited on undersized allotments, it has been demonstrated that the density of the site is appropriate (discussed throughout this report). Aside from the row dwellings which were issued Development Plan Consent by the DAP in October 2016 (15 Kent Street), it is acknowledged that there are limited allotments in the locality with comparable site areas. Notwithstanding the above, the dwellings shall contribute to the provision of a variety of dwelling types and accommodation needs in an area where there are limited row dwellings.

The proposal maintains a coherent streetscape as a result of the street setback, front yard landscaping and mixture of colours and materials to the front facade. The dwellings' appearance will be modern in terms of design and use of materials and shall provide a positive contribution to the existing streetscape.

### Site Area and Depth

The site area of each proposed allotment fails to meet the minimum prescribed for row dwellings within the Northern Policy Area 13 (250 square metres). Res. 1 achieves a site area of 232 square metres, which represents an 18 square metres shortfall (7%). Res. 2/3 proposes a site area of 230 square metres, which is equal to a shortfall of 20 square metres (8%).

Res. 1 fails to meet the minimum depth of 20 metres by 4.7 metres along the secondary street, as a result of the existing site dimensions and corner cut-off. Res. 2/3 fall 1.7 metres short of the minimum depth.

In my opinion, it is important to determine whether the non-compliance in site areas can be considered out of character with the locality and with the densities anticipated within the Policy Area. Aside from the three, two storey row dwellings currently under construction at 15 Kent Street, it is acknowledged that there are limited allotments in the locality with similar site areas.

When the non-compliances in site dimension and area are considered in relation to the design and layout of each dwelling, it has been demonstrated that these failings will not come at the expense of private open space, setbacks to boundaries or the streetscape elevation (discussed throughout this report). Further, it is acknowledged that each allotment maintains a frontage width which exceeds the minimum 7 metres required for row dwellings in the Policy Area. As such, the undersized nature of the allotments will not be apparent from the street and allows for additional landscaping opportunities.

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

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

## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control:

### Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b><u>Site coverage:</u></b></p> <p><b>Does Not Comply</b>  Res. 1: 116.3sqm (50.1%)  Res. 2: 117.7sqm (51.1%)  Res. 3: 117.7sqm (51.12%)</p> <p><b><u>Floor area ratio:</u></b></p> <p><b>Complies</b>  Res. 1: 0.6</p> <p><b>Does Not Comply</b>  Res. 2: 0.62  Res. 3: 0.62</p>
<p>The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area, while floor area ratio shouldn't exceed 0.6. The following considerations are noted with regard to the discrepancy in site coverage:</p> <ul style="list-style-type: none"> <li>(a) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below). Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.</li> <li>(b) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access, vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.</li> <li>(c) It is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. The subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60% for new detached and semi-detached dwellings. Whilst not applicable to this form of development, it is considered that the proposal results in less site coverage than that which could feasibly be constructed on the subject land “as of right” (i.e. without an assessment against Development Plan criteria).</li> </ul> <p>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.</p>	

<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p>	<p><b>Complies</b></p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>						
<p><i>Residential Zone: PDC 9</i></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><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>						
<p><i>General Section: Residential Development: PDC 14</i></p>							
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p>	<p><b>Complies</b></p> <p>148.7sqm (21.5%)</p>						
<p><i>General Section: Residential Development: PDC 15</i></p>							
<p><b>Private Open Space</b></p>							
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>	<p><b>Complies</b></p> <p>Res. 1: 46.5sqm (20%)</p> <p>Res. 2: 49.5sqm (21.5%)</p> <p>Res. 3: 49.5sqm (21.5%)</p>						
<table><tr><th>Site area of dwelling</th><th>Minimum area of POS</th><th>Provisions</th></tr><tr><td>175 square metres or greater</td><td>20 per cent of site area</td><td>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</td></tr></table>	Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.	
Site area of dwelling	Minimum area of POS	Provisions					
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.					
<p><i>Residential Zone: PDC 7</i></p>							
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p>	<p><b>Complies</b></p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p>						
	<p><i>Continued over page.</i></p>						

(g) to have a northerly aspect to provide for comfortable year round use  
 (h) to not be significantly shaded during winter by the associated dwelling or adjacent development  
 (i) to be partly shaded in summer  
 (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality  
 (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

- i) POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities should not affect the subject land.
- k) The POS areas are considered to have sufficient shape and area to be functional.

#### Does Not Comply

g) – h) The proposed POS areas maintain an easterly aspect, which should nonetheless receive morning sunlight. It is acknowledged that the secondary area of POS for Res. 1 faces north.

Whilst the main activity area of Res. 3 is south facing, it is acknowledged that the area is of appropriate dimensions and the secondary area (2.7m x 12.57m) achieves a northern/eastern aspect, which should receive natural light during morning hours.

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

General Section: Residential Development: PDC 22

**Complies**

## Building Setbacks from Road Boundaries

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

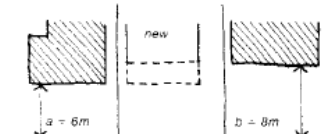
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
- (b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 21

#### Complies

The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 4.5 metres is considered to contribute positively to the function, appearance and desired character of the locality, by providing appropriate transition to the adjacent land.

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

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

General Section: Design and Appearance: PDC 22

#### Partially Complies

4.5m front setback

Dwellings on adjoining land set back 4.75m (currently under construction).

The proposed front setback of 4.5m sits 0.25m forward of the dwellings on adjoining land. Despite the main façade of each dwelling being sited slightly forward of the adjacent dwellings currently under construction, it is acknowledged that the garage of Res. 3 is setback 5.5m from the Dorset Street property boundary. In my opinion, the stepping of each dwelling combined with the level of articulation provided to the main facades assists in provided transition to the adjacent dwellings.

