

Members – Council Assessment Panel
CITY OF MARION



**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

Notice is hereby given that a Council Assessment Panel Meeting will be held:

Wednesday 07 April 2021

Commencing at 6.30 p.m.

Council Chambers

Council Administration Centre

245 Sturt Road, Sturt

A copy of the Agenda for the meeting is attached. Meetings are open to the public and interested members of the community are welcome to attend. Access to the CAP Meeting is via the main entrance to the Administration building, 245 Sturt Road, Sturt.

A handwritten signature in blue ink, appearing to read "Alex Wright", is positioned above the printed name and title.

Alex Wright
ASSESSMENT MANAGER

31 March 2021

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 APRIL 2021
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATIONS

3. APPLICATIONS

3.1 DEVELOPMENT NO 100/2020/2224

4 - 10 Chambers Street, Marion

To undertake a staged development: Stage 1 - The construction of a two storey residential flat building containing ten (10) dwellings with associated car parking and landscaping and the removal of three (3) Significant Trees (Eucalyptus cladocaylx - Sugar Gums) and Stage 2 - The construction of two (2), two storey residential flat buildings, one containing three dwellings and one containing six dwellings with associated car parking, landscaping and front fencing

Report Reference: **CAP070421 - 3.1**.....**2**

3.2 DEVELOPMENT NO 100/2020/22212

175/293-297 Diagonal Road, Oaklands Park

To vary DA 100/2018/2225 (100/E103/18) - alterations and additions to an existing bulky goods outlet comprising modifications to car parking area, the construction of shade sails, two (2) canopies and fencing

Report Reference: **CAP070421 - 3.2****28**

3.3 DEVELOPMENT NO 100/2020/0613

148 Sturt Road, Warradale

The construction of a residential flat building comprising three (3), two storey dwellings with associated front fence, landscaping and car parking

Report Reference: **CAP070421 - 3.3**.....**41**

3.4 DEVELOPMENT NO 100/2020/0486

86 Oaklands Road, Glengowrie

Advertising sign attached to existing fence

Report Reference: **CAP070421 - 3.4**.....**56**

4. APPEALS UPDATE

4.1 APPEALS AGAINST PANEL DECISIONS

4.2 APPEALS AGAINST DELEGATED APPLICATIONS

5. POLICY OBSERVATIONS

6. OTHER BUSINESS

**7. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON WEDNESDAY 7TH APRIL 2021**

8. MEETING CLOSURE

**2. GENERAL OPERATING PROCEDURES
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 07 APRIL 2021**



**REPORT REFERENCE: CAP070421 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 APRIL 2021**



Originating Officer:	Nicholas Timotheou Senior Development Officer - Planning
Applicant:	Chambers Street Pty Ltd
Development Description:	To undertake a staged development: Stage 1 - The construction of a two storey residential flat building containing ten (10) dwellings with associated car parking and landscaping and the removal of three (3) Significant Trees (Eucalyptus cladocaylx - Sugar Gums) and Stage 2 - The construction of two (2), two storey residential flat buildings, one containing three dwellings and one containing six dwellings with associated car parking, landscaping and front fencing
Site Location:	4 - 10 Chambers Street, Marion
Zone & Policy Area:	Neighbourhood Centre Zone
Lodgement Date:	08/12/2020
Development Plan:	Consolidated – 26 November 2020 Gazetted 26 November 2020
Referrals:	Internal Development Engineer Land Asset Officer/Registered Conveyancer Coordinator Traffic & Parking Senior Procurement Specialist Coordinator Arboriculture
Delegations Policy:	1.4.1.2 <i>Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
Categorisation	2 <i>Schedule 9 (19)</i> <i>Except where the development falls within Part 1 of this Schedule, is within the City of Adelaide, or is classified as non-complying development under the relevant Development Plan, development of a kind referred to in clause 6 of this Schedule (including a change of use of land of a kind referred to in that clause) where the site of the proposed development is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development.</i>
Application No:	100/2020/2224
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

Attachments

Attachment I: Certificate of Title
Attachment II: Proposal Plan and supporting documentation
Attachment III: Representations
Attachment IV: Response to Representations

SUBJECT LAND

The subject land comprises 4 – 10 Chambers Street, Marion, consisting of four contiguous allotments. The land is generally rectangular in shape, achieving a site area of 3364.2 square metres, derived from a frontage width of 73.16 metres, a 6.55 metre secondary frontage to Minchinbury Terrace and a site depth of 45.7 metres.

The land currently accommodates four detached dwellings in good condition and are representative of the original housing stock in the locality, comprising low scale development on large allotments. Each dwelling is single storey in nature aside from 6 Chambers Street which comprises a two storey building. The dwellings incorporate a combination of masonry/tubular, brush and Colorbond fencing. Access/egress is presently available to each allotment from Chambers Street and is bordered by parking restrictions, being a road which carries high volumes of traffic per day and being adjacent to the Park Holme Shopping Centre. Council's records indicate a traffic count was last conducted in the year 2000, where 2640 vehicles were identified. It is likely, if a count occurred today, vehicle volumes would be higher.

The property at 8 Chambers Street contains two Significant Trees (Sugar Gums), whereas 10 Chambers Street accommodates one Significant Tree (Sugar Gum). All three Significant Trees are located adjacent to the front property boundary and partially overhang the verge. The land is generally flat with no discernible slope.



LOCALITY

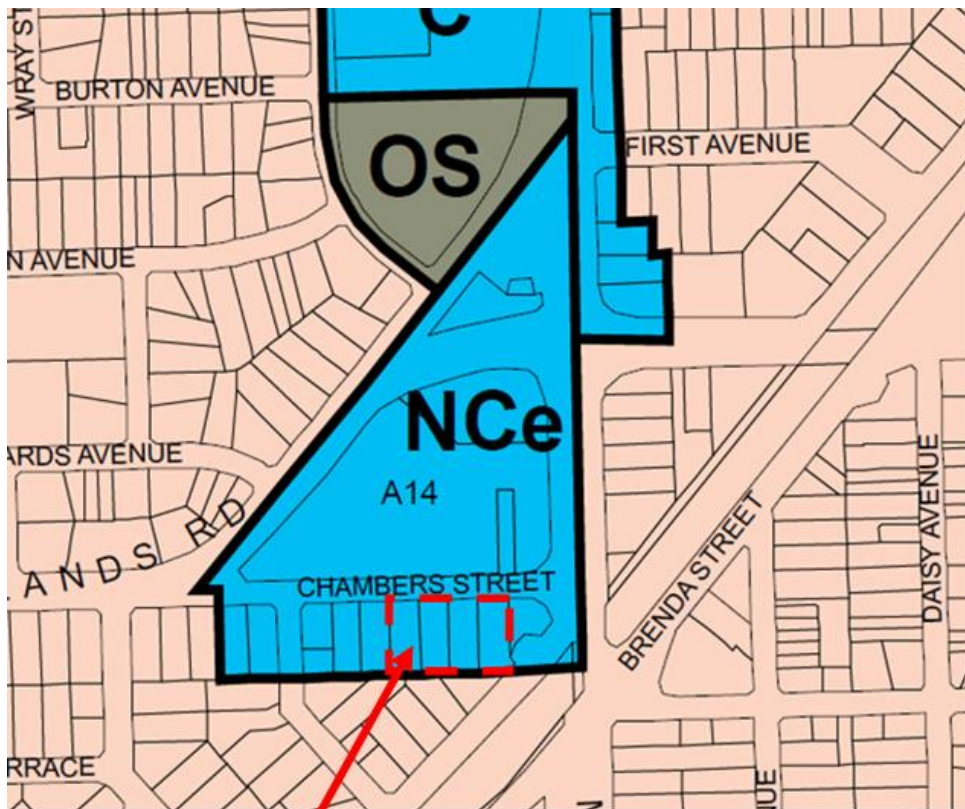
The subject land is situated within a Neighbourhood Centre Zone comprising the Park Holme Shopping Centre and the majority of the southern side of Chambers Street. The locality features a variety of land uses with interface to a Residential Zone south of the subject land. For Members benefit, the southern side of Chambers Street was amended from a Residential Zone to form part of the Neighbourhood Centre Zone as part of the Housing Diversity DPA (Part 1) which came into effect on 15 August 2019 (Gazetted 8 August 2019).

The Neighbourhood Centre Zone currently comprises the Park Holme Shopping Centre which accommodates a variety of shops, a gymnasium and the associated car park. Beyond the Park Holme Shopping Centre, the locality is typically defined by residential development comprising low density single storey detached dwellings on large allotments, representative of the original housing stock. A residential flat building comprising eight dwellings exists at 14 Chambers Street and a place of worship is located at 20 Chambers Street.

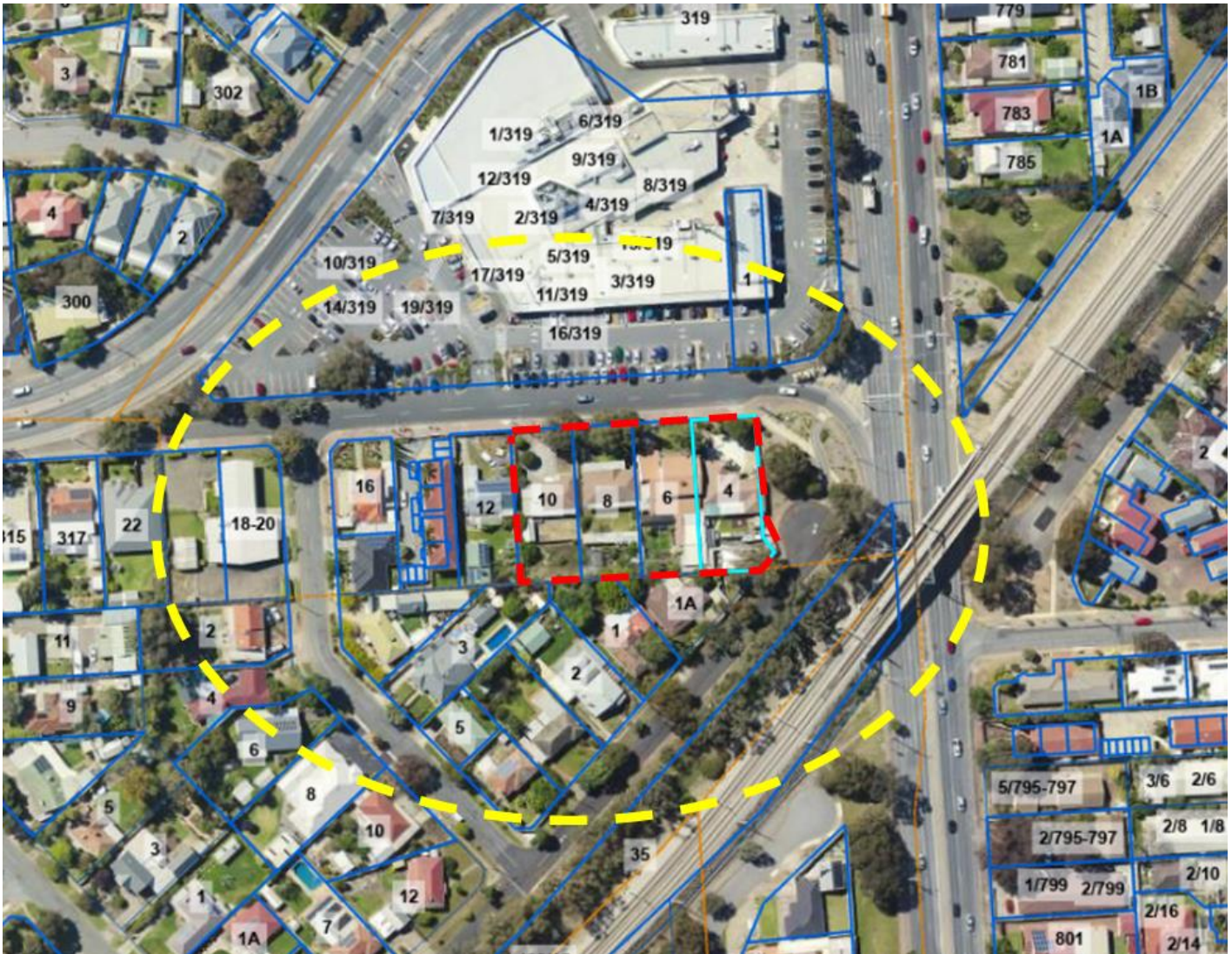
A small road reserve (Crown Land) is located directly adjacent to the land (east) which provides links with walking and cycle trails along the train line. The site has secondary frontage with Minchinbury Terrace which comprises a cul-de-sac and is adjacent to a trainline, lined with semi-mature and mature vegetation.

A Regulated Tree (*Eucalyptus camaldulensis* – River Red Gum) is located in the eastern corner of the adjacent residential property at 1a Minchinbury Terrace, measuring approximately 10m in height.

The subject land and wider locality can be further viewed via [this link](#) to Google Maps.



Subject land



PROPOSED DEVELOPMENT

The proposal is best described as 'a staged development: Stage 1 - The construction of a two storey residential flat building containing ten (10) dwellings with associated car parking and landscaping and the removal of three (3) Significant Trees (*Eucalyptus cladocaylx* - Sugar Gums) and Stage 2 - The construction of two (2), two storey residential flat buildings, one containing three dwellings and one containing six dwellings with associated car parking, landscaping and front fencing'.

Dwellings 101 – 109 incorporate an open plan kitchen/meals/living, WC and laundry at ground floor. The first floor comprises three bedrooms (main with ensuite), bathroom and open plan study. The main bedroom features a front facing balcony oriented to overlook Chambers Street. Dwelling 109 features a second east facing balcony which overlooks the Crown land and Chambers Street. Front fencing is proposed for each dwelling comprising 1.8m high render panels with aluminium slat infills. The design of the fencing is recessed at selected portions and includes low level landscaping. Each dwelling is provided with a double width garage which gains access via a common driveway.

Dwellings 201 – 210 feature a lounge, bathroom and open plan kitchen/meals/living with direct access to the ground level private open space. The areas of private open space feature a verandah. The first floor comprises three bedrooms (main with ensuite), bathroom and open plan study. The main bedrooms of Dwelling 202 – 210 feature balconies which overlook the common property. Dwelling 210 features a second east facing balcony which overlooks Minchinbury Terrace. Each dwelling features a single width garage with tandem visitor spaces, gaining access via a common driveway.

A dual width access/egress point is proposed from Chambers Street, servicing all dwellings and visitor parking spaces. Six on-site visitor parking spaces are provided and located at the entrance of the common driveway. Communal bin storage is available at the front of the site which is screened by 1.8m high aluminium slats and low-level landscaping.

Landscaping is provided throughout the site, most notably within recessed portions of the front fencing and within the front facing areas of private open space of Dwellings 101 – 109. The rear yards of Dwellings 201 – 210 are landscaped with a mixture of mature trees and low-medium level plantings. An 875mm landscaping strip is provided adjacent to the common driveway and features a variety of low-level landscaping.

The buildings are two storeys in nature and includes a mixture of colours and materials including exposed brick, cladding, render and glass balustrade to balconies.

PROCEDURAL MATTERS

Classification

It is acknowledged the Neighbourhood Centre Zone identifies 'Dwelling' as a non-complying form of development, except where one of the following apply (my underlining):

- (a) the dwelling is located on the southern side of Chambers Street in Park Holme Neighbourhood Centre Zone
- (b) the dwelling is in conjunction with a non-residential development and is sited above the non-residential development on the same allotment.

The application is therefore listed neither as a complying nor non-complying form of development and has therefore been assessed as a 'merit' form of development.

Categorisation

The subject application is a Category 2 form of development by virtue of Schedule 9(19) of the Development Regulations 2008, which lists a kind referred to in clause 6 of this Schedule (including a change of use of land of a kind referred to in that clause) where the site of the proposed development is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development, as a Category 2 form development. Given the application received written representations from those notified expressing opposition to the proposal; Council has delegated authority to the Council Assessment Panel.

Referrals (Internal)

Coordinator Traffic & Parking

From a traffic perspective, it appears that all parking and vehicle movement criteria for the proposed dwellings have been met.

Land Asset Officer/Registered Conveyancer

No comments or queries.

Coordinator Arboriculture

Council's Coordinator Arboriculture has reviewed the supplied Arboriculture Assessment and Report and advised they concur with the conclusions and recommendations relating to the encroachment of the building into the TPZ of Tree 4 (Regulated Tree located at 1a Minchinbury Terrace) and do not raise any concern with the development causing any impacts on the health and stability of the tree.

Development Engineer

Council's Development Engineer has advised they are satisfied with the plans from a stormwater management perspective. Through the assessment process, requests for additional on-site stormwater retention along with modifications to the infrastructure within the common driveway and manoeuvring areas.

Senior Procurement Specialist

Council's Senior Procurement Specialist has reviewed the Waste Management Plan and after requesting amendments to bin number/sizing/storage requirements and waste collection times and methods, they have advised they are satisfied with the proposal.

