

**NOTICE OF  
COUNCIL ASSESSMENT PANEL MEETING**

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

**Wednesday 15 April 2020**

**Commencing at 6.30 p.m.**

**Council Chamber**

**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.



Alex Wright  
**ASSESSMENT MANAGER**

08 April 2020

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**CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 15 APRIL 2020  
COMMENCING AT 6.30PM**

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**1.1 OPEN MEETING**

**1.2 PRESENT**

**1.3 APOLOGIES**

**1.4 IN ATTENDANCE**

**2. APPLICATIONS**

**2.1 216 SEACOMBE ROAD, SEAVIEW DOWNS**

Alterations and additions to existing petrol filling station and associated retail components including advertising and reconfiguration of car parking areas

Report Reference: CAP010420 - 2.1 ..... 2

**2.2 33 FOWLER STREET, SEAVIEW DOWNS**

Single storey split-level detached dwelling with associated earthworks, retaining walls and landscaping

Report Reference: CAP010420 - 2.2 ..... 17

**2.3 215 STURT ROAD, SEACOMBE GARDENS**

Demolition of existing structures and construction of a three-storey residential flat building comprising eight dwellings as well as associated car parking, fencing and landscaping

Report Reference: CAP010420 - 2.3 ..... 36

**2.4 244 STURT ROAD, MARION**

The construction of a two storey residential flat building comprising of 8 dwellings with associated landscaping and car parking

Report Reference: CAP010420 - 2.4 ..... 59

**3. OTHER BUSINESS**

**3.1 APPEALS UPDATE**

**3.2 POLICY OBSERVATIONS**

**4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING  
HELD ON 15 APRIL 2020**

**5. MEETING CLOSURE**

**REPORT REFERENCE: CAP150420 – 2.1  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 15 April 2020**



<b>Originating Officer:</b>	<b>Andrew Houlihan Senior Development Officer - Planning</b>
<b>Applicant:</b>	<b>PC Infrastructure Pty Ltd</b>
<b>Development Description:</b>	<b>Alterations and additions to existing petrol filling station and associated retail components including advertising and reconfiguration of car parking areas</b>
<b>Site Location:</b>	<b>216 Seacombe Road, Seaview Downs</b>
<b>Zone &amp; Policy Area</b>	<b>Neighbourhood Centre Zone</b>
<b>Lodgement Date:</b>	<b>11/12/2019</b>
<b>Development Plan:</b>	<b>Consolidated – 15 August 2019 [Gazetted 8 August 2019]</b>
<b>Referrals:</b>	<b>Nil</b>
<b>Delegations Policy:</b>	<b>4.1.2</b> <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>
<b>Categorisation:</b>	<b>Category 2</b> <i>Schedule 9, Part 2, 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>
<b>Application No:</b>	<b>100/2019/1861</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to a reserved matter and conditions.</b>

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**Attachments**

<i>Attachment I:</i>	<i>Certificate of Titles</i>
<i>Attachment II:</i>	<i>Proposal Plans and Supporting Documentation</i>
<i>Attachment III</i>	<i>DPTI referral Response</i>
<i>Attachment IIII</i>	<i>Representations</i>
<i>Attachment V:</i>	<i>Response to representations</i>

## SUBJECT LAND

The subject land is commonly identified as 216 Seacombe Road, Seaview Downs, and formally identified over three allotments within the attached Certificate of Titles. No easement or notations are registered on the Certificate of Titles.

The subject land is irregular in shape and is located to the south eastern corner of the intersection of Seacombe Road and Hume Street. The land comprises a total area of approximately 2785m<sup>2</sup>, provides a 110 metre frontage to Seacombe Road and a secondary frontage to Hume Street of approximately 45 metres.

The existing built form on the site contains a petrol filling station facility consisting of a control building of approximately 220m<sup>2</sup> and a petrol bowser canopy of 200m<sup>2</sup>. Approximately 1000m<sup>2</sup> portion of the site to the south is fenced off from the service station and used for ancillary storage purposes. The site is bound by low scale fencing to the west and south with the remainder of the site open to the existing street frontages.

There is existing advertising signage located on the canopy and the front façade of the building that primarily orientates to the Seacombe Road. The site further contains a freestanding pylon sign that displays advertising material and fuel prices in proximity to the intersection of Seacombe Road and Hume Street. The advertising currently consists of static illuminated and unilluminated signage.

The site is level and there are existing vehicle manoeuvring and car parking arrangements with approximately 11 spaces on site. Vehicle access is via existing crossovers on Seacombe Road and Hume Street.

It is noted that a land division application is currently under assessment over the subject land where a proposal to reduce and realign the allotments to create one allotment over the petrol filling station site and one allotment over the vacant portion of land to the rear of the site. It is anticipated that in the future the petrol filling station site will be located on a single allotment comprising 1771m<sup>2</sup>.





## LOCALITY

The subject land is located within the Neighbourhood Centre Zone which comprises a small strip of residential and commercial zoning between Davenport Terrace and Hume Street. It is noted that west of Davenport Terrace is Holdfast Bay Council.

Secombe Road is designated as a secondary arterial road and is under the care and control of the Commissioner of Highways.

The site is predominately surrounded by residential allotments where the established character of the locality depicts low density development with single storey detached dwellings and associated outbuildings.

Directly to the west of the site is a single storey block of flats containing 5 dwellings that back on to the subject site. Further west of the block of flats is an existing consulting room followed by a group of shops including supermarket within the Holdfast Bay Council.

The locality around the subject land is considered mixed use in nature, comprising of commercial and residential land uses. Buildings are predominately single storey in nature with some two storey buildings evident.

The subject site and locality can be viewed via this [google maps link](#).



## PROPOSAL

The proposal is best described as follows;

“Alterations and additions to existing petrol filling station and associated retail components including advertising and reconfiguration of car parking areas”.

- Additions to the existing control building with a subsequent increase in floor area from 219 to 281m<sup>2</sup>; a 60m<sup>2</sup> extension will be added to the eastern elevation of the existing control building, a 2m<sup>2</sup> extension will be added to the southern elevation of the existing control building;
- The northern facade of the control building will be refurbished and reclad, with new aluminium framed glazing;
- Existing signage upon the building will be replaced with OTR branded signage;
- A new LED screen and digital signage panel is proposed on and adjacent the front façade of the building.
- The existing freestanding signage and canopy signage will be retained;
- No changes are proposed to the existing fuel canopy or fuel storage tanks;
- The on-site car parking provision will be reconfigured with a total of 14 spaces provided (including 1 disabled space); and
- A small change to the width of the Hume Street crossover.

A Planning Report prepared by “Peregrine Corporation” and associated plans form attachments to this report.

## PROCEDURAL MATTERS

### Classification

The application is not listed as a complying or non-complying form of development and has therefore been assessed as a 'merit' form of development.

### Categorisation

Ordinarily the application within a Neighbourhood Centre Zone would not require public notification. However as the site of the development is located on a Zone boundary Category 2 Public Notification was required.

## REFERRALS

### **Statutory     Department of Planning, Transport and Infrastructure – Transport**

The statutory referral was undertaken in accordance with *Development Act 1993*.

A copy of the referral response forms an attachment to this report.

### **Internal       Council's Coordinator of Traffic & Parking, Engineering and Field Services.**

The Coordinator advised that there was no issues with vehicle manoeuvring, car parking, access arrangement or stormwater.



## PUBLIC NOTIFICATION



### Properties Notified

19 (shown in orange)

### Representations

1. Jess Hill (shown in red)
2. Matthew Verstappen (shown in red)

Representations form an attachment to this Report.

### Persons wishing to be heard

Jess Hill

### Applicant Response

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

## ASSESSMENT

A petrol filling station is an envisaged form of development within the Zone. However there are a number of elements pertinent to reaching a recommendation for the proposal including;

1. Zone considerations;
2. Interface Between Land Use considerations;
3. Design and Appearance;
4. Traffic Impacts; and
5. Advertisement provisions;

The relevant Objectives, Desired Character and Principles of Development Control of the Neighbourhood Centre Zone are listed in the following table and discussed in further detail below:

### Zone Considerations

Neighbourhood Centre Zone	
Relevant Objectives	Satisfies
<i>1 A centre providing a range of facilities to meet the shopping, community, business, and recreational needs of the surrounding neighbourhood.</i>	The proposal achieves the Objectives of the Zone by enhancing and continuing to provide a land use that supports the needs of the community.
<i>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 a community.</i>	The development supports and maintains a continued focus on providing more frequent and regularly recurring needs of local businesses and the community outside of district centres.
<i>4 Development that contributes to the desired character of the zone.</i>	
Desired Character	Satisfies
<i>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:</i> <ul style="list-style-type: none"><li>• multi-storey construction</li><li>• street level uses that consist primarily of retail, service or office</li><li>• zero setback and active frontages to primary streets</li><li>• upper floor uses that may include offices but are generally residential</li><li>• shared parking and the location of on-site parking behind buildings</li><li>• wide footpaths, street furniture and awnings that create a pedestrian-friendly environment</li><li>• public / communal spaces for community interaction.</li></ul> <i>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.</i> <i>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.</i> <i>Buildings of two to four storeys in height, comprising consulting rooms,</i>	<p>The Desired Character expresses that this Zone will provide a range of services and facilities to cater for the daily and weekly needs of the surrounding population.</p> <p>The development is consistent with the envisaged nature of commercial activities within Neighbourhood Centre Zone. The development is further consistent with the nature of Seacombe Road that comprises a range of existing commercial developments along the arterial corridor that plays an important role in servicing the neighbourhood.</p> <p>Much of the Desired Character statement is not considered relevant to this development and needs to be balanced with consideration that the proposal is for alterations and additions to an existing envisaged land use.</p>

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.

#### Relevant Principles of Development Control

#### Satisfies

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

- bank
- child care facility
- consulting room
- dwelling sited above a non-residential land use
- library
- health centre
- hotel
- office
- petrol filling station
- place of worship
- playing field
- pre-school
- primary school
- recreation area
- residential flat building sited above a non-residential land use
- restaurant
- shop
- supermarket
- tourist accommodation.

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.

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.

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.

A petrol filling station is an envisaged form of development within the Zone.

It is also noted that a shop is an envisaged form of development within the Zone.

The impact of the development on existing residential land use will be discussed within the interface between land use section of this report.

The development is considered consistent with the Desired Character for the Zone by providing services for the local community.

The development seeks to expand on the existing land use and therefore it would be inappropriate to seek that a two storey development is required. It is further noted that the surrounding development is predominately single storey in nature.

The impact of the development on existing residential land uses will be discussed within the interface between land use section of this report.



13 Vehicle parking should be provided in accordance with the rates set out in Table Mar/2 - Off Street Vehicle Parking Requirements or Table Mar/2A - Off Street Vehicle Parking Requirements for Designated Areas (whichever applies).

The impact of the development on existing residential land use will be discussed within the interface between land use section of this report.

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## Zone and Policy Area Considerations

The Neighbourhood Centre Zone seeks for a range of commercial and business land uses. The development is consistent with the nature of commercial and envisaged activities within a Zone and seeks to improve the design and function of the existing petrol filling station.

The development is consistent with the nature of Seacombe Road where a number of commercialised land uses are present on the arterial corridor. The corridor plays an important role in servicing the neighbourhood population as expressed in the Desired Character statement.

It is noted that the desired Character statement seeks “*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*”. It is acknowledge that the proposal seeks to expand and improve on the current land use whilst dealing with the existing site constraints including the location of the existing building and fuelling areas. Landscaping is proposed to be provided by the applicant at a later date and has been indicated as a reserved matter within the recommendation.

## Interface Considerations

The Development Plan has a number of provisions to assess whether a development will detrimentally affect the amenity of the locality or cause unreasonable impacts. The Development Plan further seeks development to be designed and sited to minimise negative impacts on existing and potential future land uses considered appropriate in the locality and development that is designed, constructed and sited to minimise negative impacts and to avoid unreasonable interference including;

- the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants;
- noise;
- vibration;
- electrical interference;
- light spill;
- glare;
- hours of operation; and
- traffic impacts.

## Noise and Operation Hours

The proposed development is limited to minor additions and alterations to the existing control building and the provision of additional on-site car parking. The subject land allows for 24 hour operation of the site. The proposed development does not envisage or seek to establish any additional noise generating activities or expand to a degree that would result in unreasonable impact on adjoining land uses.

### Emissions and Vibration

The nature of the land uses is such that activities will not generate the emissions of effluent, odour, smoke, fumes, dust or other airborne pollutants to any significant degree.

There are no changes to any fuelling or refuse areas of the development.

### Lighting and Glare

The Applicant has provided lighting information that form part of the response to representations. The planning consultant acting on behalf of the owner has indicated that lighting will be illuminated and maintained to achieve relevant Australian Standards for the lighting of roads and public spaces and control of obtrusive effects of outdoor lighting. In addition, the development will achieve the Department of Planning, Transport and Infrastructure Advertising Assessment Guidelines for Road Safety – August 2014. Australian Standards are considered appropriate for concluding that light spill and glare are maintained to reasonable levels.

The intensity and scale of the proposed development continues to provide an appropriate transition to adjoining residential land uses. With further regard to the impacts on amenity of the locality, given the commercial nature of the locality it is considered a reasonable expectation that the locality will experience more activity than that within the heart of a Residential Zone. As a result, the proposed development is generally absorbed by the function and expectation of the existing locality.

The operations of the building are not significantly changing, the noise at the adjoining dwellings from activity at the site is predicted to achieve the relevant requirements of the Environment Protection (Noise) Policy 2007 and therefore noise and operation hours are not considered to unreasonably impact on the amenity of the locality.

A condition has been recommended that the development maintains compliance with the *Environment Protection (Noise) Policy 2007* and the relevant Australian Standards for controlling obtrusive lighting.

I am satisfied that the development will not cause unreasonable interference and conflict between the adjacent residential and commercial land uses given the minor expansion of the existing floor area of the building, brightness levels proposed for signage, lighting and the separation achieved by the arterial road.

Traffic Impacts are discussed in more detail below.

### **Design and Appearance**

The relevant Council Wide Design and Appearance provisions seek that development is of a high design standard and appearance that responds to and reinforces the positive aspects of the local environment and built form. Buildings should reflect the Desired Character of the locality while incorporating contemporary designs that have regard to a number of elements including, building height, mass and proportion, external materials, patterns, colours and decorative elements, roof form and pitch along with façade articulation.

Although much of the building is remaining unchanged, the retention of the existing features and new elements are considered to contribute to the achievement of high quality urban design outcomes and result in a bulk and scale consistent with the existing use and the built form in the locality.

The building maintains direct frontage and a primary orientation to Seacombe Road retaining emphasis on the existing pedestrian and vehicle entry points to provide perceptible and direct access.

The development further achieves a number of design provisions indicated within the Zone and Policy Area by creating a frontage that provides activity and interest to passing pedestrians by orientating the active parts of the building to the street, providing legible entrances and by providing views into and out of the building through the use of transparent glass to assist in providing appropriate crime prevention through environmental design outcomes.

The proposal expands on an existing building to provide a higher standard of design using a range of materials and finishes that complement the built form in the immediate and wider locality. The proposed building continues to incorporate a range of architectural elements to add visual interest to the streetscape, complement the existing Seacombe Road environment and is in keeping with the intent of the Neighbourhood Centre Zone.

The proposed alterations and additions to the building are considered to comply with the relevant Council Wide Design and Appearance provisions.

### **Traffic Safety**

The relevant Transport and Access Objectives in the General Section of the Development Plan require access and car parking to be safe, efficient and convenient without any adverse impact on existing road networks or the amenity of the locality.

The development seeks to utilise the existing access point with a slight increase to the Hume Street driveway crossover width. The existing vehicle manoeuvring and car parking areas are to be reconfigured to provide additional car parking and greater vehicle movement.

