

**DEVELOPMENT ASSESSMENT PANEL
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WEDNESDAY 18 NOVEMBER 2015**

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DEVELOPMENT ASSESSMENT PANEL

Wednesday 18 November 2015

Agenda Ref No:	DAP181115 – 2.1
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	Mr Murray Roberts
Development Description:	To construct four, two storey row dwellings, one of which incorporates a garage wall on the eastern side boundary.
Site Location:	15 Percy Avenue, Clovelly Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	17/04/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/660
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

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

In addition to the above, the subject application is also required to be determined by the Development Assessment Panel as proposed Dwellings (A), (B) and (C) all support allotment areas that are less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Information Requested	Information Received
The applicant was requested to provide shadow diagrams to help determine the extent of shadow to be cast over the properties located to the east and south of the subject land by the proposed development.	The applicant has provided the required shadow diagrams as requested. The plans are attached as part of the applicant's response to the representations. (Refer to Attachment V)
Requested Amendments	Amendments Made
The upper level east facing wall of Dwelling (A) should be amended to incorporate a high level window or other similar treatment to help break up the blankness of the wall and provide a more desirable level of visual interest when viewed from the street.	The applicant has amended the plans accordingly which now illustrate the inclusion of a weather board textured panel and small window which have both been incorporated along the upper level eastern elevation of Dwelling (A).

SUBJECT LAND & LOCALITY

The subject land is situated on the south-eastern corner of Percy Avenue and Thirza Avenue at 15 Percy Avenue, Clovelly Park. The subject land comprises a large regular shaped allotment which has a 20.4 metre frontage (including 3 x 3 metre corner cut-off) to Percy Avenue and a frontage of 44.8 metres to Thirza Avenue to provide a total site area of approximately 935 square metres.

The subject land is relatively flat and is developed with an existing single storey detached dwelling (circa 1950) fronting Percy Avenue. An inspection to the subject land reveals that the site is devoid of any regulated trees, whilst the certificate of title confirms that the land is clear of any encumbrances or easements.

The locality is characterised by a mix of older housing stock comprising mainly single storey detached dwellings on large regular shaped allotments, together with single storey row dwellings and medium density dwelling units (circa 1980) as exhibited to the north-west of the subject land on the opposite side of Thirza Avenue.

Many new dwellings also exist within the locality and notably comprise both single and two storey detached and residential flat dwellings on mainly "battle-axe" shaped allotments (one into three), as exhibited to the north-west of the subject land at 41 Thirza Avenue and directly adjacent the subject land to the south-east at 17, 19 and 21 Beaumont Street.

The only notable landmark within the immediate locality includes the Sacred Heart Middle School which is located directly to the west and south-west of the subject land on the opposite side of Percy Avenue. This land is developed with various buildings and contains vast areas of open space and sporting fields which are clearly visible from the site of the development.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes to demolish the existing detached dwelling on the subject land and construct four two storey row dwellings with all dwellings presenting a frontage to Thirza Avenue. The dwellings will each provide three bedrooms (master bedroom at ground level with en-suite) with open plan kitchen/dining/living areas all directly linked to areas of useable private open space to the rear of each dwelling.

The dwellings will have a modern appearance with second storey components displaying an adequate degree of articulation to help reduce the bulk and scale of the dwellings when viewed from adjacent land. Materials and finishes will include a mix of face brick, foam panels and Hardies weatherboard sheeting to external walls. The dwellings will each provide a hipped roof design which is to be clad with Colorbond sheeting and set at a 15.5 degree roof pitch.

In respect to on-site car parking provision, all dwellings will be provided with a single width garage under the main roof with provision for one visitor's car parking space within the individual driveways forward of each garage. Driveways are to be paved, whilst open front yard areas are to be landscaped with a combination of lawn, small trees, shrubs and ground covering vegetation.

It is noted that Land Division application 100/D093/15 has been received by Council, which proposes to create four Torrens Title allotments, which reflects the subject dwelling application.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	8 properties were notified during the Category 2 public notification process.
Representations:	5 representations were received by Council all objecting to the proposed development.
Persons wishing to be heard:	2 representors have indicated a desire to be heard by the Panel.
Summary of representations:	<ul style="list-style-type: none">• Loss of privacy as a result of overlooking from the upper level windows of the two storey dwellings.• The character of the locality will change with the introduction of two storey dwellings in the area.• The proposed dwellings are far too large for the subject land and will look out of place.• The development will increase the amount of traffic in the street and reduce on-road parking potential.• The preference is for a reduced number of dwellings to be constructed on the land which should be no more than single storey in height.• The erection of 1.8 metre high fencing along the boundary will impair our vision of the street and approaching traffic and will cause a traffic hazard.• The proposed dwellings will overshadow existing solar panels on the roof which will effectively reduce their capacity to generate electricity.• The upper level windows of the dwellings should be fitted with opaque glass to protect the privacy of

	<p>adjacent residents.</p> <ul style="list-style-type: none"> • There is one too many dwellings proposed on the subject land which does not comply with the requirements for Northern Policy Area 13. • The subject land has insufficient depth and overall site area to accommodate four row dwellings and should be reduced from four to three dwellings. • The southern yard areas of the dwellings will be in shadow during the winter months whilst the dwellings will block light to adjacent properties. • The dwellings are considered “cheap” looking and will result in a poor streetscape outcome. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<p>Applicant’s response:</p>	<ul style="list-style-type: none"> • The construction of two storey row dwellings is anticipated within Northern Policy Area 13. • Despite the minor shortfall in site area and depth the dwellings comply with other requirements. • The side and rear setback of the dwellings including the private yard areas are adequate and comply. • The southern rear upper level windows are to be fitted with either opaque glass or will have a min sill height of 1.7 metres above upper floor level. • Each dwelling provides at least two on-site car parking spaces as required. • Dwelling (A) provides a single garage on the side boundary adjacent an existing garage of the neighbouring property to the east and should therefore have no impact on the dwelling. • The new allotments will be fully enclosed with 1.8 metre high fencing along the side and rear boundaries with landscaping to the front of each dwelling. • The fence height on the boundary of Percy Avenue and Thirza Avenue complies with Council guidelines to ensure safety. <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

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

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

Residential Zone		
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwellings ▪ semi-detached dwelling ▪ supported accommodation. 	<p>Complies</p> <p>As listed opposite, row dwellings are an envisaged form of housing type within Northern Policy Area 13.</p>
PDC 3	<p>Minimum Site Area:</p> <p>Row Dwellings: 250 m²</p>	<p>Complies</p> <p>Dwelling (D) = 268.7 m²</p> <p>Does Not Comply</p> <p>Dwelling (A) = 215.6 m² Dwelling (B) = 215.6 m² Dwelling (C) = 215.6 m²</p>
	<p>Minimum Frontage:</p> <p>Row Dwellings: 7 metres</p>	<p>Complies</p> <p>Dwelling (A) = 11.2 metres Dwelling (B) = 11.2 metres Dwelling (C) = 11.2 metres Dwelling (D) = 11.1 metres (In respect to Dwg (D), the frontage width has been calculated excluding the corner cut-off)</p>

	<p><i>Minimum Depth:</i></p> <p><i>Row Dwellings: 20 metres</i></p>	<p>Does Not Comply</p> <p>Dwelling (A) = 19.2 metres Dwelling (B) = 19.2 metres Dwelling (C) = 19.2 metres Dwelling (D) = 17.6 metres (In respect to Dwg (D), the average depth has been calculated excluding the corner cut-off)</p>
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Assessment

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

Whilst a minimum site area of 250 square metres is prescribed for row dwellings within Northern Policy Area 13, it is noted that Dwellings (A), (B) and (C) each provide lesser site areas of 215.6 square metres, which equates to a shortfall of 34.4 square metres (13.7%) per dwelling. Only Dwelling (D) accords with the above minimum requirement, providing a total site area of 269 square metres.

Having regard to the overall development of the subject land, the shortfall in site area collectively results in an 8.4% discrepancy for the total site area. In my view, the shortfall in site areas is not necessarily fundamental to the merits of the application, in that it does not represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. This is reinforced by the ability of the application to maintain a high level of compliance with other applicable design criteria, with a majority of identified shortfalls deemed to be minor departures from the Development Plan (as discussed further in the Table Discussion of this report).

In addition to the above, it is also noted that the depth of the proposed allotments is to be slightly less than the prescribed distance of 20 metres being 19.2 metres, a shortfall of 800 millimetres. This shortfall in depth is considered to be relatively minor and should not adversely impact upon the amenity of adjoining land nor prevent the subject land from being appropriately developed in accordance with the requirements set out within the Development Plan. This is further reinforced by the fact that each dwelling achieves appropriate front, side and rear setbacks from adjacent property boundaries.