PUBLIC NOTIFICATION



Properties Notified

8 (shaded in blue)

Representations

1 received opposing the development (circled yellow)

Representations received

Mr Adam Crawford

Applicant Response

A response by the applicant is included within the Report attachments.

[HOME](#)

ASSESSMENT

The assessment is split into three main sections:

1. Zone and Policy Area Consideration, which considers relevant qualitative Zone and Policy Area Objectives, Desired Character and Principles of Development Control;
2. Quantitative Snapshot, which details the proposal's performance against relevant quantitative Principles of Development Control;
3. Assessment Discussion, which involves detailed discussion of pertinent matters.

Neighbourhood Centre Zone

OBJECTIVES

1. *A centre providing a range of facilities to meet the shopping, community, business, and recreational needs of the surrounding neighbourhood.*
2. *A centre that provides the main focus of business and community life outside a district centre, and provides for the more frequent and regularly recurring needs of the community.*
3. *A centre accommodating residential development in conjunction with non-residential development.*
4. *Development that contributes to the desired character of the zone.*

DESIRED CHARACTER

This zone will provide a range of services and facilities to cater for the daily and weekly needs of the surrounding population.

The development of neighbourhood centres that will be comprised of the following key elements:

- *multi-storey construction*
- *street level uses that consist primarily of retail, service or office*
- *zero setback and active frontages to primary streets*
- *upper floor uses that may include offices but are generally residential*
- *shared parking and the location of on-site parking behind buildings*
- *wide footpaths, street furniture and awnings that create a pedestrian-friendly environment*
- *public / communal spaces for community interaction.*

New development will have limited setbacks from arterial or secondary arterial road property boundaries and provide a continuous built-edge to the street with unifying features such as verandas and similar façade treatments. Buildings will incorporate verandas along the street frontage for pedestrian comfort.

Car parking areas will be provided to the rear of buildings with access from the side streets. Densely planted landscape buffers will be provided along the interface of the centre and adjoining zones.

Buildings of two to four storeys in height, comprising consulting rooms, offices, shops and community uses on ground/lower levels, with residential uses above, are envisaged within the zone.

The Marion Hotel site in the Marion/Mitchell Park Neighbourhood Centre could be developed up to 6 storeys in height, but should incorporate transitional built form to respect lower scale residential development to the east. New development will maintain and enhance the mature vegetation on the land.

Buildings on Chambers Street should be developed between 2 to 3 storeys in height to enhance the interface with the Park Holme Shopping Centre to the north.

Principles of Development Control

1 The following forms of development are envisaged in the zone:

- child care facility
- consulting room
- dwelling in conjunction with non-residential land uses
- library
- health centre
- office
- petrol filling station
- place of worship
- playing field
- pre-school
- primary school
- restaurant
- shop
- supermarket.

2 Development listed as non-complying is generally inappropriate

3 Residential development and development comprising a variety of residential and non-residential uses may be undertaken provided such development does not prejudice the operation of existing or future non-residential activity within the zone.

4 Development should not be undertaken unless it is consistent with the desired character for the zone.

5 Dwellings should be located only above non-residential uses on the same allotment.

7 Development of the following respective centres should be carried out in accordance with the concepts shown on:

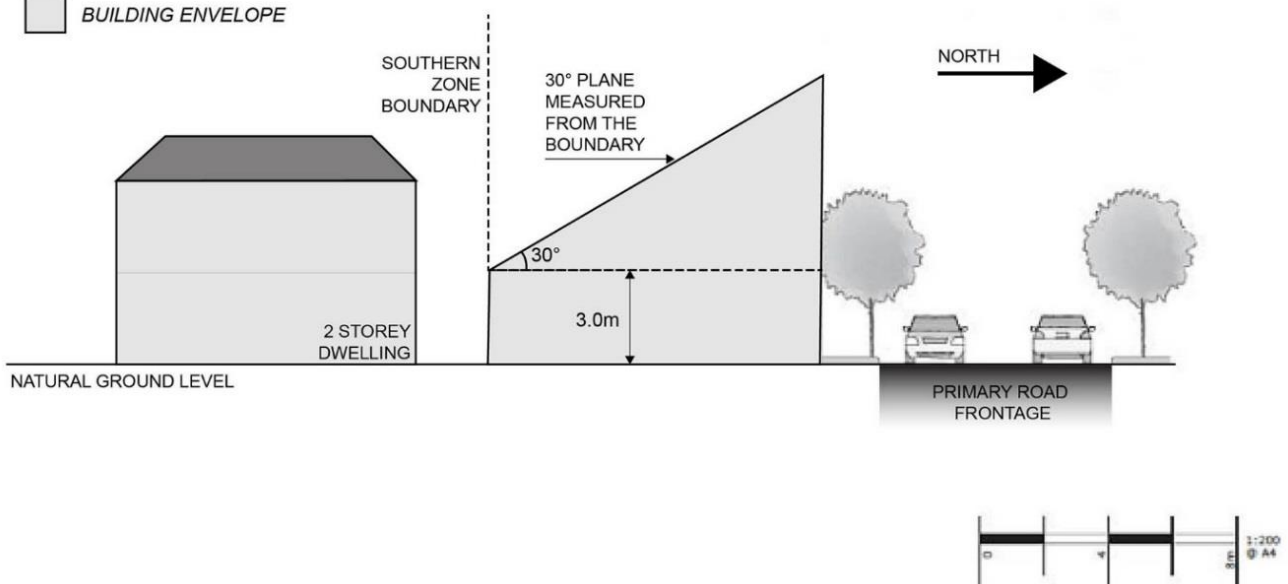
c) Concept Plan Map Mar/4 - Park Holme Neighbourhood Centre.

8 Buildings should be a minimum of two storeys and maximum of four storeys in height, except where otherwise identified on the relevant Concept Plans.

10 To minimise overshadowing of sensitive development outside of the zone, buildings should be constructed within a building envelope provided by a 30 degree plane grading north, measured from a height of 3 metres above natural ground level at the southern zone boundary (**Figure 2**).

LEGEND

 BUILDING ENVELOPE



11 Residential development should include a diversity of housing types and densities while not detracting from the primary function of the centre.

12 Interface issues such as noise and air emissions between residential and non-residential land uses should be addressed by the use of appropriate air quality and sound attenuation techniques.

HOME

ZONE CONSIDERATIONS

The Objectives of the Neighbourhood Centre Zone seek to accommodate development that provides a range of facilities to meet the shopping, community, business and recreational needs of the surrounding neighbourhood. The zone seeks to provide a focus for the community as well as accommodating residential development in the form of mixed use/shop top housing so that not all land within the centre zone is taken for residential use. Whilst the Zone contemplates some aspect of residential development, it should be in a form which is sited above (shop-top) non-residential development. The zone identifies 'dwelling' as a non-complying form of development with the exception of southern side of Chambers Street, therefore the proposal comprises a merit form of development.

There are multiple ways of considering the identification of dwellings on the southern side of Chambers Street being a merit form of development. It could be argued this portion of land presently accommodates dwellings and in the event those properties were to be re-developed, they could be assessed on merit. The alternate being a significant portion of the zone has been developed for commercial purposes (Park Holme Shopping Centre) which complements the desired outcomes and objectives. This approach lends itself to the suggestion that, if the southern side of Chambers Street were developed purely for residential purposes, it is of no significant consequence on the zone's ability to meet its intent.

Mar Mina (SA) Pty Ltd v City of Marion & Anor [2008] SASC 120, which involved a judicial review of an application for a change in land use to establish a small school in a Neighbourhood Centre Zone. Justice Debelle stated the following:

"Considering a Development Plan as a flexible, advisory planning policy document and as a practical guide for practical application, and not as a mandatory legal statute, is an acceptable and sensible way of approaching a Development Plan. However it does not enable the Objective and the essential Principles of Development Control to be ignored simply because the view is taken that the Objective of the plan is unlikely to be achieved for various reasons... Nor is it any answer to ignoring the Objective and the Principles of Development Control to say that the Objective of the plan cannot be or is unlikely to be achieved".

"While not mandatory, the provisions of the Development Plan are directory and persuasive and one would normally expect a planning authority to apply them unless, as a matter of planning judgment, there is good reason to depart from them".

The judgement continues to state that the proposed change in land use defeats the intent of the Neighborhood Centre Zone, by removing the opportunity/further development of the land, to achieve the Zone Objectives and was found to be seriously at variance with the Development Plan.

I consider the findings of Mar Mina (SA) Pty Ltd v City of Marion & Anor [2008] to have some relevance to the proposal; however, it is acknowledged there are differing scenarios in each case. Although the proposal does not comprise a mixed use development, the Objective and the essential Principles of Development Control are not completely ignored for the Park Holme Neighborhood Centre Zone.

In reaching a position as to whether the subject land is appropriate for entirely residential development, the zone provides some guidance in this regard. The proposal is at odds with Objective 3, PDC 1, PDC 5 and partially PDC 7 which seek residential development above non-residential development. This notwithstanding it is also worthy to note PDC 3 contemplates residential development, provided such development does not prejudice the operation of existing or future non-residential activity within the zone. To this end, as the proposal is limited to the allotments along the southern side of Chambers Street, it is evident the zone retains the ability to

provide a range of facilities to meet the shopping, community and business needs of the surrounding neighbourhood.

Despite a higher density of residential development being introduced into the Neighbourhood Centre Zone, it does not completely remove the opportunity for envisaged land uses to remain available in the immediate locality. As such, the proposal is not considered to remove opportunities for the zone to satisfy its intent, nor is the use of such magnitude to adversely compromise the zone objectives.

Given the majority of the zone accommodates development which serves the local neighbourhood, an increase in residential density along the southern side of Chambers Street could be considered to hold greater merit. A higher density in residential development may take advantage of the proximity to the Park Holme Shopping Centre as well as public transport opportunities along Marion Road and walking/cycling paths linked with Chambers Street, Minchinbury Terrace and along the train line.

If it can be demonstrated that the outcomes associated with the proposal do not significantly detract from the immediate locality, it is my opinion that the use of the land for entirely residential purposes illustrates some merit.

Built form

The Development Plan seeks for buildings which reflect the desired character of the locality while incorporating contemporary designs that have regard to;

- (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.

Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view. Further, buildings should be sited with respect to side and rear property boundaries so as to minimise the impact of bulk and scale of development on adjoining properties.

The design and appearance of the residential flat buildings are oriented to present their main facades to Chambers Street, while Dwellings 201 – 210 are located to the rear of the site. The proposal is contemporary in design, incorporating a variety of modern colours and materials, including exposed brick veneer, cladding and render. The use of these materials have been implemented to assist in providing a design of high quality and reinforces the building's presence to Chambers Street and the surrounding area. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The built form outcome for the site is considered to meet the desired character by providing an attractive building that responds to the characteristics of the locality. The buildings are two storeys in nature and incorporate various design elements and quality materials. Varying setbacks are provided from Chambers Street at ground level and the first floor, including a boxed out cantilevered balcony. The boxed out the balcony area provides a modern finish, while a combination of skillion and gable ends are incorporated into the streetscape. The balcony area assists in providing visual separation from the street and overall development when viewed as a whole. The location of balconies promote activity and surveillance of the street which is encouraged by the zone. Front fencing is provided which incorporates a render finish with aluminium slat infills. The design of the fencing includes recessed sections which include garden beds 500mm deep. This outcome is considered to assist in providing a cohesive streetscape outcome of a contemporary design.

It is acknowledged however, the buildings will be sited closer to Chambers Street compared to the other dwellings in the locality, which are of a smaller scale and achieve generous separation from all boundaries. This notwithstanding, it is clear the zone calls for a new character compared to the original housing stock and as such, has been designed in accordance with the desired outcomes of the Development Plan policy.

Dwellings 201 – 210 are two storeys in nature and incorporate a combination of exposed brick, render and cladding. The building employs a parapet at the main facade which is introduced by a skillion roof design from the rear of the building.

The location of the car park areas behind the buildings is considered to appropriately minimise the impact of these spaces upon the streetscape. Visitor parking spaces are provided at the entrance of the common driveway and are partially screened due to the location of the bin enclosure which is bordered by low level landscaping.

The proposal is considered to appropriately address interface matters with existing residential development on adjoining land by maintaining setbacks from boundaries as desired by the zone along with design techniques which aim to minimise the overall bulk and scale of the building as viewed from adjoining land and vantage points along the street.

The largest visual impact attributed to the proposal is involved on the western and southern elevation and its presentation to adjoining land and vantage points along Chambers Street. It is firstly acknowledged that residential flat buildings are an anticipated form of development for the zone, which has been designed in accordance with the quantitative guidelines. Compliance with these quantitative guidelines demonstrates the zone anticipates a specific built form outcome.

It is acknowledged the elevations each include a mixture of colours and materials, stepping of the upper level from the ground floor (rear facades) and variations in setbacks from the rear boundary. Despite the built form running the majority of the width of the rear boundary, the design techniques employed are considered to assist in minimising the mass of the building when viewed from adjoining land. This is achieved through the inclusion of recessed upper levels and a combination of colours/materials for Dwellings 201 – 210 to avoid the presentation of a flat/upright facades in view from adjoining land. Dwellings 201-210 incorporate ornamental trees along the rear boundary, comprising *Prunus cerasifera*, with mature growth heights between 5 and 7 metres. Along the rear boundary comprises shrubs to assist in screening the fence line and outlook from adjoining land. These landscaping species are considered to assist in minimising the overall mass of the southern elevation.

The eastern façade of Dwelling 109 and 210 appropriately address Chambers Street, Minchinbury Terrace and Crown Land Through the provision of side facing balconies, fenestration and a mixture in materials. The western facades employ similar elements, aside from side facing balconies, in order to minimise the bulk of the building presenting to adjoining land and the street. The above considerations demonstrate the overall visual impact upon adjoining land is not unreasonable in this instance, particularly when regard is had to the built form outcomes anticipated by the zone.

It is acknowledged the internal two storey elevation of Dwelling 106 and 107 are proposed to abut the common driveway/visitor spaces. These facades have attempted to minimise their visual impact upon the street/immediate locality through the provision of varying materials at ground and first floor and window openings. Dwelling 106 presents a greater extent of uninterrupted walling compared to Dwelling 107. This outcome, combined with the lack in landscaping within the common driveway may exacerbate this appearance from the street.

The proposal includes a variety of landscaping species throughout the site, including areas street side of the building and within recessed portions of the front fencing. The areas street side of the building are of an appropriate dimension to provide plantings species which are considered to complement the built form proposed. The provision of areas which provide opportunities for deep soil plantings and mature trees will not only improve the streetscape appearance of the dwellings, but is also considered to assist in providing positive amenity outcomes for occupants of the dwellings.

The above considerations demonstrate the proposal finds support with the intent of the Neighbourhood Centre Zone. The proposal is not considered to result in adverse amenity consequences upon the locality and is discussed in greater detail below.

Quantitative Snapshot

Criteria		Dwelling 101 – 106	Dwelling 107 – 109	Dwelling 201 – 209	Dwelling 210	
Site area	No minimum	3364.2sqm / 19 = an average site area of to 177 square metres per dwelling.				Not applicable
Frontage width	No minimum	20.55m	40.2m	73.16m across the land	73.16m across the land	Not applicable
Common driveway and landscaping	6 x 6 plus 1m landscaping along each side	6m x 6m access point plus a 875mm landscaping strip along the eastern side of the common driveway.				Departure
Depth	No minimum	45.72m across the site.				Not applicable
Site coverage	No maximum	Total site coverage equal to 1803.2sqm / 53.6%				Not applicable
Pervious area	20%	470.06sqm / 13.97%				Departure
Front setback	No minimum	3.9m	3.9m	n/a	n/a	Not applicable
Carport/garage setback	5.5m	All garaging is located to the rear of the site and does not present to the street.				Satisfies
Rear setback (ground)	5 metres	Internal	Internal	5m	5m	Satisfies
Rear Setback (Upper)	5 metres	Internal	Internal	D201, 203, 205, 207, and 209 – 6.2m D202, 204, 206 and 208 – 5m	5m	Satisfies
Side setbacks (ground)	No minimum	D101 – 0.9m D106 – Internal driveway	D107 – Internal driveway D109 – 0.9m	D201 – 0.9m	0.9m	Not applicable
Side Setbacks (Upper)	No minimum	D101 – 0.9m D106 – Internal driveway	D107 – Internal driveway D109 – 0.9m and balcony on boundary	D201 – 0.9m	0.9m and balcony on boundary	Not applicable
Building height	Minimum 2 storeys Maximum 3 storeys	7.3m – Two storeys	7.6m – Two storeys	7.36m - Two storeys	7.36m - Two storeys	Satisfies
Private open space	24sqm	36.6sqm (D101) 31.6sqm (D102 – D106)	31.6sqm (D107 & D108) 36.6sqm (D109)	40.0sqm (D201) 35.6sqm (D202 - 209)	53sqm	Satisfies
Private open space dimension	3 x 3 metres	3.9 x 7.46m (D101) 3.9 x 6.5m (D102 – D106)	3.9 x 6.5m (D107 & D108) 3.9 x 7.5m (D109)	5 x 8.0m (D201) 5 x 7.3m (D202 – 209)	5 x 8.0m	Satisfies
On-site parking	2 (1 covered) Plus 1 visitor space per 3 dwellings = 44	The proposal provides a total of 44 on-site car parking spaces. Each dwelling is provided with 2 spaces, whereas 6 dedicated visitor spaces are located at the entrance of the common driveway.				Satisfies

Assessment Discussion

Consideration and discussion of the following matters in particular are considered pertinent in reaching a recommendation for the proposal:

- **Private Open Space**
- **Landscaping and pervious area**
- **Overshadowing**
- **Privacy**
- **On-site Car Parking and Traffic Assessment**
- **Waste Collection and Storage**
- **Energy Efficiency and Stormwater**
- **Significant and Regulated Trees**

Private Open Space

Dwellings 101 – 109

The location of private open space for Dwelling 101 – 109 are located wholly forward of the main façade which is at odds with General Section, Residential Development PDC 17 which seeks dedicated areas of POS located to the side and/or rear of the dwelling. It is acknowledged the proposal fails in this regard. The design and layout of the dwellings seek to provide private open space in the form of an upper level balcony and ground level courtyard, each of which are located forward of the building line. This outcome may hold merit given the Development Plan's desire for private open space to achieve a northerly aspect (Residential Development PDC 16(g)) along with the zone's desire for the location of on-site car parking being located to the rear of buildings and active streetscapes.