The car park is appropriately sealed and all car parking spaces and manoeuvring areas will be consistent with relevant Australian Standards.

Table Mar/2 of the Development Plan requires an off street car parking rate of:

- 5 per 100m<sup>2</sup> of retail floor area.

As per the above requirement the development would require approximately 15 car parking spaces and is providing 14. Therefore the development provides a shortfall of approximately 1 car park. It is noted that the fuel canopy provides additional car parks and given the nature of much of the ancillary sales as a result of purchasing petrol the level of car parking is appropriate. The shortfall is not considered to detrimentally impact on the locality to any significant degree by any overflow traffic.

Site access and egress is considered to be safe and convenient given that the subject land is connected to an all-weather public road and will contain two way access and egress points to appropriately disperse traffic.

The development is considered to provide appropriate vehicle movements, limited impact on the existing traffic network and provide an appropriate level of car parking.

Council's Coordinator Traffic & Parking, Engineering and Field Services and the Department of Planning, Transport and Infrastructure – Transport have reviewed the proposed development and are satisfied that access/egress, traffic movement, function and level of car parking is considered appropriate.

## Advertisements

The relevant advertisement provisions focus on determining if the location, siting, design, materials, size and shape of the advertising hoarding is appropriate, along with hazard considerations for vehicles and pedestrians. The Marion Council Development Plan Advertisements General Section provisions are discussed below;

Principle of Development Control 15 and 17 of the General Section (Advertisements) seek to ensure that advertisements are designed and located so as not create a hazard to drivers on adjacent roads. In particular, illuminated advertisements should be located away from traffic signals and operated with appropriate lighting levels.

The Department of Planning, Transport and Infrastructure (DPTI) – Traffic Department has reviewed the proposal in regard to traffic safety and have raised no objection to the development subject to the development complying with a number of conditions.

The location, static form and illumination of the advertising is not considered to impede or compromise safety or create a hazard to traffic or pedestrians. The proposal further conforming with the *'Advertising Signs: Assessment Guidelines for Road Safety (August 2014)'*.

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## CONCLUSION

A petrol filling station is an envisaged form of development within the Neighbourhood Centre Zone it is important to recognise the subject site is a well-established commercial site and that this application involves minor alterations and additions to an existing use. The proposal further seeks to improve the quality of the site in terms of building design, vehicle manoeuvring and car parking numbers, landscaping and overall site functionality and appearance.

Support for this development lies heavily on the impact on the existing character of the locality and the interface between the existing and residential land uses. The applicant has provided supporting documentation to suggest that the impacts will, as far as possible, be minimised such that they will not be unreasonable to neighbouring properties. This is largely due to the proposal not changing the management and use of the site, and proposing minor alterations and additions to the existing building. Further, the size does not result in a bulk and scale that will have impacts on the streetscape or neighbouring properties nor is it a size that is out of character with the existing scale of development in the locality.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal reasonably accords with the provisions of the Development Plan.

It is considered that the application is not 'seriously at variance' with the Marion Council Development Plan and that the development exhibits sufficient merit when assessed on balance against the relevant Objectives and Principles to warrant Development Plan Consent subject to conditions and notes listed below.

## **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: 100/2019/1861 for the alterations and additions to existing petrol filling station and associated retail components including advertising and reconfiguration of car parking areas at 216 Seacombe Road, Seaview Downs be GRANTED subject to the following conditions:

## **RESERVED MATTER**

Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matters.

1. A Landscape Plan for any impervious areas of the site indicating the location of plantings, planted height, mature height and species.

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

## **CONDITIONS**

1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/2019/1861.
2. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
3. Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the Australian Standards Association Code AS 1158 during the hours of darkness that they are in use. Such lights must be directed and screened so that overspill of light into the nearby properties is avoided and motorists are not distracted. Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.
4. Noise generated from the site shall not exceed the maximum noise levels stipulated within the Environment Protection (Noise) Policy 2007, or subsequent legislation.
5. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
6. 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.



7. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment (including the prevention of any materials entering the stormwater system either by wind or water), to the reasonable satisfaction of Council.
8. All waste and other rubbish shall be screened from public view, to the reasonable satisfaction of Council.

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

1. Signage shall not contain any elements of LED or LCD displays, except for the fuel prices on the pylon sign. The fuel prices shall be white characters on a black background.
2. Signage shall not flash, scroll, move or change, with the exception of the LED fuel price signs, which may change on an as-needs basis.
3. Illuminated signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Accordingly, all illuminated signs visible from North East Road shall be limited to a low level of illumination (i.e.  $< 150\text{Cd/m}^2$ ), except in the case of electronic signage, which shall be limited to the following luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance ( $\text{Cd/m}^2$ ) Max
Sunny Day	40,000	6,300
Cloudy Day	4,000	1,100
Twilight	400	300
Dusk	40	200
Night	$<4$	150

4. Signage shall, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
5. No stormwater from this development shall be permitted to discharge on-surface to adjacent roads. In addition, any existing drainage of the road is to be accommodated in the development and any alterations to road drainage infrastructure as a result of this development are to be at the expense of the applicant.

**Note**

1. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
2. Any relocation of Council infrastructure will require a separate authorisation from Council and must be undertaken in accordance with specifications by the Council at the developer's expense.

**REPORT REFERENCE: CAP150420 – 2.2  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 15 APRIL 2020**



<b>Originating Officer:</b>	<b>Kai Wardle Development Officer - Planning</b>
<b>Applicant:</b>	<b>Metricon</b>
<b>Development Description:</b>	<b>Single storey split-level detached dwelling with associated earthworks, retaining walls and landscaping</b>
<b>Site Location:</b>	<b>33 Fowler Street, Seaview Downs</b>
<b>Zone</b>	<b>Hills Face Zone</b>
<b>Lodgement Date:</b>	<b>23/05/2019</b>
<b>Development Plan:</b>	<b>Consolidated – 29 November 2018</b>
<b>Application Type:</b>	<b>Non-Complying</b> <i>Development Plan – Hills Face Zone Dwelling ...the vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall [exceeds] three metres.</i>
<b>Delegations Policy:</b>	<b>4.1.1</b> <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, except for the following:</i> <ul style="list-style-type: none"><li><i>the decision to proceed with an assessment of a non-complying application pursuant to Regulation 17 (3)(b) of the Development Regulations 2008).</i></li><li><i>non-complying applications deemed to be minor in accordance with Regulation 17 and Schedule 9 Part 1 (3) of the Development Regulations 2008.</i></li></ul>
<b>Categorisation</b>	<b>3</b>
<b>Referrals:</b>	<b>Development Engineer (Internal)</b>
<b>Application No:</b>	<b>100/2019/857</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to concurrence of the State Commission Assessment Panel (SCAP) and appropriate Reserved Matter and Conditions</b>

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**Attachments**

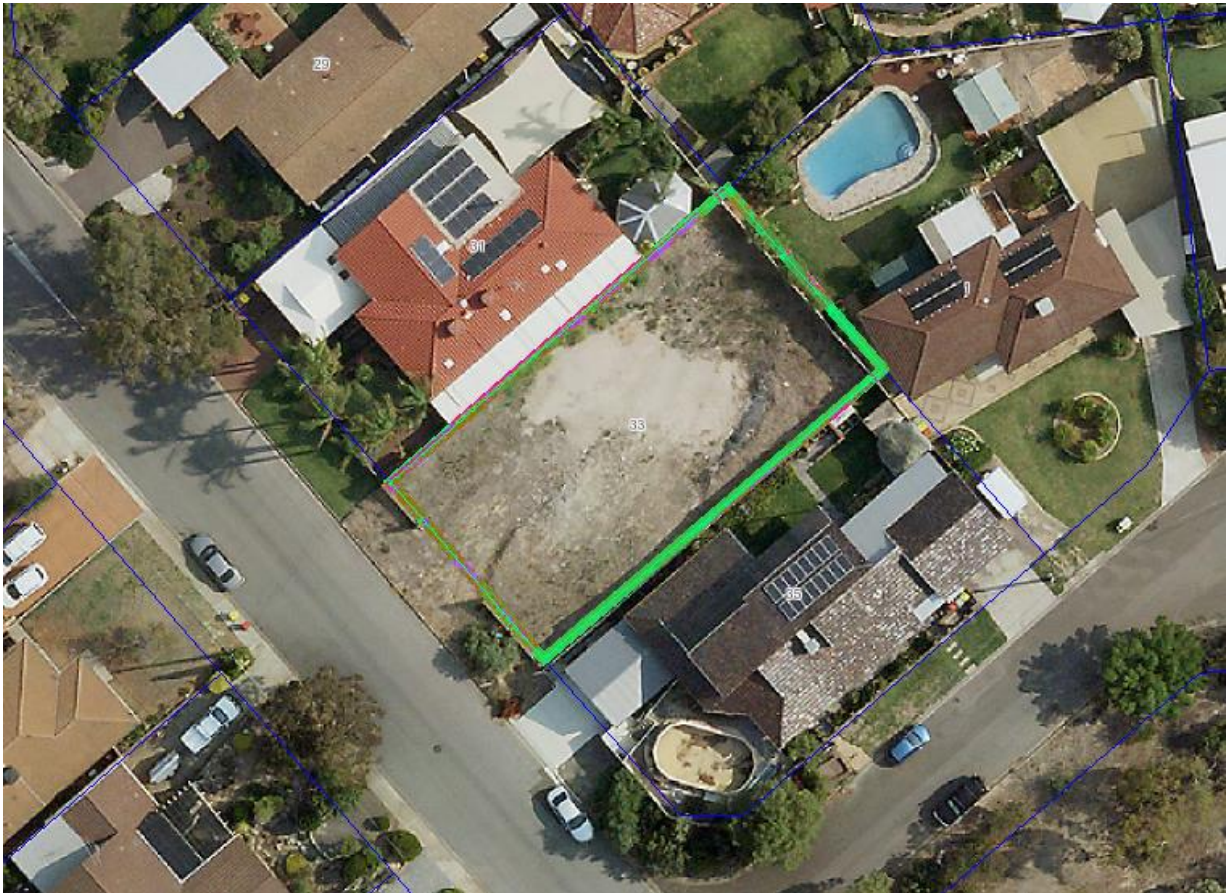
<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plan and Supporting Documentation</i>
<i>Attachment III:</i>	<i>Statement of Representations (both notification periods)</i>
<i>Attachment IV:</i>	<i>Applicant's Response to Representations (first notification period only)</i>

## SUBJECT LAND

The subject land is 33 Fowler Street, Seaview Downs (Lot 205 DP 9411, CT 5210/53) and is currently vacant. The allotment contained a swimming pool formerly associated with the dwelling at 35 Fowler Street, however the pool was infilled/removed in 2018, and the land is now in separate ownership.

The subject land is sloping, rising generally to the south-east, at an approximate gradient of up to 1-in-6 at the front, easing to around 1-in-10 at the rear. When viewed from the street, most of the rear-left portion of the land is approximately level, with the majority of the elevation change occurring within the steeper right portion.

No significant trees or notable vegetation are located on the subject land. The land does not currently have a formal vehicle access point, and is not known to have had one in the past.

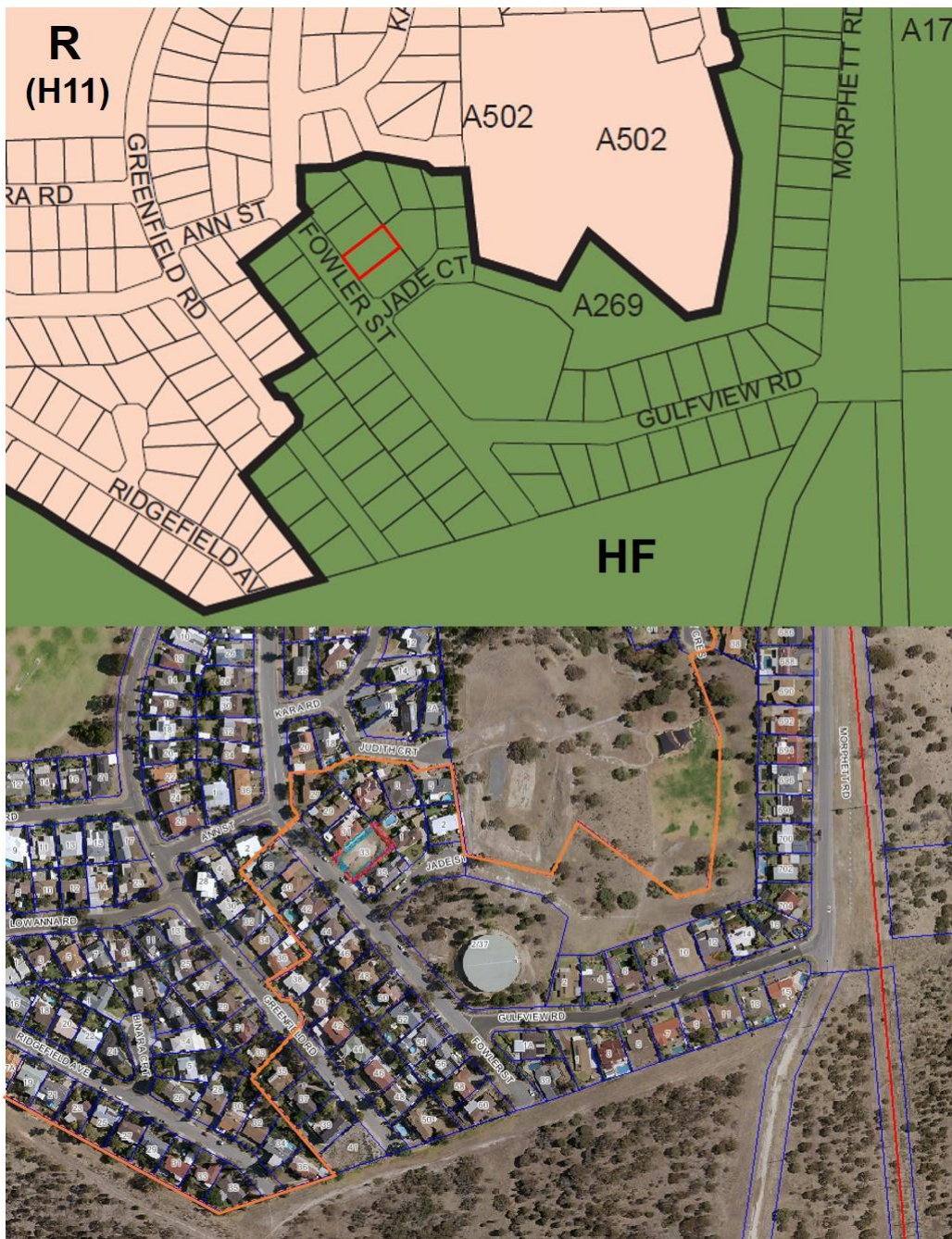




## LOCALITY

The land is located in upper Seaview Downs, with the locality characterised by a generally low scale residential suburban setting of low density dwellings on sloping allotments. The subject land, and the properties generally to the south, are located within the Hills Face Zone. There is no discernible difference in character, built form or pattern of development between the dwellings located in the Hills Face Zone and those in the nearby Residential Zone to the north. The locality also contains open space in the form of a public reserve and that which surrounds a water storage tank at the crest of the nearby slope. The natural, open character typical of the Hills Face Zone is located at least 200 metres away from the land, at the far southern extent of the locality.

The subject land and wider locality can be further viewed via [this link](#) to Google Maps. Photographs of the surrounding residential character are shown overleaf.