<p><i>Minimum setback from secondary road frontage: 2 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Partially Complies</b> Res. 1: 1.95m and 2.95m</p> <p>The slight shortfall in secondary street setback is not considered to result in adverse impacts upon the streetscape as the elevation incorporates an appropriate level of articulation. Further, an unobscured window has been incorporated along the secondary street elevation, which shall enhance passive surveillance of the street.</p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Complies</b> Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<p><b>Side Setbacks</b></p>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 0.9 metres</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Where the wall height is greater than 6 metres:</i> (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.</p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>Upper level of Res. 1 is situated along the internal boundary.</p> <p>Upper level of Res. 2 is situated 3.25m from the northern internal boundary</p> <p>Upper level of Res. 3 is situated 3.25m from the southern side boundary.</p>
<p><i>Maximum length and height when wall is located on side boundary:</i> (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height (b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>Res. 3: 6.2m in length and 2.9m in height (form NGL).</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report). The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>

## Rear Setbacks

*Minimum setback from rear boundary:*

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

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

*Residential Zone: PDC 6*

### **Complies**

#### **Ground Floor**

Res. 1: 6m at the closest point

### **Does Not Comply**

#### **Ground Floor**

Res. 2 & Res. 3: 2.7m (60.4%), 4.9m (19%) & 6.6m (20.6%)

#### **First Floor**

Res. 1: 6m and 8.3m

Res. 2: 5.8m

Res. 3: 5.8m

The ground floor of Residence 2 and Residence 3 fail to achieve a rear setback of 3m for no more than 50 per cent of the width of the rear boundary and 6m beyond. The upper level of each dwelling fails to provide an 8 metre rear setback. It is however acknowledged, that the upper level setback of Res. 1 varies and provides separation from the secondary street and the upper level of Res. 2. Although the design of Res. 1 provides a variety in upper level setbacks, it is also acknowledged that the portion of the dwelling setback 6.0 metres will present an uninterrupted wall in view from both the adjacent property and the streetscape (discussed further in the Relationship to the Street and Public Realm section of this report).

The rear elevation of Res. 2 and Res. 3 on the other hand, presents a “flat” façade; however, it is also acknowledged that the upper level windows reduce the amount of uninterrupted wall presenting to the adjacent property, while the ground floor roof is considered to provide transition to the upper level and assists in reducing the overall bulk of the building.

Whilst there are associated impacts of the reduced rear setback which are not ideal, I am of the opinion that in isolation, the level of separation from the eastern boundary shall not result in unreasonable amenity impacts to adjacent land. It has been demonstrated that an appropriate amount of natural light will be available throughout the day to adjacent properties. Further, the combination of upper level windows and transition provided by the ground floor roofing assists in reducing the overall bulk of the dwellings.

It is also of value to note; the eastern allotment boundary currently serves as a side boundary for the existing dwelling. If a new dwelling/s were to present to Cedar Avenue, a 2.0 metre side setback could be achieved for a two storey wall and accord with the applicable provisions of the Development Plan, which would arguably result in greater impacts to the adjacent land in relation to overshadowing and visual impacts.

Lastly, it is acknowledged that the adjacent property to the east currently accommodates a carport structure and side courtyard adjacent the shared boundary, with the main area of private open space beyond. In my opinion, the main impacts to the adjacent property and the streetscape (Cedar Avenue) can be attributed to the upper level of Res. 1 setback 6.0 metres. Despite this portion of the dwelling being visible from the street, it will also be adjacent the driveway/parking area of the adjacent property and not habitable room windows or the main area of private open space. As such, it is my opinion that visual impact to the property to the east is acceptable.

The non-compliance in rear setback could be attributed to the lack of allotment depth and the undersized nature of the allotments; however, it has been demonstrated that the dwellings will be able to function appropriately in relation to site coverage, private open space area/dimensions and the other applicable provisions of the Development Plan. Given this failing is unlikely to result in amenity impacts to adjacent land I am of the view that this aspect of the proposal does not warrant refusal of the application.

*Buildings should be sited with respect to side and rear property boundaries to:*

*(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight*

*(b) minimise the impact of bulk and scale of development on adjoining properties*

*(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.*

*General Section: Design and Appearance: PDC 2*

### **Partially Complies**

Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report).

*Continued over page.*



		As such, the shortfall in rear setback should not unreasonably impact adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.
<b>Building Height</b>		
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>		<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 7.2 metres, which is less than the maximum permitted in the Policy Area.</p>
<b>Garages, Carports, Verandas and Outbuildings</b>		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>		<b>Complies</b>
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		
<b>Parameter</b>	<b>Value</b>	<p><b>Complies</b></p> <p>Res. 1: 34.6sqm Res. 2: 36.6sqm Res. 3: 36.6sqm</p>
Maximum floor area	60 square metres	
Maximum wall or post height	3 metres	<p><b>Complies</b></p> <p>Res. 1: 2.6m Res. 2: 2.7m Res. 3: 2.9m (from NGL)</p>
Maximum building height	5 metres	<b>Complies</b>
Maximum height of finished floor level	0.3 metres	<b>Complies</b>
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	<p><b>Complies</b></p> <p>Res. 2 &amp; Res. 3: 5.5m and 1m behind the main façade.</p>
Minimum setback from a secondary road frontage	0.9 metres or in-line with the associated dwelling (whichever is the lesser)	<p><b>Complies</b></p> <p>Res. 1: 0.9m</p>
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall	<p><b>Does Not Comply</b></p> <p>Res. 1: carport situated along the eastern boundary</p>
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	<p><b>Complies</b></p> <p>Res. 1: 6m in length Res. 3: 6.2m in length</p>

Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	<b>Complies</b> Res. 1: 6m (39.3%) Res. 2: 6m (47.7%) Res. 3: 6m (47.7%)
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		<b>Complies</b>
<b>Vehicle Parking</b>		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation &amp; Access: PDC 34</p>		<b>Complies</b> Each dwelling features three bedrooms. Res. 1 provides two covered parking spaces, while Res. 2 & Res. 3 provide two parking spaces and an additional uncovered space.
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation &amp; Access: PDC 43</p>		<b>Complies</b> a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Adequate on-site car parking provided to compensate for the sites distance to centre facilities. c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 4 on-street car parking spaces shall remain available adjacent the subject land.
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>		<b>Complies</b> 4 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.
<b>Access</b>		
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>		<b>Complies</b> Res. 1: 5m Res. 2: 5m Res. 3: 5m
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>		<b>Complies</b> The proposed crossovers are clear of street infrastructure.

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

### Complies

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

- Mixture of brick, horizontal cladding and render on the front façade
- Protruding porticos
- Protruding balcony featuring glass balustrade (Res. 2 and Res. 3)
- Eave overhang and pitched roof form at 25 degree slope
- Fenestration

The dwellings incorporate a 25 degree Colorbond roof, with a mixture of exposed brick and render to the main façades. The carport (Res. 1) and garage of Res. 2 & Res. 3 feature a panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

## Visual Privacy

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

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

*General Section: Design & Appearance: PDC 11*

### Complies

The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for habitable windows on the side and rear elevations. Upper storey windows on the front elevation and secondary street elevation (Res. 1) remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

The balconies on the front façade of Res. 2 and Res. 3 are oriented to obtain views of the streetscape.

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

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### Complies

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

b) The garage wall of Res. 3 shall be situated adjacent the garage wall of the adjacent property (15 Kent Street) while the upper level southern side setback accords with Council's Development Plan criteria. As such, any shadow cast to the south is not considered unreasonable.

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

## Energy Efficiency

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

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

General Section: Energy Efficiency: PDC 3

### Complies

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

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

*General Section: Energy Efficiency: PDC 1*

*Buildings should be sited and designed:*

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

*General Section: Energy Efficiency: PDC 2*

### Complies

The main activity areas of Res. 1 and 2 dwellings are oriented east which should nonetheless receive some morning light. The secondary area of POS for Res. 1 faces north.

Res. 3 is oriented so that the POS and main activity area is facing south. As such, this area is likely to experience limited exposure to winter sun. However, the private open space will receive some morning sun and late afternoon winter sun.

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.

## 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 Technical Design Officer – Civil Engineering has confirmed that the proposed finished floor level of 15.35 and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

## Relationship to the Street and Public Realm

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

*General Section: Design & Appearance: PDC 13*

*Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.*

*General Section: Design & Appearance: PDC 14*

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

*General Section: Design & Appearance: PDC 15*

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

*General Section: Design & Appearance: PDC 16*

*Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:*

- (a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants*
- (b) individual entries for ground floor accommodation*
- (c) opportunities to overlook adjacent public space.*

*General Section: Residential Development: PDC 6*

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

*General Section: Residential Development: PDC 8*

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

*General Section: Residential Development: PDC 9*

### Partially Complies

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

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

It is acknowledged that the southern upper level elevation of Res. 1 presents a portion of uninterrupted wall. Whilst this portion of the dwelling will be in view from the primary street, I am of the view that the overall design of the dwellings provides appropriate articulation. Residence 1 features a rendered blade wall to the southern elevation; however, it is acknowledged that this design provides separation between the upper level of Residence 1 and 2 reduces the amount of built form and bulk of the dwellings presenting to the street and assists in achieving a cohesive streetscape elevation.

The eastern upper level elevation of Res. 1 also incorporates a portion of uninterrupted wall which will be in view from Cedar Terrace. It is acknowledged that this portion of the dwelling is 3.5m in width, which then steps. Further, the carport of Res. 1 is situated adjacent this portion of the dwelling which is also considered to assist in reducing the overall bulk of the two storey wall.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

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

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

### Complies

The application plans propose landscaping to the front yard of each dwelling and to the side of Res. 1. Further, landscaping will be provided either side of the proposed driveways of Res. 2 and Res. 3, which will soften the appearance of driveway paving to the street and assist in achieving a cohesive streetscape.

