

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 4 APRIL 2018**



1.1 OPEN MEETING

The Meeting commenced at 6.30pm

1.2 PRESENT

Terry Mosel - Presiding Member
Don Donaldson - Independent Member
Sue Giles - Independent Member
Councillor Janet Byram - Elected Member

1.3 APOLOGIES

Nathan Sim - Independent Member

1.4 IN ATTENDANCE

Rob Tokley - CAP Assessment Manager (Team Leader - Planning)
Nicholas Timotheou - Development Officer - Planning

2. HEARING OF APPLICATIONS

2.1 Report Reference: CAP040418 – 2.1

Application No: 100/2017/557

Site Location: 1 Allan Street, Marino

- Mrs Judy and Mr Ian Blieschke (Representor) addressed the Panel
- Mr Garth Heynan on behalf of Nadia Tugwell (Applicant) addressed the Panel

The Council Assessment Panel resolved that;

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/557 for the construction of a two storey dwelling with undercroft garage, fencing, swimming pool and deck with associated earthworks and retaining walls at 1 Allan Street, Marino be GRANTED subject to the following Reserved Matter and Conditions:

RESERVED MATTER

Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matter. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.

1. Provision of a revised fully engineered siteworks and drainage plan detailing 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 infrastructure and street trees, to the reasonable satisfaction of the Manager of Development and Regulatory Services.

Pursuant to Section 33(3) of the Development Act 1993 the Council reserves its decision on the form and substance of any further conditions of the development plan consent that it considers appropriate to impose in respect of the reserved matter outlined above.

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/557, except when varied by the following conditions of consent.
2. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.

CAP040418

3. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
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. 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.
6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. All ancillary swimming pool plant/equipment shall be located a minimum 5.0 metres from any adjoining neighbouring dwelling and shall be contained within a sound reducing enclosure.

NOTES

1. Any variation/amendment to the plans and documentation granted Development Plan Consent will require further approval from the Council. If the amendments are deemed to be minor in nature in the opinion of the Council, they may be accepted as part of the current application pursuant to Regulation 47A of the Development Regulations 2008. Alternatively, if in the opinion of the Council, the variation(s) are not considered to be minor in nature, a new variation application must be lodged with the Council for assessment against the relevant Marion Council Development Plan.
2. You are undertaking work that may affect the stability of adjoining land. Section 60 of the Development Act 1993 and Regulation 75 of the Development Regulations 1993, prescribe that your neighbour has a right to be notified by you 28 days prior to you undertaking that work. This is to enable your neighbour to obtain a report for which you are obliged to pay, that specifies any work that is required to be undertaken to ensure the stability of your neighbour's property is maintained during and following the undertaking of the work you propose. You should make yourself aware of these requirements before proceeding.
3. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.

CAP040418

- 4. Before commencing any site works, a temporary vehicular access to the property for machinery, delivery of building materials and general vehicles should be provided. In the case where no driveway invert exists, the kerb can be saw cut and removed at the intended location for the new driveway invert to provide the necessary temporary access. In addition, if a paved Council footpath exists, this should also be removed in alignment with the removed section of kerb. The applicant should also take note of other information provided regarding use of, damage to and construction on Council owned land.**
- 5. 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.**
- 6. 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).**
- 7. Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development, to the reasonable satisfaction of the Council (a suggested measure is to install a gravelled construction exit with wash down facilities).**
- 8. 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.**
- 9. 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.**
- 10. Any additional excavated material not required as fill for the site must be removed immediately after excavation to prevent bogging and soil washing away.**

CAP040418

2.2 Report Reference: CAP040418 – 2.2
Application No: 100/2017/1127
Site Location: 22 Moor Crescent, Hallett Cove

- No persons addressed the Panel in relation to this item

The Council Assessment Panel resolved that;

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; but that**
- (c) That Development Plan Consent for Development Application No: 100/2017/1127 for alterations and additions to an existing two-storey dwelling and the construction of a two-storey dwelling and associated earthworks, resulting in a two-storey building comprising two dwellings at 22 Moor Crescent, Hallett Cove be REFUSED for the following reasons.**

REASONS FOR REFUSAL

- 1. The development results in a built form density that does not comply with that sought within the Southern Policy Area 18 and is at variance to Objective 4 and Principles of Development Control 2 and 3 of Southern Policy Area 18.**
- 2. The rear setback of the existing dwelling does not minimise the impacts of the building upon the proposed dwelling and will not maintain the patterns of space between buildings, failing to satisfy Design and Appearance Principles 2(b) and 2(c).**
- 3. The private open space of the existing dwelling is compromised and the total area of private open space available to the existing dwelling does not satisfy Principle of Development Control 7 of the Zone Section: Residential Zone and Principle of Development Control 16(k) of the General Section: Residential Development.**