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

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Complies Dwelling (D) = 34%</p> <p>Does Not Comply Dwelling (A) = 46% Dwelling (B) = 46% Dwelling (C) = 46%</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Complies Dwelling (A) = 0.58 Dwelling (D) = 0.60</p> <p>Does Not Comply Dwelling (B) = 0.63 Dwelling (C) = 0.63</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(d) to minimise overlooking from adjacent buildings</i></p> <p><i>(e) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(f) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(h) to be partly shaded in summer</i></p> <p><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(j) to have sufficient area and shape to be functional, taking into</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from a habitable room of the associated dwelling.</p> <p>b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>c) The subject land does not maintain natural features which warrant preservation.</p> <p>d) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>e) The POS areas of all four dwellings will not be directly located next to bedrooms of dwellings situated on adjacent sites.</p> <p>h) POS areas are capable of being shaded during summer.</p> <p>i) Traffic, industry or other business activities should not affect the subject land.</p> <p>j) The POS areas are considered to have sufficient shape and area to be functional.</p>

<p><i>consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Does Not Comply</p> <p>f) The proposed POS areas of all four dwellings will have a southerly aspect. g) The proposed POS areas will be mostly shaded during the winter months by the associated dwelling to provide a low level of comfort and amenity for the future residents.</p>
<p>Site Area 250 m² or greater: <i>Minimum area of POS: 20% of the site area Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p>Site area less than 250 m²: <i>20% of the site area or 35 m², whichever is the greater Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies Dwelling (D) = 35.9% (96.5m²) (Minimum dimensions of 6.0 metres x 5.6 metres provided for Dwelling (A)).</p> <p>Complies Dwelling (A) = 27% (58.6m²) Dwelling (B) = 27% (58.6m²) Dwelling (C) = 27% (58.6m²) (Minimum dimensions of 6.0 metres x 5.6 metres provided for Dwellings (A, B & C))</p>
<h2>Street Setbacks</h2>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> <i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality.</p> <p>Nonetheless, the proposed front setback of 5.0 metres is similar to that of a new pair of semi-detached dwellings located at 57 and 59 Thirza Avenue on the opposite side of the road. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p> <p>In addition, it should be noted that the proposed dwellings will provide a greater building setback from Thirza Avenue than the existing dwelling on the land which currently presents as a side elevation to the street which is fully fenced along the entire length of the boundary.</p> <p>As such, it is unlikely to expect that the proposed dwellings will have a detrimental visual impact on the existing streetscape.</p>
<p><i>Minimum setback from secondary road frontage: 3 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The western side elevation of proposed Dwelling (D) provides a 3.0 metre setback from Percy Avenue.</p>

<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Complies (Note: The wall height of the dwellings measures 5.3 metres).</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i> (a) the visual impact of the building as viewed from adjacent properties (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies The separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
Rear Setbacks	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Partially Complies The single storey components of all four dwellings achieve a maximum rear setback of 6.0 metres from the rear boundary which reduces down to 3.7 metres for 50% of the width of the allotment.</p>
<p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies The second storey components of all four dwellings achieve a maximum rear setback of 8.0 metres from the rear boundary</p> <p>Note: (except where the linen cupboard of each dwelling protrudes it then reduces to 7.5 metres for the width of the cupboard).</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i> (a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary (b) a minimum of 8 metres for two storey components of dwellings</p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p>

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed row dwellings incorporate a maximum building height of 6.6 metres, which is less than the maximum permitted in the Policy Area.</p>
<h2>Garages, Carports and Outbuildings</h2>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies</p> <p>The garages of all four row dwelling are to be set back at least 5.5 metres from the primary road frontage and 0.5 metres behind the main face of the dwelling.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Partially Complies</p> <p>The proposed garage of Dwelling (A) incorporates a flat roof which does not complement the roof design of this dwelling but does incorporate materials and detailing which complement the dwelling.</p> <p>The garages of Dwellings (B), (C) and (D) are all to be incorporated under the main roof of their associated dwellings and therefore comply with PDC 8.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The garages of all four dwellings will be of single width measuring 2.5 metres across the front to comply with PDC 6.</p>

Car Parking

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

Residential Zone: PDC 7

Complies

All four row dwellings provide a maximum of three bedrooms each and two on-site car parking spaces (one of which is covered).

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

General Section: Transportation & Access: PDC 43

Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
b) The subject land is located some 260 metres south/south-east of an existing Local Centre Zone situated on Daws Road, whilst the nearest bus stop is located on Beaumont Street some 180 metres to the south-east of the subject land, both within easy walking distance from the proposed dwellings.
c) The likely occupants are anticipated to have standard mobility and transport requirements.
d) e) 6 on-street car parking spaces shall remain available adjacent the subject land along both Thirza Avenue and Percy Avenue.

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

General Section: Land Division: PDC 22

Complies

In addition to the 8 on-site car parking spaces provided for the four dwellings, 6 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.

Access

The width of driveway crossovers should be minimised and have a maximum width of:
(a) 3 metres wide for a single driveway
(b) 5 metres wide for a double driveway.

General Section: Residential Development: PDC 39

Complies

The proposed development provides two new 3 metre wide single driveways for Dwellings (A) and (B) with a single 5 metre wide double driveway to be constructed for Dwellings (C) and (D).

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

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are to be set back a minimum of 1 metre from existing stobie poles and street infrastructure, and 2 metres from the existing street trees along Thirza Avenue.

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

General Section: Transportation and Access: PDC 28

Complies

All proposed vehicle access points are to be separated by a minimum distance of more than 6 metres.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

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

- Mixture of brick, horizontal cladding and render on the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Protruding balconies and cantilevered window awnings
- Eave overhang and pitched roof form at 20 degree slope
- Fenestration

The dwellings incorporate a common roofline with a 17.5 degree Colorbond roof in Dune, with rendered facades. The garage of each dwelling features a single width Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

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

Balconies should:

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

General Section: Design & Appearance: PDC 5

Complies

The proposed balconies are well integrated into the design of the dwellings to provide a dominant feature of the front facade with open balustrades that enable a line of sight directly down into the street below.

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

Entries to dwellings or foyer areas should be clearly visible from the

Partially Complies

The dwellings are designed so that their main facade faces the primary street frontage however, the front entrance doors of each dwelling are not obviously visible from the street.

That having been said, each dwelling is provided with a separate landscaped pathway leading from the front of the property directly to the porch and entrance door of each dwelling to provide guidance to visitors.

All four dwellings present numerous habitable room windows to the street.

street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.

General Section: Residential Development: PDC 6

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that:

a) North-facing windows to habitable rooms of the existing dwellings located at 17 Percy Avenue to the south and 15 Beaumont Street to the east (being the most affected properties) 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, a majority of winter shadow will be cast within the rear yards of the proposed dwellings. Being located on a corner allotment facing two streets, some shadow will be cast over Percy Avenue in the early morning and into some portion of the rear yard of the eastern adjoining property in the after-noon hours.

It is noted that shadow cast into the eastern adjoining property only begins in the afternoon hours with much of the available rear yard space of the dwelling at 15 Beaumont Street to be unaffected by shadow cast by the proposed development. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 10 and 11.

In respect to the concerns raised by the neighbour to the south regarding the overshadowing of the existing solar panels on the roof of their dwelling at 17 Percy Avenue, the attached shadow plan provided by the applicant confirms that the extent of shadow to be cast by the proposed development will have no impact on the ability of the existing solar panels to generate electricity.

Visual Privacy

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

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

Complies

The dwellings incorporate obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. The windows along the rear elevation comprise awning windows with limited opening potential restricted to a maximum 200mm.

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.

<p><i>on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 12</i></p>	<p>The western elevation of Dwelling (D) provides an upper level window which overlooks the secondary street. This window however comprises a high level fixed glass window which will not compromise the privacy of adjacent land.</p> <p>The balconies on the front façade are oriented to obtain views of the existing streetscape along Thirza Avenue.</p> <p>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.</p>
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Noise

<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 29</i></p>	<p>Complies</p> <p>All dwellings feature bedroom windows at ground level facing the street. These windows are well separated from individual driveways and incorporate landscaping between the driveway and bedroom window of the adjoining dwelling. 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.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
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Energy Efficiency

<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Partially Complies</p> <p>The dwellings are oriented so that their open spaces and main activity areas face south thereby leaving these areas without sufficient exposure to adequate amounts of natural light during the winter months.</p> <p>That having been said, it is noted that some portion of the rear yards of the dwellings face in a western direction, which should nonetheless receive some northern winter sunlight.</p> <p>In addition to the above, the upper level balconies including the internal ground and first floor living areas associated with each dwelling are notably positioned such that they will gain some exposure to northern sun during the winter months.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
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<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>The row dwellings will incorporate a common roof line in a hipped roof form set at a 17.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Complies</p> <p>It is considered that the proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>As the subject land is relatively flat in nature, it is not anticipated that there will be any need to construct retaining walls along the existing boundaries of the subject land.</p> <p>As previously mentioned, the proposed development is to incorporate new rear and side boundary fencing measuring 1.8 metres in height and is to provide privacy for the future residents of the dwellings.</p> <p>As no fencing of any type is proposed along Thirza Avenue the front of the dwellings, this should provide clear lines of sight for residents backing vehicles out on to Thirza Avenue from their individual driveways.</p>

TABLE DISCUSSION

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

- Site Coverage Dwellings (A), (B) & (C)
- Floor Area Ratio Dwellings (B) & (C)

Site Coverage/Floor Area Ratio

As identified above, the site coverage achieved in relation to proposed Dwellings (A), (B) and (C) all exceed the required maximum provision of 40% within Northern Policy Area 13 with all three dwellings providing site coverage of 46%. In addition to this, Dwellings (B) and (C) also provide a floor area ratio of 0.63 thereby exceeding the maximum measure of 0.6 prescribed for two storey dwellings within Policy Area 13. That having been said, it is not uncommon for row dwellings to exceed this measure, especially row dwellings which are “hemmed” in by outer row dwellings either side. As a result, middle placed row dwellings generally always provide a high floor area ratio as these dwellings are not provided side yards or any degree of separation from adjacent land and boundaries. Given this, the floor area ratio of 0.63 achieved in respect to Dwellings (B) and (C) is not considered to be detrimental in this instance.