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

## LAND DIVISION ASSESSMENT

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

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

<p><b>Principles of Development Control</b></p> <p><i>1 When land is divided:</i>  <i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i>  <i>(b) a sufficient water supply should be made available for each allotment</i>  <i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i>  <i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></p>	<p><b>Complies</b></p> <p>The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.</p>
<p><i>2 Land should not be divided if any of the following apply:</i>  <i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i>  <i>(b) any allotment will not have a frontage to one of the following:</i>  <i>(i) an existing road</i>  <i>(ii) a proposed public road</i>  <i>(iii) access to a public road via an internal roadway in a plan of community division</i>  <i>(c) the intended use of the land is likely to require excessive cut and/or fill</i>  <i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i>  <i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i>  <i>(f) the intended use of the land would be contrary to the zone objectives</i>  <i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></p>	<p><b>Complies</b></p> <p>a) It has been demonstrated that the allotments are suitable for their intended use.  b) Each lot will have frontage to a public road.  c) No excessive cut and/or fill is required as the subject land is relatively flat.  d) The land division is unlikely to result in undue erosion of the subject land or locality.  e) The site has access to existing services.  f) Row dwellings and are an envisaged built form in the Residential Zone  g) The land division will remain in the Northern Policy Area 13 within the Residential Zone.</p>
<p><b>Design and Layout</b></p> <p><i>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p>	<p><b>Complies</b></p>
<p><i>10 Allotments should have an orientation, size and configuration to encourage development that:</i>  <i>(a) minimises the need for earthworks and retaining walls</i>  <i>(b) maintains natural drainage systems</i>  <i>(c) faces abutting streets and open spaces</i>  <i>(d) does not require the removal of existing native vegetation to facilitate that development</i>  <i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p>	<p><b>Complies</b></p>
<p><i>11 The layout of a land division should provide for efficient solar access.</i></p>	<p><b>Partially Complies</b></p> <p>As a result of being situated on the eastern side of a street running north-south, the layout of the land division provides reasonable solar access to a portion of the private open space of each allotment, which is likely to receive direct morning sun throughout the year.</p>

<p><b>Roads and Access</b></p> <p><i>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p>	<p><b>Complies</b></p> <p>a) Adequate on-site parking available</p> <p>b) Public transport services are accessible in the wider locality</p> <p>c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.</p>
<p><i>23 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.</i></p>	<p><b>Complies</b></p>

## ANALYSIS/CONCLUSION

It is my view that the proposed development satisfies the relevant Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages the redevelopment of the existing housing stock at low to low-medium densities and a greater diversity in dwelling types.

Assessment of the proposal against quantitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. It is acknowledged however, that the allotments fail to meet the minimum depth and site area sought for row dwellings in the Northern Policy Area 13. In my view, the main non-compliances attributed with the site dimensions are the proposed front and rear setbacks and the overall bulk of the dwellings. When these failings are assessed and considered in isolation it is my view that these shortfalls could each be deemed acceptable. Whilst certain elements of the dwellings are not ideal and are considered to increase the overall bulk presenting to the street and adjacent properties, the general design and articulation achieved through a mixture of colours and materials and separation is considered to appropriate for the locality.

The proposal also maintains several other quantitative shortfalls; however, these shortcomings have not resulted in a poor layout of the dwellings, nor do they adversely impact the amenity of adjacent properties or the locality. As such, when the identified discrepancies are considered against the overall merit of the proposal, I am of the view that the general layout and design of the dwellings are anticipated within the Zone and Policy Area.

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

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## **RECOMMENDATION**

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/782/2017 (DA Ref. 100/D084/17) for a Residential Torrens Title Land Division - 1 into 3 allotments and to construct three (3), two storey row dwellings with associated car parking and landscaping at 20 Cedar Avenue, Warradale be GRANTED subject to the following conditions:

## **CONDITIONS**

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/782/2017 (100/D084/17), being:
  - a) Plan of Proposed Division, Ref. No. 17-093, prepared by Cavallo Forest and received by Council on 27 April 2017;
  - b) Site and Drainage Layout Plan, Job No. 2170401, prepared by Zafiris & Associates Pty. Ltd. and received by Council on 30 June 2017;
  - c) Drawing No. 1 – 4 (inclusive) of Job No. 010-01-17/PD01, Issue H, prepared by ThreeSixFive Design Studio and received by Council on 12 July 2017;except when varied by the following conditions of consent.
2. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.  
  
*Note: A copy of the information guide can be viewed at the City of Marion webpage [www.marion.sa.gov.au/page.aspx?u=181](http://www.marion.sa.gov.au/page.aspx?u=181)*
4. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
5. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
10. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
11. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

#### **LAND DIVISION CONDITIONS**

12. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0060739).
13. The internal pipe-work shall be altered to the satisfaction of the SA Water Corporation.

SA Water Corporation further advise that should this application be approved and new assessment numbers created, all internal pipe-work that cross the allotment boundaries would be retained to be severed, such that the pipe-work relating to each allotment is contained within its boundaries.

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

## **NOTES**

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

## **Attachments**

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph &amp; Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>External Agency Referral Comments</i>

## **DEVELOPMENT ASSESSMENT PANEL**

**Wednesday 16 August 2017**

<b>Agenda Ref No:</b>	<b>DAP160817 – 2.3</b>
<b>Originating Officer:</b>	<b>Nicholas Timotheou Development Officer - Planning</b>
<b>Applicant:</b>	<b>Mr Glenn Hain</b>
<b>Development Description:</b>	<b>Freestanding advertisement incorporating internal illumination achieving a total height of 4.2 metres and fascia signage, one of which is illuminated.</b>
<b>Site Location:</b>	<b>107 Diagonal Road, Warradale</b>
<b>Zone:</b>	<b>Neighbourhood Centre Zone</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>31/03/2017</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/563/2017</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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### **CATEGORISATION & DELEGATION**

The subject application is a Category 1 Consent form of development by virtue of Schedule 9 clause 2(g) of the Development Regulations 2008, as the proposed advertisements are considered to be of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development. Council has formed this opinion as the proposed advertisements are replacing an existing freestanding sign and fascia signage, both of which are located in the same position and achieve relatively similar visual impacts.

The subject application requires determination by the Development Assessment Panel pursuant to the City of Marion Schedule of Delegations, as the proposal comprises an outdoor advertising sign of a freestanding design where the face of the advertising structure exceeds 5m<sup>2</sup> in area (each side when double sided). The proposed advertising sign also exceeds the maximum display area/panel size requirements as prescribed within the relevant zone within the General Section: Advertisements in the Marion Council Development Plan, and therefore sub-delegation (e) of the DAP meeting held 5 November 2014 does not apply to the subject application.