As such, given the desire for crossovers being minimised along Chambers Street, energy efficiency benefits and achieving a northerly aspect for comfortable year round use, the location of private open space forward of the building line is considered to hold some merit.

Each dwelling is provided with a rendered front fence with aluminium slats, 1.8 metre in height to provide privacy these areas and will assist in providing an attractive streetscape outcome.

The Neighbourhood Centre Zone is not that of a typical residential setting and calls for active street frontages to primary streets and a diversity of housing types and densities. To this end, the location of private open space is a supported outcome and is somewhat reinforced by the Development Plan policy.

Notwithstanding the above, it is acknowledged mature landscaping and shrubbery is proposed forward of the building line as desired by the Development Plan policy. This may render this space unusable by occupants; however, it is acknowledged this is not a matter captured by the Principles of Development Control for the assessment of private open space. This may however, suggest the location of private open space forward of the building line is inappropriate.

Dwellings 201 – 210

Each dwelling provides private open space at ground level and to the rear of the building. Although each dwelling satisfies minimum area and dimensions of private open space, it is acknowledged these areas face south, which is likely to experience shading by the associated dwelling throughout the year. Given the Neighbourhood Zone's desire for two storey development and the existing orientation of the land running in a north to south direction, it is acknowledged this outcome is somewhat anticipated. The design has attempted to achieve separation from the Residential Zone

boundary and maintains a building which is two storey nature. Some mature landscaping is provided adjacent to the rear boundary; however, it is acknowledged the dimensions and area of POS should meet the needs of future occupants.

Landscaping

Landscaping is provided along the street frontage within recessed portions of the front fencing. Beyond the front fencing, a landscaped area is provided which achieves a depth of 3 metres which will be planted with a variety of planting species, including an ornamental *Zelkova serrata* 'Mushashino' which is medium in height at maturity (comprising a growth height of up to 4.5 metres), which will be complimentary to the two storey nature of the building. Various other low growing plantings (including *Rhaphiolepis* 'Oriental Pearl' and *Trachelospermum asiaticum*) are provided forward of the front fence and within the front yard, which will promote an attractive landscaped area forward of the building.

Driveways serving eight or more dwellings should comprise landscaping strips on both sides of the driveway comprising a minimum width of 1 metre (PDC 41 General Section: Residential Development). The proposal comprises one landscaping strip along the eastern side boundary incorporating a width of 875mm. Adjacent to the bin enclosure comprises a low growing landscaping garden bed containing *Lomandra* 'Tanika'.

It is acknowledged the proposal incorporates a combination of upright shrubs and flowering plantations in order to reduce impervious surfaces associated with the proposal and in order to assist with surface runoff and reduce the urban heat island effect of the proposal. A garden bed surrounds the bin enclosure, incorporating flowering plantation; however, fails to achieve a 1m width as sought by the Plan policy. Additional landscaping area would provide greater area for taller and/or denser vegetation to assist in softening the built form and view of the driveway area. The non-compliance in landscaping width is noted.

The proposal includes a departure in the amount of pervious area throughout the site, measuring 13.97% where 20% is sought. It can be argued the amount of impervious area could be linked with departures in landscaping throughout the site. This notwithstanding, it acknowledged there are other methods in which pervious surfaces can be provided (i.e. in the form of permeable paving). The applicant has indicated to Council that permeable paving has not been provided within the common driveway/visitor parking spaces for the following reasons:

- 1) Stormwater management and storage capacities exceed the minimum sought by Council's Development Engineer; and
- 2) The Applicant has advised that Ministerial Building Standard MBS009 advises against the use of such pavers on sites with highly reactive soils (the soil testing undertaken to date has confirmed that this site does contain highly reactive soils).

The above notwithstanding, the departure in pervious area is noted.

Overshadowing

Some shadow will be cast into the western adjoining property in morning hours, however the majority of shadows cast will fall within the adjacent land to the south.

The proposal satisfies the desired rear setback provisions, and as such overshadowing impacts to the south are somewhat anticipated by the Development Plan policy. It is also acknowledged that the proposed building comprises an overall height of 7.3 metres, where the Development Plan anticipates three storey buildings within this area of the Neighbourhood Centre Zone.

The applicant has provided shadow diagrams demonstrating the extent of shadow cast between 9:00am and 3:00pm on the 21st of June. These diagrams nonetheless demonstrate:

- 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 9am and 3pm on the 21st of June; and
- b) ground level private open space of existing buildings (aside from 1a Minchinbury Terrace) receive direct sunlight for a minimum of 2 hours between 9am and 3pm on the 21st of June to at least 35 square metres of the existing ground level private open space.

Whilst General Section, Design and Appearance PDC 10(a) is satisfied, it is also acknowledged the shadow diagrams illustrate the property at 1a Minchinbury Terrace will not receive direct sunlight to at least 35sqm of POS throughout the day. The proposal therefore fails to accord with General Section, Design and Appearance PDC 10(b).

Privacy

It is acknowledged the Development Plan provisions place high importance on the design and siting of buildings in order to maintain the visual privacy and amenity of adjoining properties. The design of the proposed development has had regard to these provisions through the use of fixed screening devices along each façade which assists in disrupting direct views.

Dwellings 101 – 109 incorporate fixed obscure glazing and window sill heights to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties. Dwelling 109 incorporates a balcony facing east which overlooks Crown Land and the road reserve.

Dwellings 201 – 210 employ fixed obscure glazing and window sill heights to 1.7 metres above floor level for windows on the side and rear elevations (aside from Dwelling 210's eastern elevation which overlooks Minchinbury Terrace). In order to prevent overlooking of habitable room windows and areas of private open space associated with 12 Chambers Street, a vertical timber screen has been applied at the western half of the balcony associated with Dwelling 202. This screening device prevents direct views into the property at 12 Chambers Street.

Dwelling 201 includes obscure glazing along the upper level front façade given the proximity to the western side boundary and in order to prevent overlooking of the adjoining land. This notwithstanding, it is acknowledged the entirety of the habitable room window features obscure glazing, where it is acknowledged opportunities are available to include clear sections (i.e. any portion 1.5m above the finished floor level). This is a poor outcome for the amenity of occupants and reduces the benefits of north facing windows.

Dwellings 203 – 209 incorporate clear windows along their northern façade which is not considered to result in direct overlooking of 12 Chambers Street given the oblique angle into that property and level of separation from the western boundary (some 20 metres from the western side boundary).

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.

It is considered that an acceptable level of privacy will be maintained for nearby residential dwellings. To this end, the design of the proposal is considered to have appropriately addressed PDC 11, by minimising direct overlooking of habitable rooms and private open space.

On-site Car Parking and Traffic Assessment

The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and the use of a single access/egress arrangements from the site. Additional traffic movements generated by the proposed development are not expected to compromise the safety or function of the surrounding road network.

The Development Plan provides the following rates for on-site parking:

Dwelling	
Detached	2 per dwelling containing up to 3 bedrooms (or rooms capable of being used as bedrooms), 1 of which is to be covered.
Semi-detached	
Row	3 per dwelling containing 4 or more bedrooms (or rooms capable of being used as bedrooms), 1 of which is to be covered.
Group	
Residential flat building	Plus, in the case of 3 or more group and residential flat buildings, 1 visitor space per 3 dwellings.

Based on the above, the Development Plan calls for a parking rate of 2 per dwelling containing up to 3 bedrooms (or rooms capable of being used as bedrooms), 1 of which is to be covered. Plus, in the case of 3 or more group and residential flat buildings, 1 visitor space per 3 dwellings. This requires the development to achieve 44 on-site parking spaces.

The proposed development will provide a total of 44 spaces in the form of double width garages for Dwelling 101-109, whereas Dwelling 201-210 provide tandem spaces. Six visitor parking spaces are achieved at the entrance of the common driveway. This satisfies Council's Development Plan.

Whilst additional traffic will be generated by the proposed development and create additional traffic impacts on the adjacent road network above what is already experienced, the increase is not anticipated to compromise the safety or function of the surrounding road network.

The establishment of a dual width access/egress points along Chambers street will maintain the flow of traffic within the site and local road. In doing so, the proposal will remove four crossover points along Chambers Street which is considered an improvement for the flow of traffic.

The carpark dimensions and overall layout meet the relevant Australian Standards, which has been reviewed by an independent traffic consultant, Council's Development Engineer and Council's Coordinator Traffic and Parking, who have formed the opinion that from a traffic safety point of view, the proposal is satisfactory.

It should be acknowledged on-street parking is not available along Chambers Street; however, due to the nature of the proposal excluding any form of land division, this policy cannot be applied. This notwithstanding, for members benefit, General Section, Land Division PDC 23 states:

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).

The proposal would fall 3.5 spaces short of this provision, which nonetheless is not considered a fatal failing against the Development Plan due to the proximity to public transport opportunities along Marion Road and walking/cycling paths which follow the trainline and are linked with Chambers Street/Minchinbury Terrace.

To this end, I am satisfied the availability of on-site parking and management of traffic throughout the site is appropriate to meet the likely demand generated from the facility and shall not result in unsafe traffic movements or compromise the flow of traffic upon the adjacent arterial and local roads.

Waste Collection and Storage

The application proposes a shared waste receptacle outcome, with a communal waste storage area at the entrance to the common driveway of the site to service Dwellings 201 - 210. The communal waste storage area is proposed to accommodate 1 x 1100L General Waste Bin, 2 x 1100L Recycling Bins and 5 x 240L Organics Bin.

Management issues of a shared waste receptacles outcome:

The Waste Management Plan prepared by Future Urban outlines a system where residents would be responsible to present the shared bins kerbside for collection by Council, then retrieve these bins following collection and return them to the bin storage area. It is acknowledged such an arrangement may result in disputes between occupants regarding these responsibilities, which in turn may result in requests for additional, individual bins. In this regard, it is Council's general policy that each ratable dwelling is entitled to a set of three bins for their own private use, such that if an owner/occupier requested a set of bins for their individual use in time to come, Council would not be in a position to refuse. It is however acknowledged the supporting documentation stipulates:

All four allotments will be amalgamated however, this activity does not form part of our client's development application, as it is captured by Clause 11 of Schedule 3 of the Development Regulations 2008 ('the Regulations'). Put simply, this activity does not amount to 'development'.

Waste receptacle capacities:

The Waste Management Plan provided justifies the proposed waste capacities based on the Waste Resource Generation Rates (WRGR's) in the South Australian Better Practice Guide- Waste Management in Residential or Mixed Use Developments, produced by Zero Waste SA.

It is noted that the WRGR's have been calculated based on each dwelling comprising three bedrooms. As per the Better Practice Guide, the proposal for ten, three bedroom dwellings, requires a capacity of 1050L General Waste, 1800L Recycling and 1200L Organics per week.

Bin storage areas:

PDC 31(c) (General Section: Residential Development) seeks for household waste and recyclable material storage areas to be located away from dwellings and screened from public view. The proposed communal waste storage area is located at the front of the common driveway and incorporates an 1800mm high aluminum slat screening enclosure bordered by low level landscaping.

Dwellings 101 – 109 will utilise Council's kerbside collection service and include storage areas within each property, screened from public view.

Energy Efficiency and Stormwater

Each dwelling provides north-facing habitable room windows, which shall benefit from adequate levels of northern sunlight during winter months. Similarly, each dwellings provide north facing balconies (aside from Dwelling 201) which gain exposure to northern sunlight. As identified in the "Privacy" section of this report, Dwelling 201 includes obscure glazing to the entirety of the north facing bedroom window, which is considered a poor outcome on the amenity of residents.

Dwellings 101 – 109 achieve north facing areas of private open space, whereas Dwellings 201 – 210 areas are south facing and will likely be in shadow throughout the day as a result of the two

storey nature of the building. The merits of these outcomes are discussed in the “Private Open Space” section of this report.

The proposal includes a departure in the amount of pervious area. A total area of 470.06sqm is provided which equates to 13.7% of the land. This non-compliance with the Development Plan policy could indicate an overdevelopment of the land; however, it is acknowledged this is somewhat compensated for through the provision of an additional 1000L being proposed in response to Council’s Development Engineer’s request for 3000L rainwater tank.

Each dwelling is provided with 4000L rainwater tanks with 3000L for retention, plumbed into all toilet and laundry areas. 1000L is dedicated for detention. Council’s Development Engineer has confirmed the proposed stormwater collection and disposal satisfies Council’s requirements.

Significant and Regulated Trees

The proposal incorporates the removal of three Significant Trees, which have been identified as *Eucalyptus cladocalyx* - Sugar Gums. The trees have an approximate height of 10 metres, a canopy width of approximately 5 metres and a circumference greater than 3 metres.

The Applicant has engaged an arborist to prepare a tree assessment report that considers Significant and Regulated trees. It is noted that the consultant’s report also reviews the Regulated Tree located at 1a Minchinbury Terrace and how the development has been designed to minimise impacts upon the health and stability of that tree.

The Consultant report details that each tree has been poorly pruned/managed along the northern side due to the proximity of branches to power lines along Chambers Street. This pruning has resulted in an unbalanced crown and a number of branches being re-loped over time. Branches on the southern side of the tree are long over extended branches susceptible to failure. The report continues to identify:

Unfortunately, once a trees such as the Sugar Gum has been lopped, the tree requires more pruning or management to manage the tree and this type of pruning often leaves the tree to start declining and reduce eth trees useful life expectancy.

It has been a long-established planning approach that when considering the merits of an application to remove a regulated/significant tree, the ‘planning merits’ of the tree must first be examined.

In this regard, the tree must adequately satisfy Objectives 1 and 2 and Principles of Development Control 1 (although, not necessarily all) to warrant proceeding to the second step of assessment, an arboriculture investigation, considering the health and stability of the tree and risk to persons and whether it has been demonstrated that all reasonable alternative development options have been considered for the site (PDC 3(a)(vi)).

As the ‘planning merits’ assessment criteria of the Development Plan require the assessor to consider the tree’s contribution to character, amenity and the environment, the ERD Court has recognised that Landscape Architects are the professionals best placed to consider these matters.

The above notwithstanding, in my opinion, although the Significant Trees provide some contribution to the character and visual amenity of the locality this contribution is not considered to be of a significant degree. As a result of the poorly pruned branches adjacent powerlines, the appearance of the trees are not considered striking or particularly attractive. Each canopy presents an unbalanced appearance (refer below images) and poor form.



Having regard to the health and level of amenity provided by the trees, the removal of the trees are considered appropriate within context of the relevant Development Plan provisions.

A condition has been added to the recommendation that should the Panel be of the mind to issue Development Plan Consent, payment be made into Council's Urban Tree's Fund.

For the reasons identified above, the trees are not considered to significantly contribute to the character or visual amenity of the locality. The trees are deemed to represent limited value and therefore, removal of the Significant Trees are considered acceptable.

A Regulated Tree is located at 1a Minchinbury Terrace and has been identified as a *Eucalyptus camaldulensis* (River Red Gum). At the nearest point, Dwelling 210 is setback 6.2 metres from the Regulated tree, while the development encroaches up to 14.7% into the Tree Protection Zone. No

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encroachment into the Structural Root Zone is proposed. The tree report identifies the River Red Gum is in good health and condition with the foliage showing good density and colour. No pest and diseases were identified at the time of inspection and the structure is good with no obvious defects throughout. The report continues to state:

It will be important to minimize any encroachment into the Tree Protection Zone of the subject tree. It is recommended that the encroachment is maintained at approximately 10% and if required to be greater than this, products such as permeable paving etc are to be used.