Whilst Dwellings (A), (B) and (C) all exceed the 40% maximum site coverage prescribed within Policy Area 13, it is not considered that the proposed development represents an over-development of the total site area where the application might warrant refusal. As previously mentioned, it has been determined that the proposed dwellings each achieve a high level of compliance with the quantitative criteria identified above. Whilst marginally exceeding the requirements set out within the Council’s Development Plan, it is considered that the site coverage achieved in respect to Dwellings (A), (B) and (C) should not adversely impact upon the amenity of adjoining land, nor impair the design and function of these dwellings.

Further to this point, it is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. It is noted that the subject land is located within the Determined Area for the purposes of Schedule 4, which permits a maximum site coverage of 60%. This signifies that a new detached or semi-detached dwelling(s) could be constructed on the land “as of right” (i.e. without an assessment against Development Plan criteria) with site coverage of 60%.

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

REPRESENTOR’S CONCERNS

The numerous concerns raised in the representations regarding the density of the development, the design and appearance of the dwellings, the loss of on-road parking spaces, the increase in noise and loss of privacy and other related amenity impacts have all been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The concerns raised within the representations regarding the replacement of existing boundary fencing and the safety of children being delivered and picked up before and after school are also acknowledged. Whilst these issues have been raised, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development reflects the low-to-medium level of density that is envisaged within Northern Policy Area 13. The proposed development is also suitably located within walking distance to a nearby Local Centre Zone, public transport links and a large secondary school. As such, the subject land is considered to be an appropriate site for medium density development satisfying some of the locational attributes prescribed within Objective 2 of the Residential Zone.

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

In terms of design and appearance, it is considered that the proposed development provides a medium-density form of development that is envisaged within Policy Area 13. The proposed dwellings provide a satisfactory level of articulation and streetscape presentation, whilst the two-storey nature of the dwellings accords with the desired character of the policy area and is considered to be in keeping with the design and density of development that is envisaged within Policy Area 13.

Notwithstanding the concerns raised within the representations received during the Category 2 public notification process, I am of the opinion that the proposed development is not seriously at variance to the Development Plan in accordance with Section 35(2) of the Development Act, 1993. Furthermore, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/660 to construct four, two storey row dwellings, one of which incorporates a garage wall on the eastern side boundary at 15 Percy Avenue Clovelly Park be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details stamped dated received 17 April 2015 and 10 November 2015 all submitted with and forming part of Development Application No. 100/2015/660, except where varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. All 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.

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

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 18 November 2015

Agenda Ref No: DAP181115 – 2.2

Originating Officer: Joanne Reid
Development Officer - Planning

Applicant: Ms Elena Carnevale

Development Description: A two storey building comprising three dwellings incorporating a garage wall on the northern boundary with associated car parking and landscaping and removal of a significant tree (Agonis Flexuosa - WA Willow Myrtle)

Site Location: 3 Virgo Avenue, Warradale

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 14/08/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/1441

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

CATEGORISATION & DELEGATION

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

Despite a land division application not accompanying the dwelling application, it is staff's view that the dwellings should be appropriately classified and assessed for row dwellings as, for all intents and purposes, the dwellings comprise three dwellings, erected side by side with party walls to form a single building each occupying a site that has exclusive frontage to a public road, pursuant to the Schedule 1 definition in the Development Regulations, 2008.

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

Amendments Requested	Amendments Made
Extent of wall on northern side boundary deemed excessive. Requested second boundary wall behind courtyard be removed to provide greater visual relief to adjoining property.	Wall removed from boundary and setback 900mm.
Provide further treatments to façade to reduce the dominance of garaging.	Material of garage door altered from Colorbond to timber panel.
Ensure that 6m is provided between the crossovers of at least two dwellings to accommodate an on-street car park space.	Plans identify 6m provided between crossovers of dwellings on Lots 2 and 3.
There is a significant tree identified on the land and payment of \$252 will be required to be paid into the Urban Tree Fund if removal is supported.	Confirmation that payment of \$252 will be made to the Urban Tree Fund if consent granted.
At request of Council engineer, consider providing 3000L rainwater tanks in lieu of retention/detention tanks given the risk of inundation in the event of a 1 in 100 year ARI event.	3000L rainwater tank provided, plumbed to WC or laundry.

SUBJECT LAND & LOCALITY

The subject site is located at 3 Virgo Avenue in Warradale. It is a rectangular shaped allotment with a frontage width of 23.37m and a depth of 38.1m, comprising a total site area of 890 square metres.

The site contains a single storey detached dwelling and outbuilding to the rear. The land maintains no discernable slope and contains a Significant Agonis Flexuosa (WA Willow Myrtle) at the front of the property.

The locality is predominantly residential, comprising a mix of dwelling types including much of the original housing stock of single storey detached dwellings on large allotments. Group dwellings and residential flat dwellings, some of which have existed for some time are also prevalent in the area. Directly to the south of the site (1A, B and C Omar Avenue) are recently approved two storey row dwellings.

The closest area of public open space is Bowker Reserve (located in Holdfast Bay Council) which is located approximately 300m to the west of the site. Bus transport is available on Diagonal Road which offers services to the City, Westfield Marion and Glenelg.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to construct a two storey building comprising three dwellings, which, when subdivided would form row dwellings.

The dwellings have a similar floor layout, each maintaining an open plan kitchen/living dining area, lounge/study/bedroom, laundry and WC downstairs and three bedrooms (one with ensuite) and bathroom upstairs.

Each dwelling also incorporates a double garage with individual access off Virgo Avenue and accommodates the parking of up to 4 vehicles.

The dwellings are to be constructed of face brick on the lower storey and on the upper storey, hebel veneer with a texture coated finish. The roof is proposed to be clad in colorbond with a 20 degree pitch.

The application also involves the removal of a Significant Tree, an Agonis Flexuosa located at the front of the site.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	18 properties were notified during the Category 2 public notification process.
Representations:	1 representation was received by Council. M Macdonald of 4 Virgo Avenue Warradale – Primarily against the application, objection would be lessened if certain amendments were met.
Persons wishing to be heard:	The representor did not indicate a desire to be heard by the Panel.
Summary of representations:	<ul style="list-style-type: none"> • Unhappy with 3 dwellings on the site due to increase in car parking requirements (on a narrow, peaceful suburban street). • 2 dwellings with car parking at the rear would be acceptable. <p><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • Each dwelling has a two car garage and room for another two cars on each driveway, reducing the need for on-street car parking. • Adequate space has been left for an on-street car park (as requested by Council). • The development only requires one additional crossover as there are 2 existing crossovers already at this address. • This means that the impact to the street will be minimal and all Council requirements have been met. <p><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	The finished floor levels are acceptable. Install 3000L rainwater retention tanks fully plumbed into toilet and laundry, connected to at least 80% roof area instead of dual retention/detention tanks.
Open Space:	Assessment undertaken to determine the health of the significant Agonis Flexuosa – removal was recommended.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies
PDC 3	<p>Minimum Site Area: 250m²</p>	Complies Lot 1 – 320m ² Lot 2 – 285m ² Lot 3 – 285m ²
	<p>Minimum Frontage:7m</p>	Complies Lot 1 – 8.41m Lot 2 – 7.48m Lot 3 – 7.48m
	<p>Minimum Depth:20m</p>	Complies Lots 1 – 3 – 38.1m

Assessment

The application proposes to replace one dwelling and construct three dwellings in its place. The Desired Character of the Policy Area seeks for the redevelopment of properties to be at greater densities than that of the original housing and for a range of dwelling types to meet a variety of accommodation needs. The three dwellings, in the form of two storey row dwellings, contributes to adding to a variety of accommodation types in the locality.