## **SUBJECT LAND & LOCALITY**

The subject land is located on the western side of Diagonal Road at 107 Diagonal Road, Warradale. The allotment is irregular in shape, supporting a frontage to Diagonal Road of 30 metres and a frontage to Oaklands Road of 26.24 metres. The site has an approximate area of 1268 square metres. The allotment is located within a Neighbourhood Centre Zone.

The subject land comprises an existing long-standing Beaurepaires motor repair station. The existing building features a number of ancillary signs that identify the site, including a 4.2m high freestanding advertisement situated adjacent the north-eastern portion of the land.

The immediate locality is characterised by a range of uses including non-residential and residential. The site abuts a Residential Zone from the north to south in a clockwise direction, while immediately west of the site comprises a Neighbourhood Centre Zone within Holdfast Bay Council.

Despite a large portion of the locality being situated within a Residential Zone, the Diagonal Road / Oaklands Road intersection features offices to the north-west, a petrol filling station to the north-east and a place of worship south-west. The Diagonal Road Shopping Centre is situated south of the subject land and a variety of shops are situated to the west. Many of the non-residential uses in the locality incorporate associated free-standing and fascia advertising signage.

*Refer Attachment I & II*

## **PROPOSED DEVELOPMENT**

The application seeks to make alterations to the existing freestanding advertisement sign and remove and replace the existing fascia signage.

The existing 4.2 metre high freestanding advertisement frame will be re-used, while the display panel will be removed and replaced to incorporate internal illumination. The location of the sign will not change, which is set back approximately 1 metre from the corner cut-off of the property boundary.

The proposed advertisement will be double-sided and achieves a north-west to south-east orientation in order to gain maximum visual exposure to traffic travelling along both Diagonal Road and Oaklands Road. The sign will incorporate the corporate Beaurepaires logo (various shades of blue, white and orange) and information regarding the use of the land. The logo and information of the freestanding sign incorporate acrylic faces, while the panel area incorporates internal illumination. The total display area of the proposed freestanding sign equates to 12.6 square metres or 6.3 square metres per sign face.

The proposed development also seeks to remove and replace the existing fascia signage and additional signage along the southern side of the building. The proposed fascia signage is largely of a similar display area as the existing fascia signage; however, the information and size of the displays differ. The proposed signage relates to the legal use of the subject land and assists in identifying the subject land to passing motorists.

The main fascia signage presenting to Diagonal Road incorporates the corporate Beaurepaires logo and incorporates LED illumination. The remainder of the fascia signage is not internally illuminated and incorporates acrylic lettering.

*Refer Attachment III*

## GOVERNMENT AGENCY REFERRAL

<b>Commissioner of Highways:</b>	<p>DPTI is of the view that the proposal is unlikely to result in a reduction in road safety on or adjacent the arterial road as opposed to the existing installation.</p> <p>DPTI does not object in-principle to the proposal.</p>
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*Refer Attachment IV*

## ZONE & POLICY AREA ASSESSMENT

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

<b>Neighbourhood Centre Zone</b>		
<i>Objective 1</i>	<i>A centre providing a range of facilities to meet the shopping, community, business, and recreational needs of the surrounding neighbourhood.</i>	<p><b>Complies</b></p> <p>The existing Beaurepaires has been in operation for a significant period of time within the Neighbourhood Centre Zone and the continuation of this use is considered appropriate within the locality and Zone.</p>
<i>PDC 1</i>	<p><i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>- <i>bank</i></li> <li>- <i>child care facility</i></li> <li>- <i>consulting room</i></li> <li>- <i>dwelling in conjunction with non-residential land uses</i></li> <li>- <i>library</i></li> <li>- <i>health centre</i></li> <li>- <i>office</i></li> <li>- <i>petrol filling station</i></li> <li>- <i>place of worship</i></li> <li>- <i>playing field</i></li> <li>- <i>pre-school</i></li> <li>- <i>primary school</i></li> <li>- <i>recreation area</i></li> <li>- <i>restaurant</i></li> <li>- <i>shop</i></li> <li>- <i>supermarket.</i></li> </ul>	<p><b>Complies</b></p> <p>Whilst the proposed use of the land does not form part of the assessment of this particular application, it is worthy to note that the proposed free-standing signage is associated with a motor repair station which has been in operation on the subject land for a number of years.</p>

## 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:

Advertisements	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p><b>Complies</b></p> <p>The siting and height of the proposed 4.2 metre high advertisement is considered to be in keeping with existing free-standing advertisement and others in the immediate locality.</p> <p>The siting of the facia signage considered to be in keeping with the existing signage on the building.</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p><i>(a) clutter</i></p> <p><i>(b) disorder</i></p> <p><i>(c) untidiness of buildings and their surrounds</i></p> <p><i>(d) driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p><b>Complies</b></p> <p>The proposed free-standing advertisement and facia signage will largely replace the existing advertisements associated with the subject land and in the same location.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p><b>Complies</b></p> <p>The advertisements are limited to information relating to the legitimate use of the subject land.</p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p><i>(a) be completely contained within the boundaries of the subject allotment</i></p> <p><i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p><i>(c) not obscure views to vistas or objects of high amenity value.</i></p> <p><i>General Section: Advertisements: PDC 5</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p><i>(a) a public footpath or veranda post</i></p> <p><i>(b) a road, median strip or traffic island</i></p> <p><i>(c) a vehicle adapted and exhibited primarily as an advertisement</i></p> <p><i>(d) residential land.</i></p> <p><i>General Section: Advertisements: PDC 6</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, unless the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.</i></p> <p><i>General Section: Advertisements: PDC 7</i></p>	<p><b>Complies</b></p>