CAP040418

**2.3 Report Reference: CAP040418 – 2.3
Application No: 100/2017/1806
Site Location: 19 Stuart Road, South Plympton**

- No persons addressed the Panel in relation to this item

The Council Assessment Panel resolved that;

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2017/1806 for single storey dwelling alterations and additions, verandah and front fence at 19 Stuart Road, South Plympton be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/1806, except when varied by the following conditions of consent.**
- 2. 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.**
- 3. 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.**

CAP040418

**2.4 Report Reference: CAP040418 – 2.4
Application No: 100/2017/2136
Site Location: 7 Bessie Street, Dover Gardens**

The Council Assessment Panel note receipt of the additional assessment report received via email on Tuesday 3 April 2018, noted as addendum A (attached) to the report for Item 2.4

- No persons addressed the Panel in relation to this item

The Council Assessment Panel resolved that;

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2017/2136 for three two storey row dwellings and associated Torrens Title land division (1 into 3 allotments) at 7 Bessie Street, Dover Gardens be REFUSED for the following reasons:**

REASONS FOR REFUSAL

- 1. By virtue of the narrow frontage widths and alignment of the driveway of Dwelling 2, the proposal is at variance to that part of the Desired Character of the Northern Policy Area 13, which seeks for “cohesive streetscapes” and development to “not result in the removal of mature street trees”.**
- 2. The proposal fails to provide frontage widths that satisfy that sought by Principle 3 of the Northern Policy Area 13.**
- 3. The proposal fails to satisfy the General Section: Design and Appearance: Principle of Development Control 40, as the proposed crossover (Dwelling 2) fails to provide the required setback from the existing street tree as requested by Council’s Arborist.**
- 4. The proposal fails to comply with the General Section: Land Division: Principles of Development Control 21 and 22, and the proposal fails to provide on-street parking.**
- 5. Overall the proposal fails to satisfy the policy directions embodied in the statement of the Desired Character.**
- 6. The proposal fails to satisfy Objective 3 of the Policy Area due to the impact of the garaging upon the character of the locality.**

CAP040418

**2.5 Report Reference: CAP040418 – 2.5
Application No: 100/2017/2325
Site Location: 9 Nelson Street, South Plympton**

- No persons addressed the Panel in relation to this item

The Council Assessment Panel resolved that;

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

- (a) The Panel note this report;**
- (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: 100/2325/2017 for the construction of a single storey dwelling and a single storey residential flat building at the rear of the site, comprising two dwellings with associated car parking and landscaping at 9 Nelson Street, South Plympton be REFUSED for the following reasons:**
 - 1. The proposed development has had insufficient regard to the minimum site area for detached and residential flat dwellings, thereby having undesirable implications for the position of the two rear dwellings, front setback and excessive site coverage.**
 - 2. The proposal has not had sufficient regard to the express minimum site area for detached and residential flat dwellings in the Northern Policy Area 13, failing to satisfy Policy Area Principle 3.**
 - 3. The site coverage displayed well exceeds the maximum sought for new development within the Northern Policy Area, failing to satisfy Policy Area Principle 4.**

CAP040418

2.6 Report Reference: CAP040418 – 2.6
Application No: 100/2018/515
Site Location: 10 – 12 Mulcra Avenue, Park Holme

- No persons addressed the Panel in relation to this item

The Council Assessment Panel resolved that;

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: 100/2018/515 to vary Development Application 100/2017/463 - Two, two storey residential flat buildings - deleting of partywall to provide for two, two storey detached dwellings and two, two storey residential flat buildings at 10 - 12 Mulcra Avenue, Park Holme 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. 100/2018/515, except when varied by the following conditions of consent.**
- 2. A revised, fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.**
- 3. All 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.**
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.**

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

- 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. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and**

condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

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

NOTES

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

3. OTHER BUSINESS

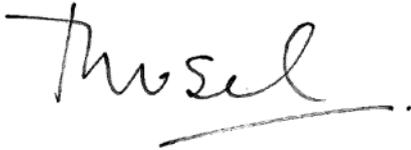
The Panel resolve that condition 3 of Development Application 100/2017/1978 should read; The portion of the upper floor windows to all side and rear-facing upper floor rooms (except the west-facing windows presenting to the street) of Dwelling 2 less than 1.5m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council.

3.1 APPEALS UPDATE**3.2 POLICY OBSERVATIONS****4. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 4 April 2018 taken as read and confirmed this fourth day of April 2018

5. MEETING CLOSURE

MEETING DECLARED CLOSED AT 8:20PM

A handwritten signature in black ink, appearing to read "Terry Mosel", with a horizontal line underneath it.