The site is located in relatively close proximity to a number of desirable attributes where higher densities are sought. Occupants would be in walking distance to public open space namely Bowker Reserve and frequent bus transport is available on Diagonal Road with services to the City, Westfield Marion and Glenelg. Centre zones are located slightly further away, however the Neighbourhood Centre Zone on the corner of Diagonal and Morphett Road, which contains a supermarket is within 1 km of the site.

Whilst it is noted that the development also includes the removal of a Significant tree, Council's arborist has undertaken an assessment of the tree and has indicated that the tree is ageing and displaying signs of poor health. The existing street tree is not proposed to be removed as a result of the development.

The dwellings are compliant in their site area, frontage width and depth and whilst further analysis will be undertaken against the remaining criteria of the Development Plan, it suggests that the proposed density is acceptable.

To this end, the proposed development is considered to display consistency with the Objectives and Desired Character of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>	Does Not Comply Lot 1 – 56% Lot 2 – 59% Lot 3 – 60%
<p>Site coverage for Houses, 1, 2 and 3 exceeds the 40% Development Plan standard by 16%, 19% and 20% respectively. Due to the nature of row dwellings being boundary to boundary, site coverage is generally higher than detached or semi-detached dwellings as the dwellings do not provide separation to at least one side boundary (this being a requisite of row dwellings).</p> <p>Private open space for all three dwellings is generous and the ground level setbacks generally comply with the requirements of the Development Plan. 80% of the total roof area stormwater will be directed to a retention tank for capture and minimisation of water flow to the street.</p> <p>Each dwelling is also provided with an under main roof alfresco. The removal of the alfresco would reduce site coverage down to 48% (House 1), 51% (House 2) and 51.6% (House 3) which would bring the figure closer to the prescribed Development Plan requirement. The inclusion of an alfresco is in my view beneficial to the function of the private open space and provides an undercover area which is located underneath the main roof and matches the form and materials of the associated dwelling. Given that a verandah of the size proposed could be granted approval without requiring Planning Consent to be granted (pursuant to Schedule 1A of the Development Regulations, 2008) with up to 70% site coverage, removing the verandah to achieve greater compliance with the Development Plan, in my view, is of no benefit.</p>	

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

Maximum floor area ratio: 0.6

Northern Policy Area 13: PDC 4

Complies / Partially Complies / Does Not Comply

Lot 1 – 0.66

Lot 2 – 0.72

Lot 3 – 0.73

The excess floor area is represented by a 20.6m² increase for Lot 1, 35.3m² for Lot 2 and 37.4m² for Lot 3 beyond that sought by the Development Plan.

Whilst a higher FAR can often represent a bulky development, the nature of row dwellings being boundary to boundary where the upper storey is flush with the lower storey can also trigger a higher FAR.

The excess FAR does not, in my view, contribute to the dwellings being obtrusive or bulky when viewed from adjacent properties. The upper storey setbacks to the outer boundaries comply with its respective Development Plan requirement. Where there are setback incursions, they affect the 'internal boundaries' of the site, with the impacts less likely to be felt by the future occupants of two 'outer' dwellings than if it were adjacent existing established dwellings.

The FAR of the dwellings, in my view, does not result in a bulk and scale that would unreasonably impact on existing neighbouring properties, nor the future occupants within the subject site.

Site coverage should ensure sufficient space is provided for:

- (a) pedestrian and vehicle access and vehicle parking*
- (b) domestic storage*
- (c) outdoor clothes drying*
- (d) rainwater tanks*
- (e) private open space and landscaping*
- (f) convenient storage of household waste and recycling receptacles*

General Section: Residential Development: PDC 13

Complies

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

Private Open Space

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

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

General Section: Residential Development: PDC 15

Complies

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

Site Area 250 m² or greater:

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

General Section: Residential Development: PDC 17

Complies

Lot 1 – 107.6m² (33.6%)
 Lot 2 – 77.1m² (27%)
 Lot 3 – 77.1m² (27%)

Each dwelling incorporates an area of POS that is equal to 10% of the allotment size with a minimum dimension of 5m x 5m.

Street Setbacks

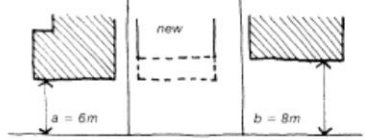
Except in areas where a new character is desired, the setback of buildings from public roads should:
 (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
 (b) contribute positively to the function, appearance and/or desired character of the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

General Section: Design and Appearance: PDC 23

Complies

The proposed setback is considered to contribute positively to the function, appearance and desired character of the locality due to its compliance with Design and Appearance Principle 25.

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

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

General Section: Design and Appearance: PDC 25

Complies

Lots 1 to 3: 5.0 metres

(Dwellings on adjoining land set back approximately 2.6m (secondary street setback) and 7.5 metres, which equals an average setback of 5 metres)

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

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

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

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

Where the wall height is greater than 6 metres:

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

Residential Zone: PDC 7

Does Not Comply

Lot 1 dwelling - 0.9 m
 Lot 3 dwelling – 0.9m

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

Complies

Lot 3 dwelling – 2m (northern side)

Complies

Lot 1 dwelling – 3m (southern side)

<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <p><i>(i) 50 per cent of the length of the boundary</i></p> <p><i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p>Complies</p> <p>Lot 3 wall on boundary</p> <p>c (i) Does not comply – located in front of the main face of the adjacent dwelling</p> <p>c(ii) Does not comply – length of wall is 6.47m</p> <p>c(iii) Complies – wall height is 2.7m</p> <p>c(iv) Does not comply – a portion of the boundary wall will be closer than 2.5m to the adjacent dwelling's east facing habitable room window.</p> <p>See comments below</p>
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Despite the boundary wall being located forward of the adjacent northern dwelling, it is not envisaged that this will result in severe or unreasonable impacts.

In fact, having the wall setback 2m behind the main face of the dwelling would place the wall in direct view of the habitable room window located on the southern side of the adjacent building whilst the proposed location would render the eastern side (front) window the closest habitable room window. Views of the wall from the east facing window are likely to be oblique, rather than direct, and the wall is therefore unlikely to be visually intrusive when viewed from the neighbouring property.

Furthermore, the wall's location on the southern side of the adjoining property will not result in overshadowing that will restrict light entering the habitable room and therefore, the fact that the wall will be closer than 2.5m to the adjacent dwelling's habitable room is considered to be inconsequential.

Although it is noted that the boundary wall is 470mm greater in length than that sought by the Development Plan, the wall does not reach a height of 3m (with the exception of the parapet) and therefore it is not considered unreasonable for the wall to extend to a slightly greater distance than what is prescribed by the Development Plan. Additionally, as mentioned above, the wall will also not result in overshadowing or sit directly adjacent a habitable room window and therefore the length of the proposed wall on the boundary is not unreasonable.

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the boundary wall does not comply with all the quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of the adjacent northern property as discussed above.</p>
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Rear Setbacks

<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Lots 1 to 3 – 10.3m</p>
<p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Lots 1 to 3 – 14.6m</p>

Building Height

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

Residential Zone: PDC 7

Complies

The proposed dwellings incorporate a maximum building height of 6.9 metres, which is less than the maximum permitted in the Policy Area.

Garages, Carports and Outbuildings

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

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

*Minimum setback from secondary road frontage:
5.5 metres for a single-width structure.
Not less than the specified setback of the associated dwelling for a double-width structure.*

Residential Zone: PDC 8

Complies

Garages are located 5.6m from the road frontage and 600mm behind the main face of the dwelling (upper storey).

*Carports and garages should be setback from road and building frontages so as to:
(a) not adversely impact on the safety of road users
(b) provide safe entry and exit.*

General Section: Residential Development: PDC 12

Complies

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

General Section: Residential Development: PDC8

Complies

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

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

Residential Zone: PDC 6

Does Not Comply

The double garages take up more than 50% of the allotment frontage width, however, the upper storey of the dwellings is considered to adequately 'draw the eyes' away from the garages.

Car Parking

Minimum number of on site car parking spaces (one of which should be covered) :
2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.
3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.
1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.

Residential Zone: PDC 7

Complies

4 car parks, 2 of which are undercover.

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p>(a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) the loss of one on-street car parking spaces is compensated by an additional on-site car park.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Does not comply</p> <p>1 on-street car parking space has been provided for the proposed allotments when two ought to be provided.</p> <p>However, as identified in PDC 43 (e), additional on-site car parking has been provided.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p>(a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway.</p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>Crossovers maintain a maximum width of 4.6m for a double driveway</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 2 metres from the existing street tree.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Partially Complies</p> <p>The access points of Lots 2 and 3 are separated by a minimum of 6m between them.</p> <p>Less than 6m separates the driveways of Houses 1 and 2, however, due to the reduced frontage widths of the allotments, this is unavoidable.</p>
<h2>Design & Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(a) building height, mass and proportion (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandas, eaves, parapets and window screens.</p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</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 elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of brick, horizontal cladding and render on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding portico and cantilevered upper storey over garage • Timber panel garage tilt doors

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

General Section: Design & Appearance: PDC 17

- Eave overhang and pitched roof form at 20 degree slope
- Fenestration to the upper level and side elevations.

