

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 20 JANUARY 2016**

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HELD ON 20 JANUARY 2016

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DEVELOPMENT ASSESSMENT PANEL
Wednesday 20 January 2016

Agenda Ref No:	DAP200116 – 2.1
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	WC Projects Pty Ltd
Development Description:	Three, two storey residential flat buildings, comprising a total of 8 dwellings for the purpose of student accommodation, with associated car parking and landscaping
Site Location:	215 Sturt Road, Seacombe Gardens
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Application Type:	Category 3 / Consent
Lodgement Date:	10/06/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/959
Recommendation:	That Development Plan Consent be REFUSED

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development as the proposal cannot be considered minor in nature and is not defined as a Category 1 or 2 form of development in Council's Development Plan or Schedule 9 of the Development Regulations 2008. 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, and as the proposal seeks for a residential density exceeding that sought in the Policy Area, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

As some Members are likely to recall, a report for the subject application was prepared for the 7 October 2015 DAP meeting. Prior to the meeting, the applicant requested the application be withdrawn from consideration to enable a redesign of a number of elements of the proposal.

The proposal has been amended in response to a number of concerns raised in the previous report, and is accompanied by correspondence from the applicant's planning representative and traffic engineer demonstrating that vehicle movements comply with the relevant Australian Standard and resolve concerns raised by both DPTI and Council's Development Engineer.

For clarity, tables in this report contain both the previous comments regarding each matter and commentary regarding the updated plans, where relevant.

The list below identifies the changes made since the 7 October 2015 DAP meeting, as identified in Mr Garth Heynen's correspondence received by Council on 20 October 2015 and 7 December 2015.

1. Reduction from 3 to 2 bedrooms for Dwellings 1 and 2;
2. Inclusion of an internal 3.79m x 2.9m courtyard for Dwellings 1 and 2;
3. Direct access now provided from Dwellings 1 and 2 to service area;
4. Removal of 1 visitor car park and subsequent increase in landscaping at front of property;
5. Increased articulation of built form with 'Hardiplank' cladding to upper components;
6. Ground floor of Dwellings 3, 4, 5 and 8 reduced by 500mm to enable a 3 metre POS dimension;
7. Increase setback from eastern side boundary for Dwelling 7 to achieve 1 metre clearance from side boundary;
8. Skillion roof starting height reduced to enable wall height to be under 6 metres maximum (for Dwellings 1 and 2);
9. Increase in skillion pitch for Dwellings 4, 5, 6, 7 and 8 to facilitate solar panel integration;
10. Increased articulation and inclusion of Scyon Matrix cladding to north elevation of Dwellings 1 and 2;
11. Vertical fixed aluminium windows added to north elevation;
12. Attic storage added to all dwellings;
13. Increase of POS for Dwellings 3, 4, 5 and 6 by reducing walkway depth;
14. Communal Open Space added adjacent southern boundary in the form of a storage area and communal shed;
15. Inclusion of fixed Perspex shelter over outdoor furniture;
16. Windows added to Dwellings 3, 5 and 8;
17. Obscured glazing provided to both rear facing balconies to a height of 1.8 metres above the FFL;
18. Provide acoustic insulation to the subfloor of Dwellings 1 and 2;
19. North facing eaves of Dwellings 1 and 2 increased to 900mm in depth;
20. A reduction from 20 to 18 students in the Management Plan;
21. Removal of POS to enable the traffic aisle width to be consistent with AS 2890.1.2004;
22. Car parks 5 and 6 setback 6.005 metres from property frontage;
23. Increase in depth of landscaping, from 4.5 metres to 6.0 metres;
24. Removal of central roller door;
25. Aisle width of 6.005 metres widened to 7.03 metres; and

26. Pedestrian path provided from the property frontage independent from the driveway access.

A large proportion of administration’s previous report has been replicated in this document to assist in identifying the amendments made to the proposal. For Members’ benefit, the previous report (in full) has been included in Attachment VII.

GOVERNMENT AGENCY REFERRAL

<p>Department of Transport, Energy and Infrastructure:</p>	<ul style="list-style-type: none"> • The Metropolitan Adelaide Road Widening Plan shows a possible (“although unlikely”) requirement for a strip of land up to 4.5 metres in width from the Sturt Road frontage of this site for future upgrading of the Diagonal/Sturt Road intersection; • The access should have a clear area of a minimum of 6.0 metres by 6.0 metres inbound into the property; • The aisle width provided of approximately 4.25 metres is not consistent with AS/NZS 2890.1:2004. <p>Car park/s in close proximity to the entrance (‘visitor park’) would require vehicles to manoeuvre within the clear area and potentially into the path of vehicles entering the site...leading to conflict on/adjacent Sturt Road.</p> <p>The plans considered at this meeting have addressed the concerns of DPTI.</p> <p style="text-align: right;"><i>Refer Attachment VI</i></p>
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INTERNAL DEPARTMENT COMMENTS

<p>Engineering:</p>	<p>The plans considered at this meeting have addressed the concerns of Council’s Development Engineer regarding vehicle manoeuvring.</p>
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ZONE & POLICY AREA ASSESSMENT

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

<p>Residential Zone</p>
<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>

Regeneration Policy Area 16

Objectives

- 1 Integrated re-development of poor quality housing stock and under utilised land.
- 2 Improved quality of living environments.
- 3 Improved quality of housing.
- 4 Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation.
- 5 Improved environmental outcomes.
- 6 Increased dwelling densities and population.
- 7 More efficient use of land.
- 8 Improved community services and infrastructure.
- 9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces.
- 10 A smooth transition in the character and scale of development between this and adjoining residential policy areas.
- 11 Development that contributes to the desired character of the policy area.

Desired Character

...The desired character of the policy area is derived from high quality and distinctive living environments at a higher density compared to that typical of the original dwelling stock in the area. It will be characterised by integrated development at low-medium and medium densities, with a wide range of dwelling types to meet a variety of accommodation needs for public housing tenants and the private housing sector.

Buildings of up to two storeys in height are appropriate, with three storey buildings also being appropriate provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and neighbouring amenity.

Medium density development should predominate adjacent to public open space reserves, major transport routes, shops and community facilities, but can be dispersed throughout the area as part of major comprehensive redevelopment projects. Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. For larger areas, a comprehensive scheme for the development of a range of dwelling types is desirable.

Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality. Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ student accommodation ▪ supported accommodation. 	Complies	Complies (No change)
PDC 2	<p>Residential development should include higher concentrations of dwellings in suitable locations, in particular:</p> <ol style="list-style-type: none"> (a) within 400 metres walking distance of a neighbourhood, district or local centre (b) within 800 metres walking distance of a regional centre (c) close to public transport or major employment nodes (d) adjacent to public open space. 	Complies	Complies (No change)

PDC 4	<i>Minimum Site Area:</i>	Does Not Comply Average site area for whole of site: 105.1m ² . Average site area (excluding car park): 67.41m ² Average site area excluding common areas: 56.16m ² .	Does Not Comply Average site area for whole of site: 105.1m ² . Average site area (excluding car park): 67.41m ² Average site area excluding common areas: 56.16m ² .
	<i>Minimum Frontage:</i>	Complies 19.3 metres	Complies (No change)
	<i>Minimum Depth:</i>	Does Not Comply 43.59 metres	Does Not Comply (No change)

Assessment

The application is consistent with the Objectives and Desired Character of the Policy Area in that it will replace the existing low density dwelling with higher density housing, in close proximity to public open space, public transport and centres. Further, student accommodation is expressly desired within this locality in accordance with Principle 1.

When one is to consider the locational attributes appropriate for student accommodation, proximity to public transport options, shopping and employment facilities are paramount, in addition to public open space and other recreational facilities.

In my view, the location of the site enables convenient access to such facilities.

As identified in the 'Subject Land and Locality' section of this report, the land is in close proximity to bus routes (on Sturt, Morphett and Diagonal Roads) and shopping and employment facilities (Marion Regional Centre is located directly to the north).

The Marion Sports and Community Club, with large ovals available to the public outside organised sporting events, is located approximately 310 metres walking distance to the east.

The proposal provides for a building and land use that differs from that typically constructed in the locality; adding to the variety of both built form and accommodation options. To this end, the proposal achieves the desire of the Residential Zone and Regeneration Policy Area for housing and architectural variety.

On a number of occasions, both staff and the Development Assessment Panel have supported undersized allotments as a result of a relatively minor shortfall in site area, locational attributes of the site and/or the general conformity of the development with Council's Development Plan. However, in this case, it is staff's view that the density proposed is excessive and cannot be supported, given the proposal results in an average site area of approximately 105.1 square metres. This is 95 square metres, or 47.5%, less than the minimum sought for two storey residential flat dwellings (200 square metres), and is inclusive of all common areas such as car parking, walkways and communal open space – excluding these areas from the site area calculation would result in an average site area of 56.16 square metres per dwelling/allotment.

For comparison, row dwellings in the Regeneration Policy Area should be sited on a minimum site area of 170 square metres, whilst three storey residential flat dwellings (most likely on a larger site than the subject land) should be located on site areas of no less than 150 square metres. As such, the proposal results in a density significantly exceeding that sought for any dwelling type in this Policy Area.

Whilst it is acknowledged that student accommodation is a separately defined land use (and envisaged in the Policy Area), a minimum site area is not allocated for this use. It is therefore implied that the site area for the dwelling type proposed (residential flat dwellings) is applicable in assessing the density of the proposal. (This is not to flatly say that a greater density would not be supported for student accommodation – rather, that the subject proposal is grossly at odds with the density sought). This approach has been informally endorsed by DPTI in response to Council's proposed student accommodation policies in the (recently consolidated) Development Plan Amendment.

Objective 2 of the Regeneration Policy Area seeks improved quality of living environments, while the Desired Character seeks improved living conditions. Two of the eight dwellings (Dwellings 3 and 4) incorporate three bedrooms, or at least the ability for three rooms to be used as bedrooms. Further, the Management Plan seeks a maximum of 18 persons residing on the site at any one time; this equates to more than two persons per dwelling – suggesting that a dwelling/s could accommodate more than two persons. This implicates a reduction in the level of amenity afforded to the site's residents, as the living areas, open spaces and storage options are reasonably limited for larger household compositions.

In terms of streetscape, the design has altered to increase the amount of landscaping forward of the building, via the removal of one car parking space. The extent of landscaping forward of the building is now equivalent to that anticipated for residential development with a frontage to an arterial road.

In my opinion, the design of the development is one of a 'top-heavy' front building, resulting in significant darkened areas below the 'bird mouth' of Dwellings 1 and 2. To prevent view from the street, the applicant has sought to enclose this space with 'Scyon Matrix' panelling and fixed windows; however, the central roller door has now been removed – providing view into the 'undercroft' from the street. The change in material provides an improved presentation to the street compared to that previously proposed ('Hardi Plank' walls), however, the design maintains the 'bird mouth'/undercroft' car parking at the front of the site; out of character with that which typifies the street and that which is sought in the Residential Zone, where garaging and car parking should be located to the side/rear of the dwellings.

In my view, the large building has not been designed to adequately reduce its visual impact upon adjoining properties, with the upper level being setback between 2.0 metres to 2.5 metres from the side boundaries. Whilst the side setbacks are generally compliant (in relation to wall height), the building is likely to have an unreasonable impact upon adjoining land via building bulk and setbacks, resulting in an unreasonable sense of enclosure; exacerbated by the now cantilevered upper level over the ground floor side walls (of Dwellings 3, 4, 5, 6 and 8) and generous length (measured north-south) of the built form (discussed further in this report).

As such, it is staff's view that the proposed residential density and site areas are substantially at variance with that sought in the Regeneration Policy Area 16. Further to this significant shortfall, the proposal fails to achieve the high quality living environments sought by the Objectives, Principles and Desired Character of the Policy Area, due to the following detrimental attributes; (a) poor streetscape outcome; (b) conventional household size proposed (for Dwellings 3 and 4 (discussed further in this report)); (c) poor POS provision (discussed further in this report); (d) lack of integration of the COS with the high movement areas and adjacent dwellings (and therefore a lack of interaction and sense of community (discussed further in this report)); and (e) the impact upon the amenity of neighbouring properties and that of the residents of the subject site.

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	Previous Proposal	Amended Proposal
<p>Maximum site coverage:</p> <p>Site area less than 220 m²: <i>80 m² or 45% (whichever is the greater)</i></p> <p>(80m² is relevant in this instance)</p> <p><i>Regeneration Policy Area 16: PDC 5</i></p>	<p>Complies Dwg 3: 45.6m² Dwg 4: 44.3m² Dwg 5: 30.2m² Dwg 6: 30m² Dwg 7: 46. m² Dwg 8: 29m²</p> <p>Does Not Comply Dwg 1: 101m² Dwg 2: 101m²</p> <p>Does Not Comply Whole of site (841.2m²): 52.32% Whole of site (excluding car park): 81.5% Whole of site (excluding common areas (449.3m²)): 97.96%</p>	<p>Complies Dwg 3: 46m² (No change) Dwg 4: 46m² (No change) Dwg 5: 30m² (No change) Dwg 6: 30m² (No change) Dwg 7: 47m² (No change) Dwg 8: 47m² (No change)</p> <p>(Figures above taken from architect's plans. Change in area for Dwg 8 as balcony (erroneously) excluded from site cover calculations previously)</p> <p>Does Not Comply Dwg 1: 100m² (Reduction of 1m²) Dwg 2: 100m² (Reduction of 1m²)</p> <p>Does Not Comply Whole of site (446m² (inclusive of COS verandah)/ 841.2m²): 54.34%</p>
<p>Whilst Dwellings 3 - 8 (inclusive) do not exceed the maximum site coverage sought for the Policy Area, it is of value to note that the site coverage for the whole of the land equates to 54.3%.</p> <p>As Panel Members are likely to be aware, it is not uncommon for individual site coverage figures for group and residential flat dwellings to exceed that sought when excluding common areas (such as driveways and car parking/manoeuvring areas) from the calculations. However, when including these areas, so that the whole of the land is considered, the site coverage quite often reduces to a figure that meets or closely aligns with that sought. Further, it is common for high site coverage figures to include alfresco/verandah features, which limit the likelihood of additional roofed area being constructed in future.</p> <p>The subject proposal exceeds the maximum site coverage anticipated in the Policy Area when including the whole of the land; this figure almost doubles (to 99.26%) when excluding common areas. Further, only Dwellings 1 and 2 incorporate POS with any roofed area for all-weather use. As such, it is my view that the built form/footprint emphasises the inappropriate density of the development proposed.</p>		

<p>Maximum floor area ratio:</p> <p>Site area less than 270 m²: 0.7</p> <p>Regeneration Policy Area 16: PDC 5</p>	<p>Complies Dwg 5: 0.57 Dwg 6: 0.57 Dwg 8: 0.67</p> <p>Does Not Comply Dwg 1: 0.91 Dwg 2: 0.91 Dwg 3: 0.87 Dwg 4: 0.84 Dwg 7: 0.80</p> <p>Does Not Comply Whole of site (841.2m²): 0.733 Whole of site (excluding car park): 1.144 Whole of site (excluding common areas (449.3m²)): 1.373</p>	<p>Complies Dwg 5: 0.54 (Reduction of 3m²) Dwg 6: 0.54 (Reduction of 3m²) Dwg 7: 0.64 (No change) Dwg 8: 0.54 (Reduction of 3m²)</p> <p>Does Not Comply Dwg 1: 0.83 (Reduction of 6m²) Dwg 2: 0.83 (Reduction of 6m²) Dwg 3: 0.83 (Reduction of 4m²) Dwg 4: 0.83 (Reduction of 4m²)</p> <p>Does Not Comply Whole of site (841.2m²): 0.702</p> <p>(FAR figure of Dwg 7 erroneously identified as 0.80 previously, and has not changed. Should have been identified as compliant).</p> <p>(I accept the whole of the land must be considered when calculating floor area ratio).</p>
<p>Site coverage should ensure sufficient space is provided for:</p> <p>(a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles</p> <p>General Section: Residential Development: PDC 13</p>	<p>Partially Complies The proposal provides sufficient space for vehicle access and parking, outdoor clothes drying, rainwater tanks and waste storage.</p> <p>Does Not Comply The provision of private open space for Dwellings 1 – 6 (inclusive) is considered poor (see POS discussion below).</p>	<p>Partially Complies The proposal provides sufficient space for vehicle access and parking, outdoor clothes drying, rainwater tanks and waste storage.</p> <p>Does Not Comply The provision of private open space for Dwellings 3 – 6 (inclusive) is considered poor (see POS discussion below).</p>
<p>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 14</p>	<p>Does Not Comply 18.68% (157.2m²/ 841.28m²)</p>	<p>Complies 23.27% (195.8m²/ 841.28m²)</p> <p>(Pervious area increased by 38.6m²)</p>

Private Open Space	Previous Proposal	Amended Proposal
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>(a) All POS areas are directly accessible from a habitable room of the associated dwelling. (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. (h) POS areas are capable of being shaded during summer.</p> <p>Partially Complies</p> <p>(b) Most POS areas are located at ground level to the side/rear of the dwellings and capable of being screened for privacy. However, the POS areas of Dwellings 1 and 2 are located forward of the dwelling, are not screened for privacy and may be compromised by their proximity to the arterial road. (g) Most POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. However, the POS of Dwelling 7 will receive substantial shadow for a majority of the year.</p> <p>Does Not Comply</p> <p>(i) Traffic noise and air quality may compromise the amenity of the POS areas of Dwellings 1 and 2. (j) The POS areas of Dwellings 1, 2, 3, 4, 5 and 6 are not considered to have sufficient shape and area to be functional for the likely needs of the occupants given these dwellings are capable of accommodating a larger household composition.</p>	<p>Complies</p> <p>(a) All POS areas are directly accessible from a habitable room of the associated dwelling. (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. (h) POS areas are capable of being shaded during summer.</p> <p>Partially Complies</p> <p>(b) The balcony POS areas of Dwellings 1 and 2 remain forward of the dwelling, are not screened for privacy and may be compromised by their proximity to the arterial road. The courtyard however, is provided with adequate shielding from the impacts of the arterial road. (g) The POS of Dwelling 7 will receive substantial shadow for a majority of the year. (i) Traffic noise and air quality may compromise the amenity of the balcony POS area of Dwellings 1 and 2, however, the courtyard is provided with adequate shielding from the impacts of the arterial road.</p> <p>Does Not Comply</p> <p>(j) The POS areas of Dwellings 3 and 4 are not considered to have sufficient shape and area to be functional for the likely needs of the occupants given these dwellings are capable of accommodating a larger household composition.</p> <p>As the POS areas of Dwellings 5 and 6 will comprise a minimum 1,000 litre retention tank, washing line and waste bins, I am of the view that the amenity and function of this space will be compromised by the provision of these items and lack of area provided.</p>

<p>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.</p> <p>(35 m² is relevant in this instance)</p> <p>General Section: Residential Development: PDC 17</p>	<p>Complies Dwg 7: 44.3m²</p> <p>Does Not Comply Dwg 1: 32.8m² Dwg 2: 32.8m² Dwg 3: 18m² Dwg 4: 18m² Dwg 5: 12m² Dwg 6: 12m² Dwg 8: 24.5m²</p>	<p>Complies Dwg 7: 35.05m²</p> <p>Does Not Comply Dwg 1: 25.62m² Dwg 2: 25.62m² Dwg 3: 26.39m² Dwg 4: 24.15m² Dwg 5: 18.90m² Dwg 6: 16.65m² Dwg 8: 26.05m²</p>
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In the case of Morris v City of West Torrens (2011 SAERDC32), Commissioner Hamnett stated that:

"I do not accept... that the provisions of the Development Plan relating to private open space should be applied less strictly in the case of student apartments, on the argument that students have different (that is to say, more limited) needs in this regard... students are entitled to the same level of amenity as anyone else and a reduction in the amount of private open space available to them can only be justified if it is traded off in some way against additional communal space."

Accordingly, dispensation should not be permitted in relation to private open space simply due to the student status of residents.

The proposal plans have been amended to comply with Principle 17 by providing a minimum dimension of 3.0 metres and the balconies for Dwellings 1 and 2 now maintain the appropriate 2.0 metre dimension.

The dwellings provide POS as follows:

PREVIOUS PROPOSAL			CURRENT PROPOSAL		
Dwelling	POS (square metres)	Percentage of Average Site Area	Dwelling	POS (square metres)	Percentage of Average Site Area
1	32.8	31.2%	1	25.6	24.3%
2	32.8	31.2%	2	25.6	24.3%
3	18	17.1%	3	26.4	25.1%
4	18	17.1%	4	24.15	22.9%
5	12	11.4%	5	18.90	17.9%
6	12	11.4%	6	16.65	15.8%
7	44.3	42.1%	7	35.05	33.3%
8	24.5	23.3%	8	26.05	24.7%
Total	194.4	23.1%	Total	198.4	23.6%

Evidently, all but one of the dwellings fail to provide the required 35 square metres of private open space prescribed by Principle 17, whilst all fail to provide a minimum dimension of 4 metres.

It is acknowledged the amended proposal equates to a total amount of private open space (excluding the communal open space) of 23.6% of the total allotment area; exceeding the 20% sought by the Development Plan. (Dwellings 5 and 6 however, fail to achieve this figure by a substantial amount). Further, Dwellings 3 and 4 support three bedrooms each, where a larger number of persons may reside. In fact, the proposal seeks to comprise a maximum of 18 residents, which when divided by eight dwellings, equates to an average of 2.25 persons per dwelling.

As such, it is possible that any dwelling (most likely Dwellings 3 and 4) may accommodate more than two people and therefore a household size (in terms of occupants) not too dissimilar to a conventional residential development, where allotment sizes for residential flat dwellings in this Policy Area should be no less than 200 square metres, and as such, POS areas would be significantly greater (40 square metres or more (20% of 200 square metres)).

It is acknowledged the applicants have improved access to the ground level service area for Dwellings 1 and 2. This area is not included as POS, as it does not include a minimum dimension of 2.5 metres, however, this space could nonetheless accommodate such items as rainwater tanks, waste receptacles, bicycles and the like.

Given the use for student accommodation, communal open space in these instances can provide a net benefit over and above individual POS areas equating to 20% of the average site area, for reasons of socialisation and providing occupants with an outdoor area comprising dimensions much greater than would be provided in private open space areas.

The ERD Court (2011 SAERDC32) has recognised that communal open space may supplement POS for student accommodation, as per the following observation:

“There is a trade-off, in other words, between, on the one hand, the typically smaller size of student apartments, often associated with a reduced amount of private open space, and the provision, on the other, of areas of communal space within student accommodation developments which provide opportunities for increased social interaction.”

However, the case continued to stress the importance of communal areas being accessible and in high movement areas if they were to promote student interaction and thereby a "sense of community". It is noted that the communal open space (COS) on the subject land is located in two areas; a central area of COS between Dwellings 3 and 5 and an area of COS to the rear of the site, adjacent Dwelling 8.