Terry Mosel
Presiding Member



ADDENDUM TO ITEM 2.4

The following assessment regarding Development Plan Principles of Development Control; Building Setbacks from Road Boundaries, Rear Setbacks, Garages, Carports, Verandas and Outbuildings, Vehicle Parking, Access, Landscaping, Fences and Walls and Land Division are to replace those found in the report for Item 2.4, found on pages 198-203 (inclusive) and 206-208 (inclusive). In addition, the Recommendation in this Addendum is to replace that found on page 210 of the report for Item 2.4.

BACKGROUND

The applicant has provided a revised set of plans with the following changes:

- Increased the front setback from 5.6 metres to 8.0 metres and a commensurate decrease in the rear setbacks / private open space area.
- Included opaque glazed black aluminium framed auto sectional panel lift garage doors to break up the bulk and scale of garages
- Straighten the driveway / crossover for Dwelling 2
- Additional landscaping and use of mature plantings including the addition 2 new mature street trees with the removal of the existing tree;
- Ensured that site coverage is less than 48% to all 3 homes.

Building Setbacks from Road Boundaries

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

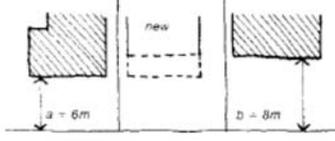
General Section: Design and Appearance: PDC 21

Satisfies

The established neighbouring dwellings feature front setbacks of approximately 8.6m and 9m. It is acknowledged the setbacks of more recent development in the locality are located between 5 - 7 metres from the primary street boundary.

Noting the Desired Character anticipates lesser setbacks, the proposed front setback of 8.0m for each dwelling and 8.5m to each garage provides a similar / compatible front setback, to maintain the established setback character.

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

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

General Section: Design and Appearance: PDC 22

Satisfies

Notwithstanding the significant departure in frontage width, which will set a new built form pattern of development / narrative, the revised setback of 8.0m metres is sufficiently equal to the average setback, which is approximately 8.5 metres. To this end, the proposal accords with PDC 22.

Rear Setbacks

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

Residential Zone: PDC 6

Satisfies

- **Lower level:**
 Dwelling 1 and 3: 10.2m
 Dwelling 2: 12m
- **Upper level:** Dwelling 1, 2 and 3: approximately 20m.

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

General Section: Design and Appearance: PDC 2

Satisfies

The rear setbacks comply with the quantitative criteria. Moreover, the level of separation from the rear boundary is greater than the minimum standard espouses and sufficient to minimise the visual impact of bulk and scale on adjacent properties to the rear, including neighbouring rear yard areas. Whilst the two storey design represents the first incursion into this part of Bessie Street, the generous rear setbacks are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report).

The generous rear setbacks are considered to be compatible with the immediate original housing stock, which abuts the subject site to both side and rear boundaries and should maintain the character of the locality in relation to patterns of space.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Satisfies

All garaging associated with the proposal is under main roof / upper level, and therefore sufficiently integrated into the dwelling design.

<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		<p>Does not Satisfy</p> <p>Whilst each of the garages are single car widths only (approximately 3.0metres wide), given the lack of frontage width, the garaging will account for over 50% of the total frontage width(s). The total driveway area, in addition to the garaging is likely to be a dominant feature of the overall design as viewed from the street. For these reasons, the garaging fails to accord with the PDC 12.</p>
Parameter	Value	<p>Satisfies</p> <p>The garaging for each dwelling has a floor area of approximately 3.0m by 6.0m or 18 square metres. This is well below the maximum floor area standard.</p>
Maximum floor area	60 square metres	
Maximum wall or post height	3 metres	<p>Satisfies</p> <p>2.7m</p>
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	<p>Satisfies</p> <p>Each garage is setback no less than 500mm behind the associated main face</p>
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall	<p>Does not Satisfy</p> <p>The garaging for Dwellings 1 and 3 will include enclosed walls adjacent each side boundary that are setback 600mm.</p>
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	<p>Partially satisfies</p> <p>Whilst the garaging is less than 6.0m in width as noted in this report, due to the lack of frontage width, the garaging constitutes over 50% of the individual and combine site frontage.</p>
Garages, Carports, Verandas and Outbuildings		
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		<p>Does not Satisfy</p> <p>Whilst each of the garages are single car widths only (approximately 3.0metres wide), even with the proposed changes to improve the appearance of the panel lift doors, given the lack of frontage width, the garaging will still account for over 50% of the total frontage width(s).</p> <p>Including, the extra driveway / crossovers, the garaging and associate driveway access, is likely to be a dominant feature of the overall design as viewed from the street. For these reasons, the garaging albeit with the</p>