The report discusses a variety of recommendations and methodologies in order to maintain the health and stability of the Regulated River Red Gum, including:

- Any excavation using non-destructive methods;
- excavation works are undertaken by a suitably qualified arborist (minimum level 3 in Arboriculture);
- All works required within the area of the TPZ and SRZ must be undertaken by hand or using non-destructive methods.
- A temporary dripper irrigation system be installed under the existing exposed area of the Tree Protection Zones (TPZ's)
- The above irrigated and mulched area should be protected during construction process using 1.8 meter chain mesh fencing panels that are clamped together.
- No root severance can occur within the SRZ.

These recommendations and conclusions have been reviewed by Council's Coordinator Arboriculture who has concurs with the findings relating to the encroachment of the building into the TPZ of Tree 4 (Regulated Tree located at 1a Minchinbury Terrace) and do not raise any concern with the development causing any impacts on the health and stability of the tree. To this end, I am satisfied the proposal will not unreasonably impact the health and stability of the Regulated Tree and the methods employed shall be reinforced by way of conditions.

CONCLUSION

The preceding assessment has demonstrated the proposed development satisfies a number of applicable quantitative and qualitative provisions of the Development Plan and Objectives and Desired Character of the Neighbourhood Centre Zone.

The proposed development is generally considered to provide a positive design contribution to the streetscape, and reflects the outcomes sought by the Desired Character of the Neighbourhood Centre Zone. The proposal is not considered to result in adverse amenity consequences upon the locality in terms of overshadowing, overlooking or traffic and vehicle parking.

The proposal is at odds with the extent of overshadowing cast upon adjoining land; however, it is acknowledged the footprint fits comfortable within the desired building envelope when applying the Interface Height Provisions to the rear boundary of the proposed development.

Waste storage and collection methods have been amended to reflect that sought by Council's Senior Procurement Specialist. All waste storage areas are provided within a screened enclosure from public view.

The proposal fails to provide an adequate dimension of landscaping adjacent the length of the driveway. Additional landscaping would provide greater area for taller and/or denser vegetation to assist in softening the built form and view of the driveway area. The proposal instead incorporates upright shrubs and flowering plantation species along the driveway and bordering the bin enclosure in order to reduce the appearance of impervious surfaces.

Private open space for Dwellings 101 – 109 are located forward of the building line; however achieve a northern orientation for comfortable year round use. Dwellings 201 – 210 provide south facing POS which will likely be in shadow throughout the day. This outcome comes as a result of the existing orientation of the land and the zone's desire for two storey buildings, along with interface setback provisions which are met.

The issues surrounding the management and capacities of household waste are not considered by the Development Plan and the shortfall in driveway landscaping dimension is somewhat alleviated by other landscape treatments. The impacts of overshadowing are not of such severity to warrant refusal of the application by itself and are somewhat anticipated by the zone.

It is acknowledged that the proposal is finely balanced in relation to the extent of compliance with the applicable Development Plan criteria. Although this report has identified a number non-compliances; it is my view that these various shortfalls could each be deemed acceptable in isolation. Accordingly, these non-compliances must be considered as a whole in conjunction with the proposal's overall merit.

Ultimately, I am of the view that the discrepancies with Development Plan criteria are considered to be slightly outweighed by the level of compliance with other criteria, and therefore are not considered 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: 100/2224/2020 for To undertake a staged development: Stage 1 - The construction of a two storey residential flat building containing ten (10) dwellings with associated car parking and landscaping and the removal of three (3) Significant Trees (*Eucalyptus cladocaylx* - Sugar Gums) and Stage 2 - The construction of two (2), two storey residential flat buildings, one containing three dwellings and one containing six dwellings with associated car parking, landscaping and front fencing at 4 Chambers Street, Marion be GRANTED subject to the following Conditions:

CONDITIONS

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. Payment of \$864.00 shall be made into the City of Marion's Urban Trees Fund as stipulated under Section 42(6) Of the Development Act 1993. An invoice for this amount will be issued to the applicant following the issue of Development Plan Consent.
3. Prior to commencement of any site works, a "Tree Protection Area", consisting of a 2.0m high solid, chainmesh, steel or similar material fence with posts at 3m intervals, shall be erected at the distance identified in the 'Arboricultural Assessment and Report' prepared by The Adelaide Tree Surgery for the applicable Regulated. A sign displaying the words "Tree Protection Area" shall be placed on the fence and no persons, vehicles or machinery shall enter the Area and no goods, materials or waste shall be stored within the Area until after construction is complete. A layer or organic mulch (woodchips) to a depth of 100mm shall be placed over all root systems within the Area to assist with moisture retention and to reduce impact of compaction and supplementary watering shall be provided through any dry periods during the construction process.
4. Any structural roots (i.e. greater than 25mm in diameter) of any *Regulated* tree to be retained (including those on adjoining land) that are uncovered outside of the Tree Protection Area shall be retained where possible or, if not, shall be severed by saw cutting, sharp axe or secateurs and not with a backhoe or machinery or blunt instrument. Wounds shall be immediately dressed with a commercially available tree-wound healing compound.
5. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
6. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the

occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.

- 7. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.**
- 8. Landscaping must be designed, undertaken and maintained in accordance with the plans and details forming part of the development authorisation.**
- 9. Landscaping shall provide clear sightlines at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath, in accordance with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004.**

**REPORT REFERENCE: CAP070421 – 3.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 APRIL 2021**



Originating Officer:	Nicholas Timotheou Senior Development Officer - Planning
Applicant:	Bunnings Group Limited
Development Description:	To vary DA 100/2018/2225 (100/E103/18) - alterations and additions to an existing bulky goods outlet comprising modifications to car parking area, the construction of shade sails, two (2) canopies and fencing
Site Location:	175/293-297 Diagonal Road, Oaklands Park
Zone & Policy Area:	Regional Centre Zone / Precinct 11 Retail Support Marion
Lodgement Date:	07/12/2020
Development Plan:	Consolidated – 26 November 2020 Gazetted 26 November 2020
Referrals:	Nil
Delegations Policy:	1.4.1.2 <i>Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
Categorisation	2 <i>Schedule 9 (19) Except where the development falls within Part 1 of this Schedule, is within the City of Adelaide, or is classified as non-complying development under the relevant Development Plan, development of a kind referred to in clause 6 of this Schedule (including a change of use of land of a kind referred to in that clause) where the site of the proposed development is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development.</i>
Application No:	100/2020/2212
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment III:</i>	<i>Representations</i>
<i>Attachment IV:</i>	<i>Response to Representations</i>

BACKGROUND

In 2018, the State Commission Assessment Panel granted Development Plan Consent to Development Application 100/2018/2225 (SCAP Ref. 100/E103/18), which proposed alterations and additions to existing Westfield Marion Shopping Centre comprising additional retail floor space at ground level, entertainment and lifestyle precinct at levels 1 and 2, four level mezzanine car park structure, modification to vehicular access points and removal of eight (8) regulated trees as well as associated landscaping and way-finding treatments.

The approved development included access and car parking modifications adjacent to the existing bulky goods outlet site (the subject land). The approved modifications are yet to be established on site. The subject application now seeks to make further modifications to the loading and parking area.

SUBJECT LAND

The subject land comprises 175/293-297 Diagonal Road, Oaklands Park. The land is generally rectangular in shape, achieving an approximate site area of 3.7 hectares. The land holds frontage to Diagonal Road; however, achieves its main presentation to Morphett Road. The site forms part of the Marion Regional Centre (commonly referred to as 'The Triangle') which contains various land uses. The subject land is situated on the eastern side of Morphett Road and bordered by various common areas associated with a shared car parking arrangement.

The subject land comprises an existing long-standing bulky goods outlet which achieves a total floor area of approximately 8816sqm. The building is surrounded by car-parking and is interspersed with landscaping. No Regulated Trees exist and the land is generally flat.

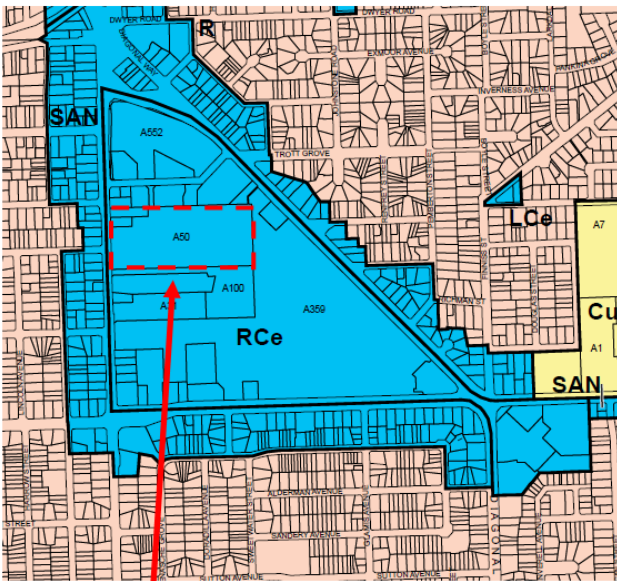


LOCALITY

The subject land is situated within a Regional Centre Zone comprising the Marion Regional Centre. The Regional Centre Zone is bordered by a Suburban Activity Node Zone. The locality features a variety of land uses including commercial and residential properties

The Marion Regional Centre Zone contains the Westfield Marion Shopping Centre, various shops, Marion Cultural Centre, SA Aquatic and Leisure Centre and the associated car parking areas. Beyond the Regional Centre, the locality is typically defined by residential development comprising low density dwellings on large allotments, representative of the original housing stock.

The subject land and wider locality can be further viewed via [this link](#) to Google Maps.



Subject land



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PROPOSED DEVELOPMENT

The proposal is best described as 'to vary DA 100/2018/2225 (100/E103/18) - alterations and additions to an existing bulky goods outlet comprising modifications to car parking area, the construction of shade sails, two (2) canopies and fencing'.

The proposal will see modification to the loading area north of the existing building, which is currently being used as an informal storage area. As part of DA 100/2018/2225, this area is allocated for car parking and as such, will see the removal of 8 car parking spaces.

Alterations are sought to 10 existing car parking spaces south-west of the existing building in order provide 5 dedicated spaces for trailer bays.

Two canopies are proposed, both of which are located adjacent the northern side of the bulky goods outlet building. One of the canopies provides a covered area equal to 125.6sqm, whereas the second achieves a size of 372.8sqm. A shade sail is proposed east of the building and covers the existing outdoor nursery, measuring some 858.7sqm.

A chainmesh fence is proposed along the northern boundary which incorporates barbed wire rows at the top end.

PROCEDURAL MATTERS

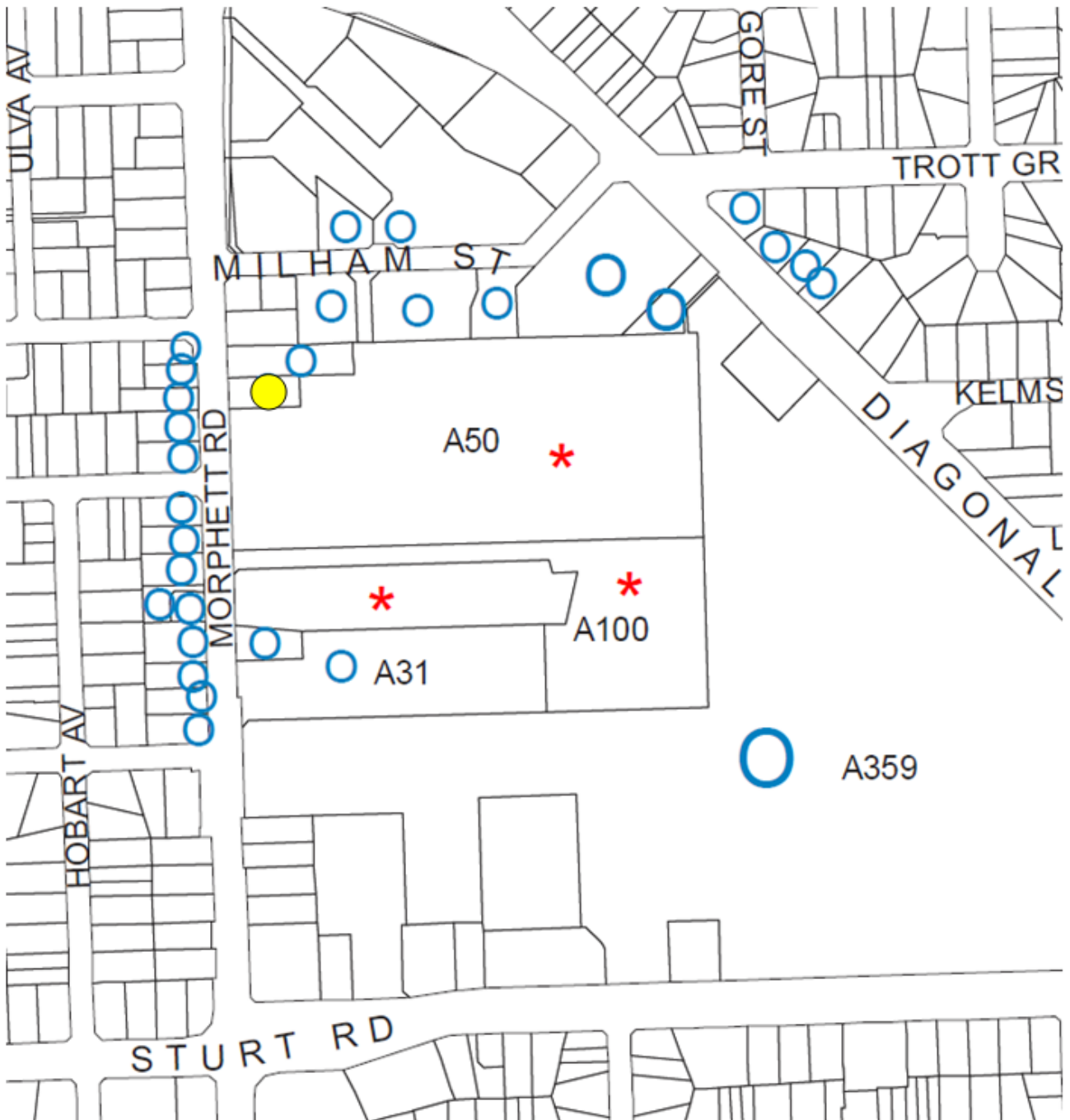
Classification

The application is listed neither as a complying nor non-complying form of development and has therefore been assessed as a 'merit' form of development.

Categorisation

The subject application is a Category 2 form of development by virtue of Schedule 9(19) of the Development Regulations 2008, which lists a kind referred to in clause 6 of this Schedule (including a change of use of land of a kind referred to in that clause) where the site of the proposed development is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development, as a Category 2 form development. Given the application received written representations from those notified expressing opposition to the proposal; Council has delegated authority to the Council Assessment Panel.

PUBLIC NOTIFICATION



Properties Notified

30 (circled in blue)

Representations

1 received opposing the development (circled yellow)

Representations received

Mr Nick Carter on behalf of the owners of 459 Morphet Road.

Applicant Response

A response by the applicant is included within the Report attachments.

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ASSESSMENT

The assessment is split into three main sections:

1. Zone and Policy Area Consideration, which considers relevant qualitative Zone and Policy Area Objectives, Desired Character and Principles of Development Control;
2. Assessment Discussion, which involves detailed discussion of pertinent matters.

Regional Centre Zone

1. A centre representing the primary focus for business and commercial services for the region, outside the central business district of Adelaide, providing a full range of shopping, administrative, cultural, community, entertainment, education, religious and recreational facilities, and public and private office development.
2. A centre providing a focus for public transport interchanges and networks.
3. Development of a visually and functionally cohesive and integrated regional centre.
4. A centre accommodating high density residential development in conjunction with non-residential development.
5. Development that contributes to the desired character of the zone.

DESIRED CHARACTER STATEMENT

Economic Development and Land Use

The State Government's Planning Strategy for Metropolitan Adelaide envisages the Marion Regional Centre as the major regional centre serving the inner southern suburbs of metropolitan Adelaide.

To meet this objective, the existing regional centre must expand and diversify the activities within it to provide a central focus for a range of facilities that can be conveniently accessed by the surrounding population. It is necessary therefore to encourage and provide for a range of additional activities including health, community, recreation and entertainment, offices and a wider range of retail activities, and to extend usage of the regional centre beyond normal working hours. Some of these will be new facilities to the area, others will be relocated from elsewhere within the region. The future diversity and mixture of activities will transform the regional centre to become the community focus and heart of Marion and the inner southern metropolitan region.

To accommodate new facilities, the existing regional centre must be allowed to intensify within the already developed areas and expand to incorporate new areas. The designated area for expansion of the regional centre is to the north of the existing major shopping centre encompassing all of the land within the triangle bounded by Morphett, Diagonal and Sturt Roads.

Within this area it is envisaged major expansion of the existing shopping complex will occur, complemented by a mix of bulky good outlets, smaller and lower order retail establishments, offices, community and leisure facilities. To ensure opportunities are available for a range of commercial and non-commercial developments, expansion of core retail facilities, is to be allowed within and generally limited to **Precinct 10 Retail Core Marion**.