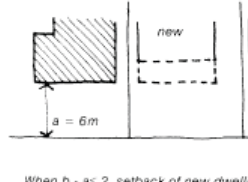
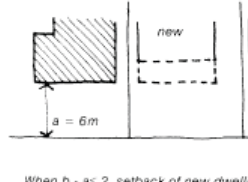
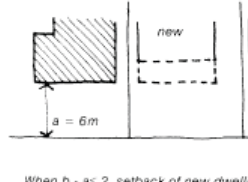
Whilst resident activity adjacent the central COS will be greater than the rear space, the amendments fail to provide a meaningful relationship with the adjacent dwellings, via habitable room windows/sliding doors overlooking this space. The proposal before the Panel includes a slender, 600mm-wide window to the meals area of Dwelling 3, and a window incorporating a sill height of 1550mm to the kitchen of Dwelling 5. Further, this space will be in shadow from approximately 11.00am throughout all months of the year; reducing the amenity of this area and therefore its attraction to residents.

The rear COS area is not in a particularly high movement area and is likely to receive shadow throughout the day during winter months. The amended proposal now provides shelter for year-round comfortable use, which will improve its function for residents. Visual connection between Dwelling 8 is also via a slender, 600mm-wide window to the meals area.

It is my opinion that the proportions of private open space serving Dwellings 3, 4, 5 and 6 are insufficient for likely occupant needs, and therefore fail to comply with Principle 15, whilst the provision of COS does not offer such a superior alternative space as to compensate for the poor area and dimensions of the POS of these dwellings.

Communal Open Space	Previous Proposal	Amended Proposal
<p><i>Private open space may be substituted for the equivalent area of communal open space where:</i> <i>(a) at least 50 per cent of the communal open space is visually screened from public areas of the development</i></p>	<p>Complies (a) The COS is located away from the street frontage.</p> <p>Does Not Comply</p>	<p>Complies (a) The COS is located away from the street frontage.</p>

<p><i>(b) ground floor communal space is overlooked by habitable rooms to facilitate passive surveillance</i> <i>(c) it contains landscaping and facilities that are functional, attractive and encourage recreational use.</i></p> <p>General Section: Residential Development: PDC 23</p>	<p>(b) The COS is not overlooked, as Dwellings 3, 5 and 8 do not incorporate any windows overlooking the COS area.</p> <p>Partially Complies (c) Fixed outdoor furniture is available, however, the larger COS area does not incorporate any shelter for year-round use and is likely to be overshadowed throughout winter months due to the location of Dwelling 8.</p>	<p>Partially Complies (b) View of the COS is by three small windows on the southern elevation of Dwellings 3 and 8 and northern elevation of Dwelling 5.</p> <p>The windows of Dwelling 3 and 8 measure 600mm in width, whilst the window of Dwelling 5 is situated at 1550mm above floor level. The dimensions of the windows of Dwelling 3 and 8 are limited, albeit they do provide a visual connection to the COS. The sill height of the window of Dwelling 5 will provide limited view to the COS.</p> <p>(c) Fixed outdoor furniture is available and via the amendments, the larger COS area now incorporates a sheltered space for year-round use. However, both areas of COS are likely to be overshadowed throughout winter months due to the location of Dwellings 3 and 8.</p>
<p><i>Communal open space should be shared by more than one dwelling, not be publicly accessible and exclude:</i> <i>(a) private open space</i> <i>(b) public rights of way</i> <i>(c) private streets</i> <i>(d) parking areas and driveways</i> <i>(e) service and storage areas</i> <i>(f) narrow or inaccessible strips of land.</i></p> <p>General Section: Residential Development: PDC 24</p>	<p>Complies Communal Open Space (COS) provided centrally within the site adjacent Dwellings 3 and 5 and to the rear of the property and excludes items listed in (a)-(f).</p>	<p>Complies (No change)</p>
<p>Street Setbacks Previous Proposal Amended Proposal</p>		
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> <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>General Section: Design and Appearance: PDC 23</p>	<p>Complies The proposed front setback of 8.0 metres is similar to that of 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.</p>	<p>Complies (No change)</p>

<p>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1" data-bbox="152 304 757 635"> <thead> <tr> <th data-bbox="152 304 465 352">Setback difference between buildings on adjacent allotments</th> <th data-bbox="465 304 757 352">Setback of new building</th> </tr> </thead> <tbody> <tr> <td data-bbox="152 352 465 603">Up to 2 metres</td> <td data-bbox="465 352 757 603"> The same setback as one of the adjacent buildings illustrated below:  </td> </tr> <tr> <td data-bbox="152 603 465 635">Greater than 2 metres</td> <td data-bbox="465 603 757 635">At least the average setback of the adjacent buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 25</p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	The same setback as one of the adjacent buildings illustrated below: 	Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Complies 8.0 metres</p> <p>(Both dwellings on adjoining land set back approximately 7.5 metres)</p>	<p>Complies (No change)</p>
Setback difference between buildings on adjacent allotments	Setback of new building							
Up to 2 metres	The same setback as one of the adjacent buildings illustrated below: 							
Greater than 2 metres	At least the average setback of the adjacent buildings							
<p>Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads 5 metres in all other circumstances.</p> <p>Residential Zone: PDC 7</p>	<p>Complies 8.0m</p>	<p>Complies (No change)</p>						
<p>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 36</p>	<p>Partially Complies Habitable rooms are adequately separated from pedestrian and vehicle movement. However, as discussed previously, the location of the POS for Dwellings 1 and 2 are considered to be compromised by their proximity to the adjacent arterial road.</p>	<p>Partially Complies (No change)</p>						
Side Setbacks								
<p>Where the wall height is not greater than 3 metres: 1 metre</p>	<p>Does Not Comply Dwelling 7: 0.9 m</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 Dwelling 7: 1.0m</p> <p>(Setback of single storey wall to eastern side boundary increased by 100mm)</p>						

<p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Where the wall height is greater than 6 metres:</i> (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies All walls up to 6.0m in height are setback a minimum of 2.0m from side boundaries.</p> <p>Does Not Comply Northern 6.0m of wall length of Dwellings 1 and 2 incorporate a height between 6.0m – 6.3m and setback 2.0m, where a setback of 2.3 metres is sought.</p>	<p>Complies All walls up to 6.0m in height are setback a minimum of 2.0m from side boundaries.</p> <p>Does Not Comply Southern 1.1m of wall length of Dwelling 7 incorporates a height between 6.0m – 6.15m, and setback 2.0m, where a setback of 2.15 metres is sought.</p> <p>(Wall heights of Dwellings 1 and 2 reduced via lowering of skillion roof pitch to achieve compliance with Development Plan).</p> <p>(Wall height of Dwelling 7 should have been identified as failing to satisfy Zone Principle 7 in previous DAP report).</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>Partially Complies Whilst the side setbacks generally comply with that sought, the lack of articulation provided to the side elevations, combined with the significant length of the two storey buildings may result in a sense of enclosure experienced by adjoining land, particularly that to the east.</p> <p>The height and setbacks of the dwellings will ensure adequate sunlight to neighbouring buildings.</p>	<p>Partially Complies Whilst the side setbacks generally comply with that sought for respective wall heights, the lack of articulation provided to the side elevations, combined with the significant length of the two storey buildings may result in a sense of enclosure experienced by adjoining land, particularly that to the east.</p> <p>In addition, whilst the increase in side setback to the ground floor walls of Dwellings 3, 4, 5, 6 and 8 has increased POS dimension and area, this now results in the upper level cantilevered over the ground floor, accentuating the bulk of the building. Ideally, the upper level would be setback a greater distance than the ground floor to provide greater relief to adjoining properties as the height of the building increases.</p> <p>The height and setbacks of the dwellings will ensure adequate sunlight to neighbouring buildings.</p>
<p>Rear Setbacks</p>	<p>Previous Proposal</p>	<p>Amended Proposal</p>
<p><i>6 metres for a single storey dwelling</i> <i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply Dwelling 7: 3.14m</p>	<p>Does Not Comply (No change)</p>

<p>6 metres for a 2 or more storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p>Partially Complies Dwelling 7: 5.64m Dwelling 8: 6.0m</p>	<p>Complies Dwelling 7: 6.0m Dwelling 8: 6.0m</p> <p>(Upper level setback of Dwelling 7 erroneously identified as 5.64 metres in previous DAP report).</p>
<p>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: (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</p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies</p>	<p>Complies (No change)</p>
<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise: (a) the visual impact of the building as viewed from adjacent properties (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p>General Section: Design & Appearance: PDC 2</p>	<p>Partially Complies The shortfall in rear setback of Dwelling 7, combined with the enclosure of the balcony serving Dwelling 8, setback 4.0 metres from the rear boundary, does not “minimise” the visual impact of the development.</p>	<p>Partially Complies The shortfall in rear setback of Dwelling 7, combined with the enclosure of the balconies serving Dwellings 7 and 8, setback 3.6 and 4.0 metres from the rear boundary, respectively, does not “minimise” the visual impact of the development.</p> <p>The rear setback of Dwellings 7 and 8 will not result in unreasonable overshadowing of adjoining land.</p>
<p>Building Height Previous Proposal Amended Proposal</p>		
<p>Maximum building height (from natural ground level): (i) 2 storeys of not more than 9 metres (ii) 2 storeys plus attic of not more than 10 metres</p> <p>Residential Zone: PDC 7</p>	<p>Complies The proposed dwellings incorporate a maximum building height of 6.5 metres, which is less than the maximum permitted in the Policy Area.</p>	<p>Complies (No change)</p>

Car Parking	Previous Proposal	Amended Proposal
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> <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>Does Not Comply (See comments below)</p>	<p>Does Not Comply Visitor space deleted; eight on-site car parking spaces remain.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies (a) Adequate on-site car parking is available for the likely needs of residents (b) Centre facilities and public transport are located in walking distance of the dwellings (c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply (d) (e) One on-street parking space is available in front of the site, where four is sought by the Development Plan. Limited on-street parking is available in proximity of the site.</p>	<p>Complies (No change)</p> <p>Does Not Comply (Visitor parking space deleted from proposal, reducing parking options for visitors)</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i> <i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i> <i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Does Not Comply (a) (b) (See discussion below)</p> <p>(c) The streetscape presentation of the site is considered poor due to the domination of the car park area and lack of landscaping street-side of the building (refer Zone and Policy Area assessment)</p>	<p>Complies Proposal has been amended to increase aisle width and area available for vehicle manoeuvring. A 6m x 6m area at the front of the site is now free from vehicle manoeuvring, satisfying the concern of DPTI and Council's Development Engineer.</p> <p>Does Not Comply (c) The streetscape presentation of the site is considered poor due to the domination of the car park area and resultant building design to shield view of such from the street (refer Zone and Policy Area assessment)</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> <i>(b) be located to the rear of buildings with access from a shared internal laneway</i> <i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p><i>General Section: Transportation & Access: PDC 45</i></p>	<p>Does Not Comply The car parking area is located forward of the associated dwellings</p>	<p>Does Not Comply (No change)</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 One on-street parking space is available in front of the site, where four are sought.</p>	<p>Does Not Comply (No change)</p>
<p>Council's Development Plan does not incorporate a minimum car parking ratio for student accommodation. Having said this, the proposal nonetheless seeks for residential flat dwellings, and as such, arguably, the proposal should be assessed against the applicable Development Plan criteria for such dwelling types.</p> <p>In previous student accommodation proposals, Council relied upon the applicant's traffic engineer to identify an appropriate on-site car parking rate. Based upon interstate surveys and assessment regarding those sites' proximity to public transport routes, a car parking ratio of 1 space for every 4 residents was identified.</p> <p>As Members are likely to be aware, in Council's experience, the rate applied was significantly less than was occurring in reality. As such, in early 2015, Council engaged the services of a traffic engineer to undertake a survey of existing student accommodation facilities to gain a greater understanding as to the likely vehicle ownership rate of students.</p> <p>From that study, it was concluded that a car ownership rate of 0.7 vehicles per person, or where student accommodation is provided in individual dwellings, a rate of 1 space per dwelling, was appropriate to apply in a suburban setting.</p> <p>The revised proposal provides a total of eight car parking spaces on site – a rate of 1.0 space per dwelling, or 0.44 per person; marginally less than previously proposed (9 spaces).</p> <p>This figure meets that identified for student accommodation dwellings (1 per dwelling), although it is doubtful three bedroom dwellings were anticipated when determining that 1 space per dwelling was sufficient. Based upon the alternative method of calculating car parking per person, the proposal remains 5 spaces less than that identified as appropriate.</p> <p>It is of value to note the site's position on a bus route (Sturt Road) and within convenient walking distance to a bus interchange (Westfield Marion). Given the proximity of the property to this infrastructure, reliance upon a vehicle may be reduced.</p> <p>The proposal has been amended to satisfy the concerns of DPTI and Council's Development Engineer regarding the manoeuvring of vehicles.</p>		

Due to the location of the proposed driveway, one on-street parking space will be available in front of the subject land. This is three spaces less than that sought. The student tenure, however, may reduce the demand for visitor, and therefore on-street parking.

To this end, the proposal is considered to provide sufficient on-site car parking for the likely needs of the residents, however, available on-street parking may not service likely demand, leading to visitors' vehicles being parked adjacent nearby dwellings.

Access	Previous Proposal	Amended Proposal
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Partially Complies Whilst the double-width driveway exceeds that sought, DPTI seek a 6.0m x 6.0m ingress/egress to enable the simultaneous movement of vehicles.</p>	<p>Complies Visitor parking space deleted to ensure clear 6.0m x 6.0m area free from vehicle manoeuvring areas.</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 The proposed driveway is situated 1.05m from the existing street tree. Council's Arborist has advised that this separation distance is adequate.</p>	<p>Complies (No change)</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies Only one vehicle access point is proposed.</p>	<p>Complies (No change)</p>
Design & Appearance	Previous Proposal	Amended Proposal
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p>	<p>Partially Complies The buildings feature a Colorbond roof at 2.5 degrees pitch, with eave overhang of 450 millimetres. The façades shall be rendered.</p> <p>There appears to be a section on the east and west facades of Dwelling 7 and west façade of Dwelling 8 that incorporate a differing material, however, the plans do not identify the type.</p> <p>The balconies to Dwellings 1 and 2 are integrated into the design of the buildings, face north, and support an area of</p>	<p>Partially Complies The buildings feature a Colorbond roof at 2.5 or 4.0 degrees pitch, with eave overhang of 450 millimetres (900mm to the northern eaves of Dwellings 1 and 2). The façades incorporate a mixture of render and 'Hardi Plank' cladding.</p> <p>The balconies to Dwellings 1 and 2 are integrated into the design of the buildings, face north, and support an area of 14.6 square metres and minimum dimension of 2.0 metres, as sought by the Development Plan.</p> <p>The ground level elevation of the development is dominated</p>

<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 17</i></p>	<p>13.1 square metres, however, as noted in the POS assessment, these areas do not comprise the minimum 2.0 metre dimension sought.</p> <p>The ground level elevation of the development is dominated by the enclosure of the car parking areas located underneath Dwellings 1 and 2. The streetscape presentation of the building results in large areas of uninterrupted walling exposed to public view.</p> <p>The design of the building could be improved via increased stepping to the footprint of the buildings, setting the upper level in from the ground floor, providing a greater mix of colours and materials and addressing the streetscape appearance of the development.</p> <p>(See also Zone and Policy Area assessment earlier in this report).</p>	<p>by the car parking areas, which will be visible by the removal of the central roller door. It is acknowledged that the ground level street façade of the building incorporates a more generic residential appearance, with the inclusion 'Scyon Matrix' panelling and fixed windows; reducing the expanse of uninterrupted walling previously proposed.</p> <p>In my view, the design of the building could be improved and impact upon neighbouring properties reduced via a reduction in the built form, increased stepping to the footprint of the buildings, separating sections of the upper level to break up the north-south axis of the buildings, setting the upper storeys a greater distance from the side boundaries than the lower storey and providing a greater mix of colours and materials, such as exposed brick, which in my opinion provides greater visual interest than render (and arguably has greater longevity), and timber elements, such as balcony balustrades and window frames to provide a natural element to soften the built form.</p> <p>(See also Zone and Policy Area assessment earlier in this report).</p>
<p><i>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i></p> <p><i>(b) include balustrade detailing that enables line of sight to the street</i></p> <p><i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p><i>General Section: Design & Appearance: PDC 5</i></p>	<p>Complies</p> <p>The proposed balconies are integrated into the dwelling design, with clear glass balustrade that enables line of sight to the street.</p>	<p>Complies</p> <p>(No change)</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from</i></p>	<p>Partially Complies</p> <p>The entrances from all dwellings are oriented to the centre of the site; accessed from the walkway.</p> <p>The entry points are not 'emphasised' by way of portico/awning, nor is shelter provided to the entry areas.</p> <p>The living rooms of all dwellings comprise an external outlook.</p>	<p>Partially Complies</p> <p>The entrances for all dwellings are oriented to the centre of the site; accessed from the walkway.</p> <p>The entry points of Dwellings 3 – 8 (inclusive) now incorporate a 600mm x 900mm awning above, providing some shelter as persons enter and exit the dwellings.</p> <p>The living rooms of all dwellings comprise an external outlook.</p>

<p><i>public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>		
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Overshadowing	Previous Proposal	Amended Proposal
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<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><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></p> <p><i>(i) half of the existing ground level open space</i></p> <p><i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</i></p>	<p>Complies</p> <p>The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that:</p> <p>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on 21 June.</p> <p>b) Given that south forms the rear boundary, a majority of winter shadow will be cast within the POS of Dwelling 7 and the COS adjacent Dwelling 8. 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>Complies (No change)</p>
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<p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>		
Visual Privacy	Previous Proposal	Amended Proposal
<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><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Partially Complies</p> <p>The dwellings incorporate fixed external screening to 1.8 metres above floor level for windows and balconies on the side and rear elevations.</p> <p>However, it is my view that such screening would limit the entry of natural light and may unduly 'enclose' the rooms and balconies. It is noted that Design and Appearance Principle 12(c) seeks for screening devices to "have minimal negative effect on residents' or neighbours' amenity".</p> <p>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> <p>The balcony on the front façade is oriented to obtain views of the streetscape.</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>Complies</p> <p>Screening methods to the upper level windows and rear balconies now incorporate obscure glazing; addressing my previous concern regarding the limiting of natural light and resultant 'enclosing' of those rooms/spaces.</p> <p>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> <p>The balcony on the front façade is oriented to obtain views of the streetscape.</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>

Noise	Previous Proposal	Amended Proposal
<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><i>General Section: Residential Development: PDC 26</i></p> <p><i>Residential development on sites abutting established collector or higher order roads should include a landscaped buffer between the dwellings and the road as well as front fences and walls that will supplement the noise control provided by the building facade. 2</i></p> <p><i>General Section: Residential Development: PDC 27</i></p>	<p>Does Not Comply</p> <p>The balconies of Dwellings 1 and 2 are located adjacent the arterial road; setback 6.0 metres from the primary frontage.</p> <p>Given the balconies form the primary area of private open space, the resident's amenity is considered compromised by way of noise and air quality.</p> <p>The POS area of all other dwellings are sufficiently separated from the arterial road.</p>	<p>Partially Complies</p> <p>The balconies of Dwellings 1 and 2 are located adjacent the arterial road; setback 6.0 metres from the primary frontage.</p> <p>Given the balconies form the primary area of private open space, the residents' amenity is considered compromised by way of noise and air quality.</p> <p>Having said this, the upper level courtyard comprises a similar area, but increased dimensions; this space may form the primary area of POS, and is sufficiently shielded from the noise and air impacts of the arterial road.</p> <p>The POS areas of all other dwellings are sufficiently separated from the arterial road.</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><i>General Section: Residential Development: PDC 29</i></p>	<p>Complies</p> <p>Bedrooms of Dwellings 3 – 8 are adequately separated from vehicle manoeuvring areas. The bedrooms of Dwellings 1 and 2 are located directly above the car parking area. The applicant has not furnished Council plans that demonstrate the amenity and privacy of these rooms would be adequately protected from vehicle noise via treatments such as acoustic measures and insulation.</p> <p>In the event the Panel are supportive of the application, it is respectfully suggested that details are requested, prior to Development Approval, that ensure the extent of noise intrusion to Dwellings 1 and 2 is within acceptable levels.</p>	<p>Complies</p> <p>Additional documentation provided confirming acoustic measures to be provided to improve amenity of Dwellings 1 and 2 from vehicular noise.</p>
Site Facilities and Storage	Previous Proposal	Amended Proposal
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p>	<p>Partially Complies</p> <p>(See comments below)</p>	<p>Partially Complies</p> <p>(See comments below)</p>

<p><i>(c) household waste and recyclable material storage areas away from dwellings.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>		
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The proposal provides a mail box facility adjacent the front boundary, within convenient reach of the main pedestrian entrance to the site.

Bicycle parking is available adjacent the rear boundary of the site, capable of accommodating approximately 4-6 bicycles.

The proposal plans detail waste bin storage within the private open space of each dwelling.

External clothes drying is anticipated to occur within the ground level POS of each dwelling.

On balance, the proposal incorporates facilities that generally comply with those prescribed by Principle 30.

The applicant has identified that internal storage options have now been provided within the roof space of each dwelling. From the figures provided, the applicant suggests that up to 1.8 square metres of storage may be available.

Whilst this may be the case, with an average height of 650mm within the roof cavity, I remain unconvinced that this space will be practical for use. Items stored would need to be relatively 'flat' to enable placement through the man hole and into the cavity space. Any item of bulk, or awkward shape or weight is highly unlikely to be stored, whilst the total area available (reliant upon a 1 metre 'reach' by the occupant), is limited.