The dwellings incorporate a 20 degree Colorbond, with brick and rendered facades. The garage of each dwelling features a timber panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

Partially complies

The northern upper level wall of Dwelling 1 is sited on the property boundary and does not incorporate features to break up the expanse of walling. Whilst this element of the proposal is not ideal, limited view of this façade will be available from the street, given view is funnelled between the two storey wall of Dwelling 2, sited 2.0 metres to the north.

The northern side elevation of Dwelling 3 and southern side elevation of Dwelling 1 feature a mixture of face brick and rendered cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

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

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

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

All living rooms are deemed to have an external outlook.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

- (a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June*
- (b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:*
 - (i) half of the existing ground level open space*
 - (ii) 35 square metres of the existing ground level open space*

Partially Complies

See comments below

*(with at least one of the area's dimensions measuring 2.5 metres)
(c) where overshadowing already exceeds the requirements
contained in part (b), development should not increase the
overshadowed area.*

General Section: Design & Appearance: PDC 10

The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice).

Three dwellings are under construction on the southern adjoining properties at 1A, 1B and 1C Omar Avenue.

For 1A Omar Avenue, the site will be free from shadow from the proposed development from 12 midday and sunlight will be available into habitable rooms and POS for greater than 3 hours.

For 1C Omar Avenue, the site will be free from shadow between 9am and 12 midday where sunlight will be received into POS and habitable rooms during this time.

It is likely that a majority of the north-facing dining room window of 1B Omar Avenue will be in shadow between the hours of 9am and 3pm. The north-facing living room window will receive sunlight on a portion of its surface throughout the winter months, with direct afternoon sunlight increasing from after 2pm. It is noted that the dwelling's under-main-roof alfresco will shade part of this window throughout the day. To this end, the proposal fails to satisfy Principle 10(a), albeit only marginally.

Approximately 29 square metres of private open space of this property (1B Omar Avenue) will receive at least two hours of direct sunlight on 21 June, which complies with Principle 10(b).

The upper storey southern side setback of the proposed dwelling on Lot 1 is 3m, which meets the prescribed Development Plan criteria. Furthermore, the wall height of 5.7 metres is less than the maximum 6.0 metres permitted to incorporate a 3.0 metre setback, whilst a dwelling could be approved as complying development pursuant Schedule 4, Part 2B of the Development Regulations with the same wall height and an upper storey side setback of 2.83m, without any regard for the amenity of the adjoining occupier.

In this regard, whilst at the time of the year when the sun's height above the horizon is at its lowest, the north-facing habitable room windows will not receive a minimum of 3 hours direct sunlight, these windows will nonetheless receive some sunlight throughout the day.

Visual Privacy

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

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

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

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

General Section: Design & Appearance: PDC 12

Complies

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

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Complies

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

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

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

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

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor level of 14.8, setbacks from boundaries and retention of 3000L of rainwater should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

The proposed planting species and distribution, which includes trees which can grow up to 7m in height, should appropriately complement the built form, reduce its visual impact and enhance the appearance of the road frontage and parking areas.

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The application proposes retaining walls varying in height to a maximum 300 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.1 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

Significant Trees

OBJECTIVES

1 The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.

2 The conservation of significant trees in balance with achieving appropriate development.

Complies

The tree proposed to be removed is at the end of its lifespan and is not considered to provide aesthetic or conservation value to the locality.

<p>PRINCIPLES OF DEVELOPMENT CONTROL</p> <p>1 Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:</p> <ul style="list-style-type: none"> (a) makes an important contribution to the character or amenity of the local area; or (b) is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species (c) represents an important habitat for native fauna (d) is part of a wildlife corridor of a remnant area of native vegetation (e) is important to the maintenance of biodiversity in the local environment (f) forms a notable visual element to the landscape of the local area. 	<p>Partially Complies</p> <p>The tree is a Western Australian species and is not indigenous to the local area or part of a wildlife corridor of a remnant area of native vegetation.</p> <p>Council's arborist did not witness the tree as being a habitat for native fauna.</p> <p>Whilst the tree is in a prominent location on the site and to some extent, forms a notable visual element on the street, the declining health of the tree has marred its visual appearance and no longer makes a contribution to the character of the area.</p>
<p>2 Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.</p>	<p>Does Not Comply</p> <p>The applicant wishes to remove the tree, not as a result of the development but because it has reached the end of its useful lifespan and is declining in health.</p>
<p>3 Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:</p> <ul style="list-style-type: none"> (a) in the case of tree removal: <ul style="list-style-type: none"> (i) the tree is diseased and its life expectancy is short (ii) the tree represents an unacceptable risk to public or private safety (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area (iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value (v) all other reasonable remedial treatments and measures have been determined to be ineffective (vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring. (b) in any other case, any of the following circumstances apply: <ul style="list-style-type: none"> (i) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree (ii) the work is required due to unacceptable risk to public or private safety (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area (iv) the tree is shown to be causing or threatening to cause damage to a substantial building or structure of value (v) the aesthetic appearance and structural integrity of the tree is maintained (vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring. 	<p>Complies</p> <p>See below</p>
<p>The arborist's assessment of the tree has indicated that the tree has a life expectancy of around 5 more years. The main trunk is split and contains included bark, potentially as a result of decay. The branches are extended and the foliage on the tree lacks vigour.</p> <p>The tree's location in close proximity to the footpath is considered to present some risk to public and private safety, where given the declining health of the tree, the branches have the potential to fail over a highly utilised section of land. Council's arborist has given the tree a risk rating of 8 out of 12, suggesting that some risk is apparent.</p> <p>The characteristics that the tree displays are considered by the arborist as being typical of old Agonis species. In his view, there are no other remedial works that can be undertaken to improve the health of the tree and has recommended that the tree be removed.</p> <p>Accordingly, I am of the view that the tree exhibits a number of elements described in Principle 3 above which warrants the tree's removal.</p>	

5 Land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree.

Complies

The tree is deemed acceptable for removal due to the declining health of the tree and not as a result of the proposed development.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to car parking have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to this matter.

ANALYSIS/CONCLUSION

The proposed dwellings display consistency with the Desired Character and Objectives of the Policy Area, in that they are well situated close to open space and public transport and will provide additional accommodation needs at higher densities.

The proposal however, does display some numerical excesses, most notably site coverage, floor area ratio and the location and length of the boundary wall. Further consideration of the potential impacts of these matters identifies that they will not jeopardise the function and liveability of the dwellings or result in severe or unreasonable impacts upon the adjacent property owners.

The development is also likely to create some shadow impacts upon the adjacent dwelling at 1B Omar Avenue. However, proposed Dwelling 1 satisfies the relevant setback criteria for two storey dwellings adjacent a southern boundary and whilst the north-facing windows of the dwelling at 1B Omar Avenue will not receive adequate direct sunlight on 21 June as per Overshadowing Principle 10(a), adequate POS will remain free of shadow to comply with Principle 10(b).

Despite the abovementioned variances, the proposal achieves compliance with the majority of the provisions of the Development Plan including site area, frontage widths, private open space, car parking and design and appearance.

Additionally, the condition of the Significant tree on the site is considered to be such that its removal is warranted.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1441 for a two storey building comprising three dwellings incorporating a garage wall on the northern boundary with associated car parking and landscaping and removal of a significant tree (*Agonis Flexuosa* - WA Willow Myrtle) at 3 Virgo 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. 100/2015/1441, being the site plan, elevations, floor plans, siteworks plan and landscape plan prepared by Holliday Design and Drafting, and documentation titled 'Proposed 3 Unit Row Dwelling at 3 Virgo Ave, Warradale for the Property Experts' except when varied by the following conditions of consent.
2. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of Council.
3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. 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.

9. **Payment of \$252 shall be made into the City of Marion's Urban Trees Fund prior to the issue of Development Approval.**
10. **All 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.**

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. **The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.**
4. **Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 November 2015

Agenda Ref No: DAP181115 – 2.3

Originating Officer: Joanne Reid
Development Officer - Planning

Applicant: TK Building Design

Development Description: Two storey detached dwelling and two single storey dwellings to the rear with associated common driveway and landscaping

Site Location: 69 Addison Road, Warradale

Zone: Residential Zone

Policy Area: Medium Density Policy Area 12

Application Type: Category 2 / Consent

Lodgement Date: 22/05/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/913

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

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that has a wall abutting a side or rear property boundary as Category 2 development.