*35 Fowler Street (from Fowler Street)*



*35 Fowler Street (from Jade Court)*



*31 Fowler Street*



*1 Jade Court*



*2 Jade Court*



*38 Fowler Street*





40 Fowler Street



42 Fowler Street



44 Fowler Street



46 Fowler Street



48 Fowler Street



50 Fowler Street



## **PROPOSED DEVELOPMENT**

The proposal seeks to construct a single storey split-level detached dwelling with associated earthworks, retaining walls and landscaping. The dwelling itself is designed for its lower split to be located at existing ground level of the levelled portion of the land, whilst the upper split straddles the steeper right portion of the land. The lower split contains a double garage, porch and entryway at the front, with open plan living/kitchen/dining area, separate pantry, laundry, powder room, and under-main-roof alfresco to the rear. The upper split contains the dwelling's four bedrooms and two bathrooms, as well as a separate leisure room and study nook. The main bedroom presents towards the street with a balcony.

Earthworks and retaining walls which are visible from the street or adjoining property are generally minimised by virtue of the split level building design and the deepened rebate. The suspended floor footing to the upper split reduces the need for fill beneath the proposed dwelling. The only proposed fill is located at the front corner of the garage and shall be no greater than around 0.1 metres. Concealed cut of no greater than 1.5 metres in height is proposed to accommodate the lower split. Cut is also proposed in the rear-right corner of the land to accommodate a levelled area of private open space, resulting in two terraced retaining walls of no greater than 1 metre each. No cut is proposed within 1 metre of the right-hand side boundary.

The provided landscaping plan and schedule propose landscaping to the front, rear, and both sides of the dwelling. The location and selection of plantings shall complement built form, promote a natural character, and help to soften the appearance of retaining walls.

## PROCEDURAL MATTERS

### Classification

The subject application is a Non-Complying form of development by virtue of the Procedural Matters section of the Residential Zone, where a Dwelling is listed as a non-complying form of development, subject to exceptions. All exceptions must be met in order for a Dwelling to avoid non-complying status. The proposal does not meet all exceptions, triggering the following:

*(b) the scale and design is such that:*

*(i) the vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall is less than three metres, other than gable ends of the dwelling where the distance is less than five metres.*

### Categorisation

Council administration were of the view that the proposal was not of a minor nature having regard to the size of the site of the development and the location of the development within that site, and the manner in which the development relates to the locality. As such, it was Council administration's view that the proposal could not be deemed as a Category 1 development, and therefore the proposal was considered to constitute a Category 3 form of development.

### Background

It should also be noted that the application was originally lodged as a two storey detached dwelling, and was first notified in that form as Category 3. Following that process, the proposal was amended to form a single storey split-level detached dwelling. Council administration were of the view that the amendments made were 'substantial' for the purposes of Regulation 20(4) of the *Development Regulations 2008*, and therefore the application was notified for a second time as a Category 3 form of development.

Council administration are of the view that the 'essential nature' of the development has not changed. The essence of the development as a whole remains for a detached dwelling with associated earthworks, retaining walls and landscaping. The proposal does not profoundly differ from the original, and the amendments were made not with the intention to alter the nature of the development, but rather to address the merits of the application, the concerns of representors, and the costs associated with the previous proposal.

It is also important to note that by comparison to the original design, the amended proposal reduces the extent of the non-compliances by no longer being two storey and no longer involving fill of 1 metre or more.

### Referrals

#### **Development Engineer (Internal):**

Advised that driveway and crossover grades were suitable.

## PUBLIC NOTIFICATION



	First Notification	Second Notification
<b>Properties Notified</b>	11	11
<b>Representations</b>	5 received 2 opposing the development, 3 in support	2 received 2 in support
<b>Representations received</b>	<ol style="list-style-type: none"><li>1. Mr Paul and Mrs Robyn Bent</li><li>2. Mr Andrew and Mrs Heather MacLeod</li><li>3. Ms Tina Napier</li><li>4. Mrs Natalia and Mr Chris Hutton</li><li>5. Mr Brett Fishpool</li></ol>	<ol style="list-style-type: none"><li>1. <i>Mr Paul and Mrs Robyn Bent withdrew their representation</i></li><li>6. Mr John Sara</li><li>7. Mr Paul and Mrs Wendy David</li></ol>
<b>Applicant Response</b>	A response by the applicant to the first notification is included within the Report attachments.	The applicant did not provide a formal response following the second notification.

## ASSESSMENT

The assessment is split into three main sections:

1. Zone Considerations, 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 Considerations

### Hills Face Zone

#### Objectives

#### Satisfies

- 1 A zone in which the natural character is preserved and enhanced or re-established in order to:
  - (a) provide a natural backdrop to the Adelaide Plain and a contrast to the urban area
  - (b) preserve biodiversity and restore locally indigenous vegetation and fauna habitats close to metropolitan Adelaide
  - (c) provide for passive recreation in an area of natural character close to the metropolitan area
  - (d) provide a part of the buffer area between metropolitan districts and prevent the urban area extending into the western slopes of the Mount Lofty Ranges
  - (e) ensure that the community is not required to bear the cost of providing services to and within the zone.
- 2 A zone accommodating low intensity agricultural activities and public/private open space and one where structures are sited and designed in such a way as to:
  - (a) preserve and enhance the natural character or assist in the re-establishment of a natural character in the zone
  - (b) limit the visual intrusion of development in the zone, particularly when viewed from roads within the zone or from the Adelaide Plain
  - (c) not create, either in themselves, or in association with other developments, a potential demand for the provision of services at a cost to the community
  - (d) prevent the loss of life and property resulting from bushfires.
- 3 Development that contributes to the desired character of the zone.

The land is set within an established residential suburban area. The ability or expectation to achieve much of Objectives 1 and 2 is therefore limited, and through landscaping and design the proposal is considered to have due consideration to natural character.

The visual intrusion of the development is limited by virtue of its single storey split level design and location amongst other like developments.

The proposal is considered to contribute to the desired character where applicable – see below.

#### Desired Character

#### Satisfies

*The western slopes of the south Mount Lofty Ranges in Metropolitan Adelaide are an important natural asset to both the population of the urban area and the tourism industry. Development which is undertaken in this zone should not only preserve but should also enhance the natural character of the zone or assist in the re-establishment of a natural character. The term 'natural character' refers to the natural topography, native vegetation and colours, such as greens and browns of non-reflective earthen tones, normally associated with a natural landscape. Additionally, natural character refers to the open character of the land in those areas of the zone where open grazing currently predominates.*

*In those parts of the zone where, prior to 1975, concentrations of smaller than average allotments were created, special attention needs to be paid to the scale, design and landscaping of development because there are fewer location options for development on these allotments.*

*The extent of native vegetation and open grassland, the steep slopes and the difficulty of access combine to make this zone a high fire risk area. It is important that developments incorporate fire protection measures to*

The desired character has limited relevance to this locality, which was subdivided decades ago and has an established suburban residential character rather than a natural, open character. It is acknowledged that 'the reestablishment of a natural character' is sought – and this is considered to be sufficiently accomplished on balance with the anticipated residential use of the land through appropriate earthworks, landscaping, colours and materials.

The locality comprises 'smaller than average allotments' for the Hills Face Zone. Special attention has been paid

*minimize the fire risk. While vegetation management is an important part of minimizing the fire risk, the destruction of existing native vegetation and failure to provide landscaping as to screen buildings and improve the amenity of the zone are not considered acceptable fire protection measures.*

*The Hills Face Zone is not a residential zone and so services provided in an urban area will not be provided in this zone. Accordingly, development should not be undertaken if it is likely, in itself or in association with other development, to create a potential demand for such services. Activities and projects by State and local agencies which are considered necessary in this zone will be located, sited, constructed and maintained to promote the objectives for the zone and complement the principles of development control relating to this zone. Tourist facilities are appropriate provided they are of a low-scale and are sited unobtrusively.*

to the scale, design and landscaping of the development.

The locality is a residential area which is already provided with typical services: therefore service-related statements are not applicable.

#### **Relevant Principles of Development Control**

#### **Generally Satisfies**

1 *Development should not be undertaken unless it is associated with a low intensity agricultural activity, a public open space area or a private use of an open character, or is a detached single storey dwelling, including outbuildings and structures normally associated with such dwellings, on a single allotment.*

The proposed development is a single storey split level detached dwelling on a single allotment.

2 *Development listed as non-complying is generally inappropriate.*

For the reasons detailed within this report, the non-complying proposal is considered to be appropriate.

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

The proposal is sufficiently consistent with the desired character given the surrounding established residential suburban context.

11 *Development should not be undertaken if it is likely to result in:*  
 (a) *pollution of underground or surface water resources*  
 (b) *over exploitation of underground or surface water resources*  
 (c) *adverse impact on underground or surface water resources, including any environmental flows required to meet the needs of the natural environment*  
 (d) *unnecessary loss or damage to native vegetation including the full range of tree, understorey and groundcover species/native grasses so as to maintain and enhance environmental values and functions, including conservation, biodiversity and habitat*  
 (e) *denudation of pastures*  
 (f) *the introduction of or an increase in the number of pest plants or vermin*  
 (g) *adverse impacts from chemical spray drift, chemical runoff or chemical residue in soils*  
 (h) *the erection of structures or construction of access tracks and parking areas in a manner which detracts from the landscape character and visual amenity of the zone*  
 (i) *increased hazard to the locality from bushfires*  
 (j) *loss of amenity to adjoining land or surrounding localities from:*  
 (i) *the visual impact of buildings, structures or earthworks*  
 (ii) *the intensity of activity associated with any such use, including significant adverse impacts arising from chemical spray drift, use of audible bird or animal deterrent devices, and the use of associated vehicles and machinery.*

Given the development's context, it shall not result in unreasonable adverse impacts upon water resources, denudation of pastures, chemical issues, nor pose an unreasonable bushfire hazard.

There is no native vegetation currently on the land, and the proposed landscaping schedule nominates a number of native species to be planted. The proposal shall therefore contribute to revegetation of the land. The proposed dwelling and driveway shall be complimentary to topography, are mindful of surrounding amenity, and their visual impact shall not result in unreasonable amenity impacts.

12 *Development should not occur on land where the slope poses an unacceptable risk of soil movement, land slip or erosion.*

The subject land has not been identified as being subject to unacceptable risk of soil movement, land slip or erosion.

- 13 *Buildings, including structures, should be located in unobtrusive locations, and in particular, should:*
- (a) be located not to be visible against the skyline when viewed from roads within the zone or from the metropolitan area particularly the Adelaide Plain*
  - (c) be screened by existing native vegetation when viewed from roads within the zone or from the metropolitan area particularly the Adelaide Plain*
  - (d) be located well below the ridge line*
  - (e) be located within valleys or behind spurs*
  - (f) be well set back from public roads, particularly when the allotment is on the high side of the road*
  - (g) be sited on excavated rather than a filled site in order to reduce the vertical profile of the building*

The proposed dwelling is considered to be located in a generally unobtrusive location, being centrally located on a residential allotment and straddling the existing topography of the land.

The dwelling shall be visible against the skyline when viewed from the road directly in front of the property, which is a common feature of dwellings within the locality and accepted. As the subject land is surrounded by an otherwise developed residential area, the proposed dwelling will not be individually be visible from the Adelaide Plain, but rather blend into an established residential area.

Existing vegetation within the Council verge shall partially screen the dwelling. Otherwise no native vegetation on-site.

The land is located on a hillside, below the ridge line (the crest of the slope is located near the intersection of Gulfview Road and Fowler Street).

The meaning of 'well set back' is a matter of fact and degree. Front setback is discussed further within later sections of this report.

The proposed earthworks are primarily excavation in the rear-right corner of the land. Earthworks are generally limited, and the vertical profile of the building is appropriately minimised by virtue of its split level form. Minimal fill is proposed.

- 14 *Buildings, including structures should be unobtrusive and not detract from the desired natural character of the zone, and in particular:*
- (a) buildings should be of a single storey*
  - (b) the mass of buildings should be minimised by having separate vehicle storage areas*

The desired natural character of the zone has limited relevance to the subject land its surroundings, and the proposed building is not considered to be unreasonably obtrusive. There are a number of two storey dwellings within the locality, and the mass of the proposed split level single storey dwelling is considered appropriate in-context. The proposed vehicle storage area is a garage integrated with the dwelling.



- |   |  |
|---|--|
| <p>15 <i>Buildings should have a:</i><br/>         (a) <i>year round water supply and a safe and efficient effluent disposal system which will not pollute watercourses or underground water resources or be a risk to health</i><br/>         (b) <i>safe, clean, tidy and unobtrusive area for the storage and disposal of refuse so that the desired natural character of the zone is not adversely affected</i></p> | <p>Typical residential water and sewerage system. Typical areas available within the site to store standard Council waste bins unobtrusively.</p>  |
| <p>16 <i>Driveways and access tracks should follow contours of the land to reduce their visual impact and erosion from water runoff and be surfaced with dark materials.</i></p>  | <p>Driveway follows existing contour of the land, surfaced with a dark charcoal textured finish.</p>   |
| <p>17 <i>Development should not in itself, or in association with other development, create a potential demand for the provision of services at a cost to the community.</i></p>  | <p>Capable of connection to existing services.</p>   |
| <p>20 <i>Retaining walls should be constructed as a stepped series of low walls constructed of dark, natural coloured materials and screened by landscaping using locally indigenous plant species where possible.</i></p>  | <p>Minimal retaining walls proposed forward of dwelling. Low profile planter boxes to be built in, rendered masonry dark grey finish. Screened by landscaping. Retaining walls to the rear are a stepped series of two walls in concrete textured blocks with dark grey finish, screened by landscaping.</p> |
| <p>21 <i>Fences, if required, should be sited to minimize their visual impact and should be of post and wire or other materials which can be seen through. Obtrusive gateways, particularly of brick or masonry, should not be constructed.</i></p>   | <p>No new fencing proposed. Notes on plan indicates that existing boundary fencing is to remain as is.</p>   |
| <p>22 <i>When solid fences are essential, particularly rear and side fences in closely divided areas within the zone, they should be of materials which are of a low light reflective nature and of dark natural colours to blend with the natural landscape and minimize any visual intrusion. Such fences should not increase the fire risk near buildings.</i></p>   | <p>No alterations to existing fencing proposed.</p>  |
| <p>25 <i>Development should only be undertaken if it can be located and designed to maximize the retention of existing native vegetation and, where possible, increase the extent of locally indigenous plant species</i></p>   | <p>There is no native vegetation on the subject land.</p>  |
| <p>26 <i>Locally indigenous plant species should be established to screen development, including scree slopes created as a result of excavation and/or filling of land, in such a way that the bushfire hazard is not increased. Screening mounds may also be appropriate</i></p>   | <p>Proposed landscaping plan includes native species which are used to screen the development.</p>   |

The proposal is considered to satisfy the relevant Zone considerations listed above. Various other provisions listed throughout the Development Plan which are more quantitative in nature are detailed within the following Quantitative Snapshot table. The assessment is distilled into a discussion of pertinent matters within the Assessment Discussion thereafter.