Energy Efficiency	Previous Proposal	Amended Proposal
<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 main activity areas of the dwellings are oriented east/west, which should nonetheless receive some northern winter sunlight.</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> <p>The communal open space (COS) is located to the rear of the site with a southern orientation, while the central COS is obstructed from northern sunlight by the adjacent two-storey building. As a result, these areas will receive very limited winter sunlight.</p> <p>While the COS areas do not feature a direct northern orientation, the ground level POS courtyards should receive some northern sunlight in winter months due to their</p>	<p>Partially Complies</p> <p>The main activity areas of the dwellings are oriented east/west, which should nonetheless receive some northern winter sunlight.</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> <p>The communal open space (COS) is located to the rear of the site with a southern orientation, while the central COS is obstructed from northern sunlight by the adjacent two-storey building. As a result, these areas will receive very limited winter sunlight.</p> <p>While the COS areas do not feature a direct northern orientation, the ground level POS courtyards should receive some northern sunlight in winter months due to their eastern</p>

	<p>eastern and western orientation.</p> <p>The living areas of Dwellings 3-8 face east and west. While this orientation is not optimum, the fact that north forms the street frontage to the relatively deep allotment practically prohibits the provision of north-facing living areas to all dwellings within the site. Despite these shortfalls, Dwellings 1 and 2 utilise this orientation by incorporating living areas and balconies with direct northern aspect to the street.</p> <p>The dwellings incorporate eave overhang of 450mm width, which will assist in shading upper floor windows and subsequently alleviating summer heat load.</p>	<p>and western orientation.</p> <p>The living areas of Dwellings 3-8 face east and west. While this orientation is not optimum, the fact that north forms the street frontage to the relatively deep allotment practically prohibits the provision of north-facing living areas to a majority of dwellings within the site. Having said this, a reduction in the number of dwellings to comply with that sought in the Policy Area would provide significantly greater opportunity to achieve living rooms with a northerly orientation.</p> <p>Despite these shortfalls, Dwellings 1 and 2 utilise this orientation by incorporating living areas and balconies with direct northern aspect to the street.</p> <p>The dwellings incorporate eave overhang of 450mm width, which will assist in shading upper floor windows and subsequently alleviating summer heat load.</p> <p>The northern eaves of Dwellings 1 and 2 incorporate a depth of 900mm, which will further assist in the energy efficiency of the building.</p>
<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>Does Not Comply</p> <p>The dwellings incorporate a skillion roof pitch at 2.5 degrees, which would require framing structures to accommodate appropriately-oriented solar collectors.</p>	<p>Partially Complies</p> <p>Dwellings 1 and 2 incorporate a south-facing skillion roof pitch at 2.5 degrees, which would require framing structures to accommodate appropriately-oriented solar collectors.</p> <p>The proposal has been amended to provide Dwellings 3 – 8 (inclusive) with a roof pitch of 4 degrees. The applicant has provided documentation that concludes a 4 degree pitch will nonetheless achieve 90% efficiency for solar collectors.</p> <p>Assuming this is correct, the energy efficiency of the building has improved, and provides a majority of dwellings will reasonable access to renewable energy, without the need for unsightly framing.</p>

Flooding	Previous Proposal	Amended Proposal
<p><i>Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.</i></p> <p><i>General Section: Hazards: PDC 4</i></p> <p><i>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:</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><i>General Section: Hazards: PDC 5</i></p>	<p>Unresolved</p> <p>The applicant has not provided an engineered siteworks plan that would identify finished floor levels in relation to existing ground level and top of kerb level. As such, it cannot be determined whether the dwellings have been designed to avoid inundation.</p> <p>In the event the Panel are of the view the proposal warrants consent, it is respectfully suggested that a reserved matter be included to require the provision and assessment of an engineered siteworks plan.</p>	<p>Remains unresolved</p> <p>(No additional documentation provided)</p>
Landscaping, Fences and Walls	Previous Proposal	Amended Proposal
<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>Partially Complies</p> <p>Landscaping of the property is proposed to occur throughout the front yard of the property (outside the driveway and car parking areas) and adjacent the southern (rear) boundary of the property.</p> <p>The Site Plan nominates a mix of low and medium level planting throughout both the front and rear of the property.</p> <p>The proposed variety of species and projected growing heights will complement the built form, minimise water use (given a number are native species) and assist in shading the front paving, although it is acknowledged the proposal plans suggest only one species (<i>Acacia pycnantha</i>) that will grow taller than 1.0 metre and it is not clear as to the location or density of planting of this species.</p>	<p>Partially Complies</p> <p>Landscaping of the property is proposed to occur throughout the front yard (outside the driveway and car parking areas) and adjacent the southern (rear) boundary of the property.</p> <p>The Site Plan nominates a mix of low and medium level planting throughout both the front and rear of the property.</p> <p>The proposed variety of species and projected growing heights will complement the built form, minimise water use (given a number are native species) and assist in shading the front paving.</p> <p>The landscape detail has increased the variety and placement of species (that will grow taller than 1.0 metre to two), and their location and density has now been clarified.</p>

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

ANALYSIS/CONCLUSION

The amendments to the proposal have addressed a number of outstanding concerns raised with the previous design, including the amount of pervious area available, vehicle manoeuvring and screening to upper level windows and balconies and resultant improvement in resident amenity.

However, the fundamental failing of the proposal, in my view, is the number of dwellings proposed, which is almost double that anticipated to occur within the Regeneration Policy Area for this dwelling type.

The density results in a high percentage of the property incorporating built form. The land incorporates a depth of 43.59 metres, with the building maintaining a front setback of 6.0 metres and a minimum rear setback of 3.14 metres. Save for the 3.0 metre break between Dwellings 3 and 5, and 1.5 metre break between Dwellings 4 and 6, the proposal comprises a length of 72.15% and 75.6% for the eastern and western boundaries, respectively.

These figures are telling of the extent of built form, which when combined with the significant shortfall in site area and excess in site coverage, reflect a proposal that seeks a density far exceeding that sought in the Policy Area.

In my opinion, the proposal has also failed to adequately address the visual impact the built form will have upon adjoining land, via building bulk and setback; resulting in a 'sense of enclosure'. The upper level of Dwellings 3, 4, 5, 6 and 8 cantilever over the ground floor by 500mm; being setback 2.5 metres, whereas the ground floor is 3.0 metres. This in my view, is in contravention of the built form sought by the Development Plan, where upper levels should incorporate a greater setback than the ground floor, to assist in reducing the visual impact of taller buildings.

Whilst the streetscape appearance has improved, it nonetheless results in a poor outcome and an unwelcoming entrance for residents and visitors alike.

The floor plan of Dwellings 3 and 4 maintain three rooms capable of being used as three bedrooms; whilst the Management Plan has reduced maximum occupant numbers from 20 to 18 persons, the number of persons per dwelling can nonetheless exceed two.

As such, in addition to the excess in density, it is staff's view that the proposal fails to achieve the high quality living environments sought by the Objectives, Principles and Desired Character of the Policy Area, due to the following detrimental attributes; (a) poor streetscape outcome; (b) conventional household size proposed (for Dwellings 3 and 4); (c) poor POS provision; (d) lack of integration of the COS with the high movement areas and adjacent dwellings (and therefore a lack of interaction and sense of community); and (e) the impact upon the amenity of neighbouring properties and that of the residents of the subject site.

As a result of the above considerations, whilst it is my view the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993, the proposal fails to sufficiently satisfy a number of applicable provisions to warrant support and as such, it is recommended that Development Plan Consent is refused.

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: 100/2014/959 for three, two storey residential flat buildings, comprising a total of 8 dwellings for the purpose of student accommodation, with associated car parking and landscaping at 215 Sturt Road, Seacombe Gardens be REFUSED for the following reasons:

CONDITIONS

1. The proposal fails to accord with Objective 2 of the Regeneration Policy Area 16, as it shall not improve the quality of living environments.
2. The proposal shall not contribute toward improved living conditions, and is therefore at variance with Objective 11, Principle 3 and the Desired Character of the Regeneration Policy Area 16.
3. The proposal does not create a convenient and pleasant environment in which to live, and therefore fails to fulfil Orderly and Sustainable Development Objective 1.
4. The number of dwellings result in an average land area substantially less than that sought for two storey residential flat dwellings, and is therefore at variance to Principle 4 of the Regeneration Policy Area 16.
5. The proposed development does not accord with Orderly and Sustainable Development Objective 4, as the proposal prejudices the achievement of the provisions of the Development Plan.
6. The proposal does not contribute to the provision of convenient, pleasant and healthy living environments that meet the needs and preferences of the community, and is therefore at variance to Residential Development Objective 1.
7. Site coverage exceeds that sought in the Regeneration Policy Area 16, and therefore fails to satisfy Policy Area Principle 5.
8. The building is likely to have an unreasonable visual impact upon adjoining properties via a lack of articulation and proximity to the side and rear boundaries; failing to satisfy Design and Appearance Principle 2(a).
9. The proposal fails to satisfy Residential Development Principle 29, as the private open space does not comprise 35 square metres (excluding Dwelling 7), and does not maintain a minimum dimension of 4 metres.
10. The proposal does not comply with Residential Development Principle 28, as the proposed private open space is not of sufficient area and shape to be functional for likely occupant needs.

Attachments

- Attachment I: Certificate of Title*
- Attachment II: Aerial Photograph & Site Locality Plan*
- Attachment III: Proposal Plan and supporting documentation*
- Attachment IV: Statement of Representations*
- Attachment V: Applicant's Response to Representations*
- Attachment VI: Statement of Representations (Re-Notification)*
- Attachment VII: Applicant's Response to Representations (Re-Notification)*
- Attachment VIII: External Agency Referral Comments*
- Attachment IX: Administration's previous report of 7 October 2015*

DEVELOPMENT ASSESSMENT PANEL
Wednesday 20 January 2016

Agenda Ref No: DAP200116 – 2.2

Originating Officer: Kristen Schutte
Development Officer - Planning

Applicant: Fenbreeze Homes

Development Description: Two single storey detached dwellings, incorporating garage walls on the eastern and western side boundaries

Site Location: 10 Thorne Crescent, Mitchell Park

Zone: Residential Zone

Policy Area: Medium Density Policy Area 12

Application Type: Category 2 / Consent

Lodgement Date: 11/09/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/1657

Recommendation: That Development Plan Consent be Granted subject to conditions

CATEGORISATION & DELEGATION

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

BACKGROUND

An application for land division of the subject land was granted Development Approval on 15 September 2015 (100/1436/2015). Whilst the Certificate of Title for each property is yet to be issued, the proposed site areas, frontage width and site depth fall outside the scope of this assessment.

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

Amendments Requested	Amendments Made
An additional on-site car parking space be provided for each dwelling. Alternatively, reduce from four-bedroom to three-bedroom dwellings.	Dwellings amended from four bedrooms to 3 bedrooms + study.

SUBJECT LAND & LOCALITY

The subject land is located at 10 Thorne Crescent, Mitchell Park. The land comprises a rectangular allotment, with a southern primary street frontage to Thorne Crescent of 19.2 metres, a depth of 32.05 metres, and a total site area of 612.2 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to an attached carport along the eastern boundary. A freestanding shed is located to the rear of the existing dwelling. An indiscernible slope exists from the rear to the front of the property, falling approximately 0.3 metres over a distance of some 32 metres.

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

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct two single storey detached dwellings, each incorporating a wall on the boundary. Each dwelling features three bedrooms (main with ensuite and WIR), a study, bathroom, laundry and open plan kitchen/living areas. Both dwellings include single garages under the main roof, with an additional visitor space within the driveway.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	14 properties were notified during the Category 2 public notification process.
Representations:	4 representations were received by Council.
Persons wishing to be heard:	8 Thorne Crescent
Summary of representations:	<p>5 Thorne Crescent</p> <ul style="list-style-type: none"> Adequate provision should be made for parking of additional vehicles to prevent further congestion within the area. <p>7 Thorne Crescent</p> <ul style="list-style-type: none"> Insufficient off street car parking will result in additional vehicles utilizing on street parking spaces thus increasing congestion.

	<p>8 Thorne Crescent</p> <ul style="list-style-type: none"> • Objection to the construction of Res 10A on the boundary. • Concerns regarding obstruction of light due to Res 10A being sited on the boundary and forward of 8 Thorne Crescent. <p>12 Thorne Crescent</p> <ul style="list-style-type: none"> • Concerns regarding front setback obstructing view of oncoming traffic and pedestrians, with the proposed dwellings sited forward of 12 Thorne Crescent. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<p>On-site Car Parking</p> <ul style="list-style-type: none"> • Each dwelling provides two on-site parking spaces, one of which is covered. <p>Boundary Wall</p> <ul style="list-style-type: none"> • Boundary walls are anticipated within metropolitan areas. <p>Light Obstruction</p> <ul style="list-style-type: none"> • Beyond the boundary wall, the proposed dwelling maintains adequate side setbacks. The proposed dwelling is single storey only, and 8 Thorne Crescent maintains a 2 metre side setback. As such, there should not be an unreasonable impact upon natural light. <p style="text-align: right;"><i>Refer Attachment V</i></p>

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone	
Objectives	
<p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>	
Medium Density Policy Area 12	
Objectives	
<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.</p> <p>2 Development that minimises the potential impact of garaging of vehicles on the character of the area.</p> <p>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</p> <p>4 Development that contributes to the desired character of the policy area.</p>	

Desired Character

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

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

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

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

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none">▪ affordable housing▪ detached dwelling▪ group dwelling▪ residential flat building (buildings between one and three storeys)▪ row dwelling▪ semi-detached dwelling▪ supported accommodation.	Complies
PDC 7	Minimum Site Area: 300m ²	Complies Res 10: 305.6m ² Res 10A: 306.6m ²
	Minimum Frontage:10m	Does Not Comply Res 10: 9.6m Res 10A: 9.6m
	Minimum Depth:20m	Complies Res 10: 31.94m Res 10A: 32.05m

Assessment

The application proposes to replace an existing single storey detached dwelling in average condition, with two single storey detached dwellings, a form of development anticipated by PDC 1. As a land division application has previously been assessed and granted Development Approval, the proposed site areas, frontage widths and site depth fall outside the scope of this assessment. Nonetheless, the proposed development is considered to appropriately satisfy the Objectives, Principles and Desired Character of the Medium Density Policy Area 12

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p>Maximum site coverage: <i>Site area between 270 and 375 m²: 130 m² or 40% (whichever is the greater)</i></p> <p><i>Medium Density Policy Area 12: PDC 8</i></p> <p>130m² applies for both dwellings</p>	<p>Does Not Comply Res 10: 169.4m² (55.4%) Res 10A: 169.4m² (55.3%)</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles</p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><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> (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.</p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies a) All POS areas are directly accessible from a habitable room of the associated dwelling b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy c) The subject land does not maintain natural features which warrant preservation d) The POS areas should not be directly overlooked by adjacent buildings e) POS areas are not located next to bedrooms of dwellings on adjacent sites f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development h) POS areas are capable of being shaded during summer i) Traffic, industry or other business activities should not affect the subject land j) The POS areas are considered to have sufficient shape and area to be functional.</p>

Site Area 250 m² or greater:

Minimum area of POS: 20% of the site area

Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.

One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.

General Section: Residential Development: PDC 17

Complies

Res 10: 23% (70.7m²)
Res 10A: 23% (70.7m²)

Both dwellings exceed minimum dimension requirements.

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

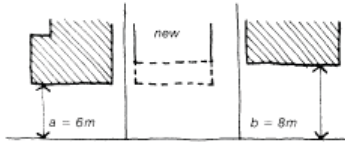
(b) contribute positively to the function, appearance and/or desired character of the locality.

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 metres 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

Res 10: 5m
Res 10A: 5m

(Dwellings on adjoining land set back approximately 7 and 7.5 metres, where a minimum setback of 7metres applies)

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

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

Res 10: 0.9 m
Res 10A: 0.9 m

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

<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <p><i>(i) 50 per cent of the length of the boundary</i></p> <p><i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p>Complies</p> <p>(a) Walls abut only one side boundary</p> <p>(c) (iii) Wall height of 2.7m</p> <p>(c) (iv) Boundary walls sited no closer than 2.5 metres to a habitable room window.</p> <p>Does not comply</p> <p>(c) (i) Sited forward of the adjacent dwellings</p> <p>(c) (ii) Wall length of 6.39m</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 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>Complies</p> <p>Res 10: 7.1m</p> <p>Res 10A: 7.1m</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>(i) 2 storeys of not more than 9 metres</i></p> <p><i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 4.8 metres, which is less than the maximum permitted in the Policy Area.</p>

Garages, Carports and Outbuildings

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

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

Residential Zone: PDC 8

Complies

Res 10: 6m (1m behind main face)
Res 10A: 6m (1m behind main face)

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

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

General Section: Residential Development: PDC 12

Complies

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

General Section: Residential Development: PDC8

Complies

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

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

Residential Zone: PDC 6

Complies

Single-width garages less than 50% of allotment width

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

Does not comply

The proposed dwellings each comprise 3 bedrooms and provide 2 on site car parking spaces (one of which is covered).

However each dwelling comprises a study, which could effectively function as an additional (small) bedroom, whereby the proposal would not meet on site car parking requirements.

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

General Section: Transportation & Access: PDC 43

Complies

b) Public transport is located within walking distance of the dwellings.
c) The likely occupants are anticipated to have standard mobility and transport requirements.
d) e) 1 on-street car parking space shall remain available adjacent the subject land. (12m between crossovers required for 2 car spaces, 11.8m available. Therefore, it is appropriate to consider that 2 small cars could park between the crossovers, despite being technically short of 2 on street car spaces).

Does Not Comply

a) On site car parking is not provided in accordance with PDC 7 for the size of the proposed dwellings.

<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 2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22</p>
Access	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies Res 10: 3.8m (existing crossover) Res 10A: 3.08m</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 The proposed crossover (servicing Res 10A) is set back a minimum of 1 metre from existing street infrastructure.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies Vehicle access points are separated by a distance of 11.8 metres.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 17</i></p>	<p>Complies 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 horizontal cladding and render on the front façade • Protruding portico • Eave overhang and pitched roof form at 25 degree slope • Fenestration <p>The dwellings incorporate a 25 degree Colorbond roof, with rendered front facades. The garage of each dwelling features a Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p>	<p>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.</p>

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall not be overshadowed by the proposed dwellings.

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

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Complies

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

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

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

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

TABLE DISCUSSION

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

Site coverage

The Medium Density Policy Area prescribes maximum site coverage of 130 square metres in this instance, whereas each of the proposed dwellings comprise site coverage of 169.4 square metres. Given that the proposed setbacks are considered to be acceptable (discussed below) and the excess in the building footprint does not adversely impact upon the POS of the dwellings (23%), it is considered relatively minor in its extent and consequence. This is demonstrated by the fact that the dwellings nonetheless provide adequate private open space including an alfresco area under the main roof, meaning that site coverage is unlikely to increase further.

Front setback

The front setbacks of the proposed dwellings fail to comply with quantitative criteria as PDC 25 (General Section: Design and Appearance) stipulates that street setbacks should be the same as one of the adjacent buildings, if the difference between the setbacks of the adjoining buildings is less than 2 metres.

The adjoining dwellings are representative of the original housing stock, with front setbacks of 7 and 7.5 metres respectively. Hence, the proposed dwellings should aim to incorporate a front setback of at least 7 metres; whereas the proposal features a setback of 5 metres to the main face of each dwelling and 6 metres to the garage.

However PDC 23 (General Section: Design & Appearance) prescribes that dwellings should be compatible with buildings on adjoining land and other buildings in the locality, except in areas where a new character is desired. In this case, the Medium Density Policy Area 12 specifically encourages a new character of medium density housing, whilst encouraging replacement of original dwelling stock with higher densities. This vision implies that lesser setbacks should be established in order to create a more efficient use of land to facilitate higher density housing. Accordingly, the proposed front setbacks of 5 metres are considered acceptable.

Boundary walls

The garage walls sited on the eastern and western side boundaries only partially comply with quantitative criteria. While the boundary walls comprise a height less than the maximum permitted by the Development Plan, the walls incorporate a length of 6.39 metres (where a maximum of 6 metres is sought) and are situated 1 metre and 1.5 metres forward of the adjacent dwellings to the east and west of the subject land respectively, where it is stipulated that a wall on the boundary should be setback a minimum of 2 metres behind the main face of adjacent dwellings.

It is befitting to acknowledge that Schedule 4 permits the construction of dwellings 'as of right' which incorporate boundary walls with a maximum length of 8.0 metres and height of 3.0 metres. Furthermore, were an application to be lodged at this point in time, a front setback of 5 metres (and 5.5 metres for the garages) would satisfy the provisions of Schedule 4-2B, with no consideration regarding the boundary walls being sited forward of adjacent dwellings. Therefore, the proposed boundary wall location and length of 6.39 metres remains appropriate when considered against standard design criteria for new dwellings in metropolitan Adelaide.

On-site car parking

The proposed dwellings incorporate three bedrooms and a study. It is considered that the study may effectively function as a fourth (albeit, small) bedroom; as such, each dwelling should provide 3 on-site car parking spaces (1 of which should be covered). Both dwellings provide 2 on-site car parks, 1 within the garage, and a visitor space within the driveway.

It is appropriate to consider that 2 small to medium sized cars could park between the crossovers in front of the subject land (as a distance of 11.8 metres is available), despite the proposal being technically short of 2 on street car spaces (12 metres required). Further, it is appropriate to have regard to Schedule 4 of the Development Regulations 2008, where only 2 on site car parking spaces are required for a 2 or more bedroom dwelling.

Given the above, the shortfall in on-site car parking is deemed acceptable and should not result in significant impacts upon the amenity or function of the proposed dwellings, or of that of adjoining properties.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to car parking, boundary walls and light obstruction have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

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

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development accords with a number of applicable Development Plan criteria, and that the provisions not strictly adhered to result in only minor impacts upon the amenity of the proposed dwellings or upon that of adjoining properties.

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

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

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1657 for two single storey detached dwellings, incorporating garage walls on the eastern and western side boundaries at 10 Thorne Crescent, Mitchell Park, be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1657 except when varied by the following conditions of consent.
2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

3. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
7. All 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.

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.**

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 20 January 2016

Agenda Ref No:	DAP200116 – 2.3
Originating Officer:	Emily Nankivell Senior Development Officer - Planning
Applicant:	Anetta Chwaja
Development Description:	Pair of single storey semi-detached dwellings with associated garages with walls on the eastern and western property boundaries.
Site Location:	43 Thomas Street South Plympton
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	26/10/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1974
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

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

SUBJECT LAND & LOCALITY

The subject land is located on the northern side of Thomas Street and is identified as allotment 247 on Certificate of Title Volume 5646 Folio 614. It is a rectangular shaped allotment with a site frontage of 17.6 metres, depth of 40.8 metres and total site area of 718 square metres.

The subject land is flat and contains an existing single storey detached dwelling with associated ancillary structures. The house is a red brick austerity style and is in good condition.

There is an existing vehicle access point located to the western side of the subject land. There is a stobie pole to the eastern side of the site and one street tree central to the front of the property.

The immediate locality is predominantly characterised by single storey detached dwellings on large allotments. The allotment pattern in the area has remained largely intact with some examples of semi-detached and row dwellings scattered throughout.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of a pair of semi-detached dwellings. Each dwelling comprises three bedrooms (main with ensuite and walk in robe), garage, lounge room, study, combined kitchen, living, meals area, bathroom and laundry.

The allotments have a north facing rear boundary which provides each dwelling with north facing internal living and outdoor private open space areas.

The unusual feature of these semi-detached dwellings is that the connecting party wall is located 27 metres from the front boundary of the site with the front façades resembling detached dwellings.

The garage of each dwelling is located on the boundary with Residence 1 garage wall on the western side boundary and Residence 2 garage wall on the eastern side boundary. Residence 1 will utilise the existing vehicle access point to the western side of the site. A new access will need to be created for Residence 2. This access point will need to be located 1 metre from the existing stobie pole which will result in the driveway deviating within the site.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	15 properties were notified during the Category 2 public notification process.
Representations:	One representation was received by Council.
Persons wishing to be heard:	J & C Hopgood 41 Thomas Street, South Plympton
Summary of representation:	<ul style="list-style-type: none"> • The proposed allotments will not meet the minimum 9 metre frontage for semi-detached dwellings. • Safety concerns with temporary fencing during construction. • The front setback of the dwellings does not accord with the average of the adjoining. • Loss of natural light due to the garage wall being sited on the boundary. • Undue overshadowing of the property due to proximity of proposed dwellings to the boundary. • Location of trees and potential shading. • Site coverage exceeds 40%. <p><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • Will ensure that the site is safe during development and will comply with all site rules and regulations. • Are open to negotiate fencing outcomes for the boundary. • Landscaping has not yet been confirmed for the site. <p><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>The application was referred to Council's Development Engineer who requested the following:</p> <ul style="list-style-type: none"> • That the FFLs of the dwelling be a minimum of 100.2 to allow positive fall to the kerb with a minimum fall of no less than 0.5% to the top of kerb. • The driveway/crossover to Residence 2 be perpendicular to the road and any deviation established within the property. • That each dwelling be provided with a 3000L rainwater retention tank fully plumbed into the toilet and laundry and connected to at least 80% of the roof area. <p>The applicant has provided an engineered site works plan that accords with these requirements.</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><i>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.</i></p>
Northern Policy Area 13
<p>Objectives</p> <p><i>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.</i></p>
<p>Desired Character</p> <p><i>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>detached dwelling</i> ▪ <i>group dwelling</i> ▪ <i>residential flat building</i> ▪ <i>row dwelling</i> ▪ <i>semi-detached dwelling</i> ▪ <i>supported accommodation.</i> 	Complies The development proposes a pair of semi-detached dwellings.
<i>PDC 3</i>	<i>Minimum Site Area: 320m²</i>	Complies Residence 1 & 2: 361m ²
	<i>Minimum Frontage: 9m</i>	Does Not Comply Residence 1 & 2: 8.83m
	<i>Minimum Depth: 20m</i>	Complies Residence 1 & 2: 40.8m

Assessment

The proposed development will result in the creation of two dwellings on a site where previously there was one. This achieves Objective 2 and the Desired Character of the Policy Area by increasing the density of dwellings on the site and number of dwellings in the area, in an appropriate way.