<p><i>Advertisements and/or advertising hoardings erected on a veranda or that project from a building wall should:</i></p> <p><i>(a) have a minimum clearance above a footway of 2.5 metres to allow for safe and convenient pedestrian access</i></p> <p><i>(b) where erected on the side of a veranda, not exceed the width of the veranda or project from the veranda</i></p> <p><i>(c) where erected on the front of a veranda, be setback a minimum of 400 millimetres from the kerbline and not exceed the length of the veranda or project from the veranda</i></p> <p><i>(d) where projecting from a wall, have the edge of the advertisement or advertising hoarding abutting the surface of the wall.</i></p> <p><i>General Section: Advertisements: PDC 8</i></p>	<p><b>Complies</b></p> <p>(a) The existing canopy associated with the building is setback approximately 2.6m from the Diagonal Road property boundary.</p> <p>(b) The fascia signage does not extend above or project from the parapet roof or canopy.</p> <p>(c) Not applicable.</p> <p>(d) Not applicable.</p>
<p><i>Signs should not be silhouetted against the sky or project beyond the architectural outline of the building.</i></p> <p><i>General Section: Advertisements: PDC 9</i></p>	<p><b>Complies</b></p> <p>The fascia signage does not extend above or project from the parapet roof or canopy.</p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p><i>General Section: Advertisements: PDC 11</i></p>	<p><b>Complies</b></p> <p>The proposed advertisements display the relevant information in a simple and concise manner.</p>
<p><b>Safety</b></p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></p> <p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p><b>Complies</b></p> <p>a) The level of illumination emitted by the proposed advertisement will be controlled by way of a condition of approval.</p> <p>b) Whilst the 4.2 metre high freestanding advertisement is located within 30 metres of a pedestrian crossing and the Diagonal Road and Oaklands Road intersection, both have been afforded sufficient separation from traffic lights.</p> <p>Furthermore, it is worthy to note that DPTI did not object in principle of the proposal.</p> <p>c) The proposed sign should not result in unreasonable driver distraction as it does not involve any moving/flashing elements.</p> <p>d) The proposed advertisements are setback from the respective boundaries and are not considered to obscure a driver's view or other road features.</p>



<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p>General Section: Advertisements: PDC 16</p>			<p><b>Complies</b></p> <p>Whilst it is acknowledged the 4.2 metre high advertisement is located within close proximity to existing power lines running along the southern side of Oaklands Road, the advertisement is replacing an existing advertisement in the same location.</p>
<p><i>Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.</i></p> <p>General Section: Advertisements: PDC 17</p>			<p><b>Complies</b></p> <p>As previously discussed, although the 4.2 metre high advertisement is located within close proximity to traffic signals, DPTI has not objected in principle to the proposal.</p>
<p><b>Freestanding Advertisements</b></p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i></p> <p>(a) limited to only one primary advertisement per site or complex</p> <p>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</p> <p>General Section: Advertisements: PDC 18</p>			<p><b>Complies</b></p> <p>(a) Only one free-standing advertising sign is proposed, which is replacing the existing structures in the same location.</p> <p>(b) Whilst replacing an existing advertisement, the display area (face area of 12.6m<sup>2</sup>) will be more than what presently exists. Although the proposal incorporates a slight non-compliance with the Development Plan criteria, the proposal is considered compatible with the character of the locality and the development on the site.</p>
<p><b>Advertising along Arterial Roads</b></p> <p><i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p>General Section: Advertisements: PDC 24</p>			<p><b>Complies</b></p> <p>Diagonal Road and Oaklands Road have a maximum speed limit of 60 km/h.</p>
<p><i>The maximum height and display area or panel size of freestanding advertisements and/or advertising hoardings should not exceed the following dimensions within the respective zones:</i></p>			<p><b>Complies</b></p> <p>4.2m in height</p>
<b>Zone</b>	<b>Maximum Height (metres)</b>	<b>Maximum Display Area or Panel Size (square metres)</b>	<p><b>Does Not Comply</b></p> <p>12.6 square metre display area (6.3 square metres per side).</p>
Neighbourhood Centre Zone	8	12 (6 per side if double-sided)	<p>Despite the slight excess in display area for the freestanding sign, it is acknowledged that it will be replacing an existing sign in the same location, with the existing frame being utilised. The sign is considered to avoid clutter and the information relates to the lawful use of the subject land. It is my opinion that the additional 0.6 square metres of display area shall not result in unreasonable visual amenity impacts upon the locality.</p>
<p>General Section: Advertisements: PDC 21</p>			

## **ANALYSIS/CONCLUSION**

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

Whilst the proposed 4.2 metre high freestanding advertisement will incorporate larger display area than what presently exists, it is unlikely to dominate the landscape character or result in significant visual amenity impacts on adjacent land uses. Furthermore, this style and form of advertisement is typical for such a land use and will be in keeping with the existing character of the locality.

Further, despite the slight increase in fascia signage dimensions, and therefore face area of the advertisement displays, it is generally replacing the existing advertisement displays in the same location and is unlikely to result in unwarranted visual amenity or bulk/scale impacts.

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

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## **RECOMMENDATION**

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/563/2017 for a freestanding advertisement incorporating internal illumination achieving a total height of 4.2 metres and fascia signage, one of which is illuminated at 107 Diagonal Road, Warradale be GRANTED subject to the following conditions:

## **CONDITIONS**

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/563/2017, except when varied by the following conditions of consent.
- 2. The advertisements and supporting structures shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
- 3. The proposed non-illuminated signs shall utilise a material of low reflectivity to minimise the possibility of glare and enhance road safety
- 4. The proposed signage shall not include any element that scrolls, flashes, moves or changes.
- 5. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of Council.
- 6. The proposed signs shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.