The remainder of the triangle is to be primarily developed for a mix of secondary and non-core retail uses and a range of community, entertainment and recreation uses that will complement, but not unnecessarily duplicate the core retail facilities to the south. Higher order retail establishments such as large supermarkets, discount department stores and department stores are therefore not favoured outside of **Precinct 10 Retail Core Marion**. Further opportunity for community and other related development is provided in **Precinct 9 Northern Fringe Marion**.

Built Form and Appearance

Further development within the triangle north of Sturt Road is expected through the redevelopment and/or expansion of the existing shopping centre complex (Westfield), or as separate developments not directly linked to the main shopping centre. It is desirable that new buildings and spaces within the regional centre develop a human scale and outwardly orientated character in areas of high pedestrian activity and focus (such as at entrances to buildings and malls, and along highly visible facades (such as those directly facing

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roads or pedestrian thoroughfares). This can be achieved through the sensitive design (attractive frontages with articulated facades) and location of facilities at pedestrian focal points in any expansion and redevelopment of the main shopping complex, and elsewhere through the development of smaller and more intimate scale buildings (although some large buildings will be appropriate at key locations), and smaller, less expansive car parking areas at ground level.

Buildings will generally be sited and designed to front and address the streets or vehicle/pedestrian network to be established in the zone to create a more traditional urban streetscape rather than the more suburban shopping centre character of large isolated buildings setback from main roads and surrounded by car parking. In particular, the built form of corner buildings and associated development at the intersections of Sturt, Diagonal and Morphett Roads, and adjacent the major access points from these roads to the centre, will create an attractive entry statement that provides an appropriate introduction and gateway to the regional centre.

It envisaged that buildings will be sufficiently setback from road boundaries to accommodate substantial landscape buffers which will soften the appearance of the buildings, particularly form residential development directly opposite the centre on Sturt, Diagonal and Morphett Roads.

A future variety of public and private, open and enclosed spaces provided throughout the centre will provide increased amenity and enhance the form and appearance of the centre. Pedestrian and/or shared pedestrian, bicycle and vehicular paths should be landscaped and become dominant elements in the built-form of the regional centre and provide the primary functional and visual linkage between developments and pedestrian spaces.

At least one major public open space should be developed as a feature within the regional centre to be available for use by the public at all times.

Development south of Sturt Road in **Precinct 8 Community Services Marion** should continue to develop a distinctive civic and community built-form that incorporates formal car parking areas, public open space and pedestrian linkages, all within a pleasantly landscaped setting.

Development along the boundaries of the zone which are opposite or adjoining residential areas should provide a transition in bulk, scale and appearance from that within the centre of the zone, in recognition of the scale, character and amenity of the residential development.

Amenity

The regional centre should develop as a user friendly, people orientated centre with a high emphasis on providing a comprehensive and convenient pedestrian circulation and access network providing linkages between individual development. Visitor facilities and amenities should be provided, particularly along the pedestrian network in the form of paved footpaths with separation from vehicular areas, covered walkways to provide shade and shelter, outdoor eating and meeting spaces, seating, public toilets, litter bins and where appropriate child minding facilities. These facilities should be provided through a combination of private and public works designed to compliment each other and to meet the objectives for the zone.

Landscaping of development will also be important in providing a comfortable, pleasant and attractive centre and existing vegetation should be retained and protected wherever possible and incorporated into new landscaped spaces.

All service areas and car parking should be screened from the surrounding roads by appropriate landscaping. The centre should incorporate features of artwork as an integral element of buildings and public spaces.

Environment

The regional centre should develop as a user friendly and environmentally friendly people orientated centre. New building and spaces within the centre, and landscaping, should incorporate features compatible with biodiversity, water management criteria, and optimisation of energy use.

Access and Movement

The regional centre should develop an integrated, safe and convenient movement system for vehicles, pedestrians and cyclists with as little reliance as possible on the use of the surrounding arterial roads for intra-centre movement of vehicles.

This should be achieved through the co-ordination and integration of access and parking areas for individual developments to contribute to and gradually build up an integrated circulation system.

Main vehicle access points from the surrounding arterial roads should be limited, and main entrance points may become signalised in the future.

*The existing bus interchange, located immediately adjacent to the shopping centre, provides an essential facility and service by enabling public transport users convenient access to the shopping centre without having to cross major traffic flows or walk through large car parking areas. In the future, as substantial development occurs in **Precinct 9 Northern Fringe Marion** and **Precinct 11 Retail Support Marion**, the interchange should move further north towards the centre of the zone to one of the two locations shown on Concept Plan Map Mar/5 - Marion Regional Centre as the main public transport destination. Either potential location would be immediately adjacent and directly accessible to the existing shopping centre and thereby provide the greatest convenience in the longer term to the largest number of centre users, and to others who are likely to access public transport such as users of the cinemas, entertainment facilities, library and educational facilities.*

Development should provide, and the design of buildings and open spaces should promote, pedestrian linkages that form an integrated network for safe and convenient movement within and between the policy areas in the zone, and in particular to form links between the civic centre, the main shopping complex, the major public open space and towards the Oaklands Railway Station.

The council will promote and encourage access and facilities for cyclists to and within the regional centre in accordance with the City of Marion Local Area Bike Plan.

PRINCIPLES OF DEVELOPMENT CONTROL

2 Development listed as non-complying is generally inappropriate.

4 Development should not be undertaken unless it is consistent with the desired character for the zone.

5 Development should be designed and sited to promote linkages between the various developments within the centre and adjoining main roads.

Precinct 11 Retail Support Marion

24 The following forms of development are envisaged in the precinct:

- bulky goods outlet*

ZONE CONSIDERATIONS

The Objectives of the Regional Centre Zone seek to promote a centre representing the primary focus for business and commercial services for the region, outside the central business district of Adelaide and providing a full range of shopping, administrative, cultural, community, entertainment, education, religious and recreational facilities, and public and private office development. The proposal satisfies a majority of the applicable criteria for the Regional Centre Zone, acknowledging "bulky goods outlet" is an anticipated form of development listed in PDC 24 and the use has been in lawful operation on the subject land for a number of years. Give the proposal seeks alterations and additions to the existing use, the proposal finds support with the intent of the zone.

The proposed alterations and additions to the bulky goods outlet and modifications to the car park area are considered compatible with the locality. The proposal will provide outcomes which improve the operation of the facility as well as day to day operations.

The proposal is considered to appropriately complement the applicable Objectives and Principles of Development Control of the Regional Centre Zone by providing an outcome which enhances the primary use of the land.

Assessment Discussion

Consideration and discussion of the following matters in particular are considered pertinent in reaching a recommendation for the proposal:

- **On-site Car Parking and Traffic Assessment**
- **Design and Appearance**
- **Fencing**

On-site Car Parking and Traffic Assessment

The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and the use of existing access/egress arrangements from the site. Additional traffic movements generated by the proposed development are not expected to compromise the safety or function of the surrounding road network.

The proposal will see a loss in 8 parking spaces adjacent the northern boundary and 5 spaces as a result of the proposed trailer bays south of the building.

The loss in 13 car parking spaces for this site is not considered to significantly impact on the ability of the Marion Regional Centre to meet demands generated. It is acknowledged the assessment of Development Application 100/2018/2225 identified (my underline):

*The proposed development satisfies the desired minimum requirement of car parking spaces (3 spaces per 100m² of gross leasable floor area) as outlined in Table Mar/2A of the Development Plan - **resulting in a surplus of 387 spaces** (3.25 spaces per 100m² of gross leasable floor area).*

The design of car parking for a shopping centre is based on the 85th percentile demand period and not the absolute peak. This recognises that the Centre car park will, at times, reach operating capacity. However, given the ancillary/complementary nature of the proposed and existing leisure facilities (requiring a different peak parking demand), the change in trading patterns of retail over the past ten years and the accessibility of the Centre by public transport, the net loss of car parking is considered acceptable.

Given the Westfield site provides a surplus of parking spaces, when considered against the minimum Development Plan requirements, the reduction in 13 will not compromise the ability of the site to meet the general day to day car parking demands. The car parking layout is part of the Westfield Shopping Centre masterplan and it is appropriate to have regard to these arrangements. Further, additional traffic is not anticipated to increase beyond what is currently experienced, nor create additional traffic impacts on the adjacent road network. As such, the proposal is not anticipated to compromise the safety or function of the surrounding road network.

Design and Appearance

The main built form attributed to the proposal is involved in the construction of two canopies and shade sails. The design and appearance of these structures complement the existing building and achieve generous separation from all allotment boundaries. The intent of the canopies and shade sails is to provide a covered area over the goods received area, bagged goods and nursery.

The canopies achieve a maximum height of 6.2 metres and incorporate Colorbond materials in “BHB-‘Cattai Green’”. The shade sails measure 6.65m in height. Each of these structures are surrounded by car parking and manoeuvring areas and achieve generous separation from the street. These structures are considered to be ancillary to the main warehouse and will be smaller in height and scale. As such, the proposed design and locations are considered appropriate and will not result in overshadowing or visual amenity impacts.

Fencing

The proposed development includes 2.7 metre high chainmesh fencing along a portion of the northern side boundary (approximately 54m). The fencing is bordered by car parking spaces and their associated landscaping. This element of the proposal is reasonable and expected for the land use and locality.

CONCLUSION

The preceding assessment demonstrates proposed development generally satisfies the applicable provisions of the Development Plan and Objectives and Desired Character of the Regional Centre Zone.

The proposed development proposes ancillary structures of an appropriate size and scale to enhance the existing use and aims to improve vehicle movements. The proposal is not considered to result in unreasonable amenity consequences upon the locality in terms of visual impacts, overshadowing or traffic and vehicle parking.

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: 100/2212/2020 for Alterations and additions to an existing bulky goods outlet comprising modifications to car parking area, the construction of shade sails, two (2) canopies and fencing at 175/293-297 Diagonal Road Oaklands Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2. The stormwater collection and disposal system shall be connected to the existing disposal and/or collection system immediately following roof completion and gutter and downpipe installation.
- 3. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.

**REPORT REFERENCE: CAP070421 – 3.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 APRIL 2021**



Originating Officer:	Nicholas Timotheou Senior Development Officer - Planning
Applicant:	Mr Chris Zucker
Development Description:	The construction of a residential flat building comprising three (3), two storey dwellings with associated front fence, landscaping and car parking
Site Location:	148 Sturt Road, Warradale
Zone & Policy Area:	Residential Zone, Medium Density Policy Area 12
Lodgement Date:	24/04/2020
Development Plan:	Consolidated – 15 August 2019 gazetted 8 August 2019
Referrals:	Department for Planning, Transport and Infrastructure (DIT)
Delegations Policy:	1.4.1.2 <i>Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
Categorisation	2 <i>Schedule 9 Part 2 (18) Except where the development falls within Part 1 of this Schedule, is within the City of Adelaide, or is classified as non-complying development under the relevant Development Plan, any development which consists of the construction of the following, or a change of land use consequent on the construction of the following: (a) 1 or more buildings of 2 storeys comprising dwellings</i>
Application No:	100/2020/613
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

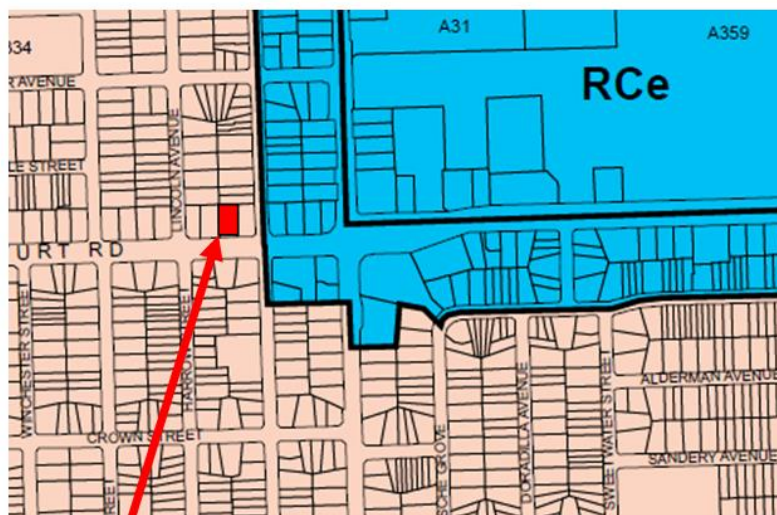
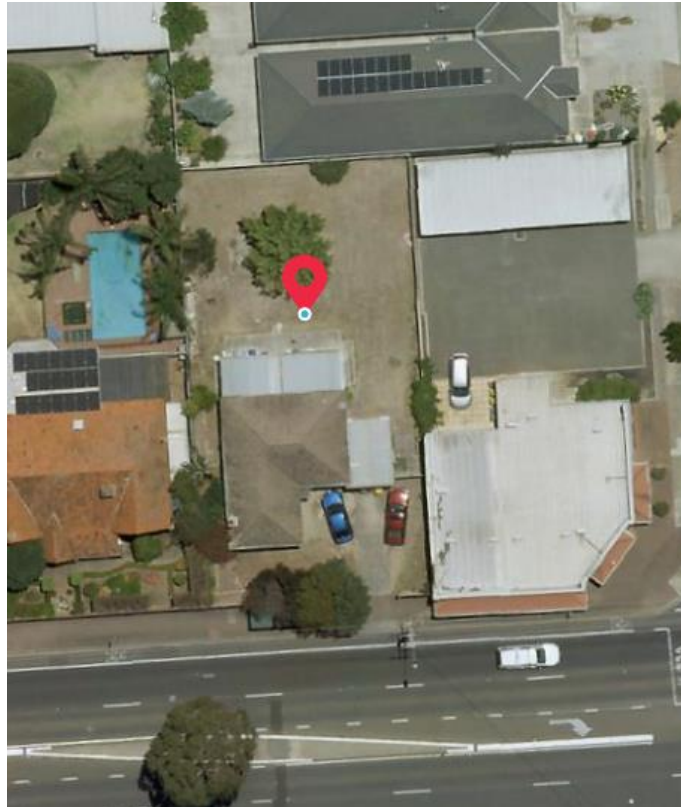
Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment III:</i>	<i>External Agency Referral Comments</i>
<i>Attachment IV:</i>	<i>Representations</i>
<i>Attachment V:</i>	<i>Response to Representations</i>

SUBJECT LAND

The subject land is located at 148 Sturt Road, Warradale and comprises a frontage width of 19.81 metres, a site depth of 37.5 metres and a total site area of 742.67 square metres. The land is located on the northern side of the Sturt Road which is classified as an arterial road.

A single storey detached dwelling in average condition is currently sited on the land and gains access from Sturt Road via a single width crossover, adjacent the eastern side property boundary. The access point is located between a bus shelter and stobie pole, which leads to a single width garage. The contour of the land is relatively flat and does not include any Regulated Trees. A masonry front fence is located at the front of the site and measures approximately 1.8m in height.



Subject land

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LOCALITY

The locality is generally characterised by single storey detached dwellings on large allotments, representative of the original housing stock. More recent development within the locality has demonstrated a presence of higher density development in the form of detached, semi-detached dwellings, row and group/residential flat dwellings.

Immediately east of the subject land comprises an office building with its associated car park. This building is built up to the shared boundary with the subject land and incorporates a brick wall, measuring approximate 3.5 metres in height.

Further east of the subject land comprises an office building along with the Marion Regional Centre Zone which contains the Westfield Marion Shopping Centre, various shops, Marion Cultural Centre, SA Aquatic and Leisure Centre and the associated car parking areas.

The subject land and wider locality can be further viewed via [this link to Google Maps](#).



PROPOSED DEVELOPMENT

The proposal is best described as 'the construction of a residential flat building comprising three (3), two storey dwellings with associated front fence, landscaping and car parking'.

Each dwelling incorporates an open plan kitchen/meals/dining room and laundry with water closet at ground floor. Three bedrooms are located on the first floor (main with ensuite) and second bedroom. Dwelling 1 and 2 include an upper level deck which gains access from the master bedroom.

Each dwelling is provided with two on-site parking spaces, whereas an additional visitor space is sited to the rear of Dwelling 3. All parking spaces are serviced via a common driveway and double width crossover from Sturt Road.

Landscaping is provided throughout the site, most notably at the front of the site and adjacent to the common driveway. The landscaped areas include a mixture of mature trees and low-medium level plantings.

A masonry front fence is proposed at the front of the site measuring 1.8 metres in height. The building is two storeys in nature and includes a mixture of colours and materials including exposed brick, cladding, render and fenestration.

PROCEDURAL MATTERS

Classification

The application is listed neither as a complying nor non-complying form of development and has therefore been assessed as a 'merit' form of development.

Categorisation

The application forms a Category 2 development by virtue of Schedule 9 of the Development Regulations 2008, which prescribes the construction of 1 or more buildings of 2 storeys comprising dwellings as a Category 2 development.