The suitability of the existing allotment for semi-detached dwellings is demonstrated by the proposed allotments exceeding the minimum site area requirement and only failing to meet the minimum frontage requirement of 9 metres by 0.17 metres. This is equivalent to a 1.8% shortfall in the frontage requirement and is considered acceptable given the general conformity of the proposal (discussed further in this report).

The nature of development, being semi-detached dwellings, is also consistent with the Residential Zone and Northern Policy Area 13, as an envisaged dwelling form.

It is considered that the proposal results in an attractive design with dwellings that appropriately present to the public road. The development is considered to complement the built form in the locality in relation to scale and setbacks. Overall, the development is considered to be of a type and density that accords with the provisions and Desired Character of the Policy Area and will make a positive contribution to the existing streetscape.

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 55.3%

<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles <p>General Section: Residential Development: PDC 13</p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
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<p>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 14</p>	<p>Complies</p> <p>22.7% of each allotment will remain pervious and undeveloped on each allotment.</p>
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Private Open Space

<p>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</p> <ul style="list-style-type: none"> (a) to be accessed directly from a habitable rooms of the dwelling (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy (c) to take advantage of, but not adversely affect, natural features of the site (d) to minimise overlooking from adjacent buildings (e) to achieve separation from bedroom windows on adjacent 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. <p>General Section: Residential Development: PDC 15</p>	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from habitable rooms 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 will 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.
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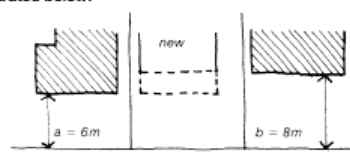
<p>Site Area 250 m² or greater:</p> <p>Minimum area of POS: 20% of the site area Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a living room and have an area 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.</p> <p>General Section: Residential Development: PDC 17</p>	<p>Complies</p> <p>Each dwelling is provided with 72.7m² of POS area, which is 20.1% of the associated site area.</p>
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Street Setbacks

<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <ul style="list-style-type: none"> (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. <p>General Section: Design and Appearance: PDC 23</p>	<p>Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 6.5 metres is similar to that of new</p>
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	<p>dwelling in the locality and, together with the garage setbacks of 7.31 metres, is considered to be compatible with adjoining dwellings. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
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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	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b > a > 2$, setback of new dwelling = a or b</p>
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

Partially Complies

Residence 1 & 2: 6.5 metres

(Dwellings on adjoining land set back approximately 6.1 and 8.3 metres, which equals an average setback of 7.25 metres)

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

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.*

Residential Zone: PDC 7

Does Not Comply

Dwelling 1: 0.9 m

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

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

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

General Section: Residential Development: PDC 38

Does Not Comply

- (a) The dwellings will result in walls on both side boundaries with the garage wall being located on one side of the allotment and the party wall being located on the other. Although the dwellings technically result in boundary to boundary development the party wall is located to the rear of the dwellings some 27 metres from the front boundary. As a result, the facades of the dwellings appear detached or separated reducing the impact of the boundary to boundary development.*
- (c)(i) The proposed garage walls are setback 7.31 metres from the front boundary. This will result in the wall being sitting forward of the wall of the adjacent dwelling by 3.69 metres on the western side and 0.8 metres behind the adjacent dwelling to the east.*
- (c)(ii) The walls on the boundary are 7.7 metres in length exceeding the specified length of 6 metres by 1.7 metres.*
- (c)(iii) The walls on the boundary have a maximum height of 3.15 metres which*

	<p>exceeds the maximum height by 150mm.</p> <p>Complies</p> <p>(b) (i) There are no walls from neighbouring dwellings on the boundary.</p> <p>(c)(iv) The walls will be sited 2.5 metres of greater from any habitable room window of adjoining dwellings.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
Rear Setbacks	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Partially Complies</p> <p>At their closest point the dwellings will be setback 5.323 metres from the rear boundary increasing to 9 metres.</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Partially Complies</p> <p>The dwellings have a rear setback of 5.323m from a portion of dwelling 5 metres in length being equivalent to 56% of the site width. The remaining portion of the dwelling is setback 9 metres from the rear boundary.</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 the 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>
Building Height	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 4.9 metres, which is less than the maximum permitted in the Policy Area.</p>

Garages, Carports and Outbuildings

<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 8 metres for a freestanding structure. 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies</p> <p>The proposed garages are setback 7.31 metres from the primary road frontage and 0.81 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>Residence 1 will utilise an existing vehicle access point and Residence 2 will require a new vehicle access point be created. This new access will require some deviation within the site. This has been considered by Council's Development Engineer who has confirmed that the access is acceptable.</p>
<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><i>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p>Complies</p> <p>i) The garages located on the boundary are not located within 6 metres of any existing structure on the same site and same boundary.</p> <p>Does Not Comply</p> <p>ii) Enclosed structure length of 7.7 metres on the boundary</p> <p>iii) Wall height of 3.15 metres (including the filling of the land)</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>The proposed garages incorporate a roof form, materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The garages are single width and equivalent to 33.9% of the allotment frontage.</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

Each dwelling is provided with two on site car parks one of which is undercover.

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

General Section: Transportation & Access: PDC 43

Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
 b) Centre facilities and public transport are not in walking distance of the dwellings.
 c) The likely occupants are anticipated to have standard mobility and transport requirements.
 d) & e) One on-street car parking space shall remain available adjacent the subject land.

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

General Section: Land Division: PDC 22

Complies

One on-street car parking space is 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

Each driveway will have a maximum width of 3 metres.

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

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 5 metres from the existing street tree.

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

General Section: Transportation and Access: PDC 28

Complies

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

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

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

- Render to the front façade
- Protruding portico including timber framed canopy to Residence 2 and tile feature wall to Residence 1.
- Aluminium awning windows.
- Colorbond pitched roof form at 25 degrees
- Panel lift doors to the garages.

The dwellings incorporate a 25 degree Colorbond roof with rendered facades. The garage of each dwelling features a Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The side elevations of the dwellings feature render hebel power panel with texture coat render over and stepping in the dwelling setback to avoid extensive areas of uninterrupted walling exposed to public view.

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

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

- a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June as the north facing windows are located to the rear of the subject and neighbouring dwellings.
- b) There are no upper level balconies proposed in this application.
- (c) The north facing solar panels on the neighbouring dwelling at 45 Thomas Street will not be shaded by the proposed development.

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

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

The dwellings are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around. However, the dwellings have not incorporated eave overhang which will expose the north facing windows to full sun and potential heat loading.

Complies

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

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

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

Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas. A condition requiring a detailed landscape plan has been included as a recommended condition of consent prior to Development Approval being granted.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <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> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>The application proposes retaining walls varying in height to a maximum 400 millimetres. If a standard 1.8 metre high colorbond fence were to be constructed on top of the retaining walls this will be constructed above the retaining wall this will result in a combined height of 1.8 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>

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:

- Length and height of the garage walls on the boundary exceed 7 metres in length and 2.4 metre in height.
- The development will result in boundary to boundary development.
- Site coverage of both dwellings exceeds 40%.
- The primary setback of the dwellings does not achieve the average setback of adjoining dwellings.
- The rear setback does not accord with the 3 metre and 6 metre requirement.

Length & Height of Wall on the Boundary

The proposed walls on the boundary will have a total length of 7.7 metres and a total height of 3.15 metres. This exceeds the Development Plan maximum length of garage walls on the boundary of 7 metres by 700mm (or 10%) and height of 2.4 metres by 750mm (or 31.25%).

Considered to be of greater impact on adjoining properties and demonstrating greater non-compliance with the Development Plan is the height of the walls on the boundary. Taking into account the increased bench level of the site, as required by Council's Development Engineer, these walls have a total combined height of 3.15 metres. Although this exceeds the maximum allowable height in the Development Plan it is not considered that this additional height unreasonably increases the impact of the walls on the neighbouring properties. This is due, in part, to the orientation of the site running south to north and the boundary walls being located on the east and west boundaries of the allotment, thus limiting shadowing impact. The garage walls are also located adjacent the driveways and carports of the neighbouring dwellings allowing greater separation between the wall and the neighbouring dwelling. While the garage walls will have some visual impact and may result in some additional shading to the neighbouring dwellings, the extent of the shading and visual impact is not considered unreasonable.

The departure in the length and height of the garage walls on the boundary is not considered unreasonable given the context of the site.

Boundary to Boundary Development

The proposed development will result in boundary to boundary development. This does not accord with Residential General Principle 38 which restricts this type of development. In this case the boundary to boundary development is created by the garage walls being sited on the east and west boundaries and the party wall between the dwellings on the new internal boundary line.

Although resulting in an outcome the Development Plan seeks to limit, the design of the development is such that the visual impact of the boundary to boundary built form has been reduced. This has been achieved through setting the party wall some 27 metres back from the front boundary and creating separation between the front facades of the dwellings by 1.8 metres. Given how far back the party wall commences and this separation, the dwellings appear as detached dwellings when viewed from the street.

The design of the dwellings is considered to adequately address the issue of boundary to boundary development such that they are considered to achieve the intent of the Development Plan in relation to this principle.

Site Coverage

The site coverage for each dwelling exceeds the maximum allowable under the Development Plan of 40% with both dwellings demonstrating site coverage of 55.3%. This exceeds the maximum by 55.45m² or 15.3%. Although the proposal exceeds the site coverage maximum, each dwelling is provided with the required amount of private open space and demonstrates adequate setbacks. Furthermore, the Residential Code would allow dwellings to be constructed up to 60% of the site. The site coverage, as proposed will still allow for ancillary structures, such as verandahs, to be supported under the residential code. Taking these matters into consideration the site coverage is considered acceptable.

Primary Setback

The primary setback of the dwellings, being 6.5 metres to the front wall and 7.31m to the garage, do not achieve the average setback of adjoining dwellings calculated at 7.25 metres. Although not strictly achieving the average setback of the adjoining properties, the setback as proposed is considered to correspond to the setback of the adjoining dwellings. The stepping between the front wall of the dwellings and the garages together with the configuration of the layout with the greater setback adjacent the external boundaries of the site providing a good transition between the subject development and the setback of the neighbouring properties.

Although the boundary walls of the garages will extend forward of the neighbouring dwellings and will therefore be more visible from the street, this will reduce the impact of these walls on the neighbouring properties as the walls will not align as closely with the existing neighbouring dwellings.

It is anticipated that over time the area will undergo redevelopment, as envisaged in the Desired Character of the Policy Area and that this will gradually see the setback of the street change. As proposed, the setbacks of the dwellings are considered to be respectful to the existing setback in the street and also reflect the anticipated changes that will result should further redevelopment of the area occur.

For the reasons outlined above the setback of the proposed dwellings is considered acceptable.

Rear Setback

The rear setback of the dwellings are 5.323 metres for a length of 5 metres or 56.5% of the width of the site, increasing to 9 metres for a width of 2.9 metres or 32.8% of the width of the allotment. This setback does not strictly accord with the setback requirements of the Development Plan in so far as a portion of the dwelling is closer than 6 metres to the rear boundary for a width greater than 50% of the allotment. In saying this, the setback requirements in the Development Plan allow this reduced setback to extend to within 3 metres of the rear boundary, which the proposed setback significantly exceeds. Furthermore, the setback of 5.232 metres only exceeds the 50% maximum width by 6.5%, which in its own right could be considered minor. The dimensions proposed by the rear setback exceed those required under the private open space provisions. As such, the rear setback as proposed is considered acceptable.

REPRESENTOR'S CONCERNS

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

The representor have also raised concerns over safety and security during construction of the dwellings. 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

In my view, the proposed development will result in the replacement of the existing dwelling with two new dwellings, increasing of the net dwelling density of the site by one and in an appropriate way. The dwellings are considered to result in an attractive design that will contribute to the streetscape and amenity of the locality without unreasonably impacting on adjoining properties. The proposed dwellings accord with a number of the quantitative and qualitative provisions. When assessed against the relevant provisions of the Development Plan, the application warrants approval subject to conditions.

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: 100/2015/1974 for a pair of single storey semi-detached dwellings with associated garages with walls on the eastern and western property boundaries. at 43 Thomas Street South Plympton be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1974, being drawing number(s) 2728.15 pages 1 to 4 (inclusive) and engineered site works plan SP B dated 12/01/2016 prepared by Inspire Design Studio and A Romaniuk Building Surveyor & Consulting Engineer, except when varied by the following conditions of consent.
2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

3. A landscaping plan shall be submitted to Council for consideration and approval, detailing a mix of native medium and low-level plantings throughout the front yard areas of the properties.
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. The render finish to the garage walls located on the property boundary are to be finished in a professional manner, similar to other external walls on the subject dwelling.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 January 2016

Agenda Ref No:	DAP200116 – 2.4
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	Wallmans Acquisitions P/L
Development Description:	To construct four (4) dwellings comprising two, two storey dwellings and two single storey dwellings to the rear of the site with associated car parking and landscaping
Site Location:	2 Crozier Terrace, Oaklands Park.
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Application Type:	Category 2 / Consent
Lodgement Date:	03/03/2015
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2015/377
Recommendation:	Development Plan Consent 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 a written representation from a third party 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 the proposed new dwellings support allotment areas that are less than the minimum of 250 square metres required for detached dwellings and less than the minimum average area of 250 square metres required for residential flat dwellings within Regeneration Policy Area 16. 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 adjacent two storey row dwellings to the south.	The applicant has provided the required shadow diagrams as which are attached.
As the subject land is located within a flood prone area of the Council, an engineered siteworks and drainage plan was requested.	The applicant provided a site works and drainage plan which has been assessed by Council's Engineering Department.
Requested Amendments	Amendments Made
The applicant was requested to amend the engineered siteworks plan by increasing the finished floor levels of the dwellings to 103.3 to reduce the risk of flooding.	The applicant has amended the engineered siteworks plan which has now been deemed to be satisfactory by Council's Engineering Department.
The applicant was requested to increase the opening of the garage of Dwelling (4) to 2.8 metres in width to help improve vehicular access into and out this garage.	The applicant has amended the plans with the opening of garage (4) having now been increased to 2.8 metres in width.
The applicant was requested to increase the length of the driveways of Dwellings (1) and (2) from 5.0 to 5.5 metres in length to allow for the parking of a visitors vehicle within each driveway.	The applicant has amended the plans which now illustrate extended driveways for Dwellings (1) and (2) which now measure no less than 5.5 metres in length.
The applicant was requested to amend the plans to include a common letter box facility to be located to the front of the subject land adjacent the entrance to the central driveway.	The plans have been amended and now show the inclusion of clothes drying facilities as well as the location of a common letter box facility on the northern side of the central driveway.
The applicant was requested to increase the width of the central driveway to 4 metres in width and to include 500 mm wide strips of landscaping along both sides of the driveway.	The plans have been amended accordingly and now include 500mm strips of landscaping along either side of the central driveway.

SUBJECT LAND & LOCALITY

The subject land is situated on the eastern side of Crozier Terrace at 2 Crozier Terrace Oaklands Park. The subject land comprises a large irregular shaped allotment which has an angled frontage to Crozier Terrace measuring 23.19 metres in width and an average depth of 39.8 metres to the rear to provide a total site area of approximately 875 square metres.

The subject land is developed with an existing single storey detached dwelling (circa 1930s) which is in good condition and presents an attractive frontage to the street. The subject land is generally flat and is devoid of any regulated trees, whilst the certificate of title confirms that the land is clear of easements.

The subject land is located adjacent two existing non-residential land uses in the form of an existing service trade premises (former Second Hand Car Yard now Paving Brick Supplier) at 1 Dwyer Road situated immediately to the south, and the State Heritage listed Shri Ganesh Hindu Temple which is located directly to the east of the subject land at 3A Dwyer Road.

The locality is characterised by a mix of housing types including single storey detached dwellings and single storey semi-detached dwellings on medium sized allotments together with

older styled single and double storey medium density units as exhibited to the north of the subject land along Crozier Terrace and Letcher Road.

The locality also contains many new dwellings mostly in the form of two storey row dwellings which have either been recently completed or which are currently under construction as exhibited directly to the south of the subject land at 3 Dwyer Road and also further to the east at 7 Dwyer Road on the corner of Dwyer Road and Letcher Road.

Other notable landmarks within the immediate locality include the Oaklands Park Railway Station which is located on the opposite side of Crozier Terrace to the north-west of the subject land and an existing Anglican Church and large Council Reserve (Dwyer Road Reserve) with children’s playground which are all located within easy walking distance to the south.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes to demolish the existing dwelling on the land and construct four dwellings comprising two, two storey detached dwellings fronting Crozier Terrace (Dwellings 1 and 2) and a single storey residential flat building containing two dwellings (Dwellings 3 and 4) to the rear of the subject land.

The two storey dwellings will each provide three bedrooms (master bedroom with en-suite) with all bedrooms to be located at first floor level. The single storey dwellings to the rear will each provide two bedrooms with all dwellings to provide open plan meals/kitchen/living areas on the ground floor which will be directly linked to areas of useable private rear open space.

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 park. Driveways and turning areas to the rear of the site are to be paved, whilst the landscape plan indicates the planting of small trees, shrubs and ground covering vegetation as part of the proposed development.

It is noted that Community Land Division application 100/C205/15 has been received by Council, which proposes to create four (4) Community Title allotments including one (1) parcel of common property, which reflects the subject dwelling application.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	6 properties were notified during the Category 2 public notification process.
Representations:	1 representation was received by Council with the representor providing a neutral response in relation to the proposed development.
Persons wishing to be heard:	nil

<p>Summary of representations:</p>	<ul style="list-style-type: none"> • The representor has raised concerns regarding the overshadowing of the north facing private rear yard areas of the adjacent dwellings located to the south of the subject land at (1a) and (1b) Dwyer Road. • The representor has requested that the applicant provide shadow diagrams which she can view illustrating the extent of shadow to be cast by the proposed development. <p>NOTE:- Members are advised that a copy of the attached shadow diagrams have been provided to the representor as requested. The representor has provided no further response to Council since receiving a copy of the plans.</p> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<p>Applicant's response:</p>	<ul style="list-style-type: none"> • Regeneration Policy Area 16 states that new development will occur at densities greater than the current density of housing. • Overshadowing is a direct and inevitable consequence of higher density development. • The dwellings at 1 Dwyer Road have been designed and built with their rear private yard areas within a pre-existing overshadowing area. • The dwellings at (1a), (1b) and (1c) Dwyer Road are to be affected by shadow cast by the proposed two storey dwelling (Dwelling 2) however, these dwellings are presently overshadowed to a greater extent by the existing dwelling at 2 Crozier Terrace. • The shadow diagrams illustrate that the proposed development at 2 Crozier Terrace will not result in an increase in the amount of overshadowing that already exists. <p style="text-align: right;"><i>Refer Attachment V</i></p>

GOVERNMENT AGENCY REFERRAL

<p>Heritage SA:</p>	<p>The proposed development was referred to the State Heritage Unit pursuant to Schedule 8 of the Development Regulations 2008 given the site of the development abuts a State Heritage Place - The Shi Ganesha Temple at 3A Dwyer Road.</p> <p>The State Heritage Unit has assessed the proposed development and its potential heritage impacts and has advised that the impact posed by the development to be acceptable for the following reasons;</p> <p><i>“The proposed two, two storey dwellings and two single storey dwellings will not affect the significant fabric of the State heritage place as the area of the work is on land adjacent”.</i></p> <p><i>“The setting of the Temple is limited to its allotment boundary and its address to Dwyer Road. The proposed works, including the two single storey</i></p>
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	<p><i> dwellings, are located on land to the rear of the Temple, facing onto Crozier Terrace, and will not have any adverse impacts on the setting of the State heritage place”.</i></p> <p>A full copy of the advice provided by the State Heritage Unit is attached.</p>
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Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

<p>Engineering:</p>	<p>An amended site works and drainage plan was submitted by the applicant following concerns raised by Council’s Engineering Department regarding the finished floor levels of the dwellings and the suitability of the vehicle turning areas to the rear of the subject land. This amended plan was re-assessed by Council’s Engineer and has been deemed to be satisfactory.</p>
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ZONE & POLICY AREA ASSESSMENT

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

<p>Residential Zone</p>
<p>Objectives</p> <p><i>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i></p>
<p>Regeneration Policy Area 16</p>
<p>Objectives</p> <ol style="list-style-type: none"> <i>1 Integrated re-development of poor quality housing stock and underutilised land.</i> <i>2 Improved quality of living environments.</i> <i>3 Improved quality of housing.</i> <i>4 Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation.</i> <i>5 Improved environmental outcomes.</i> <i>6 Increased dwelling densities and population.</i> <i>7 More efficient use of land.</i> <i>8 Improved community services and infrastructure.</i> <i>9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces.</i> <i>10 A smooth transition in the character and scale of development between this and adjoining residential policy areas.</i> <i>11 Development that contributes to the desired character of the policy area.</i>

Desired Character

...The desired character of the policy area is derived from high quality and distinctive living environments at a higher density compared to that typical of the original dwelling stock in the area. It will be characterised by integrated development at low-medium and medium densities, with a wide range of dwelling types to meet a variety of accommodation needs for public housing tenants and the private housing sector.

Buildings of up to two storeys in height are appropriate, with three storey buildings also being appropriate provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and neighbouring amenity.

Medium density development should predominate adjacent to public open space reserves, major transport routes, shops and community facilities, but can be dispersed throughout the area as part of major comprehensive redevelopment projects. Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. For larger areas, a comprehensive scheme for the development of a range of dwelling types is desirable.

Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality. Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.