## Quantitative Snapshot

Criteria			
Existing Dimensions		Site area: 672.96m <sup>2</sup>	Frontage width: 19.2m Site depth: 35.05m
Site coverage	<b>No maximum</b> <i>Refer to Residential Development PDC 14</i>	51.6% (347.53m <sup>2</sup> )	<b>Satisfies</b>
Pervious area	<b>20%</b>	29.7% (200m <sup>2</sup> )	<b>Satisfies</b>
Front setback	<b>Average of, or in-line with adjacent</b> 31 Fowler = 3.5 to 7.94m	3.9–4m to portico and balcony, 6m to main face.	<b>Satisfies</b>
Carport/garage setback	<b>5.5m and behind or in-line with main face</b>	6m, in-line with main face. Portico and balcony project further forwards.	<b>Satisfies</b>
Rear setback	<b>No minimum</b> <i>Refer Design and Appearance PDC 2</i>	7.28m	<b>Satisfies</b>
Side setbacks	<b>No minimum</b> <i>Refer Design and Appearance PDC 2</i>	1.88m north-western; 2m south-eastern.	<b>Satisfies</b>
Building height	<b>1 storey</b> <b>Not to be visible against the skyline when viewed from roads</b>	1 storey. Max height from FFL to roof peak = 6.25m. Max height from lowest point on land to roof peak = 7.55m. While visible against the skyline when viewed from the road directly in front of the property, this is a common feature of the established residential area and is accepted.	<b>Generally Satisfies</b>
Private open space	<b>80m<sup>2</sup></b>	143m <sup>2</sup>	<b>Satisfies</b>
Private open space dimension	<b>4m</b>	5.4–7.28 x 17m; plus alfresco of 7.1 x 3.4m.	<b>Satisfies</b>
Garage width	<b>6m or 50% of dwelling façade width (the lesser)</b>	5.9m or 39%, measured from corner to edge of workshop window	<b>Satisfies</b>
Off-street parking	<b>3 (1 covered)</b>	4 (2 covered)	<b>Satisfies</b>
On-street parking	<b>1 per 2 allotments</b>	1 space to front	<b>Satisfies</b>

## Assessment Discussion

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

- **Wall height (non-complying element of the proposal)**
- **Setbacks and site coverage**
- **Amenity impacts**

### Wall height (non-complying element)

Zone Principle 2 states that 'development listed as non-complying is generally inappropriate'. The reason that the proposed dwelling forms a non-complying development is due to its wall height exceeding 3 metres in some parts.

The garage's front and side-facing walls measure shall be no greater than 3.71 metres from the immediately adjacent finished ground level, whilst the front wall of the entry way and main bedroom shall be 4.35 metres in height. The rear wall of the two rear bedrooms shall be 4.15 metres from the immediately adjacent finished ground level. Both side elevations appear as a fairly typical single storey dwelling side elevation, with wall heights of less than 3 metres.

The wall heights which exceed 3 metres in height are not considered excessive, and the proposed dwelling retains a generally single storey appearance which has regard to the topography of the land. The proposed dwelling shall be compatible in height, scale and appearance with other dwellings within the locality, of which several are two storeys (refer to photographs within the Locality section of this report). As such, despite the wall height being non-complying, it is nevertheless considered appropriate.

### Setbacks and site coverage

#### *Front setback*

The proposed front setback of 6 metres to the main face, reducing to 3.9 to 4 metres at the portico and balcony, is considered to be appropriate when considered against Design and Appearance Principles 21 and 22.

The only adjoining dwelling with the same primary street frontage is 31 Fowler Street. Its main face has a setback of 7.94 metres, whilst incorporating a prominent garage forward of the main face at a setback of around 3.5 metres. 35 Fowler Street's primary frontage is Jade Court, however its presentation to Fowler Street comprises a prominent garage located at a setback of only around 1.3 metres located directly adjacent to the subject land.

With this context in mind, the proposed front setback of 6 metres to the main face, and 3.9 to 4 metres to the portico and balcony are considered to be similar to and compatible with the setbacks of buildings on adjoining land. It shall contribute positively to the function and appearance of the locality. While somewhat at variance to Zone Principle 13(f), which seeks for buildings to be 'well set back from public roads', it is clear that the surrounding pattern of development does not warrant a greater front setback than is proposed.

#### *Side and rear setbacks*

The side and rear setbacks of the dwelling entirely satisfy Design and Appearance Principle 2, as they are sited to (a) maintain the amenity of adjoining properties in terms of noise, privacy and sunlight; (b) minimise the impact of bulk and scale; and (c) maintain the character of the locality in regards to the patterns of space between buildings, with landscaping proposed within all setbacks.

#### *Site coverage*

The proposed site coverage of 347.53 square metres equates to 51.6% of the site. There is no maximum quantitative site coverage provision which is applicable to a dwelling in the Hills Face Zone. The only relevant site coverage provisions are Residential Development Principle 14 which seeks for sufficient space to be provided for various domestic requirements, and Principle 15 which relates to minimum pervious area.

The proposal provides sufficient space for pedestrian access, vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space and landscaping, and convenient storage of waste receptacles as sought by Principle 14. The pervious area of 28.6% also exceeds the minimum of 20% sought by Principle 15. It should also be noted that the proposed site coverage maintains acceptable setbacks and private open space, as outlined previously within this report.

#### **Amenity impacts**

The proposal is a single storey split-level detached dwelling located within an established residential area comprising similar dwellings of up to two storeys. As such, amenity impacts shall be quite low, and consistent with those expected within a residential area.

#### *Overshadowing, overlooking and visual impact*

Being single storey, overshadowing impacts caused upon adjoining property shall be limited, and satisfy Design and Appearance Principles 9 and 10. Overlooking of adjoining properties is also expected to be minimal. It is noted that overlooking between properties is commonplace within the locality, and can be overt as demonstrated by 35 Fowler Street. The visual impact of the proposal's bulk and mass is minimised by design, by virtue of the split level having regard to the topography, excavation being favoured over fill, and retaining walls to be screened with landscaping. Each of these traits are desired by various Sloping Land and Hills Face Zone provisions within the Development Plan.

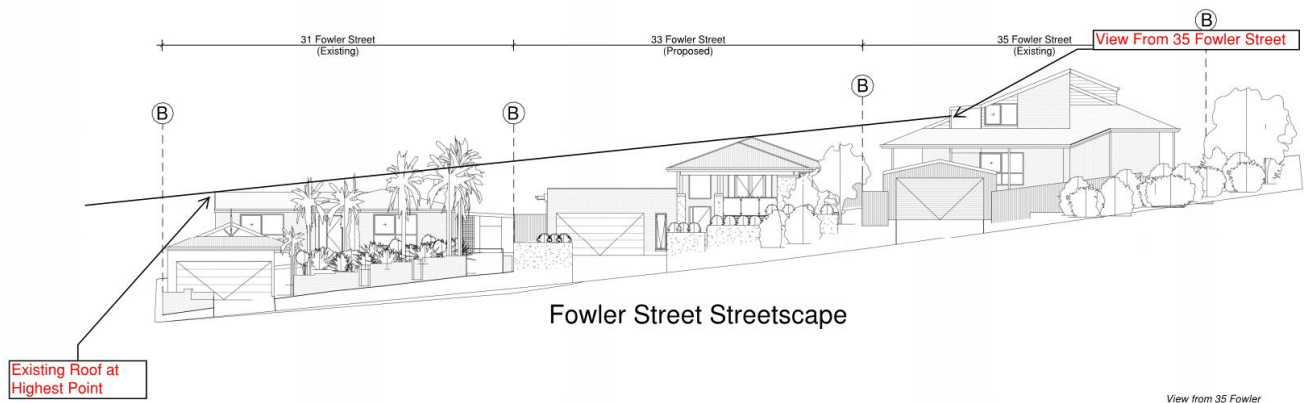
#### *View loss*

The potential for view loss was raised as a primary concern within the now-withdrawn representation from the residents of 35 Fowler Street. Substantial views of the ocean, coast and coastal suburbs are presently available from both levels of the dwelling – particularly the upper floor. These views are primarily over the subject land. The main extent of these views are shown photographed below:



The representation was in response to the first notification period – at which time the proposal was for a two storey dwelling, which had the potential to cause greater view loss than the current single storey split-level form of the proposal. The revised proposal is of a lesser height, and is expected to maintain their existing views of the ocean, coast, and most of the coastal suburbs above the proposed roof peak from their upper balcony. This is demonstrated by the following line-of-sight 'view path'

diagram, which illustrates that when viewed from the upper balcony of 35 Fowler Street, the proposed dwelling's roof peak should appear no higher than the existing roof peak of 31 Fowler Street.



As such, it is my opinion that the proposal shall not cause unreasonable view loss.

During the second notification period, the representor advised that they no longer wished to oppose the application, and their representation was withdrawn.

#### Minor & Inconsequential Shortfall Discussion

The minor variances to the following criteria, as identified within the Zone Considerations section, are considered to be justified and are discussed accordingly below:

- **Visibility against the skyline**
- **Failure of garage to be a separate building**

#### **Visibility against the skyline**

Hills Face Zone Principle 13(a) seeks for buildings to be located 'not to be visible against the skyline when viewed from roads within the zone'. When viewed from directly in front of the land, the proposed dwelling is expected to be visible against the skyline. This is not considered to be an issue given that the proposal's mass and scale is consistent with those of other buildings within the surrounding established suburban residential setting.

#### **Failure of garage to be a separate building**

Hills Face Zone Principle 14(b) seeks for the mass of buildings to be minimised by having separate vehicle storage areas. The garage is integrated within the dwelling design, forming a single building. Once again, this is not considered to be an issue given that integrated garages are a common trait amongst other dwellings within the locality. Furthermore, the proposed garage's appearance is proportionate to the mass of the overall building.

## CONCLUSION

On balance, the proposal achieves the majority of applicable Principles of Development Control contained within the Marion Council Development Plan. The sole reason for the proposal's status as a non-complying development is its wall height exceeding 3 metres in parts. As discussed within the body of this report, the proposed wall heights are not considered excessive, as the dwelling retains a generally sympathetic single storey appearance, and shall be compatible in height, scale and appearance with other dwellings within the locality, of which several are two storeys with comparably greater wall heights than proposed.

When considered on balance with all relevant Development Plan provisions, the proposed dwelling and its associated works are considered wholly appropriate for the Zone and locality. The dwelling demonstrates regard to the topography of the land and towards minimising impacts upon adjoining properties. The dwelling is considered appropriate in form, scale and appearance to be appropriately sympathetic to the subject land, the character of the locality, and where relevant the desired character of the Zone.

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 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 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: 100/2019/857 for a single storey split-level detached dwelling with associated earthworks, retaining walls and landscaping at 33 Fowler Street, Seaview Downs be GRANTED subject to the concurrence of the State Commission Assessment Panel (SCAP), and with the following Reserved Matter and Conditions.

## **RESERVED MATTER**

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

1. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, methods of stormwater disposal (inclusive of any rainwater tanks), and the location of all existing street infrastructure and street trees.

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

## **CONDITIONS**

1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/2019/857, except when varied by the following conditions of consent.
2. 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.
3. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.

4. Any existing vegetation nominated to be retained and/or any new vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

## **NOTES**

1. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2004.
2. Before commencing any site works, a temporary vehicular access to the property for machinery, delivery of building materials and general vehicles should be provided. In the case where no driveway invert exists, the kerb can be saw cut and removed at the intended location for the new driveway invert to provide the necessary temporary access. In addition, if a paved Council footpath exists, this should also be removed in alignment with the removed section of kerb. The applicant should also take note of other information provided regarding use of, damage to and construction on Council owned land.
3. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, stobie poles, SEP's, pram ramps etc.
4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
5. Council encourages the installation and use of rainwater tanks to support domestic water needs.

**REPORT REFERENCE: CAP150420 – 2.3  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 15 April 2020**

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<b>Originating Officer:</b>	<b>Kristen Sheffield Development Officer - Planning</b>
<b>Applicant:</b>	<b>Citify Pty Ltd</b>
<b>Development Description:</b>	<b>Demolition of existing structures and construction of a three-storey residential flat building comprising eight dwellings as well as associated car parking, fencing and landscaping.</b>
<b>Site Location:</b>	<b>215 Sturt Road, Seacombe Gardens</b>
<b>Zone:</b>	<b>Suburban Activity Node Zone</b>
<b>Lodgement Date:</b>	<b>28/11/2019</b>
<b>Development Plan:</b>	<b>Consolidated – 15 August 2019 (gazetted 8 August 2019)</b>
<b>Internal Referrals:</b>	<b>Development Engineer Waste Administration Officer Co-ordinator Arboriculture</b>
<b>External Referrals:</b>	<b>Department of Planning, Transport and Infrastructure</b>
<b>Delegations Policy:</b>	<b>Development Delegations Policy 4.1.9</b> <i>Any application where the Manager Development and Regulatory Services determines that the application warrants assessment by the Panel due to its significant, contentious or controversial nature.</i>
<b>Categorisation</b>	<b>Category 1</b> <i>The Procedural Matters section of the Suburban Activity Node Zone within the Marion Council Development Plan assigns residential flat buildings as Category 1 development.</i>
<b>Application No:</b>	<b>100/2019/1993</b>
<b>SCAP No.</b>	<b>n/a</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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**Attachments**

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plans</i>
<i>Attachment III:</i>	<i>Supporting documentation</i>
<i>Attachment IV:</i>	<i>External Agency Referral Comments</i>

## SUBJECT LAND

The subject land is located at 215 Sturt Road, Seacombe Gardens and comprises a frontage width of 19.30 metres, a site depth of 43.59 metres and a total site area of 841.29 square metres. The land is located on the southern side of Sturt Road, which is classified as an arterial road.

The site currently accommodates a single-storey detached dwelling in average condition, with vehicular access via a single width crossover sited adjacent the eastern side property boundary. The access point leads to a single width carport and outbuilding sited in the rear yard of the property. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.