The subject application is required to be determined by the Development Assessment Panel by virtue of the dwelling on Lot 1 supporting an allotment area less than the minimum of 300 square metres required for detached dwellings within the Medium Density Policy Area 12. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Separate driveway of Lot 1 and common driveway to provide 6 metres between in accordance with Principle 40 of the Development Plan and also avoids the need to remove the street tree.	Lot 1 dwelling redesigned to utilise existing crossover on eastern side.
Increase private open space of Lot 1 dwelling to meet the likely needs of occupants.	Private open space increased from 50 square metres to 54 square metres, exceeding 20% of the allotment size and providing a 4m x 8m dimension.
Provide landscaping plan which incorporates plantings in front of bedroom window of Lot 3 dwelling to minimise headlight glare into bedroom.	Landscape plan provided which indicates landscaping in front of the bedroom window of Lot 3.
Confirmation that the Telstra Pit can be made trafficable	Contractor quote provided to confirm that Telstra Pit can be made trafficable.

SUBJECT LAND & LOCALITY

The subject site is located at 69 Addison Road in Warradale. The land is a non-rectangular allotment with a front boundary of 17.37m, a rear boundary of 17.19m and eastern and western boundaries of 52.8m and 51.18m respectively. The total area of the allotment is 892 square metres.

The site contains a single storey detached dwelling and outbuilding. The land maintains no discernable slope and there are no regulated or significant trees on the allotment.

The locality is predominantly residential and contains a mixture of dwelling types including the original housing stock on large allotments, detached and semi-detached dwellings on medium sized allotments and group and residential flat dwellings on smaller allotments.

The site is located directly opposite the Seaford Railway line with the Oaklands Railway Station approximately 300m to the east. The SA Aquatic Centre, GP Plus and Marion Cultural Centre and library is situated approximately 300m south-east of the site whilst Westfield Marion is a further 400m beyond. The nearest public open space is Dwyer Road Reserve, located approximately 250m to the east.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposal comprises the construction of a two storey dwelling located at the front of the site and presenting to Addison Road and two single storey dwellings located to the rear with a shared driveway access from Addison Road.

The two storey dwelling comprises an open plan kitchen/meals/lounge area, laundry and WC downstairs and three bedrooms (one with ensuite and walk-in-robe) and a family room upstairs.

The rear dwellings incorporate three bedrooms (one with ensuite and walk-in-robe), open plan kitchen/living/dining area and associated wet areas.

The two storey dwelling maintains its own access which leads to a double garage. The two rear dwellings each include a single garage.

The dwellings are to be constructed using a combination of face brickwork downstairs and rendered hebel upstairs for the two storey dwelling and face brickwork for the single storey dwellings. Each dwelling will maintain a colorbond roof with a 25 degree pitch.

Landscaping is proposed along the driveway and in front of the Dwellings 1 and 3.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	11 properties were notified during the Category 2 public notification process.
Representations:	3 representations were received by Council. H & A Salih; A Shearing; and N Qi All neutral regarding outcome although noting certain concerns.
Persons wishing to be heard:	No persons have indicated a desire to be heard.
Summary of representations:	<ul style="list-style-type: none"> Fencing to maintain the same height. Will not pay for new fencing as current fence is in good condition. Concern that tenants are not inconvenienced as a result of the development. Would like to know window finishing of the second floor facing Addison Road. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> Fencing will only be replaced if less than 1.8m high and in bad condition. Neighbours will be notified in writing prior to any work being done and cost will be at the expense of the developer. The occupants will be notified prior to fence removal as footings and brick wall to proposed garage are along the boundary and every care will be taken to minimise disruption. The windows facing Addison Road are 730mm wide x 1.8m high and 600mm above the finished floor level. These windows are bedroom windows and will be furnished with blinds. <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Finished floor levels to be 100.45 for front dwelling and 100.6 for rear dwellings. Finished paving levels around the perimeter of the site, including the driveway, needs to be set-down at least 250mm below the finished floor levels.</p> <p>Install 3000L rainwater tanks fully plumbed to toilet and laundry and connected to at least 80% of roof area, instead of dual retention/detention tanks.</p>
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Open Space:	Eucalyptus was recently planted as were many others of the same species in Addison Road. The tree should be retained with a minimum TPZ of 2m.
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Medium Density Policy Area 12		
<p>Objectives</p> <p>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes. 2 Development that minimises the potential impact of garaging of vehicles on the character of the area. 3 Development that supports the viability of community services and infrastructure and reflects good residential design principles. 4 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.</p> <p>Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p> <p>Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building (buildings between one and three storeys) ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies

PDC 4	<p><i>Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should be in the form of 2 to 3 storey buildings.</i></p> <p>(i.e. Site areas between 149.3 and 250 m²)</p>	<p>Complies Achieves gross density of 33.6 dwellings per hectare comprising one and two storey dwellings.</p>
PDC 6	<p><i>In the case of multiple dwellings on one site, access to parking and garaging areas from public streets should primarily be via a minimum number of common driveways.</i></p>	<p>Partially Complies Two access points have been provided as this provides greater efficiency in the use of the land and more convenient and safe vehicle access.</p>
PDC 7	<p><i>Minimum Site Area: Detached dwelling – 300m² Group dwellings – 250m²</i></p>	<p>Does Not Comply Lot 1 – 249.3m² Lot 2 – 231m² Lot 3 – 236m²</p>
	<p><i>Minimum Frontage: Detached dwelling – 10m Group dwellings – 4m driveway width</i></p>	<p>Complies Lot 1 – 12.8m Lot 2 and 3 – 4m driveway width</p>
	<p><i>Minimum Depth: Detached dwelling – 20m Group dwelling – 45m (overall allotment depth)</i></p>	<p>Partially Complies Lot 1 – 20.63m maximum depth and reduces to 18m minimum depth</p> <p>Complies Site depth – 27m Lots 2 and 3 – 51.18</p>

Assessment

The proposed development seeks to replace one dwelling with three, thereby increasing the site density as sought by the desired character. The proposed development will increase the variety of housing types within the locality.

The site is located in close proximity to a number of desirable attributes where higher densities are sought. Occupants would be in walking distance to both a Neighbourhood Centre Zone to the north and a Regional Centre Zone to the south. Public transport is also in easy reach with the Oaklands Railway Station approximately 300m away and public open space is also highly accessible.

The site area of Lot 1 equates to 249 square metres, where a minimum site area of 300 square metres should be provided for a detached dwelling. This represents a considerable shortfall of 51 square metres; 17% below that sought. However, it is noted that the allotment maintains a frontage width of 13.35 metres, where a minimum width of 10 metres is prescribed for detached dwellings. Accordingly, the undersized nature of the allotment should not be apparent when viewed from the streetscape, and therefore should not detract from the character of the locality.

In addition, if Lot 1 was to share access with the rear dwellings, it would be classified as a group dwelling where a minimum site area of 250 square metres would be sought. Further, it is acknowledged that the undersized nature of Lot 1 will not result in substantial design limitations with respect to the dwelling's ability to meet the Development Plan requirements. As such, the proposed site area of Lot 1 is considered to reflect the medium density of development sought in the locality and Council's Development Plan.

Whilst site coverage appears high in isolation, when the driveway is included in the calculations, total coverage over the entire site reduces to 51%.

Private open space for all three dwellings and the ground level setbacks generally comply with the requirements of the Development Plan. 80% of the total roof area stormwater will be directed to a 3000L retention tank for capture and minimisation of water flow to the street.

Each dwelling is also provided with an under main roof alfresco. The removal of the alfresco would reduce site coverage down to 46% (House 1), 62% (House 2) and 60% (House 3). The inclusion of an alfresco is in my view beneficial to the function of the private open space and provides an undercover area which is located underneath the main roof and matches the form and materials of the associated dwelling. Given that a verandah of the size proposed could be granted approval without Planning Consent under Schedule 1A of the Development Regulations, 2008 with up to 60% or 70% site coverage (for a detached and group dwelling, respectively), removing the verandah to achieve greater compliance with the Development Plan, in my view, is of no benefit.

I acknowledge that site coverage is a substantial departure from the Development Plan, however, the proposal achieves compliance with the majority of the Development Plan requirements and as such, refusal of the development on this aspect alone, particularly as it is not deemed to result in severe or unreasonable impacts on adjoining properties or on how the dwellings function, is not considered warranted.

Maximum floor area ratio:

Site area less than 270 m²: 0.7

Medium Density Policy Area 12: PDC 8

Complies

Lot 1 – 0.64
Lot 2 – 0.52
Lot 3 – 0.51

Site coverage should ensure sufficient space is provided for:

- (a) pedestrian and vehicle access and vehicle parking
- (b) domestic storage
- (c) outdoor clothes drying
- (d) rainwater tanks
- (e) private open space and landscaping
- (f) convenient storage of household waste and recycling receptacles

General Section: Residential Development: PDC 13

Complies

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

Private Open Space

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

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

General Section: Residential Development: PDC 15

Complies

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

Does Not Comply

f) and g) The proposed POS areas maintain a southerly aspect and is likely to be in shadow for a large proportion of the day during the winter months. This is an unfortunate consequence of the allotment's orientation and is somewhat unavoidable unless the POS was located forward of the building line, which is not practical in this instance.