<p>PDC 1</p>	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none">▪ affordable housing▪ dwelling including a residential flat building▪ student accommodation▪ supported accommodation.	<p>Complies</p> <p>The proposed development comprises both detached and residential flat dwellings which are considered acceptable housing types within Regeneration Policy Area16.</p>
<p>PDC 2</p>	<p>Residential development should include higher concentrations of dwellings in suitable locations, in particular:</p> <ul style="list-style-type: none">(a) within 400 metres walking distance of a neighbourhood, district or local centre(b) within 800 metres walking distance of a regional centre(c) close to public transport or major employment nodes(d) adjacent to public open space.	<p>Complies</p> <p>(a) The subject land is located within 200 metres walking distance from an existing Neighbourhood Centre Zone which is situated to the north-west of the subject land.</p> <p>Complies</p> <p>(b) The subject land is located within 800 metres walking distance from the Marion Regional Centre Zone which is situated to the south on the opposite side of Diagonal Road.</p> <p>Complies</p> <p>(c) The subject land is located approximately 60 metres walking distance from the Oaklands Park Railway Station and Bus Interchange which is situated to on the opposite side of Crozier Terrace to the north-west.</p> <p>Complies</p> <p>(d) The subject land is located within 50 metres walking distance from a large area of public open space (Dwyer Road Reserve) which is situated to the south fronting Dwyer Road.</p>

PDC 4	<p><i>Minimum Site Area:</i></p> <p><i>Dwellings (1 & 2) comprise detached dwellings which require a minimum site area of 250 square metres per dwelling</i></p> <p><i>Dwellings (3 & 4) comprise single storey residential flat buildings, requiring 250 m² average per dwelling</i></p>	<p>Does Not Comply Dwelling (1) = 180 m² Dwelling (2) = 171 m²</p> <p>Does Not Comply Dwellings (3) & (4) maintain an average site area of 186.5 m² per dwelling, excluding the common driveway.</p> <p>Does Not Comply Dwelling (3) = 188 m² Dwelling (4) = 185 m²</p> <p>Note: Dwellings (3) & (4) achieve an average site area of 262 m² per dwelling when including the common driveway which accords with PDC 4 above.</p>
	<p><i>Minimum Frontage:</i></p> <p><i>Detached Dwellings</i> 9 metres</p> <p><i>Residential Flat Dwellings</i> 18 metres</p>	<p>Does Not Comply Dwelling (1) = 8.96 metres Dwelling (2) = 8.96 metres</p> <p>Complies Dwellings (3) & (4) = 23.2 metres</p>
	<p><i>Minimum Depth:</i></p> <p><i>Detached Dwellings</i> 20 metres</p> <p><i>Residential Flat Dwellings</i> 45 metres</p>	<p>Complies Dwgs (1) & (2) = 36.1m – 43.6m</p> <p>Does Not Comply Dwgs (3) & (4) = 36.1m – 43.6m</p>

Assessment

The proposed development seeks to construct four dwellings on land where one detached dwelling currently exists to provide an envisaged form of housing (detached and residential flat dwellings) at a greater density to that which currently exists on the land. The proposed development therefore seeks to make efficient use of the subject land by replacing existing housing stock with new dwellings to provide an integrated form of development at medium densities, as envisaged within Regeneration Policy Area 16.

In addition to the above, it is noted that the construction of the proposed dwellings will not require the removal of any regulated or significant trees from the land nor compromise the health of any existing mature vegetation on adjoining land.

Whilst a minimum site area of 250 square metres is prescribed for detached dwellings within Regeneration Policy Area 16, it is noted that Dwellings (1) and (2) each provide lesser site areas with a site area of 180 square metres proposed for Dwelling (1) and a site area of 171 square metres in respect to Dwelling (2). This equates to a shortfall of 70 square metres (28%) in respect to Dwelling (1) and 79 square metres (31.6%) for Dwelling (2).

In addition to the above, the shortfall in the average site area for each of the residential flat dwellings at 186 square metres also does not meet the required average of 250 square metres prescribed for dwellings of this type within Policy Area 16, representing an average shortfall of 64 square metres (25.6%) per dwelling. That having been said, it should be noted that when calculating the site area for residential flat dwellings, the curtilage around the dwelling (associated shared driveway and manoeuvring areas) is excluded from the calculations.

This is different to when calculating the site area for detached dwellings where these areas are included. When including the common driveway and internal manoeuvring areas as part of the site area calculations for Dwellings (3) and (4) to the rear, an average site area of 262 square metres is achieved per dwelling. Given this, the average site areas achieved for each of the two residential flat dwellings to the rear is considered to be acceptable in respect to the assessment of this application.

It is also worthy to note that the subject land is capable of accommodating four dwellings in the form of four, two storey group dwellings where the minimum site area for dwellings of this type within Regeneration Policy Area 16 equates to 200 square metres per dwelling. When considering the minimum site area prescribed for each dwelling (4 x 200 square metres = 800 square metres), the overall site area for the subject land at 875 square metres is considered more than sufficient to accommodate the number of dwellings proposed for the subject land. Consequently, whilst the individual site areas for each of the dwellings does not accord with the requirements prescribed by the Development Plan, the development as a whole does not result in a density greater than that envisaged within Policy Area 16.

Given that the minimum site area for detached dwellings cannot be satisfied, the density proposed in the subject application is greater than that contemplated within Regeneration Policy Area 16. Notwithstanding, it is my opinion that the subject land and locality is one of the most appropriate areas within the City of Marion to encourage and accommodate higher residential forms of development, especially given the subject land's proximity to existing shopping and community facilities, a large area of public open space and bus and rail public transport nodes.

Furthermore, it is my view that the shortfall in the site areas proposed for Dwellings (1) and (2) are not necessarily fundamental to the merits of the overall 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 fact that Dwellings (1) and (2) still achieve 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 has also been identified that the frontage widths for the allotments to the front of the subject land fall marginally short of the prescribed distance of 9 metres for detached dwellings, being 8.96 metres, a shortfall of 4 centimetres. Also, the depth of the subject land which ranges between 36 to 43.6 metres, falls short of the 45 metres required for land accommodating residential flat dwellings. It is considered that the shortfalls identified above to be relatively minor and should not 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, frontage width and depth do not jeopardise the underlying merits of the overall proposal. It is therefore considered that the proposed development appropriately satisfies the Objectives, Principles and Desired Character of Regeneration Policy Area 16.

DEVELOPMENT ASSESSMENT

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

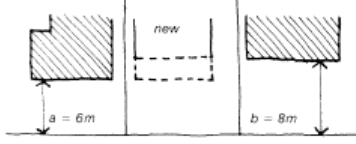
Principles of Development Control

Assessment

Site Coverage	
<p>Maximum site coverage:</p> <p>Site area less than 220 m²: 80 m² or 45% (whichever is the greater)</p> <p style="text-align: center;">80 m² is applicable for Dwg (2) 45% is applicable for Dwgs (1), (3) & (4)</p> <p><i>Regeneration Policy Area 16: PDC 5</i></p>	<p>Complies Dwelling (2) 79.3 m² = 46.3%</p> <p>Does Not Comply Dwelling (1) 83.6 m² = 46.4% Dwelling (3) 104.5 m² = 55.0% Dwelling (4) 104.5 m² = 56.0%</p> <p>Note: It is worthy to note that the proposed development provides an overall total site coverage of 42.5% which is considered acceptable within Policy Area 16.</p>
<p>Maximum floor area ratio:</p> <p>Site area less than 220 m²: 0.7</p> <p><i>Regeneration Policy Area 16: PDC 5</i></p>	<p>Does Not Comply Dwelling (1) = 0.72</p> <p>Complies Dwelling (2) = 0.70</p>
<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>Notwithstanding the above, it is considered that all four dwellings provide sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>
Private Open Space	
<p>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</p> <ul style="list-style-type: none"> (a) to be accessed directly from a habitable rooms of the dwelling (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy (c) to take advantage of, but not adversely affect, natural features of the site (d) to minimise overlooking from adjacent buildings (e) to achieve separation from bedroom windows on adjacent 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 	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from habitable rooms of the associated dwelling. b) All POS is located at ground level to the rear of the dwellings and capable of being screened for privacy. c) The subject land does not maintain natural features which warrant preservation. d) The POS areas should not be directly overlooked by adjacent buildings. 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

<p><i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>dwelling or adjacent development. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply e) It is likely that the private open space area to the rear of Dwelling (1) could be located next to the bedroom of the adjacent dwelling to the north.</p>
<p>Site area less than 250 m²:</p> <p><i>20% of the site area or 35 m², whichever is the greater</i></p> <p><i>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</i></p> <p><i>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 (1) 38.3 m² = 21.2% Dwelling (2) 38.1 m² = 22.2% All areas of private open space are directly accessible from a living room.</p> <p>Dwelling (3) 50.8 m² = 30% Dwelling (4) 50.8 m² = 27% All areas of private open space are directly accessible from a living room with a minimum dimension of 6.0 metres x 6.0 metres with negligible gradient.</p> <p>Partially Complies Dwelling (1) with minimum dimensions ranging between 3.8 metres x 6.5 metres with negligible gradient. Dwelling (2) with minimum dimensions ranging between 3.4 metres x 7.5 metres with negligible gradient.</p>
Street Setbacks	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> <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 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, it is considered that the proposed staggered front setback of Dwellings (1) and (2) complements the angled frontage of the subject land with the front setback of Dwellings (1) and (2) ranging between 4.0 to 6.0 metres from the street property boundary.</p> <p>This is considered similar to that of other recently constructed dwellings in the locality, and well behind the existing commercial building located to the south at 1 Crozier Terrace. As such, it is considered that the proposed front setback of Dwellings (1) and (2) will contribute positively to the function, appearance and desired character of the locality.</p>

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

Setback difference between buildings on 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

Dwellings (1) & (2) = 4.0 to 6.0 metres

(Dwellings and buildings on adjoining land are set back approximately 1 and 8 metres, which equals an average setback of 4.5 metres)

However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Regeneration Policy Area 16 encourages regeneration of the existing dwelling stock, PDC 25 has limited weight in this instance.

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

Residential Zone: PDC 7

Complies

The front setback of Dwellings (1) & (2) range between 4.2 and 5.8 metres from the street boundary which is behind the front wall of the existing commercial building to the south and generally consistent with the staggered front setback of the dwelling located to the north of the subject land at 3 Crozier Terrace.

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

It is considered that the habitable rooms of all dwellings are adequately separated from pedestrian and vehicle movement either by being well setback to the rear of dwellings or satisfactorily screened by landscaping and solid boundary fencing.

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.

Does Not Comply

Dwellings (3) & (4) = 0.9 m

(Note: The wall height of the single storey residential flat dwellings measures 2.7 metres in height)

The proposed side setback for the single storey dwellings to the rear 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

Dwelling (1) = 2.0 to 3.0 metres

Partially Complies

Dwelling (2) = 2.1 to 3.0 metres

(Note: The wall height of the two storey detached dwellings measures 5.8 metres in height)

It is noted that the setback of the upper level section of Dwelling (2) from the southern side boundary is to be setback a minimum of 2.1 metres for a distance of 2.5 metres in

	<p>length along the side of the dwelling. This side setback distance then increases from 2.5 to 3.0 metres along the majority of the length of the upper storey section to provide a suitable side setback distance from the southern side boundary.</p>
<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p>(a) <i>the walls should not abut more than one side allotment boundary</i></p> <p>(b) <i>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>(ii) <i>be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p>(iii) <i>be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p>(c) <i>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>(ii) <i>not exceed 6 metres in length</i></p> <p>(iii) <i>not exceed 3 metres in height</i></p> <p>(iv) <i>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>(d) <i>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>(ii) <i>4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p>Does Not Comply</p> <p>(a) Dwellings (3) and (4) to the rear of the subject land incorporate garages with walls along the northern and southern side boundaries of the subject land. The walls of these garages will stand 3.2 metres in height and extend for a distance of 3.5 metres in length along the boundary.</p> <p>(c) The garages of Dwellings (1) and (2) incorporate walls along the northern and southern side boundaries of the subject land. The walls of these garages will stand 3.2 metres in height and extend for a distance of 6.5 metres in length along the boundary, thereby failing the tests set out in (C)(ii) and (iii) opposite.</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>(a) <i>the visual impact of the building as viewed from adjacent properties</i></p> <p>(b) <i>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>Partially Complies</p> <p>Whilst the side setbacks of all four dwellings do not totally comply with the quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the dwellings from adjacent properties.</p> <p>Furthermore, it is considered that the shortfall in compliance with the setback criteria should not result in a significant increase in the amount of overshadowing currently experience by 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</p> <p>The single storey components for Dwellings (3) and (4) achieve a maximum rear setback of 6.0 metres from the rear boundary which reduces down to 3.0 metres for 50% of the width of the allotment.</p>
<p><i>6 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Dwellings (1) & (2)</p> <p>Dwelling (1) is to be setback a distance of 22 metres from the rear property boundary, whilst Dwelling (2) is to be setback 26.6 metres from the rear property boundary.</p>

<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p> <p>(Refer to comments set out above relating to compliance with PDC 7)</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.</p> <p>Furthermore, it is considered that the shortfall in compliance with the setback criteria should not result in a significant increase in the amount of overshadowing currently experienced by adjacent properties, as discussed in the Overshadowing section of this table.</p>
Building Height	
<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>Dwellings (1) and (2) will incorporate a maximum building height of 7.1 metres, which is less than the maximum permitted in Regeneration Policy Area 16.</p>
Garages, Carports and Outbuildings	
<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>Minimum setback from secondary road frontage:</i></p> <p><i>5.5 metres for a single-width structure.</i></p> <p><i>Not less than the specified setback of the associated dwelling for a double-width structure.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies</p> <p>The garages of Dwellings (1) and (2) are to be setback a minimum distance of 5.5 metres from the primary road frontage.</p> <p>The garage of Dwelling (1) will be setback 2.2 metres behind the main face of that dwelling with the garage of Dwelling (2) to be setback 600 mm behind the main face of the dwelling.</p> <p>Note: In respect to Dwelling (2), the setback of the garage has been measured from the main face of the upper level section of the dwelling which sits forward of the main face of the ground floor component.</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>The front setback of the garages of Dwellings (1) and (2) were increased from 5.0 to 5.5 metres to avoid visitor's vehicles from overhanging the Council footpath.</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>The garages of all four dwellings incorporate a roof form, materials and detailing which complement the associated dwelling.</p>

<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The garages of Dwellings (1) and (2) will measure 2.4 metres in width which equates to 26.9% of the allotment width.</p>
<p>Car Parking</p>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><u>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</u></p> <p><i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p><u>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</u></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Each dwelling is provided with 2 on-site car parking spaces with one undercover space within each garage and one visitor's space. This results in the provision of 8 on-site car parking spaces which complies with the requirements set out opposite.</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) The subject land is suitably located within close walking distance to Centre facilities and public transport (ie bus and train).</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Note: Whilst there is potential to provide at least two on-street car parking spaces to the front of the subject land (subject to minor modifications to the width of the central driveway), the provision of on-street parking to the front of the subject land cannot be achieved as the Council has imposed a no parking zone along the eastern side of Crozier Terrace. This no parking zone is designated by signage and a solid yellow line which has been painted on the road surface along the front of the subject land.</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 advised 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 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>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>An assessment against PDC 22 is considered irrelevant in this instance.</p> <p>Note: Please refer to comments previously provided regarding the provision of on-street car parking spaces to the front of the subject land.</p>
<p>Access</p>	
<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> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies The width of the driveway crossovers proposed for Dwellings (1) and (2) will measure between 3.0 to 3.2 metres in width.</p> <p>Does Not Comply The width of the crossover for the central driveway servicing Dwellings (3) and (4) will measure 5.2 metres in width which well exceeds the required 3.0 metre width prescribed by PDC 39.</p> <p>Given the above, it is recommended that a condition of approval be included which requires the central driveway to be reduced from 5.2 to 3 metres in width. Refer to <u>Condition (2)</u></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 It is noted that an existing driveway crossover is to be reused in relation to Dwelling (1) which is already located in close proximity to an existing stobie pole and Telstra pit.</p> <p>The new crossovers that are to be created in respect to the central driveway and Dwelling (2) are both clear of any existing street infrastructure and Council street trees.</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>Does Not Comply The proposed development provides three vehicle access points via Crozier Terrace with the distance of separation achieved between the central driveway and the access points servicing Dwellings (1) and (2) ranging between 5.0 to 5.5 metres in distance.</p> <p>Note: This distance between driveways is to however be increased to 6.1 to 6.6 metres in distance to become compliant with PDC 28 with the reduction in the width of the central driveway from 5.2 to 3.0 metres in width. Refer to <u>Condition (2)</u>.</p>

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:

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

General Section: Residential Development: PDC 41

Complies

The width of the central driveway servicing Dwellings (3) and (4) is to be reduced from 5.2 to 3.0 metres in width at the street property boundary thereby complying with the 3 metre width prescribed opposite. **Refer to Condition (2)**

All other requirements associated with the central driveway comply with the requirements set out opposite including the provision of 500 mm landscaping strips located on either side of the driveway.

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 two storey dwellings to the front of the subject land (being the most visible from the street) 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 and vertical cladding which is to have a painted finish including the incorporation of rendered sections of wall on the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Protruding upper storey section over the porticos, with Dwelling (1) incorporating an upper level balcony overlooking the street.
- A generous eave overhang measuring 600 mm out from external walls and pitched roof form set at a 15 degree slope

The two storey dwellings to the front of the subject land incorporate a 15 degree Colorbond roof in Woodland Grey, with rendered and painted facades. The garage of each dwelling feature a sectional panel lift door finished in Woodland Grey. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The side elevations of the dwellings feature a mixture of rendered and painted wall sections together with vertical axon light weight wall panels, the incorporation of high level glass panels and windows and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

The single storey residential flat dwellings located to the rear will incorporate the use of similar materials and finishes to that of the two storey dwellings to the front of the subject land. The dwellings to the rear will incorporate a 23 degree Colourbond roof in Woodland Grey, with external walls to comprise feature brickwork with some sections to be rendered.

	<p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Balconies should:</i> <i>(a) be integrated with the overall form and detail of the building</i> <i>(b) include balustrade detailing that enables line of sight to the street</i> <i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p><i>General Section: Design & Appearance: PDC 5</i></p>	<p>Complies</p> <p>Only Dwelling (1) is provided with an upper level balcony to the front elevation. This balcony has been integrated into the design of the dwelling with an open steel balustrade that enables a clear line of sight to the street.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Complies</p> <p>The two storey dwellings to the front of the subject land have been designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p>
<h2>Overshadowing</h2>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i> <i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i> <i>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i> <i>(i) half of the existing ground level open space</i> <i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</i> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Partially Complies</p> <p>The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the amount of shadow that is currently cast by the existing single storey dwelling on the land together with a set of shadow diagrams which illustrate the projected extent of shadow to be cast by the proposed development on 21 June (winter solstice). These diagrams help to confirm and illustrate that:</p> <p>a) The north-facing windows of the habitable rooms of the newly constructed two storey row dwellings to the south of the subject land at 1 Dwyer Road shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June.</p> <p>b) Whilst it is acknowledged that the dwelling at (1a) Dwyer Road will be the most affected by the impacts of overshadowing, the shadow diagrams tend to confirm that the rear north-facing private yard area and habitable windows of this dwelling will receive some degree of direct sunlight in the early part of the day, with sunlight gradually reducing up until 12 noon on the 21st of June.</p>

	<p>The shadow diagrams also confirm that the private rear yard areas of the proposed two storey detached dwellings will receive direct sunlight between 9 am and after 12 noon on the 21st of June, with shadow to be cast over the private rear yard areas of these dwellings after 3 pm.</p> <p>c) In having regard to the two sets of shadow diagrams provided by the applicant, I am of the opinion that the dwelling located at (1a) Dwyer Road is already affected by extended periods of shadow cast by the existing dwelling on the land. What the shadow diagrams tend to indicate is that the dwelling at (1a) Dwyer will now receive some level of direct sunlight in the morning, where it currently experiences direct sunlight after 3pm on the 21st of June.</p> <p>Given this, I am of the opinion that the amenity of the residents of the dwelling at (1a) Dwyer Road will to some extent be impacted upon by shadow cast by the proposed development, which is to include the loss of sunlight entering the north facing sliding ground floor glass doors for a significant period of the day on the 21st of June. The extent and impact of the shadow will of course diminish with the change of seasons with greater exposure to sunlight during the warmer months of the year.</p> <p>It is therefore considered that the level of overshadowing to be experienced by the residents at (1a) Dwyer Road will only be for a short period of the year and therefore unlikely to have an adverse long term impact on the amenity of the residents of this dwelling.</p> <p>On balance, I am of the opinion that the amount of shadow to be cast by the proposed development to be acceptable in this instance.</p>
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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><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Complies</p> <p>The two storey detached 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.</p> <p>The balcony attached to the front of Dwelling (1) has been oriented to obtain views of the streetscape. The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
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<p><i>Buildings on battle-axe allotments or the like should be single storey and be designed to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p>	<p>Complies</p> <p>Dwellings (3) and (4) will be constructed on a battle-axe shaped allotment located to the rear of the two storey detached dwellings. These dwellings are to be single storey in height and have been designed to maintain the privacy of adjoining residential properties.</p>
<p>Noise</p>	
<p><i>Residential development close to high noise sources (e.g. major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, or protect these areas with appropriate noise attenuation measures.</i></p> <p><i>General Section: Residential Development: PDC 26</i></p>	<p>Partially Complies</p> <p>Whilst the living rooms, private open space areas and most of the bedrooms of all four dwellings have been suitably located to the rear of each dwelling, the two storey detached dwellings facing Crozier Terrace each provide a main bedroom at first floor level directly facing the street.</p> <p>Whilst the subject land is located a reasonable distance from Diagonal and Morphett Roads, being the closest arterial roads to the site of the development, the subject land is situated within close proximity to the Oaklands Park Railway Station which is located on the opposite side of Crozier Terrace to the north-west.</p> <p>Given the close proximity of the subject land to the railway station, it has been included as a recommended to include a condition of consent that requires the upper level west facing bedroom windows of Dwellings (1) and (2) to be fitted with double glazing to help reduce the noise generated by trains constantly arriving and departing the railway station (i.e. noise from train sirens and from the bells of the adjacent railroad crossing on Diagonal Road). Refer to Condition (3)</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><i>General Section: Residential Development: PDC 29</i></p>	<p>Complies</p> <p>Vehicles entering the central driveway at night have the potential to shine their lights onto the west facing bedroom windows of Dwellings (3) and (4). That having been said, it is noted that a landscaping strip has been placed to the front of these windows which would help to minimise sound and light impacts associated with vehicles entering and leaving the rear of the site at night.</p> <p>Alternatively, the future residents of these dwellings may opt to draw their blinds at night or even install external shutters to these windows. Nonetheless, I am of the opinion that the proposed landscaping located to the front of these windows should in time provide sufficient “shielding” to help minimise external noise and light intrusion as envisaged by PDC 29.</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) The application plans have been amended to provide a common letterbox facility for all four dwellings which is to be located adjacent 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 through their individual garages to rear garden areas. As such, bins could be efficiently stored in the private utility areas of each dwelling.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Complies

All dwelling are oriented so that their open space areas face generally in a northern direction for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

The main activity areas of the dwellings are oriented more in an eastern direction, which should nonetheless receive some northern winter sunlight.

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

This has been achieved by setting the upper level components of Dwelling (2) the required three metre distance from the southern boundary and by incorporating a conservative building footprint which helps to reduce the amount of shadow to be cast over adjacent properties to the south.

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 two storey dwellings to the front of the subject land incorporate a hipped roof form set at a 15 degree pitch, whilst the single storey dwellings to the rear will also incorporate a hipped roof design which is to be set at a 23 degree pitch. All four dwellings will incorporate north-facing sloping roof sections upon which solar collectors could be sited efficiently.

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the amended finished floor level of 100.3 should now 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 (e.g. 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

Whilst the applicant has provided a landscaping plan which provides details confirming the species to be planted throughout the site of the development, this plan does not provide specific details identifying where these individual plants are to be located.

Given this, it is recommended that a condition of consent be included which requires the applicant to provide a more detailed landscaping plan identifying where particular plant species are to be located. **Refer to Condition (4)**

That having been said, I am of the opinion that the amount of space allocated for future landscaping and vegetation throughout the site of the development to be more than adequate.