	amendment made fails to accord with the PDC 12.
<p><i>Maximum frontage width of garage or carport with an opening facing the street</i></p>	<p><i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i></p> <p>Partially satisfies Whilst the garaging is less than 6.0m in width, due to the lack of frontage width the garaging constitutes over 50% of the individual and combine site frontage.</p>
<p>Vehicle Parking</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 (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Satisfies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) The subject land is located within convenient walking distance of public open space and transport options, including a number of boutique shops on Sturt Road. However (as noted in this report), the nearest train station(s), larger scale public service / supermarket facilities, and regional transport hub is located approximately 1.0 kilometre away. As such, future occupants are likely to be reliant on private vehicles for access to most services / essential shopping needs. c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does not Satisfy d) e) The driveway / crossover associated with Dwelling 2 requires removal of an existing street tree which has been identified by Council's Arborist as worthy of retention, and will result in no on-street parking.</p> <p>For these reasons, the proposal fails to sufficiently comply with PD C 43</p>
<p>Access</p>	
<p><i>The width of driveway crossovers serving single dwellings 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>Satisfies The proposal will result in three single car driveways with associated crossovers approximately 3.0m wide. However, access to Dwelling 2 relies on the removal of a street tree which has been identified by Council's Arborist as worthy of retention. For these reasons, the proposal complies with PDC 39 although this compliance will come at the expense of PDC 40 (discussed below).</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Does not Satisfy The proposed crossover of Dwelling 2 fails to provide the required separation from the existing street tree as requested by Council's Arborist. Moreover, the location of the Dwelling 2 driveway is predicated on the existing tree being removed. The proposal fails to comply with PDC 39.</p>

<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Partially satisfies The driveway for Dwelling 2 requires removal of the existing street tree and has come at the expense of on-street parking being available adjacent the property. The proposal fails to comply with PDC 28.</p>
--	--

Land Division

<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <ul style="list-style-type: none"> <i>(a) minimises the need for earthworks and retaining walls</i> <i>(b) maintains natural drainage systems</i> <i>(c) faces abutting streets and open spaces</i> <i>(d) does not require the removal of existing native vegetation to facilitate that development</i> <i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i> <p><i>General Section: Land Division: PDC 10</i></p>	<p>Partially satisfies The shortfall in frontage width has contributed to garage dominance and a built form out of character with the locality. Furthermore, the proposal seeks to remove an established street tree which has been identified as being worthy of retention. To this end, the proposal fails to accords with PDC 10(e).</p>
--	--

<p>Roads and Access</p> <p><i>The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <ul style="list-style-type: none"> <i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i> <i>(b) the availability and frequency of public and community transport</i> <i>(c) on-street parking demand likely to be generated by nearby uses.</i> <p><i>General Section: Land Division: PDC 21</i></p>	<p>Does not Satisfy See commentary below</p>
---	---

Does not Satisfy

a) Whilst the proposal provides sufficient on-site parking for each dwelling, the proposal will come at the expense of on-street parking. Furthermore, there does not appear to be an acceptable alternative option that can be considered, as further separation to provide for on-street parking would result in a convoluted driveway crossover arrangement for Dwelling 2 and possibly come into conflict with the existing street tree. As such, the proposal does not achieve room for any on-street parking nor is the alternative of no on-street parking and the removal of the existing street tree considered appropriate.

b) Public transport options are available to the north on Sturt Road.

c) As an almost exclusively residential locality, nearby uses are anticipated to generate standard demand for on-street parking which is not achieved.

For these reasons the proposal fails to achieve sufficient compliance with PDC 21.

<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 Satisfy No on-street car parking space is provided for the proposed extra 2 allotments. The proposal fails to satisfy that what which is sought by PDC 22.</p>
---	---

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Partially satisfies

The proposed plantings including the use of mature planting species should appropriately complement the built form and enhance the appearance of the road frontage and parking areas. However, due to the narrow frontages proposed, there is still limited area available for landscaping to compensate for the considerable amount of hardstand area forward of the dwellings.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/2136 for three two storey row dwellings and associated Torrens Title land division (1 into 3 allotments) at 7 Bessie Street, Dover Gardens be REFUSED for the following reasons:

Reasons for refusal

1. By virtue of the narrow frontage widths and alignment of the driveway of Dwelling 2, the proposal is at variance to that part of the Desired Character of the Northern Policy Area 13, which seeks for “cohesive streetscapes” and development to “not result in the removal of mature street trees”.
2. The proposal fails to provide frontage widths that satisfy that sought by Principle 3 of the Northern Policy Area 13.
3. The proposal fails to comply with the General Section: Residential Development: Principle of Development Control 40, as the proposed crossover (Dwelling 2) fails to provide the required setback from the existing street tree as requested by Council’s Arborist.
4. The proposal fails to comply with the General Section: Land Division: Principles of Development Control 21 and 22, and the proposal fails to provide on-street parking.

Attachments

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