Referrals

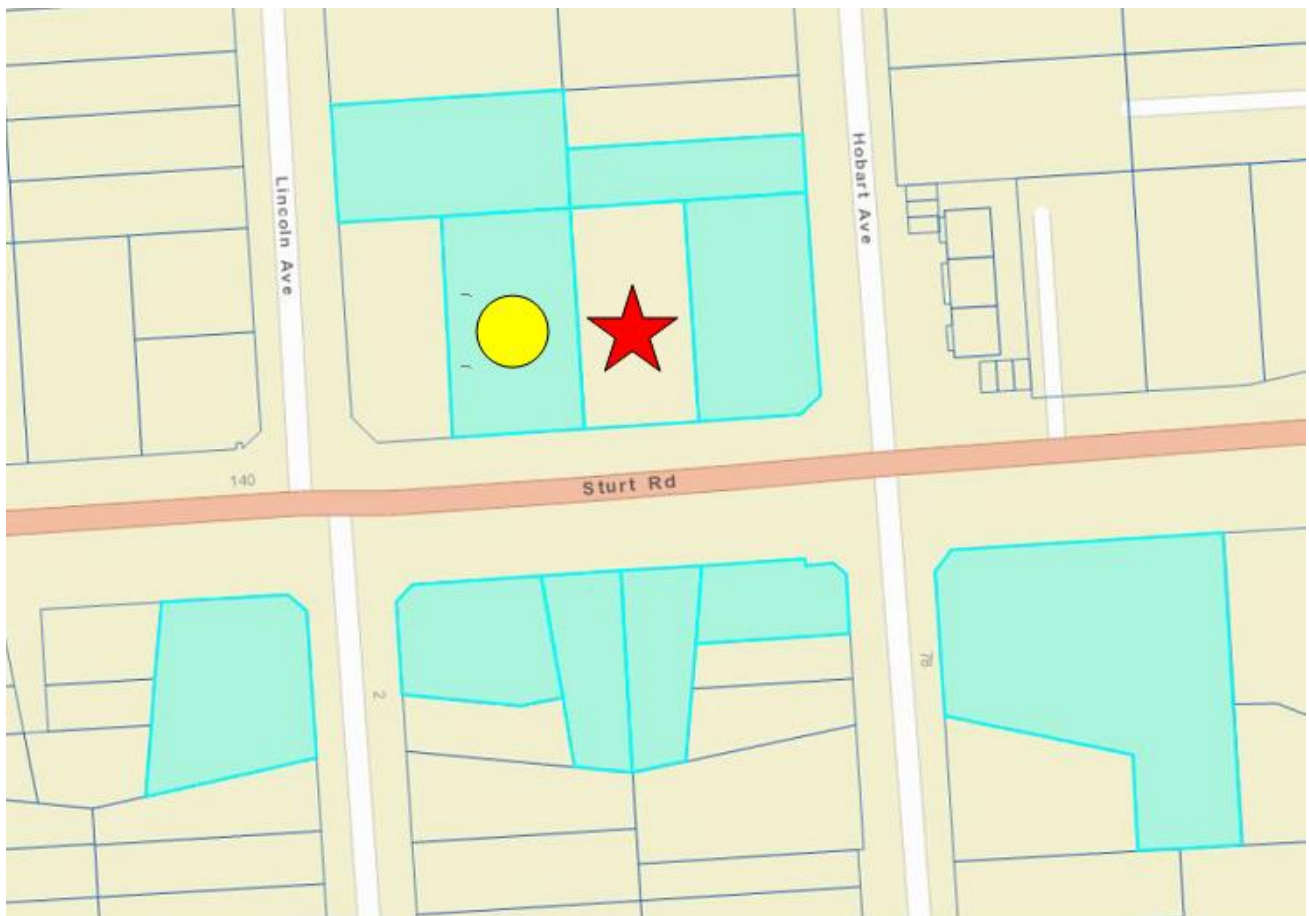
Department for Infrastructure and Transport (DIT)

The referral response has raised no objections with the proposal and has advised the planning authority to attach various conditions and a note to any approval, which can be found in Attachment III of this report.

Development Engineer (Internal)

Council's Development Engineer has confirmed that the proposed finished floor levels and external paving levels are appropriate to mitigate flooding of the properties and that car parking dimensions and manoeuvring areas are compliant with Australian Standards.

PUBLIC NOTIFICATION



Properties Notified

10 (shaded in blue)

Representations

1 received opposing the development (circled yellow)

Persons wishing to be heard

Dr Cheung of 146 Sturt Road

Applicant Response

A response by the applicant is included within the Report attachments.

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ASSESSMENT

The assessment is split into three main sections:

1. Zone and Policy Area Consideration, which considers relevant qualitative Zone Objectives, Desired Character and Principles of Development Control;
2. Quantitative Snapshot, which details the proposal's performance against relevant quantitative Principles of Development Control;
3. Assessment Discussion, which involves detailed discussion of pertinent matters.

Zone and Policy Area Considerations

Residential Zone

Objectives

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

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

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

The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. 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 are appropriate where located centrally within a large site.

Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure 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. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.

ZONE CONSIDERATIONS

The application proposes three dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the density of the land by two. It is acknowledged the Residential Zone and Medium Density Policy Area 12 encourage an increase in densities within close proximity to centre zones and public transport opportunities. The subject site is located a short distance to public transport options along Sturt Road, including the Marion bus interchange. Further, the Westfield Marion Shopping Centre, SA Aquatic and Leisure Centre and Marion Cultural Centre and Library are located a short distance from the subject land, each of which are located within a Regional Centre Zone. Accordingly, the wider locality contains locational attributes identified in Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12 as warranting increased residential densities.

The proposal maintains a coherent streetscape as a result of the street setback, front yard and common driveway landscaping and design to reduce the bulk and scale of each dwelling. The dwellings' appearance will be modern in terms of design and use of materials and will provide a positive contribution to the existing streetscape. It is also of value to note the proposed frontage width exceeds the minimum sought in the Medium Density Policy Area 12 which allows for additional landscaping opportunities, particularly adjacent to the boundary wall of 150 Sturt Road.

The dwellings shall contribute to the provision of a variety of dwelling types and accommodation needs in an area which encourages the redevelopment of the existing housing stock at low to medium and medium densities. The proposal is therefore considered to complement the applicable Objectives, Principles of Development Control and Desired Character statement of the Residential Zone and Medium Density Policy Area 12.

Built Form

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

- Mixture of exposed brick, horizontal cladding and render on the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Eave overhang and pitched roof form
- Fenestration

The dwellings incorporate a Colorbond roof in Dune, with brick, render and cladding along the main facade. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The building is two storey in nature as anticipated by the zone and Medium Density Policy Area 12. General Section, Residential Development PDC 2 calls for "*Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties*". This principle is somewhat not applicable due to the allotment being the whole of the subject land and not a "battle-axe allotment". This notwithstanding, it is acknowledged the first floor of Dwelling 3 is concealed within the roof space of the dwelling, while side/rear setbacks generally accord with the development plan guidelines. As such, the built form mass and scale is considered to be appropriately minimised and visual amenity impacts are appropriately managed. This matter is discussed further in the "Assessment Discussion" section of this report.

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

Quantitative Snapshot

Total site area - 742.67sqm					
Criteria		Dwelling 1	Dwelling 2	Dwelling 3	
Site area	250sqm average	247.6sqm average			Minor Departure
Frontage width	18	19.81m			Satisfies
Depth	45m	37.5m			Departure
Driveway and landscaping	6 x 6 metres and 500mm landscaping along each side	A 6 x 6 metre driveway is provided at the front of the site and is bordered by 500mm landscaping strips.			Satisfies
Site coverage	40%	257.25 / 742.67 = 34.6%			Satisfies
Pervious area	20%	168.52sqm (22.7%) plus permeable paving within the common driveway			Satisfies
Front setback	8m	5m	n/a	n/a	Departure
Carport/garage setback	5.5m and behind or in-line with main face	All garages located to the rear of the dwellings via common driveway			Satisfies
Rear setback (ground)	6m, may be reduced to 3m for <50% rear width	n/a	n/a	5m	Minor Departure
Rear setback (upper)	6m	n/a	n/a	5m (Bed 1) 6m (bath/ensuite) 8m (stairwell)	Minor Departure
Side setbacks (ground)	0.9m	2m at closest point	2m at closest point	2m at closest point	Satisfies
Side setbacks (upper)	2m	2m at closest point	2m at closest point	4m at closest point	Satisfies
Building height	2 storeys; 9m	8.53m – 2 storeys			Satisfies
Private open space	20%	46sqm (18.5%)	42sqm (17%)	55.5sqm (22.2%)	Minor Departure
Private open space dimension	5x5m	5x6.4m	5.9x5.14m	5x7.9m	Satisfies
Off-street parking	2 per dwelling plus 1 visitor space	2 parking spaces are provided per dwelling plus 1 visitor space			Satisfies

Assessment Discussion

The following matters are considered pertinent in reaching a recommendation for the proposal;

- **Front setback**
- **Rear setback**
- **Private Open Space**
- **Amenity consideration**
- **Traffic and Parking**
- **Energy Efficiency and Stormwater**
- **Landscaping**

Front setback

Despite the front setback of the building falling short of the minimum 8 metres required along an arterial road, it is acknowledged that adequate land will be available for vehicle manoeuvrability and landscaping opportunities. Further, the front setback will be similar to the existing dwellings on adjacent allotments, which are setback 6.5 metres and up to the front boundary (150 Sturt Road). As such, it is my view that an appropriate level of separation has been provided from the street, which will not result in unreasonable impacts to the road or streetscape elevation.

With regard to the amenity of occupants, it is also acknowledged that the subject land is situated adjacent an arterial road as well as a bus stop. In order to minimise noise impacts upon Dwelling, the plans have been updated to include a 1.8 metre high masonry front fence which will assist in providing sound attenuating measures upon habitable rooms facing the street. It is further acknowledged the location of Dwelling 1 is nestled between an office building which is built up to the front/side boundary and a neighbouring masonry front fence which will assist in minimising vehicle noise associated with Sturt Road. To this end, these elements should minimise impacts upon the proposed building to a reasonable degree.

Rear setback

Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of the building from adjoining properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this report.

The gradual increase in rear setback and stepping of the building should assist in minimising the bulk of the building and associated visual impacts. It is also acknowledged the configuration of the dwelling on adjoining land to the north (2a Hobart Avenue) is designed in a way where it's side path is generally located adjacent to the upper level of Dwelling 3, such that the main entertaining area will have some visual relief of the building.

Private Open Space

The area of private open space for Dwelling 1 and 2 fall 1.5% and 3% (respectively) short of the desired minimum in the Development Plan. It is acknowledged this figure is based on an average site area across the site, rather than the individual curtilage of each dwelling. Where the individual curtilage of the dwellings' are considered, an area of private open space exceeding 20% is achieved.

This above notwithstanding, given the minor departure in private open space, it is my opinion the area provided is of an appropriate size and configuration to meet the likely needs of occupants. Dedicated areas are provided for utilities, whereby the allocated area of private open space is free of any rainwater tanks, bins and air-conditioning units and provides an unrestricted area for the use of occupants. To this end, the proposal is satisfactory in this regard.

Amenity considerations

While the site has some interface with existing low density residential properties, it is my opinion that the proposal will unlikely result in amenity impacts upon nearby residents. The proposal is considered to appropriately satisfy the applicable Objectives and Principles of Development Control section of the Development Plan and is discussed below.

Overshadowing

The applicant has provided shadow diagrams demonstrating the extent of shadow cast between 9:00am and 3:00pm on the 21 June. Although these diagrams are based on a previous version of the proposal, the extent of shadow follows a similar area. These diagrams demonstrate:

- a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June
- b) It is acknowledged that some shadow will be cast into the western adjoining property in morning 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. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Consequently, I am satisfied that the extent of overshadowing cast from the proposed development is appropriate, particular when regard is had to the form of development anticipated by the zone.

Privacy

Each dwelling incorporates fixed obscure glazing to 1.5 metres above floor levels or 1.5m high window sills on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

The east elevation of the decking associated with Dwelling 1 and Dwelling 2 include a 1.5m high screen in order to prevent views into the adjoining land.

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.

Traffic and Parking

The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking. Additional traffic movements generated by the proposed development are not expected to compromise the safety or function of the surrounding road network as a result of the modified access/egress point.

The carpark dimensions and overall layout meet the relevant Australian Standards, which has been reviewed by Council's Development Engineer and DIT, who have formed the opinion that from a traffic safety point of view, the proposal is satisfactory.

The access/egress point along Sturt Road will maintain the flow of traffic within the site and the arterial road, which has been deemed appropriate with respect to queuing times for motorists and pedestrian safety, being supported by DIT.

The proposal will see an increase in vehicle movements; however, it is my opinion that any noise generated from the location of the parking area will not cause unreasonable impacts upon nearby properties, particularly being located adjacent to the car park associated with 150 Sturt Road. Vehicle movements and traffic generated from the site can be catered for by the surrounding road network and any noise generated by vehicles will unlikely exceed that currently experienced by the arterial road.

To this end, I am reasonably satisfied the availability of on-site parking and management of traffic throughout the site is appropriate to meet the likely demand generated from the facility and shall not result in unsafe traffic movements or compromise the flow of traffic upon the adjacent arterial and local roads.

Energy Efficiency and Stormwater

Each dwelling is provided with a 3000L detention tank, which are fully plumbed into all toilets and laundry (with filtering) connected to 80% of the roof area. An additional 1000L retention tank is provided for each dwelling. The tanks are located within a dedicated utilities area, in order to ensure they do not impact upon the area of private open space.

Permeable paving has been included within the common driveway which will assist with stormwater runoff. This is in addition to the 22.7 % of pervious areas in the form of landscaping throughout the site.

These features have been reviewed by Council's Development Engineer who has raised no objections against Council's requirements in relation to stormwater discharge. It is also acknowledged the buildings will need to be designed in accordance with all energy requirements under the National Construction Code and will be considered as part of the Building Rules assessment of the proposal.

Landscaping

Landscaping is provided along the street frontage of the building and can be viewed from Sturt Road. The landscaped area adjacent the road frontage achieves a 4-5 metre depth which will be planted with a variety of planting species, thereby enhancing the appearance of the building. Although bordered by a front fence, this area will be planted with mature trees (*Callitris Gracillis*) with heights of approximately 5 metres, thereby enhancing the two storey nature of the building and appearance from Sturt Road.

Various other low-medium height plantings are interspersed around the taller trees which will promote an attractive landscaped area forward of the building, mainly for the enjoyment of occupants.

The common driveway is bordered by 500mm landscaping strips as sought by the Development Plan policy. These areas will be planted out with a combination of low-medium growing species. It is also acknowledged that at the front of the site adjacent the eastern boundary comprises a larger area of landscaping which will improve the streetscape outcome by reducing the extent of hard surfaces presenting to the street.

The proposed landscaping adjacent the street will assist in achieving an attractive presentation when viewed from the arterial road network and public realm.

Conclusion

The preceding assessment has demonstrated the nature of the proposed development complements the Desired Character and Objectives of the Medium Density Policy Area 12, being an area which encourages the redevelopment of the existing housing stock at low to low-medium densities.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical shortfalls including front and rear setbacks and private open space of Dwelling 1 and 2. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result 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.

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: 100/2020/613 for the construction of a two storey residential flat building comprising three (3), two storey dwellings with associated front fence, landscaping and car parking at 148 Sturt Road, Warradale be GRANTED subject to the following Conditions:

Conditions

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
- 3. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
- 4. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.
- 5. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.
- 6. Landscaping shall provide clear sightlines at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath, in accordance with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004.

Department for Infrastructure and Transport Conditions

- 7. All access to/from Sturt Road shall be gained in accordance with the E.M. Comelli Site & Ground Floor Plan, Project EMC, Number 3/18, Drawing dd 03, Revision A dated 04/20.
- 8. All vehicles shall enter and exit the site in a forward direction.
- 9. The shared driveway and internal manoeuvring areas shall be clear of all obstructions.