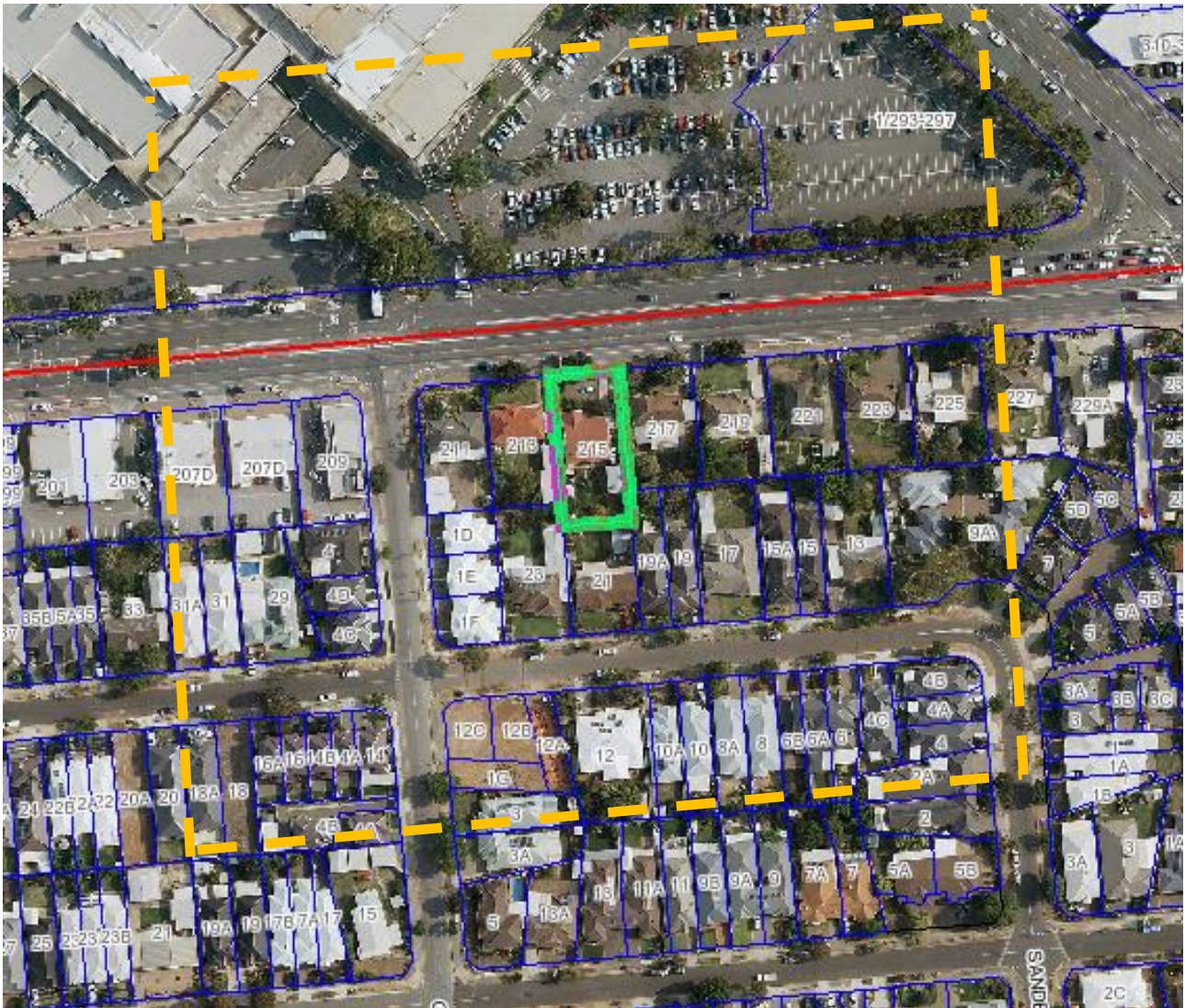


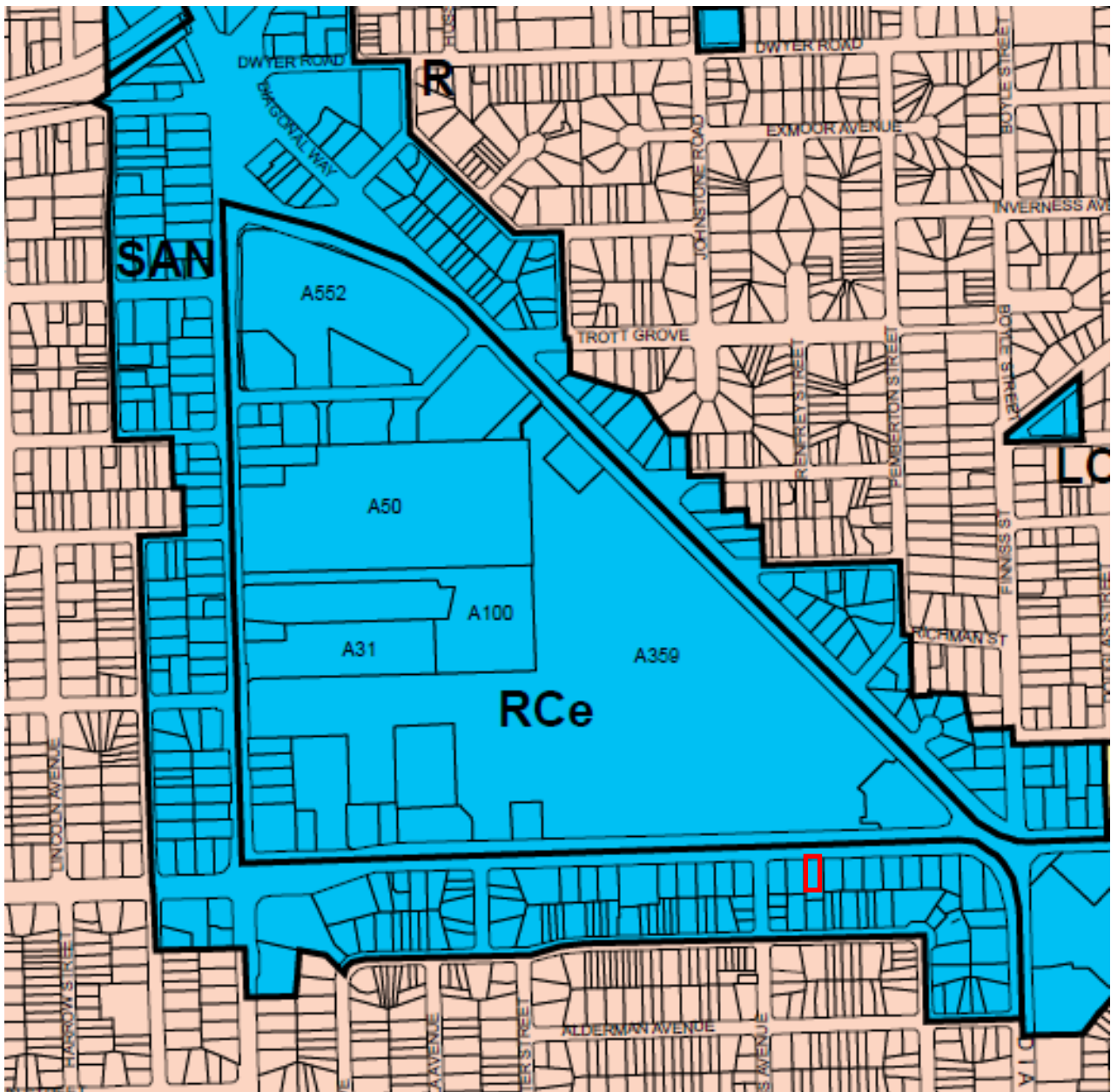
## LOCALITY

The immediate locality along the southern side of Sturt Road is generally characterised by single-storey detached dwellings on large allotments, representative of the original housing stock. More recent residential development to the south of the subject land (both within the Suburban Activity Node Zone and the Residential Zone) has demonstrated a presence of infill development predominantly in the form of detached, semi-detached dwellings and row dwellings.

Numerous commercial properties are sited to the west of Glamis Avenue, comprised by a mixture of consulting rooms and shops. The Westfield Marion Shopping Centre (situated in a Regional Centre Zone) is sited directly north of the subject land.

The locality can be viewed via this [google maps link](#).





 Subject land.



## **PROPOSED DEVELOPMENT**

The proposal is best described as follows; 'Demolition of existing structures and construction of a three-storey residential flat building comprising eight dwellings as well as associated car parking, fencing and landscaping'.

Each dwelling comprises a single-width garage and laundry as well as an outdoor courtyard on the ground level, an open plan kitchen/dining/living area and balcony to the first floor, and two bedrooms (master with ensuite), a study and bathroom to the second floor.

A visitor car parking space is available forward of each garage and an additional separately defined visitor space is available to the rear of Dwelling 8. Bicycle parking is also provided at the rear of the site, allowing for up to 3 spaces.

The proposal includes two communal waste storage areas; one is proposed on the northern side (at the front) of the building to service Dwellings 1-4, and another on the southern side (to the rear) of the building to service Dwellings 5-8.

A variety of landscaping is provided at the front of the site and along the eastern side boundary of the land as well as along the rear boundary and within the rear POS of Dwelling 8. The proposed driveway is also comprised of 'grasscrete' at regular intervals.

The building is three storeys in nature and includes a mixture of colours and materials including render and vertical timber-look pre-finished panelling. The proposal also includes a 1.2 metre high masonry fence along the front boundary.

## **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 Procedural Matters section of the Suburban Activity Node Zone within the Marion Council Development Plan assigns residential flat buildings as Category 1 development.

### **Referrals**

#### Internal

##### **Development Engineer**

Council's Development Engineer has confirmed that the proposed finished floor levels and external paving levels are appropriate to mitigate potential flooding impacts, that the proposed stormwater collection satisfies Council's requirements and that the car parking dimensions and manoeuvring areas are compliant with Australian Standards.

##### **Waste Administration Officer**

Council's Waste Administration Officer has raised concern for the ongoing management of a shared waste receptacles outcome, as well as the proposed capacities, which may be insufficient to cater for the likely needs of future occupants.

##### **Coordinator Arboriculture**

Council's Coordinator of Arboriculture has advised that the street tree is in good condition and not suitably justified for removal to facilitate the proposal.

#### External

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

The referral response from DPTI has outlined that the location of the garage of Dwelling 1 will result in vehicles reversing out into the 6 x 6 metre shared access area and has the potential to restrict a vehicle entering the site and may result in queuing back onto Sturt Road which is undesirable.

DPTI has also noted restrictions with the site in relation to kerbside refuse collection, and that Council should be fully satisfied that the proposed waste collection can be appropriately managed.

Despite the above, the Department of Planning, Transport and Infrastructure supports the proposed development and has advised the planning authority to attach various conditions and a note to any approval, which can be found in Attachment IV of this report.

## 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.

## Zone and Policy Area Considerations

### Suburban Activity Node Zone

Relevant Objectives	Satisfies
1. A zone that includes a range of medium and high density residential development supported by a mix of compatible land uses.	The proposed development is considered reflective of the medium-high density sought by the Zone.
3. The design and layout of development to encourage walking and cycling and promote public transport use.	Given the proximity to Westfield Marion Shopping Centre, nearby public transport options and availability for bicycle parking, the proposal is considered to encourage walking, cycling and public transport use.
6. Development that contributes to the desired character of the zone.	The proposal is deemed to be consistent with the Desired Character of the Policy Area (as discussed further within the assessment below).

### Desired Character

*The zone will be developed predominantly for medium to high density housing and accommodation with integrated mixed use activities at an appropriate scale.*

*Residential development will be primarily in the form of residential flat buildings, row dwellings, semi-detached dwellings, serviced apartments and other forms of accommodation that meet the needs of students and aged persons. The location of high density housing and other forms of targeted accommodation will take into account its proximity to education and employment facilities, and public transit services.*

*The form, scale and mix of development will be at its greatest intensity in 'Core Areas' as shown on Concept Plan Map Mar/7 - Laffer's Triangle. Non-residential activities in 'Core Areas' may include shops, community services, offices, consulting rooms, cafes and restaurants that provide for day-to-day needs of residents and workers and reduce the need for multiple trips. Features and activities that attract people and add vitality to the street, such as display windows, retail shopfronts and outdoor dining areas are encouraged.*

*Outside of 'Core Areas', smaller scale non-residential uses will be encouraged at street level, with residential units and / or other forms of accommodation located on upper floors.*

*The height of buildings will transition down from 'Core Areas'. Buildings on land adjacent to a residential zone accommodating low rise development will create an appropriate transition of development scale, massing and land use intensity.*

*Development in the zone will create an appropriate interface between residential development in the zone and established incompatible uses outside the zone such as industrial activities. Additional scope in the use of land at the interface of such areas will be provided to encourage a pattern of development that achieves a suitable level of amenity for residents and will enhance residential areas located further away from the interface.*

*Buildings will contribute to the provision of a coherent public realm by framing the street space and adjoining private and public open space. To promote pedestrian oriented development, building entrances will be oriented to the street and on-site parking areas will be located beneath or behind buildings.*

*Amalgamation of adjacent allotments or sharing of facilities including communal open space, parking areas and access ways is encouraged.*

*Streets will be highly connected to surrounding areas (acknowledging the physical constraints imposed by the Sturt River and Warriparinga Wetlands at Laffer's Triangle) and within the zone to maximise walkability and reduce local travel distances. Cycle paths and routes will be provided which are safe, accessible, well signed and connect and link key local destinations such as shops, public transport stops and local parks.*

*Development in the zone will achieve high quality urban design in both the public and private realm through building design, landscaping, surface treatments and street furniture. Footpaths will be wide and street trees will shade the footpath and soften the built form. Colonnades, courtyards, awnings and street furniture will create a pedestrian friendly environment. Streets will incorporate traffic calming measures.*

*Front fences will be minimised to ensure visual permeability and avoid large blank walls to encourage passive surveillance, active streetscapes and a visually interesting public realm.*

*Residential buildings will sit within a landscaped public realm environment that provides high quality amenity for residents. A range of setbacks will be provided to achieve physical and/or visual activation to the streetscape, and provide sufficient space between individual buildings for landscaping, car parking areas, building entries, pedestrian entries and movement networks, and create a pleasant, short range visual outlook.*

*Water Sensitive Urban Design systems, including the harvest, treatment, storage and reuse of stormwater, will be integrated throughout the Zone at the neighbourhood, street, site and building level. Stormwater management will address potential water quality impacts from site contamination and other factors while improving the aesthetic and functional value of open spaces, including public access ways and greenways.*

## **Marion Regional Centre**

*The area surrounding Marion Regional Centre will be developed with mid-rise medium-to-high density residential development, with non-residential uses at street level to encourage active street frontages and a pedestrian-friendly environment.*

*The Zone also encompasses land surrounding "Oaklands Crossing". In this area, mid-rise high-density mixed use development is anticipated, with shops and cafes at street level framing the rail station. Where buildings will not adversely impact on nearby sensitive land uses, building heights may be increased to enhance population density around the rail station. Large land holdings in the area will be developed in an integrated manner, including the provision of appropriate open space, streetscaping and enhanced pedestrian and cycle links to the Regional Centre's facilities.*

### **Relevant Principles of Development Control**

- |  |  |
|--|--|
| <p>1. <i>The following types of development, or combination thereof, are envisaged in the zone:</i></p> <ul style="list-style-type: none"><li>▪ <i>residential flat building</i></li></ul>   | <p>The proposed development includes the construction of a Residential Flat building.</p>  |
| <p>2. <i>Development listed as non-complying is generally inappropriate.</i></p>   | <p>The proposal is not listed as a form of non-complying development within the Suburban Activity Node Zone.</p>   |
| <p>7. <i>Development should be consistent with the desired character for the zone.</i></p>   | <p>See "Assessment Discussion" section of this report.</p>   |
| <p>9. <i>New dwellings adjacent arterial roads should be provided with appropriate adverse air quality mitigation and sound attenuation techniques such as insulation, double-glazed windows/doors and balcony screening, to protect residents from amenity impacts arising from nearby traffic.</i></p> | <p>It is acknowledged the proposal does not include air quality mitigation measures; however, given Sturt Road carries a lower number of vehicles per day (approximately 26000 - 37000) compared to other busier road such as Marion Road (approximately 46700) and South Road (approximately 46000 - 50000), it is not deemed necessary in this instance, nor is a matter which would warrant refusal of the application.</p> |

Whilst the windows presenting to/in close proximity of the arterial road do not incorporate double glazing, windows presenting to the arterial road have nonetheless been limited where possible and for the most part are located adjacent the stairwell/hallway of Dwelling 1. Bedrooms are sited on the second floor to enhance the amenity afforded to future residents.

A Reserved Matter has nonetheless been included in the recommendation to improve sound attenuation, which states "A revised set of plans shall be submitted to Council demonstrating sound attenuating values to the front and side facing windows/doors of Dwelling 1 and Dwelling 2".

19. *Development facing streets, public reserves or public spaces should be designed to provide attractive, high quality and pedestrian friendly frontage(s) by:*  
*(b) designing building façades that are well articulated by creating contrasts between solid elements (such as walls) and voids (for example windows, doors and balcony openings) and use of different materials and finishes*  
*(c) positioning services, plant and mechanical equipment (such as substations, transformers, pumprooms and hydrant boosters, car park ventilation) in discreet locations, screened and or well integrated with the façade*  
*(d) ensuring ground, semi-basement and above ground parking do not detract from the streetscape*  
*(e) minimising the number and width of driveways and entrances to car parking areas to reduce the visual dominance of vehicle access points and negative impacts on pedestrian linkages.*
20. *Boundary walls and fences should be no more than 1.2 metres in height to maintain sight lines between buildings and the street, and to improve safety through passive surveillance.*

The design and appearance of the building includes a variety of colours and materials, including a dark coloured render at the ground level and a lighter render on the upper level contrasted with vertical cladding, fenestration and horizontal screening. The location of car parking areas are not readily visible from the street and are serviced by a double width crossover from Sturt Road.

The masonry fencing along the front boundary is limited to 1.2 metres in height in order to maintain sight lines between the building and the street.

The proposal is considered to adequately satisfy the majority of relevant Zone and Policy Area considerations listed above. Zone and Policy Area provisions that are more quantitative in nature have not been listed above, and are detailed within the following Quantitative Snapshot table, and pertinent matters, including the Desired Character, are discussed further within the Assessment Discussion thereafter.