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 engineered site works and drainage plan submitted with the application indicates that retaining walls varying in height to a maximum of 400 millimetres maybe required along the side and internal boundaries. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.20 metres. This fencing/retaining wall 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. As such, the proposed height of the fencing is considered acceptable.

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/Floor Area Ratio Dwellings (1), (3) & (4)
- Garage Walls along the boundary Dwellings (1), (2), (3) & (4)
- POS Dimensions Dwelling (2)

Site Coverage/Floor Area Ratio

As identified above, the site coverage achieved in relation to proposed Dwellings (1), (3) and (4) all exceed the required maximum provision of 45% within Regeneration Policy Area 16 with Dwelling (1) providing a site coverage of 46.4%, Dwelling (3) 55% and Dwelling (4) achieving a site coverage of 56%. In addition to this, proposed Dwelling (1) also achieves a floor area ratio of 0.72, where the maximum floor area ratio prescribed for two storey dwellings within Regeneration Policy Area 16 is 0.7.

Whilst Dwellings (1), (3) and (4) all exceed the maximum site coverage prescribed within Policy Area 16, it is not considered that the proposed development represents an over-development of the total site area where the application might warrant refusal. As previously mentioned, it has been determined that the proposed dwellings each achieve a high level of compliance with the quantitative criteria identified above. Whilst exceeding the requirements set out within the Council's Development Plan, it is considered that the site coverage and floor area ratio achieved in respect to the proposed dwellings should not adversely impact upon the amenity of adjoining land, nor impair the design and function of these dwellings.

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

Whilst it is acknowledged that Dwellings (3) and (4) comprise residential flat dwellings and therefore cannot be regarded as a Complying form of development pursuant to Schedule 4, this consideration nonetheless demonstrates that it is inappropriate to enforce the maximum 45% site coverage to merit applications with such rigidity. Consequently, subject to satisfying other Development Plan criteria, the excess in site coverage is not considered to be fatal to the over merits of the subject application.

Garage walls of Dwellings (1) and (2) along the side property boundaries

As identified during the assessment of this application, the garages walls of Dwellings (1) and (2) will stand 3.2 metres in height and will extend for a distance of 6.5 metres in length along the northern and southern boundaries of the subject land, thereby exceeding the 3.0 metre wall height limit and 6.0 metre length prescribed for solid walls constructed along a side boundary. The construction of solid walls along boundaries commonly occurs where land is developed at higher densities where the total land area of development sites is maximised to make efficient use of the land.

That having been said, it is considered that the proposed garage wall of Dwelling (1) will have a minimal impact on the adjacent property located to the north at 3 Crozier Terrace as this wall will be located slightly forward of the adjacent dwelling and along the southern side.

Consequently, the proposed garage wall will not cast any shadow over the adjoining property, nor will it detrimentally compromise any useable areas of private open space located to the rear of the dwelling. To this end, it is considered that the garage wall of Dwelling (1) along this section of the boundary to be appropriate, in that it is unlikely to result in having any direct adverse impacts on the amenity of the owners of the property at 3 Crozier Terrace.

The garage wall of Dwelling (2) will be constructed along the southern side boundary of the subject land which is shared with an adjoining commercial property located at 1 Dywer Road. The adjacent property to the south is located within the Residential Zone but has been used as a service trade premise for many years and currently sells and displays paving bricks and tiles from the site. Given the commercial nature of the land use located at 1 Dwyer Road, it is unlikely to expect that the construction of the garage wall of Dwelling (2) along this shared boundary will have any detrimental impacts on the current use of the property located to the south and is therefore considered acceptable.

Garage walls of Dwellings (3) and (4) along the side property boundaries.

The garage walls of Dwellings (3) and (4) both comprise rear walls and will therefore stand 3.2 metres in height but will extend for only 3.5 metres in length along the northern and southern side boundaries of the subject land. Given this, it is considered that the impact of these walls will be less intrusive and therefore unlikely to have an adverse impact on the amenity of adjoining land owners. That having been said, it is likely to expect that the garage wall of Dwelling (4) will cast some level of shadow over the rear yards of the adjacent two storey row dwellings located to the south of the subject land.

Notwithstanding the above, it is befitting to acknowledge that Schedule 4 permits the construction of dwellings "as of right" which incorporate boundary walls with a maximum length of 8.0 metres and height of 3.0 metres, with no consideration attributed to the impact on the amenity of adjoining land. As such, it is not appropriate to request amendments to proposed boundary walls simply due to their visibility from adjoining properties. Moreover, the proposed boundary wall length of 3.5 and 6.5 metres remains relatively modest in relation to the standard design criteria for new dwellings.

POS Dimensions for Dwelling (2)

The last shortfall for discussion relates to the dimensions of the rear yard area of Dwelling (2). Whilst the amount of private open space provided to the rear of this dwelling complies with the requirements set out within the Development Plan at 22.2% or 38.1 square metres, the minimum dimension of 4 metres has not been achieved with the minimum dimension of private open space for Dwelling (2) measuring 3.4 metres.

Whilst this falls 600 millimetres short of the 4 metre minimum dimension prescribed by the Development Plan, it is considered that the 3.4 metre by 7.5 metre wide area of private open space to the rear of this dwelling to be adequate for the likely needs of the future residents of this dwelling, being flat and usable and of sufficient size and dimensions to provide for the drying of clothes and a small garden area.

That having been said, it is noted that the subject land is located in close proximity to a large area of public open space some 50 metres walking distance to the south which should cater for the greater recreational needs of the future residents of the proposed dwellings. Given this, the shortfall in the dimensions of the private open space to the rear of proposed Dwelling (2) is not considered to be fatal to the overall merits of the application.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to overshadowing issues 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 preceding assessment has demonstrated that the proposed development reflects a form and density of housing development that is justified within Regeneration Policy Area 16. Whilst proposing a density of development which is slightly higher than that anticipated within Policy Area 16, this slight increase is considered justified given the land's proximity to existing community facilities, public transport links, shopping opportunities and a large area of public open space. As such, the subject land is considered to be an appropriate site for medium density development satisfying all locational attributes in accordance with Objective 2 of the Residential Zone.

It is considered that the proposal complies with a majority of the quantitative and qualitative provisions of the Development Plan with all four dwellings providing adequate building setbacks from adjoining properties, suitable areas of private open space and sufficient provision for at least two on-site car parking spaces per dwelling. Where shortfalls have been identified with the proposed development, they have been found to have minor repercussions without having a detrimental impact on the function of the proposed or adjacent dwellings within the locality.

In terms of design and appearance, the proposed dwellings display a sufficient level of visual interest without detrimentally impacting on the heritage value of the adjacent State Heritage listed Shri Ganesha Hindu Temple, located to the east of the subject land. In summary, the proposed dwellings generally accord with the desired character of the policy area and are considered to be in keeping with the density of development that is envisaged within Regeneration Policy Area 16.

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: 100/2015/377 to construct two, two storey dwellings and two single storey dwellings to the rear of the site with associated car parking and landscaping at 2 Crozier Terrace Oaklands Park, be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the amended plans and details prepared by Progetto Design stamped dated received 20 November 2015 and the amended Siteworks and Drainage Plan prepared by NGS Engineers stamped dated received 14 July 2015 all submitted with and forming part of Development Application No. 100/2015/377, except where varied by the following conditions of consent.
2. The site plan and engineered site works and drainage plan shall be amended to show the following;
 - The building footprint for Dwelling (2) is to be accurately plotted on the engineered site works in accordance with the site plan stamped dated received 20 November 2015.
 - The width of the central driveway and crossover servicing Dwellings (3) and (4) is to be reduced at the entry point from 5.2 to 3.0 metres in width and is to be shown as being perpendicular to the kerb.
 - The engineered site works plan stamped dated received 14 July 2015 is to be amended to show the driveways and crossovers of Dwellings (1) and (2) as being perpendicular to the kerb.
3. The upper level west facing bedroom windows of Dwellings (1) and (2) hereby approved shall be double glazed for sound attenuation purposes.
4. A landscaping plan shall be submitted to Council for consideration prior to Development Approval being issued, detailing a mix of native medium and low-level plantings throughout the site of the development, including maximum growth heights. The landscaping plan should be designed to enhance the appearance of road the frontage and to complement built form (eg taller and broader plantings against taller and bulkier building components).
5. Stormwater from the dwellings approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

NOTES

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

- 6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 January 2016

Agenda Ref No: DAP200116 – 2.5

Originating Officer: Rhiannon Hardy
Development Officer - Planning

Applicant: Mr Dylan Moehr

Development Description: Single storey detached dwelling featuring a garage wall on the northern side boundary, incorporating retention of the existing freestanding garage and swimming pool, and to remove a significant tree located in Council's road reserve

Site Location: 9 Clark Avenue, Glandore

Zone: Residential Zone

Policy Area: Residential Character Policy Area 17

Application Type: Category 2 / Consent

Date Lodged: 21/09/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/1717

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:

- (a) 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; and
- (b) Schedule 9 – 25 of the Development Regulations 2008, which prescribes any development which comprises a tree-damaging activity in relation to a regulated tree on land owned or occupied by a council where the council is the relevant authority in relation to the development as Category 2 development.

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

BACKGROUND

The application was originally placed on Category 2 public notification due to the proposed garage wall abutting the side property boundary. Two (2) representations were received by Council; 1 in favour and 1 against the application.

Following further assessment of the application after the notification period, it was identified that the proposal necessitated removal of a significant tree located in Council's road reserve. The proposal was subsequently re-notified, including the proposed removal of a significant tree. One (1) representation against the development was received throughout the re-notification period (which was from the same representor raising concerns in the original notification period).

SUBJECT LAND & LOCALITY

The subject land is located at 9 Clark Avenue, Glandore (Lot: 85 FP: 8856 CT: 5128/307). The allotment is rectangular in shape with a frontage width of 17.07 metres, depth of 51.82 metres, and total site area of 884.6 square metres.

The existing dwelling on the land is a stone bungalow, and was constructed in approximately 1927. An in-ground swimming pool and garage are located to the rear of the dwelling, and several verandahs are located to the rear of the dwelling. An attached carport is located on the southern side of the dwelling, with an associated driveway providing vehicle access along the southern side of the allotment.

There are no regulated trees on the subject land, however the *Agonis flexuosa* tree located in Council's road reserve adjacent the subject land is a significant tree with a trunk circumference greater than 3 metres.

The locality features predominantly low density detached dwellings constructed prior to the 1950's. However, examples of newer dwellings at medium densities (constructed prior to the introduction of the Character Policy Area) are also apparent in the locality, such as units along Almond Grove and various maisonettes.

The Northern Policy Area 13 is located on the opposite (western) side of Clark Avenue.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes to construct a single storey detached dwelling. The dwelling features four (4) bedrooms (main with WIR and ensuite), office, living room, laundry, bathroom and open-plan kitchen/meals/family area. A double-width garage and alfresco area are also located under the main roof of the dwelling.

The garage is located abutting the northern side boundary, and as such, a new driveway and crossover is proposed adjacent the northern side of the allotment. This new driveway location necessitates removal of the existing *Agonis flexuosa* significant tree located in the road reserve.

Minor earthworks are proposed throughout the site, as cut/fill should not exceed 200 millimetres in height.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	14 properties were notified during the Category 2 public notification process.
Representations:	1 representation was received by Council.
Persons wishing to be heard:	Judy Bellati of 11 Clark Avenue, Glandore
Summary of representations:	<ol style="list-style-type: none"> 1. Hazard and safety issue of power pole between the proposed driveway and driveway of 11 Clark Avenue. Request ample verge space to reduce the risk and its aesthetically negative visual impact between the driveways. 2. Safety concerns regarding: <ol style="list-style-type: none"> a) Lack of fencing between 9 and 11 Clark Avenue; b) Increasing traffic and congestion adjacent Brendan Court opposite the proposed driveway c) Asbestos dust 3. Increased noise level caused by double driveway position next to 11 Clark Avenue 4. Proposed configuration of new house and double driveway position is inconsistent with the character status of the suburb (two driveways side-by-side). 5. Increased concrete will increase stormwater runoff from rainfall. Concern with runoff from boundary garage wall. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ol style="list-style-type: none"> 1. The existing pole is not proposed to be relocated at this stage, as the proposed driveway is to be setback 1 metre from the pole which will prevent any impacts to the pole and minimise safety issues associated with vehicles exiting and entering the proposed driveway. 2. Safety concerns: <ol style="list-style-type: none"> a) The need to remove existing common boundary fencing and maintain security are not relevant planning issues and are matters that are required to be addressed between the neighbours under the Fences Act and prior to the construction occurring. b) Whilst the representor noted concerns with the existing volumes of traffic on Clark Avenue, the proposal simply seeks to replace the existing dwelling and therefore the number of vehicles accessing the property will not change as a result of the proposed development. In addition, the proposal only seeks to move the driveway approximately 4.5 metres north of its current position and the proposed double driveway will provide more manoeuvring area on the site and will likely improve sight lines for vehicles entering and exiting the property compared to the current arrangement. There are numerous examples within the locality of driveways being located opposite road intersections.

	<p>c) Whilst not a planning issue, it is noted that if found, any asbestos will be required to be removed in accordance with the relevant statutory procedures as part of the demolition process.</p> <p>3. The proposed development will not alter the number of people currently living in or visiting the property and the proposed driveway and garage will adjoin the driveway and parking area on the representor's property. The proposed development will not result in any adverse noise impacts. The representor suggested that their concerns in relation to noise could be counteracted by erecting sound proof fencing to a minimum height of 2.1 metres along the common boundary. The addition of sound proof fencing is considered superfluous given the proposed development will not create any noise issues and the construction of this type of fencing between two residential properties would certainly be an uncommon situation.</p> <p>4. The Development Plan does not discourage double driveways and there are many examples of double driveways in the locality, including 26 Clark Avenue which is one of the more recent developments in the street. With respect to its impact on the character of the locality, the proposed development is consistent with the existing development in the locality and the form of development envisaged within the zone and policy area. Whilst the addition of a double driveway is unlikely to impact the streetscape, the Development Plan does however, seek to minimise the dominance of garages, which the design achieves. The proposed garage is setback 3 metres behind the front line (bay window) of the dwelling which accords with zone Principle 8 and the desired character of the policy area which requires garages to be located well behind the main face of the associated dwelling.</p> <p>5. All stormwater captured on the property will be required to be managed onsite and directed to the street system in accordance with Council requirements.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>
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INTERNAL DEPARTMENT COMMENTS

<p>Arboriculture:</p>	<p>The <i>Agonis flexuosa</i> [street tree] has a trunk circumference just over 3 metres and is therefore "significant". I would support its removal, subject to payment of \$650 + GST for Council to undertake its removal and replacement. (Refer to "Significant Trees" in Development Assessment table for further comments of Arboricultural assessment)</p>
<p>Engineering:</p>	<p>I do not see any significant issue with traffic safety as a result of the relocated driveway. In fact the relocation will require the removal of a street tree that will significantly improve sight distances and accordingly improve the existing traffic safety at this location.</p>

ZONE & POLICY AREA ASSESSMENT

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

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>		
Residential Character Policy Area 17		
<p>Objectives</p> <p>1 Preservation of the existing development patterns and built form. 2 Infill development that is designed to reflect the traditional character elements of the area, particularly as presented to the streetscape. 3 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p><u>Edwardstown, Glandore and Glengowrie</u></p> <p>New development in those parts of the policy area located in the suburbs of Edwardstown, Glandore and Glengowrie will reinforce the attractive established character of the predominantly single-storey, detached houses. New development will largely comprise the replacement of less attractive or unsound dwellings with new detached dwellings, and in more limited situations, new semi-detached dwellings.</p> <p>Replacement dwellings will be appropriately designed modern interpretations of the pre-1950's buildings remaining in the area in the locality of the development site. Buildings will be sited on an allotment in a manner that will complement the siting of adjoining buildings and in such a way that the landscape character of private open space is retained and enhanced. Dwellings will incorporate elements typical of homes in the area, including articulated roof forms comprising combinations of gable, Dutch-gable and hips, chimneys, projecting front verandas/portches/porticos, timber-framed windows and external walls constructed of a mixture of brick, painted brick, stone, and rendered masonry. Garages and carports will be discreetly located well behind the main face of the associated dwelling or the rear of the dwelling, with design and materials to complement the dwelling.</p> <p>Alterations and additions to dwellings will occur without significantly altering the dwelling's appearance from the street unless it involves the removal of unsympathetic additions/alterations to the front facade or will improve the appearance of a building as viewed from a street frontage. Alterations and additions will reinforce and complement the existing scale, elevational treatments, and use of materials of the associated dwelling, particularly with respect to the design of roof form, the use of front verandas and porticos, building materials, colours, proportions of windows, the use of window shading devices and elevational detailing.</p> <p>Alterations and additions in the form of adding a second storey will only occur where the addition is within the roof space of the dwelling and the external appearance of the dwelling as viewed from surrounding streets takes the form of a single storey plus attic form. Similarly, new two storey dwellings will take the form of a single storey plus attic in order to reinforce the attractive, low-scale character of the policy area.</p> <p>Fences on or near the street frontage will be low and of a construction and style that complements those existing in the locality.</p> <p>The density of development and siting of all buildings will not erode the landscape character of the site or locality derived from mature vegetation in front and rear yards, along side boundaries or within the public road reserve.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ detached dwelling ▪ semi-detached dwelling within the suburbs of Edwardstown, Glandore and Glengowrie. 	<p>Complies Detached dwelling proposed</p>

PDC 3	<p><i>Except where located in the suburb of Marion, development should be limited to one storey unless a dwelling faces a public road (ie is not sited on a battleaxe allotment or at the rear of a development site) and any of the following is proposed:</i></p> <p>(a) <i>sympathetic two-storey additions that use existing roof space or incorporate minor extensions of roof space to the rear of the dwelling</i></p> <p>(b) <i>in new dwellings, a second storey within the roof space where the overall building height, scale and form is compatible with existing single-storey development in the locality (refer to the figure below)</i></p> <p>(c) <i>dormer windows with a total length less than 30 per cent of the total roof length along each elevation.</i></p>	<p>Complies Single storey dwelling proposed</p>
PDC 4	<p><i>Development should preserve and enhance streetscapes by:</i></p> <p>(a) <i>the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality</i></p> <p>(b) <i>limiting the number of driveway crossovers.</i></p>	<p>Complies</p> <p>a) N/A: fencing is not proposed</p> <p>b) The existing driveway will be reinstated to upright kerb, therefore there is no increase in the number of driveway crossovers.</p>
PDC 5	<p><i>Where a new dwelling is constructed alongside or within a group of older style residential buildings, the new dwelling should be of a similar height, scale and proportions and be constructed of materials that complement and reinforce the character and design elements of existing buildings.</i></p>	<p>Complies</p> <p>The proposed dwelling is of a similar height, scale and proportions as the adjacent residential dwellings. The proposed materials are considered to complement and reinforce the character and design elements of existing buildings (discussed in further detail below).</p>

Assessment

The proposed dwelling appropriately satisfies the objectives of Policy Area 17, as it will preserve the existing development patterns (as no subdivision is proposed) with built form that remains compatible with the character of the locality (being a single-storey detached dwelling).

The desired character anticipates replacement of *“less attractive or unsound dwellings with new detached dwellings”*. While the existing dwelling is not obviously unsound or less attractive than other dwellings in the locality, it does not maintain a particularly noteworthy presence that would prohibit its replacement, provided that the replacement dwelling is designed appropriately.

The proposed dwelling is set back between 7 and 10 metres from the front boundary, which should complement the siting of adjoining buildings in a way that retains the landscape character of the area.

The Desired Character anticipates that *“replacement dwellings will be appropriately designed modern interpretations of the pre-1950’s buildings remaining in the area in the locality of the development site”*. Other dwellings in the locality are a mixture of housing styles, including Tudor, Bungalow and Austerity housing. The proposed dwelling is considered to provide adequate design elements to relate to other character dwellings in the locality. Its front façade features a bay window, brick gable, Dutch gable, bullnose verandah, and stonework front façade with rendered quoins. The gable/Dutch gable articulated roof form, projecting front verandah and mixture of rendered masonry and stone façade are design elements that are specifically envisaged in the Desired Character.

Although the dwelling does not incorporate timber-framed windows or a chimney, which are also specifically desired, the absence of these features is not considered to compromise the merit of the proposal. The dwelling’s appearance is well articulated (as discussed above), and the overall presentation of the dwelling with aluminium single hung windows is considered appropriate within the context of the locality.

The proposed garage is set back 1.8 metres behind the main face of the dwelling, or 3.0 metres behind the bay window. Although the garage does not appear particularly “discreet” when viewed from the street, it nonetheless complements the design of the dwelling and does not appear unreasonably dominant.

On balance, proposed dwelling is deemed to sufficiently accord with the relevant provisions of the Residential Character Policy Area 17.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control (PDC): Assessment:

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Residential Character Policy Area 17: PDC 7</i></p>	<p>Does Not Comply</p> <p>307.8 m² dwelling footprint = 34.8%</p> <p>+ 53.4 m² existing garage</p> <p>= 361.24 m² or 40.8%</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>
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 consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>a) The POS is directly accessible from the family room and meals area of the proposed dwelling</p> <p>b) All POS is located at ground level to the side/rear of the dwelling 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 is not located next to bedrooms of dwellings on adjacent sites</p> <p>g) The POS should not be significantly shaded during winter by the associated dwelling or adjacent development</p> <p>h) POS areas are capable of being shaded during summer</p> <p>i) Traffic, industry or other business activities should not affect the subject land</p> <p>j) The POS is considered to have sufficient shape and area to be functional.</p> <p>Partially Complies</p> <p>f) The POS maintains an eastern aspect, which should still receive northern winter sunlight to provide for comfortable year round use</p>

Minimum area of POS: 20% of the site area

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

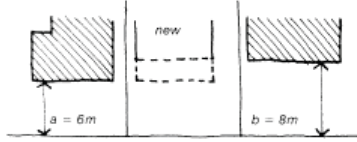
Complies

425.0 m² = 48.0%

The POS that is directly accessible from living areas provides a minimum dimension of 11.1 x 17.1 metres.

Street Setbacks

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

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

General Section: Design and Appearance: PDC 25

Does Not Comply

Main face set back 8.2 metres

(Adjoining dwellings set back 7.5 and 11.6 metres = 9.6 metres average)

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

General Section: Design and Appearance: PDC 23

Complies

The proposed front setback (varying between 8.2 and 10.0 metres) is deemed to be similar to and compatible with other dwellings in the locality, and should therefore contribute positively to the appearance, function and desired character of the locality.