- 10. The bus stop and associated infrastructure shall be relocated to the satisfaction of DIT (Mr Wayne Stewart) and Council with all costs being borne by the applicant.**
- 11. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.**

**REPORT REFERENCE: CAP070421 – 3.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 APRIL 2021**



Originating Officer:	Kai Wardle Development Officer - Planning
Applicant:	Trio Sign Solutions
Development Description:	Advertising sign attached to existing fence
Site Location:	86 Oaklands Road, Glengowrie
Zone:	Residential Zone
Lodgement Date:	31/03/2020
Development Plan:	Holdfast Bay Council Development Plan Consolidated 2 June 2016
Referrals:	Nil
Delegations Policy:	4.1.1 <i>Non-complying applications – the Panel will decide to refuse the application or seek the concurrence of the State Commission Assessment Panel to approve the application [...]</i>
Application Type:	Non-complying <i>Residential Zone, Non-complying Development Table: Advertisement and / or advertising hoarding</i>
Categorisation:	3
Application No:	100/2020/486
Recommendation:	That Development Plan Consent be GRANTED subject to concurrence of the State Commission Assessment Panel (SCAP) and appropriate Conditions

Attachments

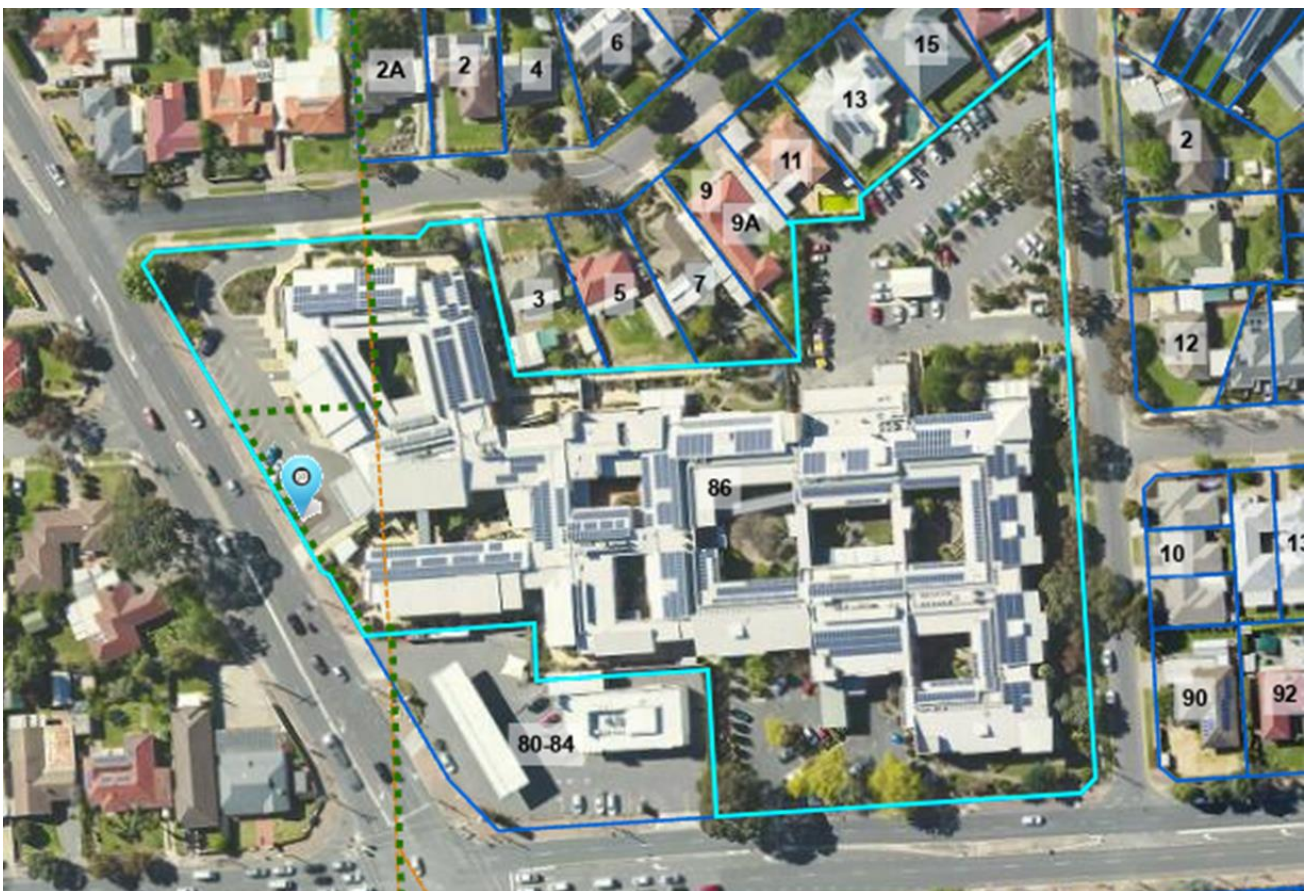
Attachment I: Certificate of Title
Attachment II: Proposal Plan and supporting documentation

SUBJECT LAND

The subject land is 86 Oaklands Road, Oaklands Park (Lot 741 DP 114549, CT 6233/2). The allotment comprises the entire Eldercare 'Allambi' aged care home. The land comprises the majority of the street block bounded by Oaklands Road to the south, Diagonal Road to the west, York Street/Wendover Walk to the north, and Chalfont Way to the east.

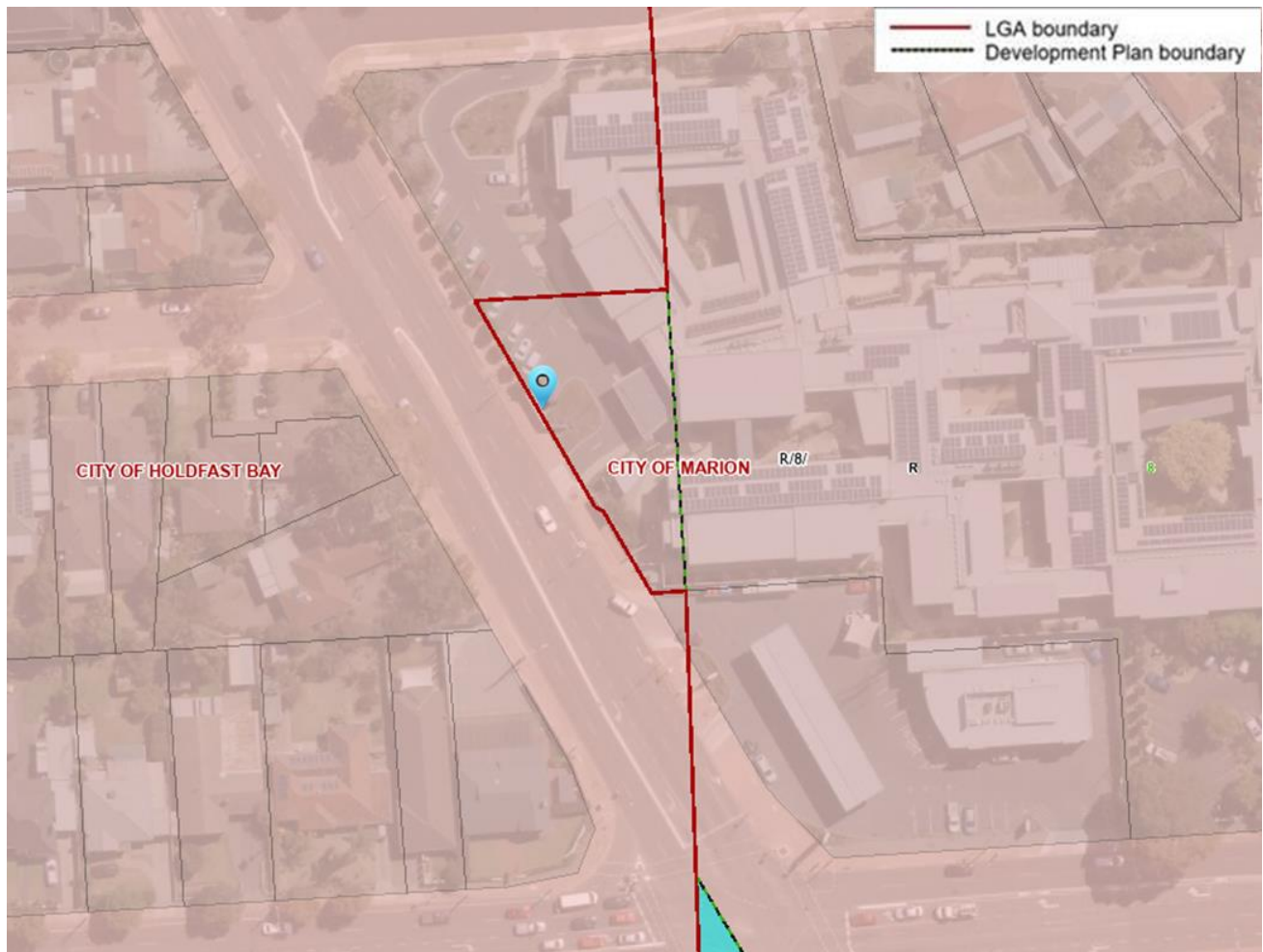
The aged care home is a large two storey building which sprawls across the majority of the allotment. It is interspersed with landscaped internal courtyards, and is surrounded by different areas of car parking and landscaping.

The proposed sign is located on the western frontage of the land, facing Diagonal Road. It is proposed to be attached to an existing rendered fence located in front of the western car park and building entrance. The sign's location is a short distance north of an egress-only crossover onto Diagonal Road near the adjacent service station.



HOME

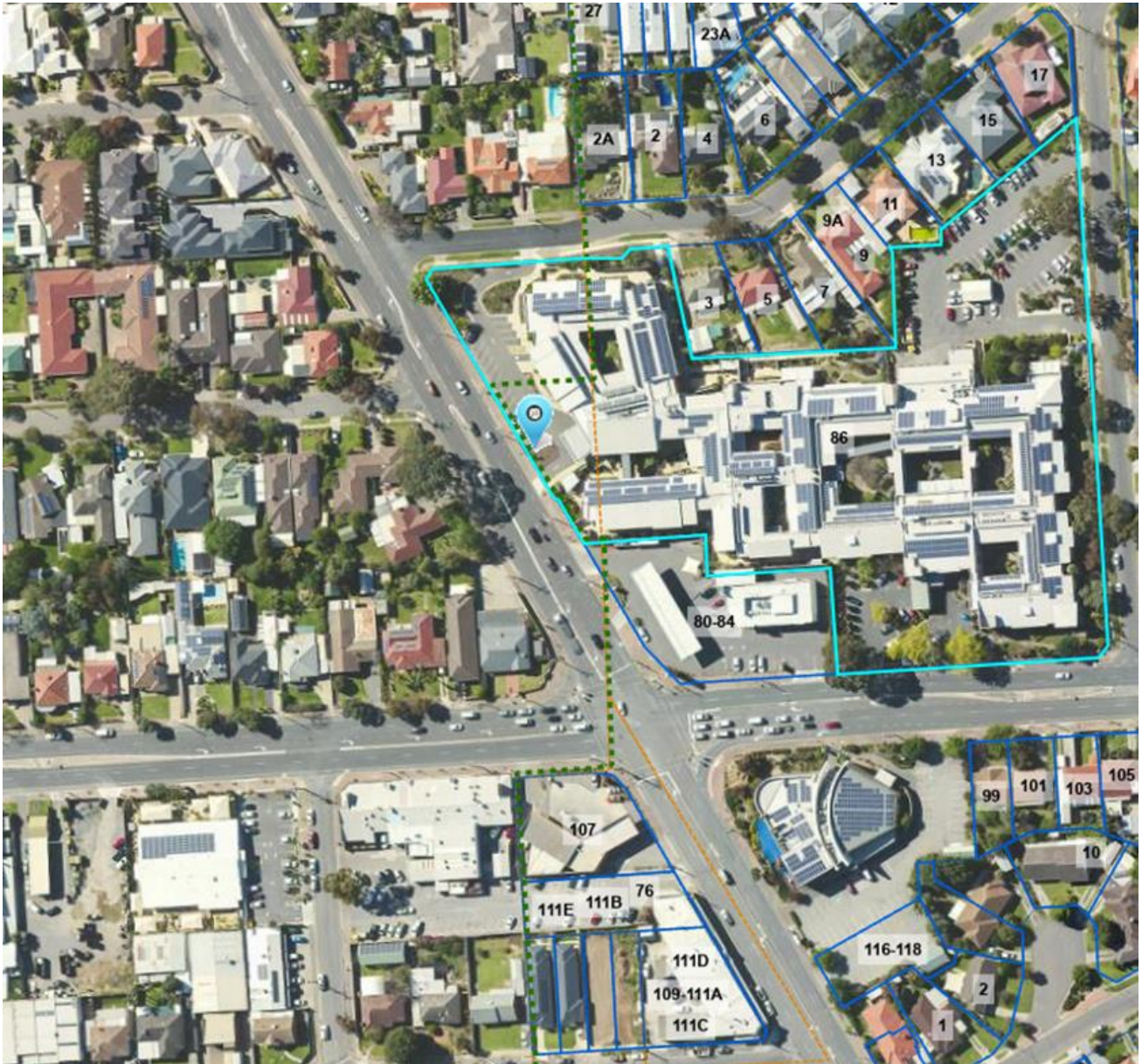
The proposed sign is located within an area affected by an inconsistency between the boundaries of local government areas and the relevant Development Plans. As a result, the proposed sign is located within the City of Marion, however is subject to the Holdfast Bay Council Development Plan. The inconsistency in boundaries is reflected spatially below.



Source: SAPPA

LOCALITY

As outlined, the subject land is a large allotment which comprises a large, two storey aged care home with associated parking and landscaping areas. As mentioned, the land comprises the majority of the street block bounded by Oaklands Road to the south, Diagonal Road to the west, York Street/Wendover Walk to the north, and Chalfont Way to the east.



The arterial road intersection of Oaklands and Diagonal Roads is a prominent feature of the locality, and is around 75 metres south of the proposed sign. The area surrounding the intersection includes a Neighbourhood Centre Zone and comprises a variety of non-residential land uses, including:

- 24 hour OTR service station including a convenience store, food outlets and a car wash;
- Motor vehicle repair station;
- Two separate blocks of shops including various shops, services and a supermarket;
- Church, including community centre, op shop and café;
- Real estate office.

Advertising signage of varying intensities is associated with each of these non-residential uses. The service station and the motor vehicle repair station each contain a high extent of freestanding, pylon and attached signage in vibrant colours. The blocks of shops each display a mixture of canopy, shop window and above-roof multi-tenancy signage. The church and the office also contain signage, however of a comparatively more subdued and less intensive nature.



Examples of prominent signage within the locality near the intersection of Oaklands and Diagonal Roads.

Directly opposite the proposed sign to the west are residential dwellings. Surrounding the subject land to the north and east are also residential dwellings. The prevailing residential character is of low density with some low-to-medium density infill of up to two storeys.

Beyond the immediate locality, but still within 300 metres, are several other uses which also contain signage. These include Metro Display Homes, Stockland Somerton Park Retirement Village, and Nido Early School child care centre on Diagonal Road to the north, and various commercial and industrial uses on the southern side of Oaklands Road to the west.

The subject land and wider locality can be further viewed via [this link](#) to Google Maps.

HOME

PROPOSED DEVELOPMENT

The proposal seeks to erect a printed banner advertising sign within a frame attached to an existing rendered fence. The fence is located along the western frontage of the subject land, between Diagonal Road and the aged care home's western entrance and car park.

The proposed frame is 2 metres in height and 4.44 metres in width. The frame is 50 millimetres in width surrounding the proposed sign. As such, the sign itself is therefore 1.9 metres by 4.34 metres, with a display area of around 8.2 square metres. The frame projects 60 millimetres from the face of the fence. The applicant has confirmed the sign is to be located wholly within the subject land and does not encroach onto council land or the adjacent public footpath.

The content of the sign is expected to change on an occasional basis, containing messages relating to the aged care home such as seasonal greetings. A visualisation of the sign provided by the applicant is shown below:



PROCEDURAL MATTERS

Classification

The subject application is a non-complying form of development by virtue of the Procedural Matters section of the Residential Zone of the Holdfast Bay Council Development Plan, where 'advertisement and / or advertising hoarding' is listed as a non-complying form of development.

Categorisation

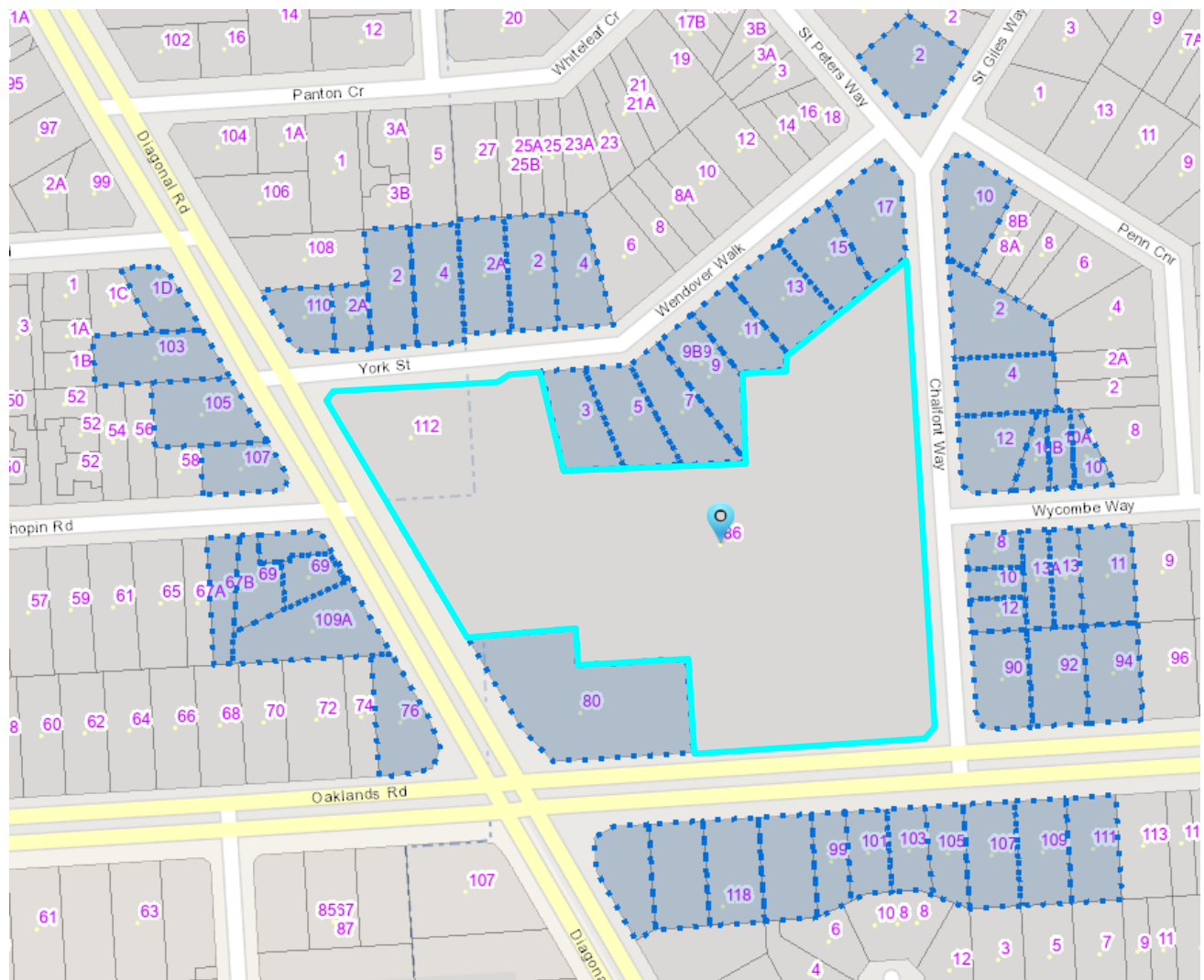
The proposal is Category 3, as it is a non-complying form of development which is not eligible for designation as Category 1 under Schedule 9, Part 1 – 3 of the Development Regulations.