Criteria		Dwelling 1	Dwelling 2	Dwelling 3	Dwelling 4	Dwelling 5	Dwelling 6	Dwelling 7	Dwelling 8	
Site area	Minimum 50 dwellings per hectare (200m²)	105.2m² average (95 dwellings per hectare)								Satisfies
Frontage width	No minimum	19.30m								n/a
Depth	No minimum	43.59m								n/a
Site coverage	No maximum	501.5m² (59.6%)								n/a
Deep soil zone	7% of site area (min dimension of 3 metres). 1 Medium tree/30m² deep soil	5.1% (42.5m²) deep soil areas with satisfactory dimensions. 2 medium trees provided, each within 30m² deep soil.								Partially satisfies
Front setback	Any area not located in Laffer's Triangle and Mitchell Park: 3 metres	3 metres to the main façade								Satisfies
Rear setbacks	Ground: 2m First floor: 4m Second floor: As per interface height provisions. 30 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of a residential allotment within a residential zone	Ground floor: 4m First floor: 4m Second floor: 4m								Satisfies Satisfies Does not satisfy
Side setbacks	Ground: 0m First floor: 0.9m Second floor: 1.8m	Eastern side setbacks 5.98m 4.71m 4.71m				Western side setbacks 2m 0.98m (balcony) 2.06m				Satisfies Satisfies Satisfies
Building height	Min: 2 storeys Max: 3 storeys up to 12.5m	3 storeys: 9.3m								Satisfies
Private open space and dimension	15m² Minimum dimension: 2m	13.8m²	12.2m²	12.2m²	12.2m²	12.2m²	12.2m²	12.2m²	32.2m²	Partially satisfies
		Each area of private open space achieves a minimum dimension of 2.7 x 4.3 metres (Additional 9m² utility courtyard provided comprising a small shed, rainwater tank and clothesline).								
Dedicated on-site storage	8m³	8.1m³	8.1m³	8.1m³	8.1m³	8.1m³	8.1m³	8.1m³	8.1m³	Satisfies
Off-street car parking	2 per 3 bedroom dwelling + 0.25 visitor parking spaces per dwelling= 16 resident spaces plus 2 on-site visitor spaces	2 spaces provided per dwelling (16) plus 1 on-site visitor space								Partially satisfies



## Assessment Discussion

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

- **Desired Character**
- **Rear setback**
- **Private open space**
- **Amenity considerations**
  - *Visual impacts*
  - *Overshadowing*
  - *Visual privacy*
  - *On-site vehicle parking and traffic*
- **Waste collection and storage**
  - *Management issues of a shared waste receptacles outcome*
  - *Waste receptacle capacities*
  - *Bin storage areas*
  - *Waste collection and storage summary*
- **Energy efficiency and stormwater**
- **Landscaping**

### Desired Character

The Desired Character of the Suburban Activity Node Zone seeks to accommodate medium to high density housing and accommodation at appropriate scale. The zone anticipates a range of dwelling types, including residential flat buildings, which take into account its proximity to education, employment facilities and public transit services.

In this regard, the proposal is considered to satisfy the medium to high density sought within the Suburban Activity Node Zone, with the proposed built form an appropriate scale when considering the quantitative setback and building height requirements.

Development in the zone should also achieve a high quality urban design through built form design, landscaping and surface treatments. Building entrances should be oriented to the street and on-site parking areas located beneath or behind buildings. It is sought that front fences be minimised to ensure visual permeability and avoid large blank walls to encourage passive surveillance, active streetscapes and a visually interesting public realm.

The design of the building includes a mixture of exposed brick, cladding, render, fenestration, and framing elements. The proposed development generally presents a well-articulated high quality design, particularly when approaching the site from the east, with the eastern façade somewhat visible from the streetscape due to greater setbacks on this side of the building. The front façade of the building replicates some of the design elements seen on the eastern elevation, however also includes large areas of uninterrupted walling facing the public realm. Nonetheless, the building entrance of Dwelling 1 is oriented to the street, and the on-site car parking areas are located behind the front façade, with the upper levels of the building cantilevered over these areas so as to minimise the visual impact of these spaces upon the streetscape. The front fencing proposed is appropriately minimised in order to maintain sight lines of the streetscape, whilst the landscaping 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 above considerations demonstrate the proposal find some support with the intent of the Suburban Activity Node Zone. The overall design of the built form is discussed further below within this report.

## Rear setback

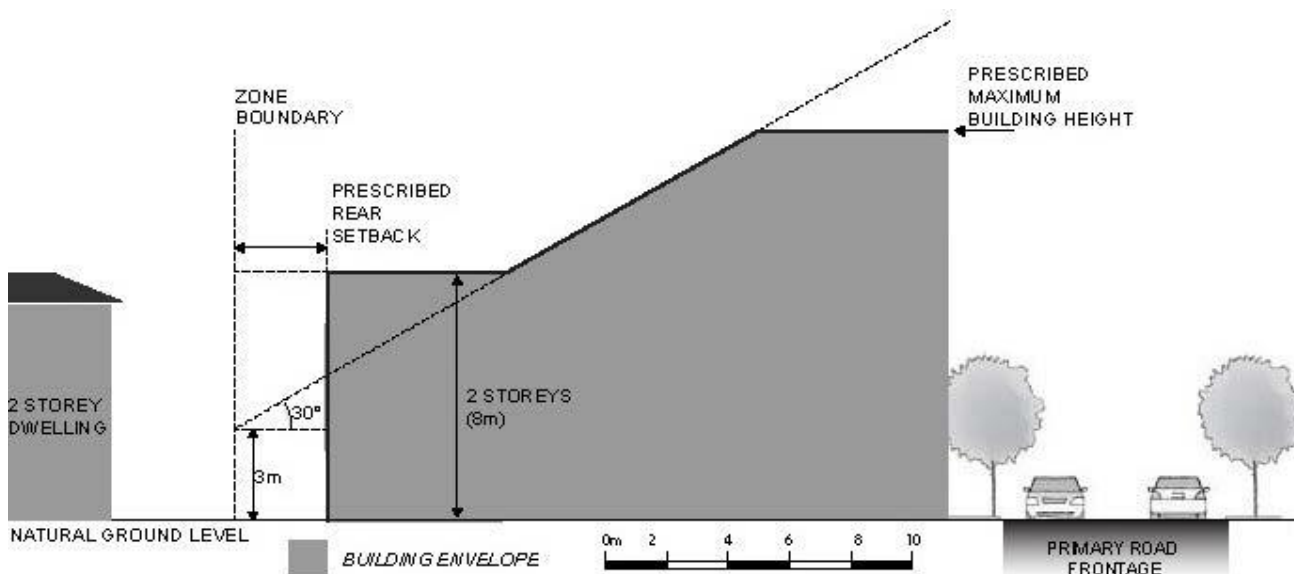
Principle of Development Control 15 of the Suburban Activity Node Zone specifies that buildings (not within Laffer's Triangle and Mitchell Park) should be set back from rear boundaries in accordance with the following parameters:

Single storey building component: 2 metres

Two storey building component: 4 metres

Three + storey building component: as per Interface Height Provisions

The Interface Height Provisions (PDC 12) outline that ‘to minimise building massing at the interface with residential development located in a residential zone, components of buildings over two storeys in height should be constructed within a building envelope provided by a 30 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of a residential allotment within a residential zone, as illustrated in **Figure 1**’ (below):



Some conflict is noted between the two provisions, with PDC 15 seeking for buildings to be set back from rear boundaries, whilst both the wording and Figure 1 of PDC 12 reference the zone boundary.

The rear boundary of the subject land is not a zone boundary. And as such it is acknowledged that a reading of Principle 12 in isolation would result in the three + storey building component potentially not requiring any setback to the rear boundary (0 metres). Accordingly, the proposed 4 metre rear setback appears to comply with the interface height provisions of PDC 12.

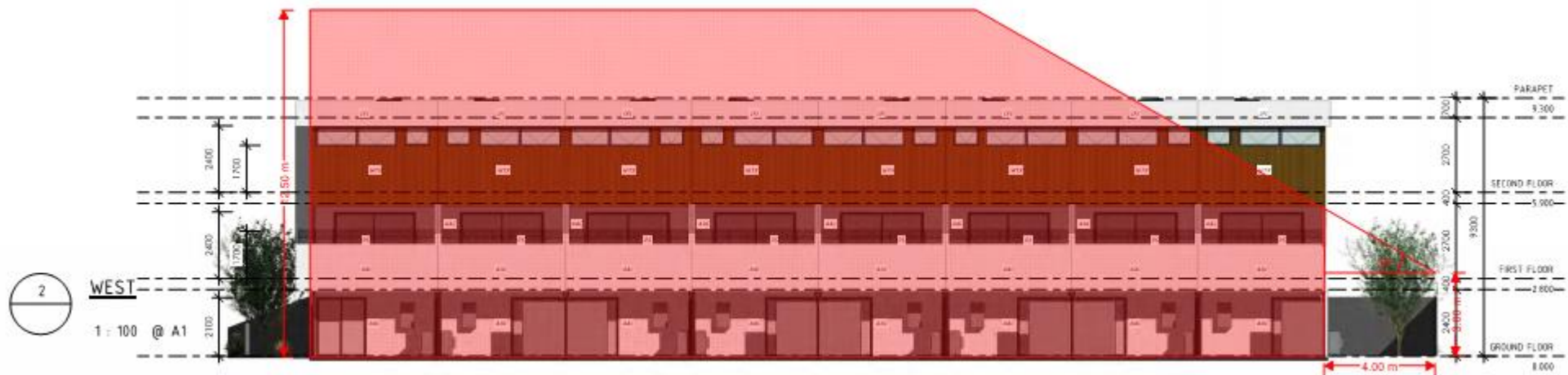
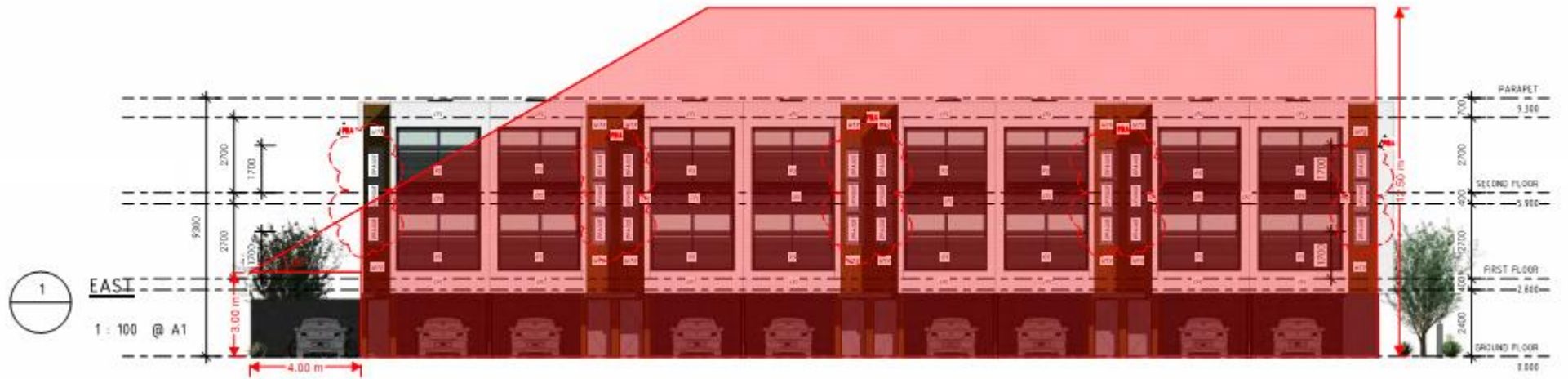
However, in my view, the intent of the Development Plan in this regard is to provide a greater rear setback to the third storey building component from the rear boundary than that of the single and two-storey building components, otherwise the setback parameters may be as follows;

Single storey building component: 2 metres

Two storey building component: 4 metres

Three + storey building component: Potentially 0 metres

In applying the Interface Height Provisions to the rear boundary of the proposed development, Councils calculations (illustrated on the next page) demonstrate that the third storey building component of Dwelling 8 protrudes beyond the desired building envelope. The appropriateness of which may rest upon resulting visual and overshadowing impacts (as discussed further below).



### **Private open space**

The Development Plan seeks for a minimum 15 square metres private open space, comprising a minimum dimension of 2 metres. Private open space should not include any area covered by an outbuilding, rainwater tank or other utility areas.

Each proposed dwelling incorporates an upper level balcony of 13.8 square metres to Dwelling 1, and 12.2 square metres to Dwellings 2-8 (with Dwelling 8 comprising additional POS of 20 square metres at the rear of the building). Accordingly, Dwellings 1-7 do not strictly satisfy the 15 square metre POS requirement. Whilst the utility courtyard provided to each dwelling is not formally considered as POS, it is nonetheless acknowledged that this area forms a useful supplementary area to complement the function of the dwellings, including contributing to the required dedicated on-site storage, appropriate stormwater collection and an area within which to hang clothes or store larger personal or recreational items (bicycles for example).

The POS located on the balcony is nonetheless of adequate dimension, directly accessible from a habitable room and partially open to the sky as sought by the Development Plan. To this end, I am reasonably satisfied that the proposed POS is adequate to serve the likely needs of future occupants.

### **Amenity considerations**

The proposed development is the first incursion of a three-storey residential building within the locality. Accordingly, whilst it is acknowledged that the adjacent properties are also located within the Suburban Activity Node Zone which contemplates similar forms of development to that proposed, the proposal may nonetheless result in visual and general amenity impacts on the existing adjacent development, which is currently exclusively comprised of single-storey dwellings at low densities.

#### *Visual impact*

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 eastern façade of the proposed development incorporates various design elements and quality materials, resulting in an appropriately articulated built form. Visual interest is provided through framing of each 'pair' of dwellings with a protruding rendered element with vertical timber look pre-finished panelling provided to the secondary façade. It is considered that the eastern presentation of the proposal minimises potential bulk and scale impacts upon the adjoining property through a combination of adequate setbacks, an articulated built form and visual interest.



The northern (front) façade replicates some of the design elements seen on the eastern elevation, however also includes large areas of uninterrupted walling facing the public realm. Whilst it is considered that further visual interest may be desirable, it is nonetheless recognised that the proposal attempts to address the desired design outcomes whilst having regard to minimising fenestration presenting to the arterial road in order to mitigate associated noise impacts upon the amenity of Dwelling 1.

In my view, the largest visual impact attributed to the proposal involves the western elevation and its presentation to adjoining land. The western façade of the building effectively forms the 'back' of the dwellings. Whilst there are variations in setback between each level which provide some articulation and shadowing- there is no variation in setback from dwelling to dwelling, resulting in long horizontal planes of render or cladding. This being said, the view of the western façade of the dwelling will be somewhat obscured from view by outbuildings sited along the eastern boundary of the adjacent land to the west. Further, it is acknowledged that the proposal nonetheless maintains side setbacks from western boundary as desired by the zone.

The southern (rear) elevation of the proposal is comprised of a limited range of materials, with extensive areas of uninterrupted walling resulting in little visual interest or articulation. In my view, the bulk and scale impact of the proposal upon adjoining properties to the south is somewhat exacerbated by a lack of design elements provided to the southern façade. This, in conjunction with the potential shortfall in rear setback criteria, is noted and considered accordingly with the overall merit of the proposal.

#### *Overshadowing*

Given that south forms the rear boundary, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours, however the majority of shadows cast will fall within the adjacent land to the south.

The proposal may comprise a shortfall in rear setback to the third storey building component, and as such overshadowing impacts to the south may be increased from that anticipated by Development Plan. However, it must also be acknowledged that the proposed building comprises an overall height of 9.3 metres, where the Development Plan anticipates three storey buildings of up to 12.5 metres within this area of the Suburban Activity Node Zone.