### ***Department of Planning, Transport and Infrastructure Conditions***

- 7. The illuminated signage shall be permitted to use LED lighting for internal illumination of a light box only. No element of LED or LCD display shall be included in the design of the signs.
- 8. The illuminated sign shall be limited to a low level of illumination so as to minimum distraction to motorists ( $\leq 150\text{cd/m}^2$ ).
- 9. The signs shall not contain any element that flashed, scrolls, moves or changes.
- 10. All signage shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.

11. The signs shall not display images, texts or backgrounds that are predominantly red, yellow/amber or green in colour.
12. The signage shall be fully located within the property boundary.

## **Notes**

1. The Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a strip of land up to 4.5 metres in width from the Diagonal Road and Oakland Road frontages of the site for future upgrading of the Diagonal Road / Oaklands Road intersection, together with additional land at the north-eastern corner of the site. The consent of the Commissioner of Highways under the MARWP Act is required to all building works within 6.0 metres of the possible requirement.

The proposed pylon sign will be located within the possible requirement. Nonetheless, given the sign utilises foundations that are an existing encroachment on the possible requirement, the consent of the Commissioner of Highways is not required in this case.

## **Attachments**

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph &amp; Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>External Agency Referral Comments</i>

## **DEVELOPMENT ASSESSMENT PANEL**

### **Wednesday 16 August 2017**

<b>Agenda Ref No:</b>	<b>DAP160817 – 2.4</b> <i>Previously deferred item DAP030517-2.7</i>
<b>Originating Officer:</b>	<b>Alex Wright</b> Development Officer - Planning
<b>Applicant:</b>	<b>Jane E Osborne</b>
<b>Development Description:</b>	<b>Community Title Land division 1 into 2 allotments and a change in land use from a single storey detached dwelling to residential flat building comprising two dwellings with associated car parking</b>
<b>Location:</b>	<b>120 Diagonal Road, Warradale</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1/ Consent</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/2129/2016</b>
<b>DAC Number:</b>	<b>100/C253/16</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Refused)</b>

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## **BACKGROUND**

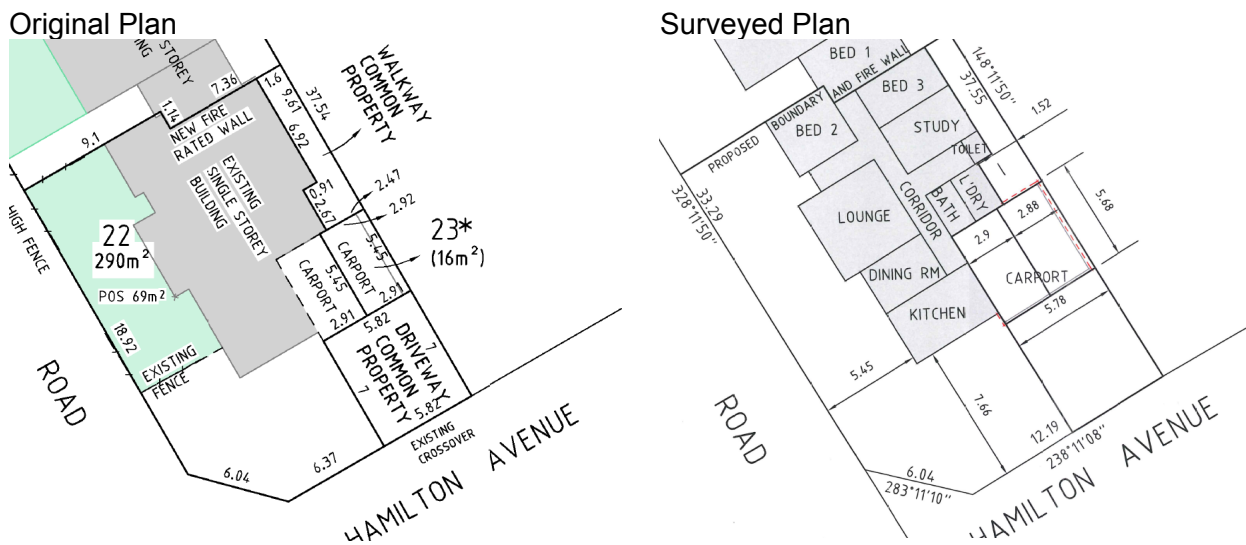
As members will recall, the subject application was considered by the Panel at its meeting of 3 May 2017, whereby a decision upon the application was deferred for the following reason;

1. To provide the applicant the opportunity to;
  - a. Undertake a field survey of the property, identifying the position of the existing dwelling and structures, including the as-surveyed width of the car parking spaces. This survey plan is to be provided to Council for further consideration;
  - b. Clarify whether a dividing fence/wall is, or will be constructed between the two car park spaces, and if so, provide revised dimensions based upon the survey plan referred to in part (a); and
  - c. Provide details of the proposed fire-rated partywall to be constructed between the dwellings.

The original report, plans and attachments can be found in Member's previous agenda from the 3 May 2017 meeting, on the online DAP agenda on Council's website [www.marion.sa.gov.au/development-assessment-panel](http://www.marion.sa.gov.au/development-assessment-panel), or by contacting the author of this report.

## DISCUSSION

The applicant has provided an updated surveyed 'Plan of Community Division – Floor Plan' which clarifies the exact width between the eastern property boundary and existing dwelling (currently used as a double width carport) (see below).