Site area less than 250 m²:

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

General Section: Residential Development: PDC 17

Complies

Lot 1 - 54m² (21.6%)
Includes an area with a minimum dimension of 4m x 8m

Lot 2 – 48.4m² (20.8%)
Includes an area with a minimum dimension of 5m x 8.6m

Lot 3 – 51.9m² (22%)
Includes an area with a minimum dimension of 5m x 8.6m.

Street Setbacks

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

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

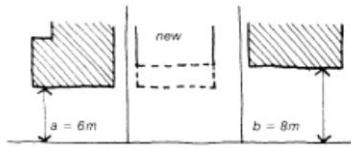
General Section: Design and Appearance: PDC 23

Complies

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

Nonetheless, the proposed front setback of 5.1 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 25

Does not comply

Lot 1 dwelling – 5.1 metres at the closest point

(Dwellings on adjoining land set back approximately 7 and 9 metres, whereby a minimum setback of 7 metres applies).

The garage of the proposed dwelling on Lot 1 is sited only slightly forward than the adjacent dwelling at No. 70 Addison Avenue when taking into context the angle of the front boundary where the setback of the adjacent dwelling decreases on the western side of the allotment.

Although the proposed dwelling will sit a substantial distance forward of the adjacent dwellings to the west, the additional separation created by the common driveway will minimise the apparent disparity between the two dwellings.

Notwithstanding this, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area “where a new character is desired”. Given that the Medium Density Policy Area 12 encourages redevelopment of existing dwelling stock at higher densities, PDC 25 has limited weight.

<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> <i>(a) 3 metres if adjacent southern boundary</i> <i>(b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres:</i> <i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i> <i>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Lot 1 – 5.1m (western side side), 4m (eastern side)</p> <p>Does Not Comply Lots 2 and 3 – 900mm (eastern and western sides)</p> <p>The proposed side setback falls 0.1 metres short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.</p> <p>Complies Lot 1 – 6.2m (western side) and 2m (western side)</p>
<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i> <i>(a) the walls should not abut more than one side allotment boundary</i> <i>(b) a wall from an adjacent dwelling already exists on the boundary:</i> <i>(i) be located immediately abutting the adjacent wall</i> <i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i> <i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i> <i>(c) no wall exists on the adjacent boundary:</i> <i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i> <i>(ii) not exceed 6 metres in length</i> <i>(iii) not exceed 3 metres in height</i> <i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i> <i>(d) adjoining communal open space or a public reserve, not to exceed</i> <i>(i) 50 per cent of the length of the boundary</i> <i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p>Lot 1 garage wall on boundary (a) – Complies (c) (i) – Does not comply (c)(ii) – Complies (c)(iii) – Complies (c)(iv) – Complies</p> <p>The garage wall on the boundary is not sited 2m or more back from the main face of the adjacent dwelling.</p> <p>Despite this, I am of the view that this will not result in unreasonable impacts.</p> <p>The garage wall is adjacent the driveway of the adjoining property thereby providing additional separation to the habitable room window of the adjacent dwelling.</p> <p>Notwithstanding this, Schedule 4, 2B of the Development Regulations, 2008 allows walls on boundaries up to 8m long and 3m in height without any consideration attributed to the adjoining land. The proposed wall length of 6m with a height of 2.7m appears relatively modest when compared to the ‘as of right’ criteria of the Residential Code.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <i>(b) overshadowing of adjacent properties and allow adequate</i></p>	<p>Complies Although some of the side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from</p>

<p><i>sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<h3>Rear Setbacks</h3>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p> <p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Partially Complies</p> <p>8m for 30% of the rear boundary with a 3m incursion for 61.5% of the rear boundary, however is further separated by the common driveway area which provides 5m of additional separation.</p> <p>Lot 2 – 5.7m, reduces to 5.144m Lot 3 – 6m for 44% of rear boundary, reducing to 5.5m</p> <p>Although the rear setback does not extend as far as 6m for Lot 2 or for as much as 50% of the rear boundary for Lot 3, the wall's setback also does not extend closer than 5m, where Principle 7 envisages setbacks as close as 3m, and therefore there is considered to be sufficient separation from the rear boundary.</p>
<p><i>6 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Partially complies</p> <p>Lot 1 – 4m</p> <p>Although it is only 4m from the allotment rear boundary, there is 9.5m separation to the rear dwellings as a result of the common driveway.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<h3>Building Height</h3>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>(i) 2 storeys of not more than 9 metres</i></p> <p><i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Lot 1 – 8.2m Lots 2 and 3 – 4.7m</p>
<h3>Garages, Carports and Outbuildings</h3>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Partially Complies</p> <p>Garage is setback a minimum distance of 5.7m.</p> <p>The garage however is located forward of the main face of the dwelling. This is as a result of the main face of the dwelling being located on the shorter side of the allotment where the minimum setback of 5m was to be achieved.</p> <p>Despite this, the protruding portico and the substantial built form on the upper storey is sufficient to 'draw the eyes' away from the garage such that it is not considered to be a dominant element on the building.</p>

<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The garage maintains a maximum width of 6m.</p>
<p>Car Parking</p>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p><i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Lot 1 – 4 car parks (two of which are undercover)</p> <p>Lots 2 and 3 – 2 car parks (one of which is undercover).</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 1 on-street car parking space shall remain available adjacent the subject land and any loss of on-street car parking is compensated by the an additional 2 on-site car parks afforded to the dwelling on Lot 1.</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <p><i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i></p> <p><i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i></p> <p><i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Complies</p> <p>(a) (b) Council's Development Engineer has confirmed that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas of Lots 2 and 3 are located to the rear of the site and therefore should maintain an attractive streetscape.</p>
<p><i>Ground level vehicle parking areas servicing multiple dwellings, including associated 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><i>General Section: Transportation & Access: PDC 45</i></p>	<p>Complies</p> <p>Lots 2 and 3 - The parking areas are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.</p>

<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Complies</p> <p>1 on-street car parking space is provided for the proposed allotments, however an additional two car parks have been provided on site to compensate for any loss of on-street car parking in accordance with Transportation and Access Principle 43 (e).</p>
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Access

<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>Lot 1 – 5m driveway double driveway width</p>
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<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossover of Lot 1 is set back a minimum of 1 metre from existing stobie pole, and the driveway servicing Lots 2 and 3 is 2 metres from the existing street tree.</p> <p>The existing Telstra pit is able to be made trafficable at the cost of the developer.</p>
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<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>
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<p><i>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway ‘handle’ being designed within the following parameters:</i></p> <table border="1" data-bbox="177 1211 906 1397"> <thead> <tr> <th data-bbox="177 1211 304 1397">No. of dwellings served by driveway</th> <th data-bbox="304 1211 475 1397">Width at front property boundary & for first 6 metres</th> <th data-bbox="475 1211 592 1397">Width beyond first 6 metres</th> <th data-bbox="592 1211 746 1397">Widening required for passing</th> <th data-bbox="746 1211 906 1397">Minimum landscaped strip either side of driveway (metres)</th> </tr> </thead> <tbody> <tr> <td data-bbox="177 1361 304 1397">1-2</td> <td data-bbox="304 1361 475 1397">3</td> <td data-bbox="475 1361 592 1397">3</td> <td data-bbox="592 1361 746 1397">-</td> <td data-bbox="746 1361 906 1397">0.5</td> </tr> </tbody> </table> <p><i>General Section: Residential Development: PDC 41</i></p>	No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)	1-2	3	3	-	0.5	<p>Complies</p> <p>The driveway servicing Lots 2 and 3 is 4.2m in width which incorporates a 3m wide driveway and at least 0.5m of landscaping on both sides of the driveway.</p>
No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)							
1-2	3	3	-	0.5							

Design & Appearance

<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>Whilst dwellings on Lots 2 and 3 will have limited visibility from the street, the dwelling on Lot 1 reflects the desired character of the locality, as the dwelling’s façade incorporates the following elements to enhance its design and appearance:</p> <ul style="list-style-type: none"> • Use of different textures and finishes by incorporating a mixture of brick and render on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding portico with parapet features • Eave overhang and pitched roof form at 25 degree slope • Fenestration to the upper and lower storeys.
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<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 17</i></p>	<p>The dwellings incorporate a 25 degree Colorbond roof with brick and rendered facades. The garage of each dwelling features a Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The side elevations of the dwellings feature a mixture of face brick and render, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>Does Not Comply</p> <p>The eastern and western facades of Dwelling 1 fail to provide an appropriate level of articulation, when having regard to Principle 17. Additional fenestration, or stepping in the facades would assist in breaking up the expanse of these walls.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p><i>General Section: Residential Development: PDC 5</i></p>	<p>Complies</p> <p>The dwelling on Lot 1 is 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 entrance of dwellings on Lot 2 and 3 are apparent once the visitor has entered the common driveway.</p> <p>Complies</p> <p>All dwellings are deemed to have an external outlook.</p>
<p>Overshadowing</p>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i> <i>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i> <ul style="list-style-type: none"> <i>(i) half of the existing ground level open space</i> <i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5</i> 	<p>Complies</p> <p>Given that south forms the rear boundary of the allotments a majority of winter shadow will be cast within the POS of the proposed dwellings and over the common driveway. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.</p> <p>Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 10 and 11.</p>