The applicant has provided shadow diagrams demonstrating the extent of shadow cast between 9:00am and 3:00pm on the 21<sup>st</sup> 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 21<sup>st</sup> of June; and
- b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9am and 3pm on the 21<sup>st</sup> of June to at least 35 square metres of the existing ground level private open space.

Consequently, I am satisfied that the extent of overshadowing cast from the proposed development complies with PDC 9 and 10, and is appropriate, particularly when regard is had to the form of development anticipated by the Zone.

### *Visual Privacy*

Each dwelling incorporates screening or fixed and obscured glazing to 1.7 metres above floor level for windows on the eastern and western side and southern rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and should not result in direct overlooking of habitable areas of adjacent properties.

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

### *On-site vehicle parking and traffic*

Table Mar/2a of the Development Plan seeks for residential development in the form of residential flat buildings within the Suburban Activity Node Zone to provide two on-site car parking spaces per 3 bedroom dwelling, plus an additional 0.25 visitor parking spaces per dwelling. The proposed dwellings each incorporate 2 bedrooms and a study. In my view, the dwellings effectively comprise three habitable rooms which are capable of being utilized as bedrooms.

As a result of the above, the proposal results in a shortfall of 1 on-site visitor car parking space. It is my opinion that considerations for this particular matter should take into account the desired outcomes for the zone, which seeks to promote walking and cycling and public transport use. The subject land is sited directly opposite the Regional Centre Zone, with a bus interchange sited on the northern side of Sturt Road some 50 metres from the site. These services are within walking distance of the site and are considered to assist in promoting the use of public transport and walking. Bicycle parking is available at the rear of the site, providing up to three parking spaces, with additional space available within the individual courtyards of each dwelling to store a bicycle, which is considered to assist in satisfying the overall intent of the zone.

An assessment against Council's Development Plan must consider whether the design of the car park will result in convenient and safe vehicle movements. Whilst vehicle movements out of the proposed on-site car parking spaces would be able to be achieved in no more than two movements, the nature of the movements and their proximity to the eastern boundary fence and to individual entries of each dwelling, in my opinion, may result in somewhat inconvenient vehicle movements and potential safety concerns for residents entering or exiting their respective dwellings.

Further to the above, whilst the Development Plan seeks for vehicle parking areas to not face the primary street frontage and to be located to the rear of buildings (PDC 45 General Section: Transportation and Access) it is considered that access to the on-site visitor car parking space, being at the rear of the building, may result in potential conflict. Should a vehicle traverse the length of the driveway to find the visitor space occupied, the proposal does not accommodate anywhere for such a vehicle to turn around, and thus may result in vehicles reversing back down the length of the driveway and onto the arterial road.

Nonetheless, the carpark dimensions and overall layout meet the relevant Australian Standards, which has been reviewed by Council's Development Engineer and DPTI, who have both formed the opinion that from a traffic safety point of view, the proposal is satisfactory. In addition, it is considered that visitors to the site would likely take advantage of the parking spaces available directly opposite the subject land within the Regional Centre Zone.

The referral response from DPTI has outlined that the location of the garage of Dwelling 1 will result in vehicles reversing out into the 6 x 6 metre shared access area and has the potential to restrict a vehicle entering the site and may result in queuing back onto Sturt Road which is undesirable. Despite this, the Department of Planning, Transport and Infrastructure supports the proposed development.

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. 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.

### ***Waste collection and storage***

The application proposes a shared waste receptacle outcome, with a communal waste storage area on the northern side (at the front) of the building to service Dwellings 1-4, and another on the southern side (to the rear) of the building to service Dwellings 5-8. Each communal waste storage area is proposed to accommodate 2 x 140L General Waste Bins, 2 x 140L Recycling Bins and 1 x 240L Organics Bin.

By way of history, the application originally proposed for each dwelling to accommodate the standard three bin system within the garage of each dwelling, with a maximum of 16 bins to be collected kerbside on waste collection days. However the proposal failed to take into account an existing street tree which would prevent the placement of all 16 bins on the verge forward of the subject land. Accordingly, the application was referred to Council's Arborist, who advised that the tree is in good condition and there is not suitable reason to justify removal in order to facilitate the proposal. Further, that even with significant pruning, the structural branches of the tree would prevent collection of at least 6 bins. Accordingly the applicant amended the proposal to the shared waste receptacle outcome outlined above.

During assessment, the application was referred to Council's Waste Administration Officer who raised concern for the ongoing management of a shared waste receptacles outcome, as well as the proposed capacities, which may be insufficient to cater for the likely needs of future occupants. The referral response from the Department of Planning, Transport and Infrastructure also noted that Council should be fully satisfied that the proposed waste collection can be appropriately managed.

#### *Management issues of a shared waste receptacles outcome:*

The Waste Management Plan prepared by Colby Phillips Advisory 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. Council's Waste Administration officer has raised concern that 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.

#### *Waste receptacle capacities:*

In referring the application to Council's Strategic Procurements department, concern was raised that the proposed capacities may be insufficient to cater for the likely needs of future occupants. 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 two bedrooms, when each dwelling comprises two bedrooms and a study, which arguably could be utilized as a bedroom as well (as this is considered a habitable room in accordance with the Building Code of Australia). As per the Better Practice Guide, the proposal for eight, three bedroom dwellings, requires a capacity of 840L General Waste, 720L Recycling and 240L Organics per week (or 6 x 140L General Waste Bins, 6 x 240L Recycling Bins, and 2 x 240L Organics Bins). However, if the proposal were amended to provide this number of bins (management issues of a shared outcome aside), kerbside space would be needed for up to 12 bins, which again may not be available given the constraints previously identified with the existing street tree.

*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 on the northern side (at the front) of the building to service Dwellings 1-4 is not considered to satisfy PDC 31(c) in that it is located in very close proximity to the entrance of Dwelling 1, with the proposed 1.2 metre high brick wall not considered sufficient to screen the storage area from public view given this area is directly adjacent the front boundary of the subject land (noting that the fencing extension up to 1.5 metres remains relatively open in nature).

*Waste collection and storage summary:*

Principle of Development Control 27 (General Section: Medium and High Rise Development) of Councils Development Plan specifies that where the number of bins to be collected kerbside is 10 or more at any one time, provision should be made for on-site commercial collection. However, as the proposed shared waste receptacle outcome results in a maximum of 8 bins to be collected kerbside at any one time, the proposal finds compliance with PDC 27, albeit the proposed capacities (and resulting number of bins) are perhaps insufficient if the dwellings are considered to comprise three bedrooms, instead of two.

All this being said, the Development Plan does not include provisions in relation to a shared waste receptacle outcome, nor does it allow for consideration of waste receptacle capacities. Whilst Council's Waste Administration Officer has raised numerous concerns with the proposal in this regard- an assessment of the application against the Development Plan allows limited consideration of these issues.

Nonetheless, the bin storage area to the front of the building and within close proximity to the entrance of Dwelling 1 is considered at odds with PDC 31(c) (General Section: Residential Development). This area of non-compliance is noted and considered accordingly with the overall merit of the proposal.

**Energy efficiency and stormwater**

Each proposed dwelling comprises a west-facing balcony and POS, which shall nonetheless benefit from adequate levels of northern sunlight during winter months. The position of the balcony, and partially over-hanging second floor level provides appropriate shadowing of the west-facing living room windows during summer months, enhancing the energy efficiency of the dwellings.

Council's Development Engineer has confirmed that the proposed finished floor levels and external paving levels are appropriate to mitigate potential flooding impacts, and that the proposed stormwater collection satisfies Council's requirements.



## **Landscaping**

Landscaping is provided along the street frontage of the building presenting to Sturt Road. The landscaped area adjacent the road frontage achieves a 2 metre depth which will be planted with a variety of planting species, including a tree which will be classified as medium at maturity (comprising a growth height of up to 10 metres), which will be complimentary to the two storey nature of the building. Various other low-medium height plantings are provided forward of the front fence 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 less than 0.3 metres which does not extend to the front boundary of the land.

It is acknowledged that the proposal incorporates 'grasscrete' at regular intervals along the driveway 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. Nonetheless, the lack of landscaping dimension, when combined with the shortfall in deep soil zones as sought by PDC 23 (General Section: Medium and High Rise Development), suggests the extent of sealed areas may still be excessive. 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 and considered accordingly with the overall merit of the proposal.

## 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 Suburban Activity Node Zone.

The proposed development is generally considered to provide a positive design contribution to the streetscape, particularly when approaching the site from the east, and reflects the outcomes sought by the Desired Character of the Suburban Activity Node Zone. The proposal is not considered to result in unreasonable amenity consequences upon the locality in terms of overshadowing, overlooking or traffic and vehicle parking. The energy efficiency and stormwater requirements of the proposal are adequately satisfied, whilst landscaping proposed forward of the building is considered to enhance the streetscape appearance of the development.

The proposal comprises a potential shortfall in rear setback criteria, with the third storey building component of Dwelling 8 protruding beyond the desired building envelope when applying the Interface Height Provisions to the rear boundary of the proposed development. However the conflict between the wording of PDC 12 and 15 of the Suburban Activity Node Zone is acknowledged, such that a different interpretation of these principles (as outlined within the supporting documentation provided by the applicant) may find the proposed rear setback to be appropriate. Nonetheless, it is my position that the intent of the Development Plan in this regard is to provide a greater rear setback to the third storey building component, and that the siting of the building in combination with the design of the southern facade may result in undesirable bulk and scale visual impacts upon the adjoining properties to the south.

Council's Waste Administration Officer has raised concern for the ongoing management of the proposed shared waste receptacles outcome and that the proposed capacities may be insufficient to cater for the likely needs of future occupants. In addition, the referral response from DPTI outlined that Council should be fully satisfied that the proposed waste collection can be appropriately managed. However, an assessment of the application against the Marion Council Development Plan allows limited consideration of these issues. Nonetheless, the proposed bin storage area to the front of the building and within close proximity to the entrance of Dwelling 1 may result in amenity impacts upon this dwelling as well as the streetscape.

The proposal fails to provide an adequate dimension of landscaping adjacent the length of the driveway. 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 proposal instead incorporates 'grasscrete' at regular intervals along the driveway in order to reduce impervious surfaces.

Ultimately, I am of the opinion that the overall merit of the proposal is considered to outweigh the discrepancies outlined above. The shortfall in rear setback is undermined by inconsistent wording of the Development Plan, 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 the bin storage area forward of the building, whilst resulting in a poor streetscape outcome and amenity outcome for persons accessing Dwelling 1, are not of such severity to warrant refusal of the application by itself.

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: 100/1993/2019 for Demolition of existing structures and construction of a three-storey residential flat building comprising eight dwellings as well as associated car parking, fencing and landscaping at 215 Sturt Road, Seacombe Gardens, be GRANTED subject to the following Reserved Matter and Conditions:

### **Reserved Matter**

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

- 1. An amended fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail the driveway materials to be utilised, including the sections of 'grasscrete'.
- 2. A revised set of elevation plans shall be submitted to Council demonstrating sound attenuating values to be included on the front and side facing windows/doors of Dwelling 1 and Dwelling 2 to the reasonable satisfaction of the Team Leader - Planning.

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

## **CONDITIONS**

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2019/1993, except when varied by the following conditions of consent.
- 2. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

4. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
5. 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.
6. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the respective premises.
7. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
8. Any existing vegetation nominated to be retained and/or any new vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
9. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.

#### ***DPTI CONDITIONS***

10. The access to Sturt Road shall be constructed in general accordance with Gemma Lea Design Studio Site/Ground Floor Plan, Sheet PL.02, dated 26 November 2019.
11. The access should be flared to the road to cater for convenient left in and left out movements and the existing parking sign relocated to Council's satisfaction in order to achieve 1-metres separation. If the sign needs to be relocated all costs shall be borne by the applicant.
12. All vehicles shall enter and exit the site in a forward direction.
13. All off-street car parking areas shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*. Furthermore, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
14. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Sturt Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.



## **NOTES**

- 1. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2004.**
- 2. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- 3. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**
- 4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).**
- 5. The Metropolitan Adelaide Road Widening Plan shows that a strip of land up to 4.5 metres in width may be required from the Sturt Road frontage of the subject site for possible future upgrading of the Sturt Road/Diagonal Road intersection. The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act 1972 for all new building works located on or within 6.0 metres of the possible requirement. Accordingly, the attached consent form and three copies of the approved site plans should be provided to DPTI for consent purposes. Consent can be anticipated.**

**REPORT REFERENCE: CAP150420  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 15 April 2020**



<b>Originating Officer:</b>	<b>Nicholas Timotheou Development Officer - Planning</b>
<b>Applicant:</b>	<b>Paradise Residential Properties Pty Ltd</b>
<b>Development Description:</b>	<b>The construction of a two storey residential flat building comprising of 8 dwellings with associated landscaping and car parking</b>
<b>Site Location:</b>	<b>244 Sturt Road, Marion</b>
<b>Zone &amp; Policy Area:</b>	<b>Suburban Activity Node Zone</b>
<b>Lodgement Date:</b>	<b>3/12/2019</b>
<b>Development Plan:</b>	<b>Consolidated – 15 August 2019</b>
<b>Referrals:</b>	<b>Development Engineer Department of Planning, Transport and Infrastructure</b>
<b>Delegations Policy:</b>	<b>Development Delegations Policy 4.1.9</b> <i>Any application where the Manager Development and Regulatory Services determines that the application warrants assessment by the Panel due to its significant, contentious or controversial nature.</i>
<b>Categorisation:</b>	<b>Category 1</b> <i>The Procedural Matters section of the Suburban Activity Node Zone within the Marion Council Development Plan assigns residential flat buildings as Category 1 development.</i>
<b>Application No:</b>	<b>100/2019/2013</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to a reserved matter and conditions</b>

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**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>

## SUBJECT LAND

The subject land is located at 244 Sturt Road, Marion and comprises a frontage width of 20.12 metres, a site depth of 43.55 metres and a total site area of 877.2 square metres. The land is located on the northern side of the Sturt Road which his classified as an arterial road.

A single storey detached dwelling in good condition is currently sited on the land and gains access from Sturt Road from an existing single width crossover sited adjacent the eastern side property boundary. The access point leads to a single width carport and outbuilding sited in the rear yard of the property. The contour of the land is relatively flat and features limited landscaping.





## 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 and semi-detached dwellings.

The dwelling sited at 240 Sturt Road, Marion is listed as a Local Heritage Place in Table Mar/3 of the Development Plan. The later additions and outbuilding are excluded from the Heritage listing. The surrounding dwellings between Shelley Avenue and Sturt Road are each sited in the Suburban Activity Node Zone, along with the Goodlife gym which is sited on the Diagonal / Finnis Street junction.