*Copy of the original plan and subsequently provided survey plan identifying the position of the existing dwelling and structures, including the as-surveyed width of the car parking spaces.*

The surveyed plan nominates a distance of 5.78 metres between the eastern property boundary and eastern dwelling façade. Based on this survey plan, the proposed undercover parking space of Lot 22 achieves an internal width of 2.9 metres and Lot 21 achieves an internal width of 2.88 metres. These internal widths are slightly less than the 2.91 metres specified on the original plan of division and accordingly still fail to meet the minimum 3 metres required as per *Australian Standard AS: 2890 - Parking facilities*.

The applicant has confirmed a fence will not be constructed between the undercover parking spaces, which will somewhat assist in pedestrian circulation and vehicular access. This notwithstanding, the erection of a non-masonry fence no greater than 2.1 metres in height does not constitute development, and therefore the property owner/s are at liberty to construct a fence, or similar, between parking spaces, and if so, would further limit pedestrian circulation and vehicular access.

As stated in the original report, in my opinion, although a double width carport currently exists on the subject land, this structure was approved on the basis to service one household and therefore meet the requirements for a double-width space. The formalization of the double width carport to serve as two independent single width carports is not appropriate considering the internal dimensions provided will not comply with the applicable Australian Standards.

The applicant has not provided details of the proposed fire-rated party wall to be constructed between the dwellings, and the applicant has stated the provision of these details are a matter for building rules consent, rather than forming part of this application. Whilst Council does not support the subject application, should the Panel be of an alternate view, it is suggested a condition of consent, requiring the party wall be approved and constructed prior to the Council issuing Section 51 clearance, be included in the consent.

The Panel deferred the application to seek clarification as to the position of the existing dwelling and structures including the as-surveyed width of the car parking spaces, whether a dividing fence/wall is, or will be constructed between the two car park spaces, and further details of the proposed fire-rated partywall.

The surveyed plan provided demonstrates the width of the car parking spaces does not meet the minimum 3 metres required as per *Australian Standard AS: 2890 - Parking facilities*. Whilst a fence is not proposed to be constructed between these spaces, the lack of internal width is not considered appropriate and will not provide convenient parking and pedestrian access.

As such, in staff's view, the proposal does not reasonably satisfy the Panel's reasons for deferral.

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## **ANALYSIS/CONCLUSION**

As stated in the original report, the greatest failure of the proposal relates to the desire to create allotments which are not appropriate for the intended use. The existing dwelling was designed and sited to function as a single storey detached dwelling and the proposal to convert the existing detached dwelling to a residential flat building and formally divide the land into two separate allotments will, in my opinion, result in unacceptable amenity impacts on the future occupants of the site.

The original dwelling, location/layout of POS and double width carport was not designed or envisioned to serve as two dwellings and the proposal, if approved, will result in poor amenity impacts for future occupants and inappropriate parking arrangements. The proposal will result in the formalisation of car parking spaces that will not provide sufficient width to accommodate two spaces in accordance with the relevant Australian Standards. In my opinion, Council should not support the formalisation of parking spaces that will not comply with the minimum Australian standards.

Whilst the dwelling was unlawfully modified and subsequently operated as two separate self-contained residencies for some time this, in my opinion, does not provide justification to warrant support.

It is my view that whilst 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, the proposal fails to sufficiently accord with the relevant provisions of the Development Plan, and therefore warrants refusal.

Should the Panel refuse the application, Section 84 proceedings to rectify the unlawful change of use will be commenced by Council administration.

## **RECOMMENDATION**

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/2129 for Land division 1 into 2 allotments and a change in land use from a single storey detached dwelling to residential flat dwelling comprising two dwellings at 120 Diagonal Road, Warradale be REFUSED for the following reasons:

## **REASONS FOR REFUSAL**

- 1. The proposed division does not reflect good residential design principles. As such the proposal does not accord with Objective 5 of the Northern Policy Area 13.
- 2. The proposal will result in POS that is not directly accessible from a living room and relied upon by two households, thereby placing greater demand on the amenity and functionality of this space and reducing the amenity of future occupants. As such the proposal does not accord with General Section: Residential Development, Principle of Development Control 16(a).
- 3. The proposal results in an inconvenient location of car parking for Lot 21 and therefore does not comply with General Section: Residential Development, Principle of Development Control 1(a).
- 4. The proposal does provide undercover parking spaces that achieve a minimum width of 3 metres as required by Australian Standard AS: 2890 – Parking facilities. As such the proposal does not accord with General Section: Transportation & Access Principle of Development Control 34.
- 5. The proposal creates a potential entrapment spot via the common property walkway connecting the existing building on part lot 21 with the existing carport on part Lot 23 as no alternative access is provided. As such, the proposal does not accord with Crime Prevention Principle of Development Control 12.

*Attachment II: Aerial Photograph & Site Locality Plan*

*Attachment III: Proposal Plan and supporting documentation*



**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 16 August 2017**

**CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES**

**Agenda Ref No: DAP160817 – 3.1**

**Reason for confidentiality**

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

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

**RECOMMENDATION**

1. The Development Assessment Panel orders pursuant to Section 56A (12) of the Development Act 1993, that the public, with the exception of the Manager of Development Services, Team Leader Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Executive Officer, of the Development Assessment Panel.
2. Under Section 56A (12) of the Development Act 1993 an order be made that item 8 including the report, attachments and discussions having been dealt with in confidence under Section 56A (12) (ix) of the Development Act 1993, and in accordance with Section 56A(16) shall be kept in confidence until a decision of the Environment Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session the meeting be re-opened to the public.