Referrals

Team Leader – Development Assessment, City of Holdfast Bay

Advised they raise no objection to the City of Marion/Marion's CAP to undertake an assessment against the Holdfast Bay Council Development Plan in this instance.

PUBLIC NOTIFICATION



Properties Notified

56

Representations

0 received

[HOME](#)

ASSESSMENT

The assessment is split into two main sections:

1. Criteria Assessment, which involves direct assessment against selected relevant Development Plan criteria; and,
2. Assessment Discussion, which involves a summary discussion of pertinent matters.

Criteria Assessment

Residential Zone	
Relevant Objectives	Satisfies
<p>1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p>3 <i>Development that contributes to the desired character of the zone.</i></p>	<p>The proposal is not considered to be detrimental to the attractiveness of the area and contributes to the Desired Character where relevant (as detailed below).</p>
Desired Character	Satisfies
<p><i>The zone contains the majority of the city's living areas, which are of predominantly low-density suburban form, but within policy areas include medium-to-high density forms of housing on the coast, along key transport corridors and within Glenelg, as well as coordinated development opportunities within large institutional sites. The zone includes five policy areas, three of which cater for coastal development, one for the City's residential institutions (including Minda and Masonic Homes) and one for medium density development along the key transit routes of Brighton Road, Anzac Highway, Tapleys Hill Road and along sections of the Seaford railway transit corridor.</i></p> <p><i>Development outside of the policy areas will be suburban in nature and evolve in response to progressive infill development of existing individual sites and through consolidation of sites to form larger comprehensive redevelopment opportunities. Infill development outside of the Policy Areas will not compromise the suburban character but will progressively increase dwelling densities through unobtrusive small-scale developments. In this regard, infill development will have a comparable height, mass, scale and setbacks to that of existing dwellings in the relevant locality.</i></p> <p><i>The zone's primarily suburban character outside of the policy areas is defined by detached dwellings on individual allotments. Infill development in these suburban areas will contribute to the city's housing diversity through development opportunities that (in order of preference):</i></p> <p><i>(a) increase dwelling numbers on allotments that have dual road frontages</i></p> <p><i>(b) provide low scale dwellings at the rear of large allotments with street frontages wide enough to accommodate appropriate sited and sized driveway access and landscaping</i></p> <p><i>(c) semi-detached dwellings, where site considerations permit.</i></p> <p><i>Development outside of the policy areas will generally be single storey in height in the areas east of Brighton Road, and up to two storeys in height in the areas west of Brighton Road. Buildings will be both domestic and contemporary in design and character to support and reinforce the essentially suburban character through typical domestic design forms, low front fencing and landscaping. Landscaping will help define the public realm and private property boundaries, and substantial landscaped front yards will contribute to the locality, with the retention of mature trees. Development will have side and rear building setbacks that incorporate an</i></p>	<p>The Desired Character has limited specific relevance to the proposal. The majority of the Desired Character relates to the density and attributes desired of residential development.</p> <p>The subject land is located outside of a Residential Policy Area. The scale of the sign is in keeping with the existing streetscape character.</p> <p>The sign shall provide further visual interest to the Diagonal Road frontage of the site.</p> <p>To this end, the proposal is considered to satisfy the Desired Character, where relevant.</p>

access path on one side, with on-boundary built form limited in height, length and location to the equivalent of typical open carports or garaging. Vehicle garaging will be set back clearly behind the immediately adjacent part of the front building facade. Development will enhance and protect streetscape character by minimising driveway access points and width of crossovers and driveways. Undercroft car parking will also be avoided on flat sites and sites that slope down from the street level. Buildings will be stepped and articulated at the front elevation to achieve visual relief and architectural interest as viewed from the street.

Residential development outside of the policy areas will utilise materials and finishes that respond to the character of the immediate locality and utilise brick, stone and rendered finishes to provide visual interest to facades. Development will also incorporate architectural design and detailing that responds to localised character by way of fenestration, doorways, windows, eaves and roof forms. Development will be setback and orientated to minimise impacts of the privacy of neighbouring residents.

Relevant Principles of Development Control

Satisfies

- 1 The following forms of development are envisaged in the zone:
 - affordable housing
 - domestic outbuilding in association with a dwelling
 - domestic structure
 - dwelling
 - dwelling addition
 - small scale non-residential use that serves the local community, for example:
 - child care facility
 - health and welfare service
 - open space
 - primary and secondary school
 - recreation area
 - supported accommodation.
- 2 Development listed as non-complying is generally inappropriate.
- 6 Development should not be undertaken unless it is consistent with the desired character for the zone.

Although advertisement is not an envisaged form of development (and is indeed non-complying), it should be noted that the proposed sign is in association with an existing aged care home, which is a form of supported accommodation (an envisaged land use).

It is reasonable to expect that an aged care home of this size would include some extent of advertising. The land currently contains minimal signage, only in the form of basic wayfinding signage adjacent entry points.

Although listed as non-complying, the proposal is considered appropriate for the reasons detailed.

The proposal is consistent with the Desired Character, where relevant.

General Section – Advertising

Objectives

Satisfies

- 1 Urban landscapes that are not disfigured by advertisements and/or advertising hoardings.
- 2 Advertisements and/or advertising hoardings that do not create a hazard.
- 3 Advertisements and/or advertising hoardings designed to enhance the appearance of the building and locality.

The proposal is not considered to disfigure the surrounding landscape. It is consistent with the scale and appearance of other signage within the immediate locality.

The sign does not create a hazard. It is safely located attached to the existing fence.

The sign is located on an existing blank rendered fence which presents to the street. The sign's content shall

HOME

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| <p>4 <i>Outdoor advertising displays that are designed to provide clearly visible property and business identification without dominating the appearance of the site upon which it is located or the streetscape.</i></p> <p>5 <i>Outdoor advertising displays that are specifically designed to have an overall co-ordinated appearance with all other advertisements associated with the building or site.</i></p> | <p>provide further visual interest to the Diagonal Road frontage of the site.</p> <p>The proposed sign content shall relate to the aged care home and is not considered to dominate the appearance of the site or the streetscape, which retains a large, wide frontage to Diagonal Road which shall otherwise remain relatively free of signage.</p> <p>The sign is coordinated with the scale and appearance of the fence on which it is proposed to be attached, and complements the existing identification signs attached to other fence elevations on the land.</p> |
|--|---|

Relevant Principles of Development Control

Generally Satisfies

- | | |
|---|---|
| <p>1 <i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i>
 <i>(a) consistent with the predominant character of the urban or rural landscape</i>
 <i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i>
 <i>(c) coordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p>2 <i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i>
 <i>(a) clutter</i>
 <i>(b) disorder</i>
 <i>(c) untidiness of buildings and their surrounds</i>
 <i>(d) driver distraction.</i></p> <p>4 <i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p>5 <i>Advertisements and/or advertising hoardings should:</i>
 <i>(a) be completely contained within the boundaries of the subject allotment</i>
 <i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i>
 <i>(c) not obscure views to vistas or objects of high amenity value.</i></p> <p>6 <i>Advertisements and/or advertising hoardings should not be erected on:</i>
 <i>(a) a public footpath or veranda post</i>
 <i>(b) a road, median strip or traffic island</i>
 <i>(c) a vehicle adapted and exhibited primarily as an advertisement</i></p> | <p>(a) Consistent with other signage within the locality whilst also mindful of transitioning to the residential character away from the arterial road intersection.</p> <p>(b) No such buildings within locality.</p> <p>(c) Coordinated with and complements the associated fence, as well as the scale of the building behind it.</p> <p>This shall be the only advertising sign of its type on the subject land. Other signs serve only to identify the site as 'Eldercare Allambi' in plain font.</p> <p>(a)-(d) Not considered to result in clutter, disorder, untidiness, or to pose an unreasonable level of driver distraction.</p> <p>The content of the sign shall relate to the aged care home which is a legitimate use of the land.</p> <p>(a) The sign is attached to a fence on the road frontage. Based on the location of kerbing adjacent the footpath, it is expected to be within the boundaries of the land and shall not project onto the footpath.</p> <p>(b) No damage to landscaping.</p> <p>(c) Does not obscure views/vistas.</p> <p>(a) Shall not project onto footpath.</p> <p>(b) No</p> <p>(c) No</p> |
|---|---|

(d) residential land.	(d) While the land is technically residential, its use as an aged care home also has a business purpose which merits some form of associated advertising to identify and advertise the land use.
7 Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.	No higher than the associated fence.
9 Advertisements should be designed to conceal their supporting advertising hoarding from view.	Frame forms an integrated part of the sign design.
10 Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.	Signage content may vary: this is not controllable.
11 Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.	Content is not expected to be of a size which is readable beyond the immediate vicinity.
<p>12 Advertisements and/or advertising hoardings should not create a hazard by:</p> <p>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</p> <p>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</p> <p>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</p> <p>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</p>	<p>(a) Not illuminated.</p> <p>(b) Not liable to misinterpretation as an official traffic sign.</p> <p>(c) Not considered to pose an unreasonable distraction to drivers.</p> <p>(d) Does not affect sight lines.</p>
19 Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.	60km/h

Assessment Discussion

Consideration and discussion of the following matters in particular are considered pertinent in reaching a recommendation for the proposal:

- **Size, Scale and Appearance**
- **Content and Relationship to Land Use**

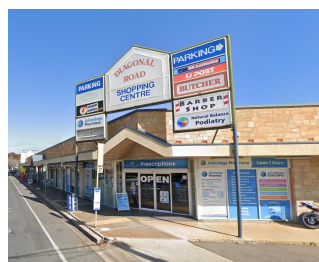
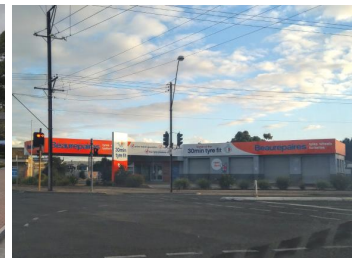
Size, Scale and Appearance

The proposed display area of the sign within the frame is around 8.2 square metres (1.9 metres by 4.34 metres). The Holdfast Bay Development Plan does not contain any applicable maximum quantitative criteria relating to the display area of advertising signage, and therefore assessment of the sign's size is subject to a qualitative considerations of its suitability within the context of the subject land and locality.



The sign shall be attached to an existing blank rendered fence elevation, and is entirely contained within the fence's existing visual envelope. It therefore does not impose an additional built form element onto the streetscape and is in keeping with the existing scale and appearance of the land as it presents to the street. The sign will provide additional visual interest to what is otherwise a blank fence elevation which may currently be vulnerable to graffiti. The land currently contains minimal signage, only in the form of basic identification signage adjacent entry points.

The sign faces Diagonal Road, and is located approximately 75 metres north of the intersection with Oaklands Road which is a prominent arterial road intersection. The character of the locality is heavily influenced by the arterial roads and surrounding non-residential uses, which contain a high extent of existing signage of a similar scale to the proposal. In particular, these include the service station, motor vehicle repair station and shops, as pictured below.



Examples of prominent signage within the locality near the intersection of Oaklands and Diagonal Roads.

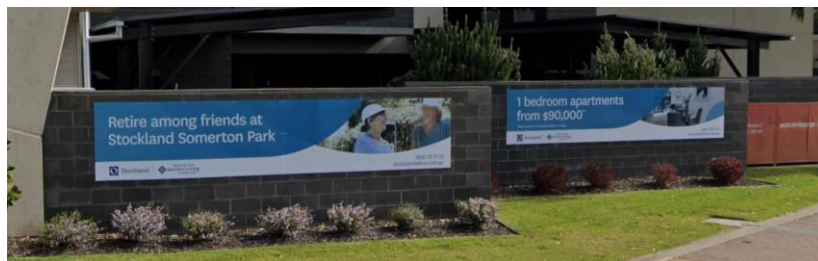
The proposed sign is considered to be compatible in size and appearance to other signage within the locality, while also demonstrating regard to its transitional location near a more established, suburban residential character to the north and west of the sign's location.

In summary, the size, scale and appearance of the sign are considered appropriate with regard to its relationship with the subject land and locality.

Content and Relationship to Land Use

The content of the sign is expected to change on an occasional basis, containing messages relating to the aged care home such as seasonal greetings. Changing the content of an approved advertisement does not form development, and therefore Council does not have the ability to control the design and specific content of future signage inserts. This prevents any form of meaningful assessment against Advertisements Principle 10. A condition is proposed to ensure that the content of the signage relates to the legitimate use of the land and prevents the display of third-party advertising.

It is noted that Advertisements Principle 6 states that advertisements should not be erected on residential land, and that the Residential Zone assigns advertisement as a non-complying form of development, which Zone Principle 2 designates as 'generally inappropriate'. While the land use is technically residential (supported accommodation), its use as an aged care home also has a business purpose which merits some form of associated advertising to identify and advertise the land use. It is reasonable to expect that an aged care home of this size would include some extent of advertising. This is reflected by the Stockland Somerton Park Retirement Village, located approximately 300 metres to the north of the proposal, which contains similar signage on a fence which presents to Diagonal Road, as pictured below.



Existing similar signage located facing Diagonal Road at the Stockland Somerton Park Retirement Village, approximately 300m north of the proposal.

Given this, the content and association of the proposed advertisement with the existing land use is fundamentally considered to be appropriate.

CONCLUSION

The proposed advertisement is situated within a locality which is dominated by an arterial road character. The nearby arterial road intersection is surrounded by non-residential land uses on all sides, which incorporate a generally high extent of associated advertising signage. The proposed sign is considered to be compatible with the character of the locality, including by demonstrating regard to its transitional location near to the more established, suburban residential character to the north and west of the sign's location. The size, scale and appearance of the sign are compatible with the fence on which it is proposed to be attached. It is reasonable to expect an aged care home of this size to incorporate signage to identify and advertise the land use, and the proposal is considered to be appropriate in context of the subject land and locality. On balance, the proposal achieves the majority of applicable Principles of Development Control contained within the Holdfast Bay Council Development Plan.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Holdfast Bay 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 Holdfast Bay Council Development Plan, and warrants Development Plan Consent subject to the concurrence of the State Commission Assessment Panel and 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 Holdfast Bay Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2020/486 for Advertising sign attached to existing fence at 86 Oaklands Road, Glengowrie be **GRANTED** subject to the concurrence of the State Commission Assessment Panel (SCAP), and with the following Conditions.

CONDITIONS

- 1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2. The content of the advertisement shall relate only to the legitimate use of the land and shall not display any third-party advertising.
- 3. The advertisement and supporting structure(s) shall be maintained in good repair at all times.

**4. APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 07 APRIL 2021**



4.1 APPEALS AGAINST PANEL DECISIONS

New Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
2020/534	341 Diagonal Road, Seacombe Gardens	23/3/2021	Refuse	Refuse	Preliminary conference scheduled for 12 April 21

On-going Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
2020/0568	373 Diagonal Road, Sturt	3/11/2020	Approve	Refuse	Council seeking adjournment of preliminary conference

4.2 APPEALS AGAINST DELEGATED APPLICATIONS

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
2020/1354	75 South Terrace, South Plympton	18/02/21	Refused	Refused	Conciliation conference scheduled for 15/04/21

**5. POLICY OBSERVATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 07 APRIL 2021**