<p>metres) (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</p> <p>General Section: Design & Appearance: PDC 10</p>	
Visual Privacy	
<p><i>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:</i></p> <p><i>(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</i></p> <p><i>(b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(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.</i></p> <p>General Section: Design & Appearance: PDC 12</p>	<p>Complies Lot 1 The dwelling incorporates window sill heights to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in overlooking of habitable areas.</p> <p>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.</p>
<p><i>Buildings on battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining residential properties.</i></p> <p>General Section: Design & Appearance: PDC 14</p>	<p>Complies The dwelling located on a battleaxe allotment is single storey and designed to maintain the privacy of adjoining residential properties.</p>
Noise	
<p><i>Residential development close to high noise sources (eg major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, or protect these areas with appropriate noise attenuation measures.</i></p> <p>General Section: Residential Development: PDC 26</p>	<p>Complies The two storey dwelling has its lounge room, master bedroom and bedroom 2 directly opposite the railway line.</p> <p>The applicant has agreed to a condition to provide double glazing to these windows to minimise noise intrusion into these rooms.</p>
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p>General Section: Residential Development: PDC 29</p>	<p>Complies Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. The windows of Dwelling 3 are separated from the common driveway by a distance of 1 metre and incorporate landscaping between the driveway and bedroom window. This combination of setback and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>

Site Facilities and Storage

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

General Section: Residential Development: PDC 30

Partially Complies

a) Common letterboxes are capable of being placed 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 so that the open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Partially Complies

It is acknowledged that the proposal is generally lacking when assessed against the Energy Efficiency provisions of the Development Plan.

The private open space to the rear of the dwellings means that the area will be in shadow for a large proportion of the day during the winter months and the main activity areas of the dwellings on Lots 2 and 3 also fail to achieve northerly orientation for receipt of winter sun to warm the areas. However, this is an unavoidable consequence of the site's north facing orientation.

The dwelling on Lot 1 however, incorporates a north facing lounge room and all dwellings include 450mm eaves to improve the energy efficiency standards of the dwellings. Additionally, the lounge and upper storey bedroom windows will incorporate double glazing, primarily to mitigate against noise from the railway line, however, it will have the added benefit of having energy efficiency properties.

As such, particularly for the dwellings on Lots 2 and 3, the proposal, in the main, fails to satisfy Energy Efficiency Principles 1 and 2.

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

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

Flooding

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

General Section: Hazards: PDC 4

Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor level of 100.45 or the dwelling on Lot 1 and 100.60 for dwellings on Lots 2 and 3,

<p><i>development can achieve all of the following:</i></p> <p><i>(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event</i></p> <p><i>(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</i></p> <p>General Section: Hazards: PDC 5</p>	<p>finished paving level set down 250mm, setbacks from boundaries and stormwater retention should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 1</p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 2</p>	<p>Complies</p> <p>The applicant has provided a landscaping plan which identifies a selection of species ranging in height up to 1m, for planting along the driveway and in the front yard of the Lot 1 dwelling.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Complies</p> <p>The application proposes retaining walls varying in height to a maximum 300 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.1 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>

REPRESENTOR'S CONCERNS

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

ANALYSIS/CONCLUSION

The proposed development, although displaying some shortfalls in site area and energy efficiency and excess in site coverage, is compliant or producing minor shortfalls in the majority of other Development Plan provisions.

In my view, the proposed development is functional, likely to meet the needs of the occupants and presents appropriately in its design and appearance. Furthermore, the variances are not considered to compromise the amenity of the adjacent land owners and occupiers nor will it have detrimental impacts on the streetscape.

The proposal is considered to be consistent with the Objectives and Desired Character of the Development Plan in that it will increase the density on the site and add to the variety of housing types in the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/913 for a two storey detached dwelling and a single storey residential flat building comprising of two dwellings at 69 Addison 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. 100/2015/913, being File numbers 1523, prepared by TK Building Design, and documentation titled 'Proposed Development for Ms. Wei Chao: At Lot 37 Addison Road Warradale', received by Council on 11 September 2015, except when varied by the following conditions of consent.
2. The Telstra pit within the road reserve shall be made trafficable prior to the occupation of Dwellings 2 and 3.
3. The windows on the lounge room, master bedroom and bedroom 2 of the two storey dwelling on Lot 1, shall be double glazed for sound attenuation purposes. Plans shall be amended to identify double glazing on the said windows prior to Development Approval being issued.
4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of Council.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
6. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. 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.
11. All 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.

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. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
5. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 November 2015

Agenda Ref No:	DAP181115 – 3.1
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Seedbird Property Trust
Development Description:	Change of use from dwelling to consulting rooms and retention of existing garage, with associated car parking, signage and landscaping
Site Location:	665 Marion Road, Ascot Park
Zone:	Residential
Policy Area:	Northern Policy Area 13
Application Type:	Category 3 / Non-Complying
Lodgement Date:	15/09/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1686
Recommendation:	The report be NOTED

INTRODUCTION

The subject application is a Category 3 / Non-complying form of development by virtue of the Procedural Matters section of the Residential Zone, where consulting rooms are listed as non-complying where the site fronts an arterial road and/or comprises a floor area greater than 100 square metres.

The applicant seeks to develop the land for a change of use from dwelling to consulting rooms and retention of existing garage, with associated car parking, signage and landscaping.

The Residential Zone seeks to accommodate “*small scale non-residential uses that serve the local community*”, which includes consulting rooms (Principle 1).

Further, Principle 4 of the Zone states that “[n]on-residential development such as shops, schools and consulting rooms should be of a nature and scale that:

- (a) serves the needs of the local community
- (b) is consistent with the character of the locality
- (c) does not detrimentally impact on the amenity of nearby residents.”

The subject proposal seeks the change of use of a dwelling to consulting rooms which comprises a total floor area in the order of some 115 square metres. As such, the intensity of

the use will be low scale, whilst retention of the building will nonetheless maintain the residential built form character of the locality.

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

The applicant has provided a brief statement of support and Statement of Effect, pursuant to Section 39(2)(d) of the Development Act, 1993 and Regulation 17(4) of the Development Regulations, 2008.

Category 3 / Non-Complying public notification is currently occurring.

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

RECOMMENDATION

The Panel note this report and resolve that the determination of the Manager – Development Services to proceed with the further assessment of Non-complying Development Application No: 100/2015/1686 for Change of use from dwelling to consulting rooms, retention of existing garage for car parking and associated car parking, signage and landscaping at 665 Marion Road, Ascot Park be NOTED.

Attachments

Attachment I: Certificate of Title

Attachment II: Aerial Photograph & Site Locality Plan

Attachment III: Proposal Plan and supporting documentation

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 November 2015

Agenda Ref No:	DAP181115 – 3.2
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	Mr Vipin Kumar
Development Description:	Change of use from a take-away shop to a restaurant
Site Location:	5/56 Daws Road, Edwardstown
Zone:	Neighbourhood Centre Zone
Application Type:	Category 1 / Consent
Lodgement Date:	12/10/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1852
Recommendation:	That this report be NOTED

BACKGROUND

The subject application proposes to operate a restaurant from the subject premises, which was previously used as a take-away shop "Golden Bite". The application includes an associated liquor licence (Restaurant Licence) application which is due to be heard before the Liquor and Gambling Commissioner on 11 November 2015.

The subject Development Application for change of use has been granted Development Plan Consent and Development Approval by the Manager – Development Services on 29 October 2015.

The application was deemed a Category 1 form of development by virtue of Schedule 9 – Part 1 – 2(g) of the Development Regulations 2008, which prescribes "a kind of development which, in the opinion of the relevant authority, is 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" as Category 1 development.

Council's Schedule of Delegations and Sub-Delegations stipulate that "Development that includes or is likely to include a new Liquor License or substantial amendment to a Liquor License" be delegated to the DAP, "other than for applications or amendments of a minor nature which may be determined by the Manager Development Services. Such applications shall be reported to the next meeting of the DAP and the respective Ward Councillors advised."

Given that the subject application was deemed to be of a minor nature, the Manager Development Services maintained delegated authority to determine the application. The respective Ward Councillors were also advised, but no response was received.

Administration staff have advised the Liquor and Gambling Commissioner that it raises no objection to the proposal, subject to conditions.

RECOMMENDATION

The Panel note this report and resolve that the determination of the Manager – Development Services to grant consent to Development Application No: 100/2015/1852 for change of use from a take-away shop to a restaurant at 5/56 Daws Road, Edwardstown, be NOTED.