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

Residential Zone: PDC 7

Complies

South: 1.12 m

North: 3.24

<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>General Section: Residential Development: PDC 38</i></p>	<p>Complies</p> <p>a) Dwelling abuts one side boundary only</p> <p>b) N/A</p> <p>c) i) Garage is set back 2.5 metres behind the main face of the adjacent dwelling</p> <p>ii) 3.0 metre wall height</p> <p>iii) boundary wall is sited no closer than 2.5 metres to a habitable room window of the northern neighbouring dwelling</p> <p>Does Not Comply</p> <p>c) ii) 6.6 metre wall length</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 side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties.</p>
Rear Setbacks	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>20.6 metres</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>(i) within the suburb of Marion, 2 storeys of not more than 9 metres</i></p> <p><i>(ii) in all other areas, one storey with an ability to provide a 2 storey addition within the roof space subject to Principles of Development Control within the policy area</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed dwelling incorporates a maximum building height of 5.8 metres, which is less than the maximum permitted in the Policy Area.</p>
Garages, Carports and Outbuildings	
<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>Garage set back 10.0 metres and 1.8 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>Complies</p> <p>The proposed garage incorporates a roof form, materials and detailing which complements the associated dwelling.</p>

<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies 4.8 metre wide garage door = 28.2% of allotment width</p>
Car Parking	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies 4 spaces provided, 2 of which are covered</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 1 on-street car parking space shall remain available, which satisfies PDC 22.</p>
Access	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Does Not Comply 5.5 metre crossover width</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies The proposed crossover is set back a minimum of 1 metre from the existing power pole.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies Only 1 vehicle access point is proposed.</p>

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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 dwelling reflects the desired character of the locality, as it presents an attractive facade to the streetscape. The dwelling façade incorporates the following elements to enhance its design and appearance:

- Mixture of stonework (Sand Stone) and render (Smooth Cream) on the front façade
- Protruding bay window and bullnose front verandah
- 450mm eaves overhang and pitched roof form at 25 degree slope (Manor Red)
- Articulated roof form with gable front and Dutch gable at the maximum pitch.

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

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

The dwelling is designed so that its main facade faces the primary street frontage, presenting an entrance door, front verandah and habitable windows to the street.

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 dwelling are oriented east, which is not ideal, but is somewhat necessitated due to the west-east orientation of the allotment. Nonetheless, the ample area of POS should still receive northern winter sunlight.

The proposed single storey dwelling is designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

The applicant has provided a landscaping plan which nominates a mixture of species to be planted throughout the front yard of the property, including Myoporum Parvifolium, Convolvulus remotus, Hardenbergia violacea and Correa pulchella "Pink Bells".

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

Significant Trees

Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:

- (a) makes an important contribution to the character or amenity of the local area; or*
- (b) is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species*
- (c) represents an important habitat for native fauna*
- (d) is part of a wildlife corridor 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.*

General Section: Significant Trees: PDC 1

Complies

The subject Agonis flexuosa tree is not indigenous to local area, is not rare or endangered, and does not provide a habitat for native fauna which can be classified as "important". Although the tree is visually prominent within the immediate streetscape as a result of its location in the road reserve, its moderate height of approximately 7 metres indicates that it does not significantly contribute to the visual amenity of the wider locality.

As a result of these considerations, the tree is not considered to provide an important aesthetic and environmental benefit in a manner that warrants its conservation.

<p><i>Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:</i></p> <p><i>(a) in the case of tree removal:</i></p> <p><i>(i) the tree is diseased and its life expectancy is short</i></p> <p><i>(ii) the tree represents an unacceptable risk to public or private safety</i></p> <p><i>(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</i></p> <p><i>(iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value</i></p> <p><i>(v) all other reasonable remedial treatments and measures have been determined to be ineffective</i></p> <p><i>(vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.</i></p> <p><i>General Section: Significant Trees: PDC 3</i></p>	<p>Complies</p> <p>The subject tree is diseased, as its trunk is developing decay and is leaning to the North. Its branches are weak, with some dying on the eastern side. The tree's scaffolds divide into 3 at 1.2 metres above ground level, and maintain included bark.</p> <p>The tree maintains a relatively short life expectancy, which has been estimated at approximately 5 years by Council's Arborist.</p> <p>The tree is considered to represent a material risk to safety due to a high risk of failure in frequent use areas (due to potential splitting trunk over the footpath), and subsequently has been attributed a risk rating of 9/12 by Council's Arborist.</p> <p>As such, removal of the tree is warranted in accordance with PDC 3 (a)(i) and (ii).</p>
<p>Noise</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><i>General Section: Residential Development: PDC 29</i></p>	<p>Complies</p> <p>The proposed garage and driveway are located adjacent to the garage and driveway on the adjoining property (11 Clark Avenue), and therefore should not directly impact on bedrooms.</p>

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to clearance from the existing power pole and the appropriateness of a double driveway have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor has also raised traffic safety concerns. Council's Engineering Department have confirmed that the driveway location is appropriate and should not unreasonably compromise traffic safety.

The concerns regarding increased noise from the garage and driveway location is not contemplated in the relevant noise policies of the Development Plan, and therefore concerns regarding noise do not warrant relocation of the proposed driveway and garage.

Concerns regarding stormwater runoff are addressed by proposed recommended conditions of consent 7, 8 and 9.

The representor has also raised concerns over replacement fencing and asbestos removal. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

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

- Site coverage exceeds criteria by 0.8%;
- Front setback falls short of the average setbacks by 1.4 metres;
- Garage wall length exceeds criteria by 0.6 metres; and
- Crossover width exceeds recommended with by 0.5 metres.

Site coverage

The 0.8% excess in site coverage is deemed to be a minor departure from Development Plan criteria, and should not result in unreasonable impacts to the locality or adjacent land.

Front setback

The proposed front setback of 8.2 metres falls short of the average setbacks of adjoining dwellings, but nonetheless is still 0.7 metres behind the northern adjoining dwelling. Given that the setback does not protrude beyond the setback of the northern adjoining property, the front setback should not appear unreasonably dominant or incongruous within the locality. Furthermore, it is noted that a majority of the main face of the dwelling is set back 10.0 metres from the front boundary, which is greater than the average setbacks of adjoining dwellings.

Garage wall length

The 0.6 metre excess in garage wall length is considered to be a minor excess, which should not cause unreasonable visual impact to adjacent land. It is also noted that a freestanding garage can be constructed on a boundary without requiring Development Plan Consent with a wall length of 8 metres (pursuant to Schedule 1A of the Development Regulations 2008), and therefore the proposed wall length of 6.6 metres is reasonable.

Crossover width

The crossover width of 5.5 metres only marginally exceeds the 5 metres recommended. However, this excess in width would be clearly visible from the streetscape and may induce additional hard surfacing; limiting opportunity for front garden landscaping. As such, recommended condition of consent 2 stipulates that the crossover shall be reduced in width, with amended plans provided to Council prior to the issue of Development Approval.

Evidently, the areas of non-compliance maintained by the proposal are relatively minor in scope and consequence. The proposal's level of compliance with the relevant policies of the Residential Character Policy Area 17 and majority of quantitative design criteria demonstrate that, on balance, the proposal maintains sufficient merit to warrant Development Plan Consent.

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: 100/2015/1717 to construct a single storey detached dwelling featuring a garage wall on the northern side boundary, incorporating retention of the existing freestanding garage and swimming pool, and to remove a significant tree located in Council's road reserve, at 9 Clark Avenue, Glandore, 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. 100/2015/1717, including Siteworks Plan by RCI Consulting Engineers received by Council on 13 November 2015, drawings by Adelaide Designer Homes received by Council on 18 September 2015, and landscaping plan and email correspondence from Grant Ebert received by Council on 12 January 2016, except when varied by the following conditions of consent.
2. The driveway crossover shall not exceed 5 metres in width, shall be constructed perpendicular to the kerb as it passes through Council's road reserve, and shall be set back a minimum 1 metre from the existing power pole and Telstra pit. Amended plans shall be provided to Council for consideration and approval prior to the issue of Development Approval.
3. Payment of \$252 shall be made into the City of Marion Urban Tree Fund to compensate for the removal of the significant tree.
4. Payment of \$650 + GST shall be made to the City of Marion to fund the tree removal and replacement works.
5. The existing shed/garage will be used for domestic storage purposes only, which are reasonably incidental to residential use. The existing shed/garage will not be used as a store (for items not ancillary to the dwelling) or commercial transactions.
6. If construction of the new dwelling has not substantially commenced within 12 months of the existing dwelling being demolished, the shed/garage must also be demolished.
7. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

8. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
9. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
10. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
11. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
12. 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.
13. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
14. 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.

NOTES

1. Pursuant to the Development Act 1993, if the Council determines that a regulated or significant tree may be removed, the approval must be subject to a condition that replacement trees be planted, or that payment of \$82.00 for each replacement tree that is not planted is made into an Urban Trees Fund. The number of replacement trees required to be planted is 2 trees to replace a regulated tree, 3 trees to replace a significant tree.
2. 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.
3. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
4. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
5. 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.

6. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
7. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 20 January 2016

Agenda Ref No: DAP200116 – 2.6

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Mr Carl Williamson

Development Description: A two storey residential flat building comprising two dwellings and a single storey residential flat building to the rear comprising two dwellings with associated garages, car parking, common driveway and landscaping

Site Location: 53 Limbert Avenue, Seacombe Gardens

Zone: Residential

Policy Area: Medium Density Policy Area 12

Application Type: Category 2 / Consent

Lodgement Date: 08/05/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/813

Recommendation: To advise the ERD Court that Council is supportive of the compromise plans, subject to conditions

BACKGROUND

As some Members will recall, the subject application was considered by the Panel at its meeting of 21 October 2015, whereby Development Plan Consent was refused for the following reasons;

1. The development does not result in an “attractive residential environment”, or an “appropriately designed medium density development” and does not reflect “good residential design” and is therefore at variance to Objective 3 and the Desired Character of the Medium Density Policy Area 12 and Transport and Access Principle 36(i).
2. The development does not minimise the potential impact of garaging of vehicles on the character of the area and is therefore at variance to Objective 2 of Medium Density Policy Area 12.
3. The dominant appearance of the driveway does not reinforce or contribute to an attractive streetscape as sought by Transportation and Access Principle 44 (c) and 45 (a) and (b).
4. The development has not been designed to “facilitate attractive landscaping and tree planting” due to the dense layout of the development and limited areas and dimensions of landscaped spaces; failing to satisfy Objective 1 and Principles 1 (a), (b) and (e) of the General Section (Landscaping, Fences and Walls) and Residential Development Principle 1(b).

5. The development fails to provide sufficient area around the dwellings for the safe and convenient manoeuvring of vehicles and results in decreased safety for residents and visitors and fails to satisfy Residential Development Principle 1(c), Transport and Access Objective 1(b), Principle 36(b) and 36(c).
6. The location of car parking in front of Unit 4 results in a variation to Residential Development Principle 29 as habitable rooms have not been adequately shielded from external noise and vibration.
7. The lounge room of Unit 4 and meals room of Unit 2 fail to ensure that these living rooms have an external outlook in accordance with Residential Development Principle 5.
8. Units 3 and 4 fail to have a habitable room window with an external outlook over the common driveway and have not been designed to maximise surveillance over the common land and is therefore at variance to Crime Prevention Objective 1 and Principles 1 and 2.

The applicant has subsequently appealed the decision of the Panel to the Environment, Resources and Development Court.

A preliminary conference was held on Monday 14 December 2015, whereby the matter was adjourned to enable the applicant an opportunity to present compromise plans before the Panel. The appeal will resume at the Court on Monday 1 February 2016, following the Panel's consideration of the compromise plans.

For those Members not in attendance at the 21 October 2015 DAP meeting, please find a copy of the original proposal plans in Attachment III.

INTERNAL DEPARTMENT COMMENTS

Development Engineer:	<p>Satisfied with the manoeuvring of vehicles on this site and accordingly have no issue with the proposed layout.</p> <p>Due to flood risk, the finished floor levels should be at least 400mm above front of road water table with finished paving levels set down 150mm below finished floor levels.</p>
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DISCUSSION

The proposal has changed substantially from that previously considered by the Panel.

The applicant has chosen to make better use of the depth and the increasing width of the property, the further one is within the land.

For the benefit of Panel Members, I have included administration's previous comments and provided additional commentary regarding the compromise layout for comparison in the following table.

Residential Zone

Objectives

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

Medium Density Policy Area 12

Objectives

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

Desired Character

The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development.

Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.

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

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

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

Residential Zone Principles		Original Proposal	Amended Proposal
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ residential flat building (buildings between one and three storeys) 	<p>Complies Development comprises Residential Flat Buildings of one and two storeys.</p>	<p>Complies Development comprises Residential Flat Buildings of one and two storeys.</p>
PDC 4	<p>Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should be in the form of 2 to 3 storey buildings.</p> <p>(i.e. Site areas between 149.3 and 250 m²)</p>	<p>Complies The development achieves a net density of 41 dwellings per hectare which includes 2 storey buildings.</p>	<p>Complies The development achieves a net density of 41 dwellings per hectare which includes 2 storey buildings.</p>
PDC 6	<p>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.</p>	<p>Complies Access to parking and garaging areas is provided from one shared common driveway.</p>	<p>Complies Access to parking and garaging areas is provided from one shared common driveway.</p>
PDC 7	<p>Minimum Site Area: Residential Flat Buildings – 250m² Average</p>	<p>Does Not Comply Unit 1 – 120m² Unit 2 – 127m² Average = 123.5m²</p> <p>Unit 3 – 239m² Unit 4 – 155m² Average = 197m²</p>	<p>Does Not Comply Unit 1 – 202m² Unit 2 – 157m² Average = 180m²</p> <p>Unit 3 – 169m² Unit 4 – 273m² Average = 221m²</p>
	<p>Minimum Frontage: Residential Flat Building – 18m</p> <p>Driveway Width – 4.5m with 0.8m landscape strip either side of driveway</p>	<p>Does Not Comply 15.24m</p> <p>Complies 5m wide driveway width with in excess of 800mm landscaping on both sides of driveway.</p>	<p>Does Not Comply 15.24m</p> <p>Does Not Comply 3m wide driveway width with 400-500mm landscaping on both sides of driveway.</p>

	<p><i>Minimum Depth: Residential Flat Buildings - 45m</i></p>	<p>Does Not Comply Average site depth = 42.5m</p>	<p>Does Not Comply Average site depth = 42.5m</p>
<p>The proposal is considered to satisfy Objective 2 of the Residential Zone and Objective 1 of the Policy Area where higher densities are sought in close proximity to centres, public transport routes and public open space. The site is approximately 600m from the Marion Regional Centre Zone and the bus transit area, as well as being within 300m to a well serviced public reserve.</p> <p>The development also achieves that part of the Desired Character Statement which seeks to provide dwellings at higher densities than what was originally sited and offer a variety of housing forms of up to two storeys. The dwellings all consist of two bedrooms which is likely to appeal to a different demographic to the many three bedroom homes that exist within the locality.</p> <p>The proposal has been amended to address administration's previous concerns that the proposal did not provide "good residential design", due to a poor streetscape presentation, poor outlook for residents, and vehicle access and manoeuvring that was inefficient, unsafe and precarious.</p> <p>To this end, as is noted in the following tables, the streetscape design now provides for Dwelling 1 to incorporate its main façade facing (and parallel) to the front boundary, whilst a majority of the front of the site now incorporates a landscaped area. Further, the outlook from living rooms and bedrooms has improved, by providing all living areas to the northern side of the dwelling, whilst additional landscaping along the common driveway ensures outlook towards this area is softened by plantings. Lastly, car parking has been simplified, and does not require the careful and precarious movements previously required of residents and visitors.</p> <p>In this regard, it is my view that the proposal has addressed a number of the design failings identified by administration, and the proposal now provides for an attractive residential environment and addresses good residential design principles as sought in the Policy Area.</p> <p>It is acknowledged that the site density has not altered with the amended proposal. This having been said, density was not a reason for refusal considered appropriate by administration or the Panel.</p> <p>Whilst the individual site areas do not satisfy that sought in the Policy Area, it is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been adopted in accordance with Principle 8; General Section: Land Division which states that '<i>Allotments in the form of a battleaxe configuration should...have an area, that meet the minimum allotment sizes for the proposed dwelling, excluding the 'handle' of such an allotment.</i>'</p> <p>If the driveway were to be included in the calculations, the average site area would be 244m², closer to the prescribed Development Plan requirement and satisfying the net densities sought in the Policy Area.</p> <p>As such, it is my view that the proposal has adequately addressed administration and the Panel's concerns that the development did not lead to an "attractive residential environment", or an "appropriately designed medium density development" and did not reflect "good residential design", and has therefore addressed reason for refusal 1.</p>			

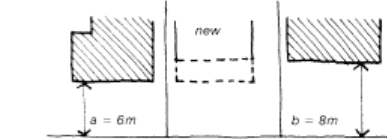
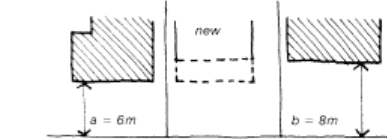
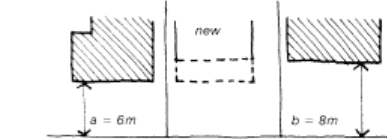
Site Coverage	Original Proposal	Amended Proposal
<p>Maximum site coverage: Site area less than 270 m²: 100 m² or 40% (whichever is the greater)</p> <p>Medium Density Policy Area 12: PDC 8</p> <p>(100m² is relevant in this instance)</p>	<p>Complies Unit 1 – 91.1m² Unit 2 – 91.1m² Unit 4 – 93.8m²</p> <p>Does not comply Unit 3 – 116.9m²</p>	<p>Complies Unit 1 – 74.5m² Unit 2 – 85.62m²</p> <p>Does not comply Unit 3 – 105.4m² Unit 4 – 106m²</p> <p>(Total footprint reduced by 21.4 m²)</p> <p>(Total site coverage for whole of the land equates to 38.06%)</p>
<p>Maximum floor area ratio: Site area greater than 375 m²: 0.6 (building up to 2 storeys) 0.8 (3 storey building) Site area between 270 and 375 m²: 0.6 Site area less than 270 m²: 0.7</p> <p>Medium Density Policy Area 12: PDC 8</p> <p>(0.7 is relevant in this instance)</p>	<p>Does Not Comply Unit 1 – 0.97 Unit 2 – 0.88</p> <p>Complies Unit 3 – 0.4 Unit 4 – 0.47</p>	<p>Complies Unit 1 – 0.57 Unit 2 – 0.62 Unit 3 – 0.48 Unit 4 – 0.48</p>
<p>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</p> <p>General Section: Residential Development: PDC 13</p>	<p>Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>	<p>Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>

Private Open Space	Original Proposal	Amended Proposal
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from 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 f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development h) POS areas are capable of being shaded during summer i) Traffic, industry or other business activities should not affect the subject land j) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply</p> <p>e) POS areas of Units 1 and 2 are located next to bedrooms of the dwelling at 51 Limbert Avenue.</p>	<p>Complies</p> <p>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 f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development h) POS areas are capable of being shaded during summer i) Traffic, industry or other business activities should not affect the subject land j) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply</p> <p>e) POS areas of Dwellings 1, 2 and 3 are located next to bedrooms of the dwelling at 51 Limbert Avenue.</p>

<p>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.</p> <p>20% is relevant for Dwellings 1 and 4 35m² is relevant for Dwellings 2 and 3</p> <p>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>General Section: Residential Development: PDC 17</p>	<p>Complies Unit 1 – 51m² (38m² is located behind the building line) Unit 2 – 53m² Unit 3 – 99m² Unit 4 – 50m²</p> <p>Each dwelling provides an area accessible from a living room that has a minimum dimension of 4m x 4m</p>	<p>Complies Dwelling 1 – 44m² (21.78%) Dwelling 2 – 52m² (33.12%) Dwelling 3 – 41m² (24.26%) Dwelling 4 – 58m² (21.24%)</p> <p>Each dwelling provides an area accessible from a living room that has a minimum dimension of 4m x 4m</p>
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Street Setbacks	Original Proposal	Amended Proposal
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<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 23</p>	<p>Complies See comments below</p>	<p>Partially Complies See comments below</p>
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<p>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1" data-bbox="152 1042 864 1377"> <thead> <tr> <th data-bbox="152 1042 465 1090">Setback difference between buildings on adjacent allotments</th> <th data-bbox="465 1042 864 1090">Setback of new building</th> </tr> </thead> <tbody> <tr> <td data-bbox="152 1090 465 1345">Up to 2 metres</td> <td data-bbox="465 1090 864 1345"> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b \geq 2$, setback of new dwelling = a or b</p> </td> </tr> <tr> <td data-bbox="152 1345 465 1377">Greater than 2 metres</td> <td data-bbox="465 1345 864 1377">At least the average setback of the adjacent buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 25</p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b \geq 2$, setback of new dwelling = a or b</p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Complies Unit 1 - 5.6 metres at the closest point and increases to 9.1m</p> <p>The adjoining property to the north west is setback at approximately 9m.</p> <p>The land to the south east is vacant. New dwellings proposed on this adjoining site (not yet approved) are proposed to be setback at 5.5m.</p> <p>The adjoining allotment front boundary is also further forward of the subject land, therefore, despite Unit 1 having a similar setback to the proposed adjacent dwellings, the setback is in fact further back.</p>	<p>Complies Dwelling 1 is setback 5.5 metres from the front property boundary.</p> <p>The adjoining property to the north west is setback at approximately 9m.</p> <p>The land to the south east is vacant. New dwellings proposed on this adjoining site (recently approved by DAP) are to be setback at 5.5m.</p> <p>The front boundary of the adjoining allotment to the south-east is also further forward of the subject land, therefore, despite Dwelling 1 having a similar setback to the proposed adjacent dwellings, the location of this dwelling</p>
Setback difference between buildings on adjacent allotments	Setback of new building							
Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b \geq 2$, setback of new dwelling = a or b</p>							
Greater than 2 metres	At least the average setback of the adjacent buildings							

	Therefore the setback of Unit 1 provides an appropriate transition between the existing dwelling at 51 Limbert Avenue and the proposed dwellings at 55 Limbert Avenue.	to the street, is in fact, substantially further back. Therefore the setback of Dwelling 1 provides an appropriate transition between the existing dwelling at 51 Limbert Avenue and the proposed dwellings at 55 Limbert Avenue.
<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 Units 3 and 4 – Whilst the bedroom and lounge of room of Unit 4 is adjacent the car parking area, the bedroom 1 window has been moved to the side of the dwelling, whilst the living room windows have been replaced with a high level window.</p> <p>Partially Complies The meals area of Units 1 and 2 are directly adjacent the driveway, and an additional meals window for Unit 2 is within 2m of the entrance of Unit 3, highlighting the lack of separation between the two dwellings.</p>	<p>Complies All dwellings now provide an appropriate level of separation from the common driveway area via landscape bays and 600mm-wide perimeter path.</p>
Side Setbacks	Original Proposal	Amended Proposal
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p>	<p>Complies Unit 1 – 2.6m (north western boundary) Unit 2 - 2.6m (north western boundary)</p> <p>Does Not Comply Unit 3 - 950mm (north western boundary) Unit 4 – 900mm (south eastern boundary)</p> <p>The proposed side setback of Units 3 and 4 falls short 50mm and 100mm respectively 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 Dwelling 1 – min 3.6m (north western boundary) Dwelling 2 – min 5.6m (north western boundary) Dwelling 3 – min 3.3m (north western boundary) Dwelling 4 – min 3.1m (north western boundary)</p>

<p>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p>Residential Zone: PDC 7</p>	<p>Complies Unit 1 – 3.05m (north western boundary) Unit 2 – 3.05m (north western boundary)</p>	<p>Complies Dwelling 1 – min 3.6m (north western boundary) Dwelling 2 – min 5.6m (north western boundary)</p>
<p>Dwellings with walls located on the boundary should be designed in accordance with the following: (a) the walls should not abut more than one side allotment boundary</p> <p>General Section: Residential Development: PDC 38</p>	<p>Complies (a) walls do not abut more than one side boundary</p>	<p>Complies The proposal does not comprise any walls on the existing property boundaries.</p>
<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise: (a) the visual impact of the building as viewed from adjacent properties (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p>General Section: Design & Appearance: PDC 2</p>	<p>Complies Although the side setbacks of Unit 2 and 3 do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>	<p>Complies The separation from side boundaries exceeds that sought for residential development and is considered to sufficiently minimise the visual impact of the dwellings from adjacent properties.</p> <p>In addition, the proposal will not result in the unreasonable overshadowing of adjoining land, as outlined in the Overshadowing section of this report.</p>
<p>Rear Setbacks</p>	<p>Original Proposal</p>	<p>Amended Proposal</p>
<p>6 metres for a single storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p>Does Not Comply Unit 3 – 2.4m at closest point and increases to 4.7m for approximately 72% of its rear boundary.</p>	<p>Partially Complies Dwelling 4 – Setback a minimum of 1.2 metres; increasing to 4.0 metres at the north-western corner of the building.</p>
<p>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: (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</p> <p>General Section: Residential Development: PDC 37</p>	<p>Unit 4 – 2.5m minimum and 5.3m maximum</p> <p>Despite the rear setback not achieving a minimum setback of 6m for either dwelling and exceeding the 3m incursion limit, I am of the view that the setbacks are acceptable.</p> <p>For two of the adjoining rear allotments, namely 4B and 8 Windermere Street, the dwellings will not be in view for the entire width of the</p>	<p>Despite the shortfall in rear setback for Dwelling 4, it is of value to note that adjoining properties comprise outbuildings and a dwelling in close proximity to this boundary. Furthermore, the rear setback of Dwelling 4 increases to almost 4.0 metres, whilst over half this boundary does not have any proposed built form adjacent.</p> <p>As such, whilst the rear setback of Dwelling 4 is less than that sought, there is unlikely to be any</p>

	<p>allotment and therefore adequate separation is provided to these dwellings.</p> <p>For dwellings 6 and 6A Windermere Street, the proposed dwellings are situated some distance away from the adjacent dwellings and furthermore, each property has a shed which will mitigate the views of the proposed dwellings.</p> <p>Accordingly, the rear setback is not significantly at odds with the Development Plan.</p>	<p>negative impacts upon adjoining land as a result of the siting of this dwelling.</p>
<p><i>6 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply</p> <p>Unit 1 – Maintains a rear setback of 3m to Unit 2’s rear boundary, however the dwelling is 6m from Unit 2’s main building when separated by the garages and will therefore not result in any unreasonable impacts.</p> <p>The two storey built form of Unit 2 is located between 1.6m and 3.6m from Unit 3. This, in my view, will result in a poor outlook from bedroom 2 of Unit 3, as the Development Plan subscribes to a 2m setback between the sides of buildings and approximately 1.8m has been provided in this instance.</p>	<p>Does Not Comply</p> <p>Whilst the two storey wall of Dwelling 1 is setback 3.0 metres from the rear boundary, and the two storey wall of Dwelling 2 is setback 1.0 metre from the rear boundary, both rear boundaries are internal to the site, and do not impact upon existing neighbouring properties.</p> <p>Furthermore, the rear walls of Dwellings 1 and 2 are adjacent a car parking area and solid boundary wall, respectively, and as such, there will be no unreasonable impact upon future residents of the site due to the proximity of these walls to their respective boundaries.</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>For Units 3 and 4, whilst 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> <p>Does Not Comply</p> <p>The lack of separation of the two storey built form of Unit 2 from Unit 3’s bedroom, whilst will not result in significant overshadowing, will result in the building being visually intrusive when views are had from this window.</p>	<p>Complies</p> <p>The dwellings are considered to provide appropriate separation from all boundaries to avoid a negative impact upon adjoining land via building bulk and scale.</p> <p>Furthermore, all adjoining properties will receive ample northern winter sunlight, as identified in the Overshadowing section of this report.</p>

Building Height	Original Proposal	Amended Proposal
<p><i>Maximum building height (from natural ground level):</i> <i>(i) 2 storeys of not more than 9 metres</i> <i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Unit 1 – 6.8m Unit 2 – 6.8m Unit 3 – 4.5m Unit 4 – 4.5m</p>	<p>Complies Unit 1 – 7.3m Unit 2 – 6.9m Unit 3 – 4.5m Unit 4 – 4.5m</p>
Garages, Carports and Outbuildings	Original Proposal	Amended Proposal
<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> <i>8 metres for a freestanding structure.</i> <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>The garages do not present to the primary road frontage, therefore this provision is not relevant.</p>	<p>The garages do not present to the primary road frontage, therefore this provision is not relevant.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Partially Complies Although it is noted that the manoeuvring into and out of the car parking spaces meets the technical requirements of the Australian Standards, the location of the spaces forces movements that leave little room for error and compromise the pedestrian and driver safety of occupants and visitors to the site.</p> <p>(See table discussion)</p>	<p>Complies The location of the garages for each dwelling, and the resultant manoeuvring areas, now require less complex vehicle movements, ensuring the safe and convenient entering and exiting of all parking spaces.</p> <p><i>In this regard, it is considered that the proposal addresses reason for refusal 5.</i></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: PDC 8</i></p>	<p>Complies The proposed garages are located underneath the main roof of the dwellings and incorporate roof form, materials and detailing which complement the associated dwelling.</p>	<p>Complies The proposed garages are located underneath the main roof of the dwellings and incorporate a roof form, materials and detailing which complement the associated dwelling.</p>

Car Parking	Original Proposal	Amended Proposal
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> <i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p>6 spaces per dwelling and 1 space per 3 dwellings = 7 spaces</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Partially Complies 4 undercover spaces (1 space per dwelling) 3 visitor spaces</p>	<p>Complies 4 undercover spaces (1 space per dwelling) 4 visitor spaces (stacked in driveway)</p>
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located in walking distance of the dwellings. c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply d) e) 1 on-street car parking space shall remain available adjacent the subject land when two should be provided in accordance with Land Division Principle 22.</p>	<p>Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located in walking distance of the dwellings. c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply d) e) 1 on-street car parking space shall remain available adjacent the subject land when two should be provided in accordance with Land Division Principle 22. (No change)</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i> <i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i> <i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Does not comply Due to the number of vehicle movements required to use the same section of driveway, the length of reversing required for vehicles associated with Units 3 and 4 and the proximity of the driveway to pedestrian access on the site, I am of the view that the access and parking areas do not serve users efficiently, conveniently and safely.</p> <p>Furthermore, the lack of built form and landscaping presenting to the street results in a significant amount of paved area that will be dominant when viewed from the street.</p>	<p>Complies The location of the garages for each dwelling, and the resultant manoeuvring areas, now require less complex vehicle movements, ensuring the safe and convenient entering and exiting of all parking spaces.</p> <p>The streetscape appearance of the site has improved via reduction of the previously-proposed dominant sealed areas visible from the street, enabling suitably dimensioned landscape areas in the front yard of the property and on both sides of the common driveway.</p>

	(See table discussion)	The proposal is considered to address reasons for refusal 2 and 3.
<p>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</p> <p>(a) not face the primary street frontage (b) be located to the rear of buildings with access from a shared internal laneway (c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</p> <p>General Section: Transportation & Access: PDC 45</p>	<p>Does not Comply Three car parking spaces are located forward of the building line.</p>	<p>Complies All car parking spaces are no longer visible from the street and comply with Principle 45.</p> <p>The proposal is considered to address reasons for refusal 2 and 3.</p>
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>	<p>Does Not Comply 1 on-street car parking space is provided for the proposed allotments, when there ought to be 2 on-street spaces.</p>	<p>Does Not Comply 1 on-street car parking space is provided for the proposed allotments, when there ought to be 2 on-street spaces. (No change)</p>
Access	Original Proposal	Amended Proposal
<p>The width of driveway crossovers should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>	<p>Complies The crossover width is 5m for a double driveway.</p>	<p>Complies The crossover width is 4m for a double driveway.</p>
<p>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.</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies The proposed crossover is set back a minimum of 1.5 metres from the stobie pole.</p>	<p>Complies The proposed crossover is set back a minimum of 1.5 metres from the stobie pole.</p>
<p>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Complies One vehicle access point has been provided.</p>	<p>Complies One vehicle access point has been provided.</p>

<p>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:</p>					<p>Complies The width of the driveway for the first 6m is 5m with a width of at least 5m provided at a 35m point of the driveway.</p> <p>900mm landscaping along the south eastern boundary and 6m of landscaping on the other side of the driveway, albeit much of this landscaping will be hidden behind the fence.</p>	<p>Does Not Comply The width of the driveway for the first 10m is 3m.</p> <p>There is no area for vehicles to pass, assuming vehicles are parked in the visitor spaces.</p> <p>Landscaping incorporates a width of 500mm and 400mm on the southern and northern sides.</p> <p>Whilst the proposal does not satisfy Principle 41, given the number of dwellings serviced by the driveway, I do not anticipate the failure to provide a passing area to be of major consequence, given the limited likely frequency of one vehicle entering the site as another exists.</p> <p>Given the site is accessed from a local road (with low vehicle movements, and there is a generously-proportioned road reserve), it may be possible (and acceptable) for a vehicle to temporarily park in the road reserve, as a vehicle exits, if required.</p> <p>In addition, achieving a driveway width of 4.5 metres at the front property boundary is inadequate to accommodate two passing vehicles, and as such, the applicant (with the support of administration) has opted to provide a narrower driveway, to provide greater landscaping at the front of the site.</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)		
4-7	4.5	3	Widen to 5 metres at a point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter	0.8		
<p>General Section: Residential Development: PDC 41</p>						
Design & Appearance					Original Proposal	Amended Proposal
<p>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</p> <p>(a) building height, mass and proportion</p> <p>(b) external materials, patterns, colours and decorative elements</p> <p>(c) roof form and pitch</p> <p>(d) façade articulation and detailing</p> <p>(e) verandas, eaves, parapets and window screens.</p> <p>General Section: Design & Appearance: PDC 1</p>					<p>Partially Complies As a whole, the proposed development presents poorly to the street.</p> <p>The only clearly visible aspect of the built form will be the upper storey of Unit 1 which will be displayed above the proposed front fence.</p> <p>Whilst this portion of the building does</p>	<p>Complies The proposed development incorporates a more traditional presentation to the street, whereby the primary frontage (and entrance) to Dwelling 1 is now located parallel to the primary frontage of the property.</p> <p>Further, the dwelling provides appropriate articulation through the front portico, decorative</p>

<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 17</i></p>	<p>incorporate some features which provide visual interest and articulation to the dwelling, including use of different textures, vertical and horizontal elements, parapets and fenestration, this is not considered to offset the dominance of the driveway which will be the only other element of the development not 'hidden' behind the proposed front fence.</p> <p>The buildings will not use materials that are highly reflective or results in glare to neighbouring properties, drivers or cyclists.</p> <p>The buildings incorporate windows and stepping in the walls to minimise the visual bulk of the buildings when viewed from the neighbouring properties.</p>	<p>surround moulding on the lower and upper levels, fenestration and eaves overhang.</p> <p>The buildings will not use materials that are highly reflective or results in glare to neighbouring properties, drivers or cyclists.</p> <p>The buildings incorporate windows and stepping in the walls to minimise the visual bulk of the buildings when viewed from the neighbouring properties.</p>
<p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Complies The buildings' entrances are apparent once visitors enter the site from the common driveway.</p> <p>Partially Complies All dwellings maintain an external outlook from their living area to the POS area.</p> <p>The living room of Unit 4 has been denied an external outlook over the driveway area as a result of a high level window being incorporated to minimise the interference of headlight glare of the car parks opposite. Unit 3, in its design, has also not been afforded with the opportunity to have a view to the common driveway area.</p> <p>This reduces opportunities for casual surveillance over the common area and of people attending the property.</p>	<p>Partially Complies The entrance to Dwelling 1 is visible from the street. The entrances to Dwellings 2 and 4 are apparent once visitors enter the site from the common driveway.</p> <p>The entrance for Dwelling 3 is 'tucked' behind the main façade of the dwelling which is undesirable.</p> <p>Complies All dwellings maintain an external outlook from their living area to the POS area.</p> <p>All dwellings maintain ground floor windows from bedrooms or living rooms overlooking the common driveway, providing opportunity for casual surveillance over the common area and of people attending the property.</p> <p><i>The proposal is considered to address reasons for refusal 7 and 8.</i></p>

Overshadowing	Original Proposal	Amended Proposal
<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 metres)</i> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>Given that south-west forms the street boundary, a majority of winter shadow will be cast over the driveway and front yards of the proposed development. However, some shadow will be cast into the north-western adjoining property in morning hours, and to the south-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>Complies</p> <p>Given that south-west forms the street boundary, a majority of winter shadow will be cast over the driveway and front yards of the proposed development. However, some shadow will be cast into the north-western adjoining property in morning hours, and to the south-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>

Visual Privacy	Original Proposal	Amended Proposal
<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><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Does not comply</p> <p>The proposal plans show fixed obscure glazing and/or window sill heights to 1.5 metres above floor level for windows on the north-western and north eastern elevations for Units 1 and 2. Although the 1.5m standard height for windows above the finished floor levels is acceptable for Residential Code Developments, Council's regular approach to provide adequate privacy for adjoining properties is for windows to be fixed and obscurely glazed to 1.7m. Should the Panel be of the opinion to support the proposal, it is suggested that a condition be included on the Consent to provide amended plans which identify screening to that height, which the applicant is amenable to.</p> <p>In addition, staff are also of the view that overlooking is able to be had from the south east elevation within the upper storey bedrooms and should also be adequately screened. This could also be addressed by way of a condition, should the Panel wish to support the proposal.</p> <p>The upper storey windows on the front (south west) elevation remain unobscured to provide surveillance to the street, and therefore should not result in overlooking of habitable areas.</p>	<p>Complies</p> <p>The proposal plans show fixed obscure glazing and/or window sill heights to 1.7 metres above the upper floor level for windows on the south-east and north-west elevations.</p> <p>Whilst Dwelling 1 incorporates a clear-glazed window on the south-eastern elevation, this window is adjacent the stairwell, and is located some 4.0 metres from the stair landing. As such, it is not anticipated view through the window will unreasonably compromise the privacy of the adjoining property.</p> <p>The upper storey windows on the front (south west) elevation remain unobscured to provide surveillance to the street, and therefore should not result in overlooking of habitable areas.</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><i>General Section: Design & Appearance: PDC 14</i></p>	<p>Does not comply</p> <p>It is acknowledged that Unit 2 is a two storey building that is sited in the form of a battleaxed development.</p> <p>Whilst this type of development is normally discouraged for reasons of visual impact and privacy, I have formed a view that the built form in this circumstance is acceptable as the total</p>	<p>Does not comply</p> <p>It is acknowledged that Unit 2 is a two storey building that is sited in the form of a battleaxed development.</p> <p>Whilst this type of development is normally discouraged for reasons of visual impact and privacy, I have formed a view that the built form in this circumstance is acceptable as the total</p>

	<p>building footprint could represent that of a single, larger two storey development.</p> <p>The building does not sit adjacent the private open space of the adjoining properties and the view from the rear adjacent properties will be obscured by the single storey built form of Unit 3.</p>	<p>building footprint could represent that of a single, larger two storey development.</p> <p>The building does not sit adjacent the private open space of the adjoining properties and the view from the rear adjacent properties will be obscured by the single storey built form of Dwellings 3 and 4.</p>
Noise	Original Proposal	Amended Proposal
<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>Partially Complies</p> <p>Units 1, 2 and 3 feature bedroom windows that are sufficiently separated to provide adequate “shielding” to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>The proximity of the external car parking spaces to bedroom 1 of Unit 4 is, in my view, unacceptable and although measures have been put in place to negate headlight glare, there is still considered to be insufficient separation to minimise noise intrusion and vibration into the bedroom at any time of the day or night.</p>	<p>Complies</p> <p>All dwellings feature bedroom windows that are sufficiently separated to provide adequate “shielding” to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Additional separation has been provided between the ground floor bedroom windows of Dwellings 3 and 4 to car parking and manoeuvring areas; improving the amenity of future residents.</p> <p><i>The proposal is considered to address reason for refusal 6 in this regard.</i></p>
Site Facilities and Storage	Original Proposal	Amended Proposal
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas away from dwellings.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Complies</p> <p>a) Common letterboxes are featured at the entrance to the common driveway.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>	<p>Complies</p> <p>a) Common letterboxes are featured at the entrance to the common driveway.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>

Energy Efficiency	Original Proposal	Amended Proposal
<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>Complies</p> <p>The dwellings are oriented so that their open spaces and main activity areas have a northerly aspect for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>The main activity areas of the Units 1 and 2 are oriented north west and Units 3 and 4, north east which should nonetheless receive some northern winter sunlight.</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>	<p>Complies</p> <p>The dwellings are oriented so that their open spaces and main activity areas have a northerly aspect for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>The main activity areas of all dwellings are oriented north west, which should nonetheless receive some northern winter sunlight.</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>
<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Flooding	Original Proposal	Amended Proposal
<p><i>Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.</i></p> <p><i>General Section: Hazards: PDC 4</i></p> <p><i>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:</i></p>	<p>Complies</p> <p>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 100.4 (Units 1 and 2) and 100.5 (Units 3 and 4) and setbacks from boundaries should prevent the entry of</p>	<p>Partially Complies</p> <p>An amended siteworks and drainage plan has not been received from the applicant.</p> <p>However, based upon the previous proposal, it was demonstrated that the floor levels of the dwelling can address the potential for flooding without resulting in unreasonable impacts upon</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> <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>floodwaters in a 1-in-100 year average return interval flood event.</p> <p>Council's engineer has also suggested that the installation of 3000L rainwater tanks connected to 80% of the roof area would also be useful, however it is suggested that this be added as an advisory note (should the Panel wish to support the proposal) as only 1000L retention/detention tanks are required to meet BCA standards.</p>	<p>adjoining land.</p> <p>As such, it has been included as a recommended condition of consent that a revised siteworks and drainage plan be provided, for consideration and approval, prior to Development Approval being issued.</p> <p>Council's engineer has also suggested that the installation of 3000L rainwater tanks connected to 80% of the roof area would also be useful, however it is suggested that this be added as an advisory note only (should the Panel wish to support the proposal) as only 1000L retention/detention tanks are required to meet BCA standards.</p> <p>(The Panel are advised that it is unlikely for the ERD Court to include advisory notes on any Court Order).</p>
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Landscaping, Fences and Walls	Original Proposal	Amended Proposal
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<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> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 1</p>	<p>Partially Complies</p> <p>The proposed planting species and distribution will provide some contribution to the visual appearance of the site.</p> <p>However, in my view, there will be an insufficient amount of landscaping that will adequately present to the street and it will not reduce the dominance of the driveway as a large proportion of the landscaping will be located behind a 1.8m high front fence. Only the upper halves of some pencil pines, a few low level shrubs in front of the fence and the landscaping along the driveway will be visible from the street.</p> <p>It is therefore considered that the proposed landscaping does not fully address this principle of development control.</p>	<p>Complies</p> <p>The proposed planting species and distribution will contribute to the visual appearance of the site.</p> <p>The area of landscaping at the front of the site and throughout the common driveway has significantly increased, improving presentation from the street and the amenity of residents; via improved outlook from living areas and softened hard-stand areas when entering/exiting the site.</p> <p><i>The proposal is considered to address reason for refusal 4.</i></p>
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<p><i>Landscaping should:</i> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>		
<p><i>Fences and walls, including retaining walls, should:</i> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <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> <i>(h) be constructed of non-flammable materials.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Partially Complies A 1.8m high front fence constructed of rendered blueboard with a colorbond slat infill has been placed on the front boundary as a method of screening a car parking space located forward of Unit 1's building line.</p> <p>In my view, the fence does not enhance the development as it reduces the visibility of the built form to the street, thereby making the driveway and car parking spaces more apparent and furthermore, it is not representative of the open landscape character of the surrounding locality where front fences are typically non-existent or they are low and transparent, offering passive surveillance to the street.</p> <p>Accordingly, I am of the view that the proposal fails to meet parts (b), (c) and (e) of Landscaping, Fences and Walls Principle 5.</p> <p>Boundary fencing will provide adequate privacy to the existing and proposed dwellings. Retaining walls up to approximately 400mm in height are proposed to the side and rear boundaries with 1.8m high fencing atop.</p>	<p>Complies The application no longer proposes fencing at the front of the site; maintaining an open streetscape and enabling the landscaped front yard to be wholly visible from the street.</p>

ANALYSIS/CONCLUSION

The proposal has changed substantially from that previously considered by the Panel.

The applicant has chosen to take better advantage of the depth of the site, as well as utilise the increasing width of the property the further one is within the land.

As can be seen from the table above, a number of areas where the proposal previously did not comply with the applicable provision has now been addressed.

The dwellings now take on a more generic residential flat building/group dwelling layout, with all vehicle movements reliant upon a single-width driveway. All vehicles will enter and exit the site in a similar manner, and the complex (and somewhat precarious) vehicle movements required with the previous proposal are avoided by the simplified layout. The amended proposal also provides four (one for each dwelling) open, visitor's parking space, where previously there were three.

All dwellings now provide improved access to natural light, with all living areas and POS areas incorporating a north-westerly aspect.

The floor area ratio has substantially improved, mostly as a result of the increased average site areas afforded to Dwellings 1 and 2.

Whilst some areas of non-compliance have not been addressed, the above table identifies that there is little consequence in these failings, in that adjoining land will not be impacted by the bulk, scale or overshadowing of the development and the amenity of future residents will remain of a high quality; given the orientation of the dwellings and associated POS areas and the amount of landscape space around the dwellings and throughout the common driveway.

The proposal presents a more attractive development to the streetscape, and ensures the extent of paving is limited where possible.

It is my view that the proposed development is not seriously at variance to the Development Plan in accordance with Section 35(2) of the Development Act, 1993. Further, the proposed development sufficiently addresses the Panel's reasons for refusal, and as such, it is respectfully recommended the Development Assessment Panel advise the Environment, Resources and Development Court that it supports the compromise plan, 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) To advise the ERD Court that Council is supportive of the compromise plans for Development Application No: 100/2015/813 for a two storey residential flat building comprising two dwellings and a single storey residential flat building to the rear comprising two dwellings with associated garages, car parking, common driveway and landscaping at 53 Limbert Avenue, Seacombe Gardens 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. 100/2015/813, dated as received by Council on 6 January 2016, except when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
3. Stormwater from all structures approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's Information Sheet "Stormwater Detention" to the reasonable satisfaction of the Council (copies of relevant documents are attached).
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 devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
6. All 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. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).

8. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
9. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
10. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
11. 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.

NOTES

1. The applicant is encouraged to consider incorporating 3,000 litre retention tanks, connected to no less than 80% of the roof area and fully plumbed to a toilet and the laundry of each dwelling, in lieu of providing separate retention and detention tanks.
2. 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.
3. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
4. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
5. 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.
6. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
7. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

- Attachment I: Aerial Photograph/Site Locality Plan*
Attachment II: Proposal Plan and supporting documentation
Attachment III: Original proposal plans
Attachment IV: Copy of representations received
Attachment V: Applicant's response to representations received