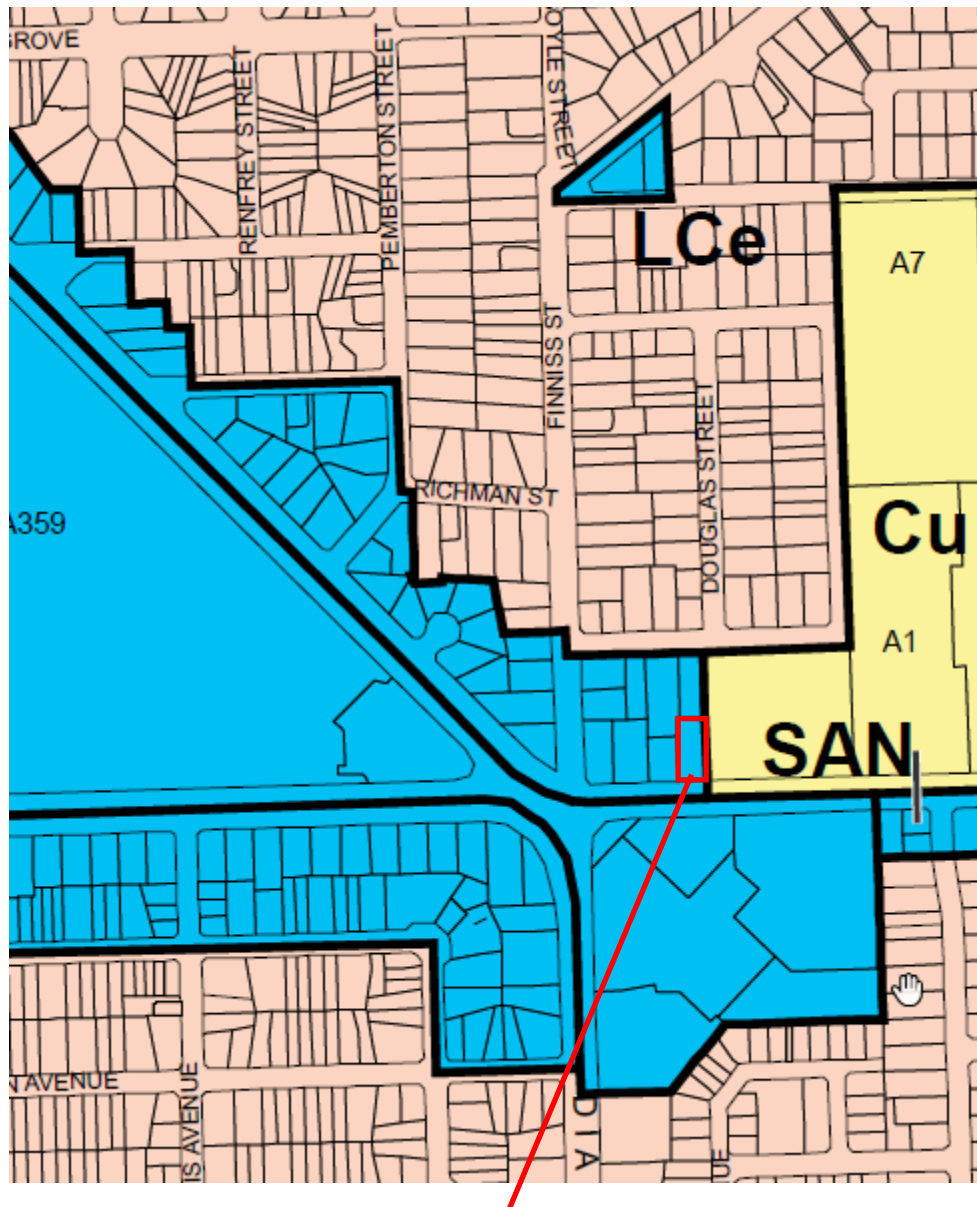
Immediately east of the subject land comprises the Marion Croquet Club with its associated car park, which links up with Club Marion and the associated sporting grounds. These sites are sited in a Community Zone.

Directly south of the site comprises the City of Marion Council's Administration Building, Marion Heritage Research Centre, Cooina Neighbourhood Centre and Housing SA / Families SA offices. Westfield Marion Shopping Centre is located approximately 150m west of the subject land. Each of these properties are sited in a Regional Centre Zone.

The locality can be viewed via this [google maps link](#).







Subject land

## **PROPOSED DEVELOPMENT**

The proposal is best described as 'the construction of a two storey residential flat building comprising 8 dwellings with associated landscaping and car parking'.

Each dwelling incorporates a master bedroom at the ground floor with ensuite. A second bedroom, bathroom and open plan kitchen/meals/living which leads to a balcony overlooking the Marion Croquet Club are provided on the second floor.

Fourteen on-site parking spaces are provided, one of which is sited to the rear of Dwelling 8 at the rear of the site. The remaining thirteen spaces are placed beneath the cantilevered portion of the upper level. All parking spaces are serviced via a double width crossover from Sturt Road. Bicycle parking is provided at the front of the site, allowing for up to 6 spaces.

An area allocated for communal open space is provided in the north-eastern corner of the allotment. Communal bin storage is available at the front of the site which is screened by 1.8m high aluminium slats.

Landscaping is provided throughout the site, most notably at the front of the site which measures 3 metres deep and features a variety of planting species. This area is included with a mixture of mature trees and low-medium level plantings.

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

## **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 Procedural Matters section of the Suburban Activity Node Zone within the Marion Council Development Plan assigns residential flat buildings as Category 1 development.

## **Referrals**

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

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.

## 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

#### Suburban Activity Node Zone

Relevant Objectives	Satisfies
<p>1. A zone that includes a range of medium and high density residential development supported by a mix of compatible land uses.</p> <p>3. The design and layout of development to encourage walking and cycling and promote public transport use.</p> <p>6. Development that contributes to the desired character of the zone.</p>	<p>Each dwelling features two bedrooms, thereby increasing the range of housing stock within the locality. The dwellings will assist in catering for changing demographics and particularly smaller household sizes.</p> <p>Given the proximity to Westfield Marion Shopping Centre, nearby public transport options and availability for bicycle parking, the proposal is considered to encourage walking, cycling and public transport use.</p>

#### Desired Character

*The zone will be developed predominantly for medium to high density housing and accommodation with integrated mixed use activities at an appropriate scale.*

*Residential development will be primarily in the form of residential flat buildings, row dwellings, semi-detached dwellings, serviced apartments and other forms of accommodation that meet the needs of students and aged persons. The location of high density housing and other forms of targeted accommodation will take into account its proximity to education and employment facilities, and public transit services.*

*The form, scale and mix of development will be at its greatest intensity in 'Core Areas' as shown on Concept Plan Map Mar/7 - Laffer's Triangle. Non-residential activities in 'Core Areas' may include shops, community services, offices, consulting rooms, cafes and restaurants that provide for day-to-day needs of residents and workers and reduce the need for multiple trips. Features and activities that attract people and add vitality to the street, such as display windows, retail shopfronts and outdoor dining areas are encouraged.*

*Outside of 'Core Areas', smaller scale non-residential uses will be encouraged at street level, with residential units and / or other forms of accommodation located on upper floors.*

*The height of buildings will transition down from 'Core Areas'. Buildings on land adjacent to a residential zone accommodating low rise development will create an appropriate transition of development scale, massing and land use intensity.*

*Development in the zone will create an appropriate interface between residential development in the zone and established incompatible uses outside the zone such as industrial activities. Additional scope in the use of land at the interface of such areas will be provided to encourage a pattern of development that achieves a suitable level of amenity for residents and will enhance residential areas located further away from the interface.*

*Buildings will contribute to the provision of a coherent public realm by framing the street space and adjoining private and public open space. To promote pedestrian oriented development, building entrances will be oriented to the street and on-site parking areas will be located beneath or behind buildings.*

*Amalgamation of adjacent allotments or sharing of facilities including communal open space, parking areas and access ways is encouraged.*

*Streets will be highly connected to surrounding areas (acknowledging the physical constraints imposed by the Sturt River and Warriparinga Wetlands at Laffer's Triangle) and within the zone to maximise walkability and reduce local travel distances. Cycle paths and routes will be provided which are safe, accessible, well signed and connect and link key local destinations such as shops, public transport stops and local parks.*



*Development in the zone will achieve high quality urban design in both the public and private realm through building design, landscaping, surface treatments and street furniture. Footpaths will be wide and street trees will shade the footpath and soften the built form. Colonnades, courtyards, awnings and street furniture will create a pedestrian friendly environment. Streets will incorporate traffic calming measures.*

*Front fences will be minimised to ensure visual permeability and avoid large blank walls to encourage passive surveillance, active streetscapes and a visually interesting public realm.*

*Residential buildings will sit within a landscaped public realm environment that provides high quality amenity for residents. A range of setbacks will be provided to achieve physical and/or visual activation to the streetscape, and provide sufficient space between individual buildings for landscaping, car parking areas, building entries, pedestrian entries and movement networks, and create a pleasant, short range visual outlook.*

*Water Sensitive Urban Design systems, including the harvest, treatment, storage and reuse of stormwater, will be integrated throughout the Zone at the neighbourhood, street, site and building level. Stormwater management will address potential water quality impacts from site contamination and other factors while improving the aesthetic and functional value of open spaces, including public access ways and greenways.*

Relevant Principles of Development Control	Satisfies
<p>1. <i>The following types of development, or combination thereof, are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>▪ <i>residential flat building</i></li> </ul> <p>2. <i>Development listed as non-complying is generally inappropriate.</i></p> <p>7. <i>Development should be consistent with the desired character for the zone.</i></p> <p>8. <i>Residential development, should achieve a residential density in accordance with the following:</i>  <i>Desired minimum net density</i>  <i>Any area not in the Core Area: 50 dwellings per hectare</i></p> <p>9. <i>New dwellings adjacent arterial roads should be provided with appropriate adverse air quality mitigation and sound attenuation techniques such as insulation, double-glazed windows/doors and balcony screening, to protect residents from amenity impacts arising from nearby traffic.</i></p> <p>19. <i>Development facing streets, public reserves or public spaces should be designed to provide attractive, high quality and pedestrian friendly frontage(s) by:</i></p> <ul style="list-style-type: none"> <li><i>(b) designing building façades that are well articulated by creating contrasts between solid elements (such as walls) and voids (for example windows, doors and balcony openings) and use of different materials and finishes</i></li> <li><i>(c) positioning services, plant and mechanical equipment (such as substations, transformers, pumprooms and hydrant boosters, car park ventilation) in discreet locations, screened and or well integrated with the façade</i></li> <li><i>(d) ensuring ground, semi-basement and above ground parking do not detract from the streetscape</i></li> <li><i>(e) minimising the number and width of driveways and entrances to car parking areas to reduce the visual dominance of vehicle access points and negative impacts on pedestrian linkages.</i></li> </ul>	<p>The proposed development includes the construction of a Residential Flat building which is anticipated by the zone and is not listed as non-complying.</p> <p>See "Assessment Discussion" section of this report.</p> <p>Satisfies (91 dwellings per hectare)</p> <p>It is acknowledged the proposal does not include air quality mitigation measures; however, given Sturt Road carries a lower number of vehicles per day (approximately 26000 - 37000) compared to other busier road such as Marion Road (approximately 46700) and South Road (approximately 46000 - 50000), it is not deemed necessary in this instance, nor is a matter which would warrant refusal of the application.</p> <p>Given the proximity of the building to the arterial road network, the development has been amended to include sound attenuation qualities for the windows facing Sturt Road. Given the proximity of Dwelling 1 and Dwelling 2 to the arterial road, a Reserved Matter has also been included in the recommendation to improve sound attenuation, which states "A revised set of plans shall be submitted to Council demonstrating sound attenuating values to the side facing windows/doors of Dwelling 1 and Dwelling 2".</p> <p><i>Continued over page.</i></p>

	<p>The design and appearance of the building includes a variety of colours and materials, including exposed brick at the ground level and a lighter render on the upper level contrasted with cladding and fenestration. Given the design of the building and location of mature landscaping, the location of the car parking areas will be screened from the street and are serviced by a single double width crossover from Sturt Road.</p>
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The proposal is considered to satisfy the majority of the relevant Zone and Policy Area considerations listed above. Zone and Policy Area provisions that are more quantitative in nature have not been listed above, and are detailed within the following Quantitative Snapshot table, and pertinent matters, including the Desired Character, are discussed further within the Assessment Discussion thereafter.

## Quantitative Snapshot

Criteria		Dwelling 1	Dwelling 2	Dwelling 3	Dwelling 4	Dwelling 5	Dwelling 6	Dwelling 7	Dwelling 8	
Site area	Minimum 50 dwellings per hectare where not located in the Core Area = 200sqm	109.65sqm average (91 dwellings per hectare)								Satisfies
Frontage width	No minimum	20.12m								Satisfies
Depth	No minimum	43.55m								Satisfies
Site coverage	No maximum	698sqm (79.5%)								Satisfies
Pervious Area	No minimum	98.74sqm (11.2%) – including permeable paving								n/a
Front setback	Any area not located in Laffer's Triangle and Mitchell Park: 3 metres	3 metres to the main façade								Satisfies
Rear setback (ground)	2m	4m								Satisfies
Rear Setback (Upper)	4m	4m								Satisfies
Side setbacks (ground)	No minimum	West side – each dwelling incorporates a wall on the side boundary, which is stepped to 1.6 metres								Satisfies
Side Setbacks (Upper)	0.9m	East side – each dwelling provides a 1m setback to the balcony, whereas the dwelling wall achieves 4.5m separation								Satisfies
Maximum wall length along a side boundary	No maximum	3m	6.05m (combined length with Dwelling 2 & 3)	6.05m (combined length with Dwelling 4 & 5)	6.05m (combined length with Dwelling 6 & 7)	3.05m				Satisfies
Minimum Building height	2 storeys	2 storeys in height – 6.7m								Satisfies
Private open space	15sqm	15sqm	15sqm	15sqm	15sqm	15sqm	15sqm	15sqm	25sqm	Satisfies
Private open space dimension	2 metres	Each area of private open space achieves a minimum dimension of 3.3 x 4.5 metres								Satisfies
Off-street parking	1.5 per 2 bedroom dwelling + 0.25 spaces per dwelling (visitor) = 14 spaces	14 on-site parking space provided								Satisfies
On-street parking	1 per 2 allotments = 4	The proposal fails to provide any on-street parking opportunities due to the restrictions along Sturt Road.								Does Not Satisfy

## Assessment Discussion

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

- **Desired Character**
- **Amenity considerations**
- **Heritage Places**
- **Energy efficiency and stormwater**
- **Landscaping**

### *Desired Character*

The Desired Character of the Suburban Activity Node Zone seeks to accommodate medium to high density housing and accommodation at appropriate scale. The Zone anticipates a range of dwelling types, including residential flat buildings, which take into account its proximity to education, employment facilities and public transit services. The zone places importance on the delivery of a high quality urban design including built form and landscaping, while providing appropriate interface between residential developments.

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 building is two storeys in nature and incorporates various design elements and quality materials. The provision of a variety in landscaping species (street side of the building) will assist in complementing the design of the building and improve the streetscape appearance. Varying setbacks are provided from Sturt Road, including the cantilevered upper level over the driveway/car park. The balcony area assists in providing visual separation from the western boundary and overall development when viewed as a whole. Further, the balcony area of Dwelling 1 is oriented to face Sturt Road and the Marion Croquet Club which is considered to promote activity and surveillance of the street.

It is acknowledged however, the proposed building will be sited closer to Sturt Road compared to the other dwellings in the locality, which are of a smaller scale and achieve generous separation from all boundaries. The proposal is one of the first of its kind in the zone and locality and will change the streetscape outcome.

The design of the building includes a mixture of exposed brick, cladding, render, fenestration, glass balustrade and stepping. The upper level is cantilevered over the associated driveway and car parking area. The location of the car park areas beneath the building is considered to appropriately minimise the impact of these spaces upon the streetscape, whereas the location of the bicycle parking will aim to promote walking and cycling from the subject land. The driveway and access area features exposed aggregate concrete which will provide an attractive surface when viewed from the street and passing pedestrians.

As a result of the design of the building, it is acknowledged the building entrances are not oriented to the street. This notwithstanding, given the individual dwelling configurations, it is acknowledged that this cannot be achieved and that the entrance points are typical for residential flat buildings. Further, given the location of car parking spaces, the entrance point for each dwelling provides a convenient outcome for occupants and will assist visitors in determining individual dwellings from one another.

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. Given the orientation of the land and building and adjacent land uses, shadow from the building will only impact the western adjoining land during morning hours.

The largest visual impact attributed to the proposal is involved on the western elevation and its presentation to adjoining land. 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. This notwithstanding, it is acknowledged the elevation includes a mixture of colours and materials and stepping of the upper level from the ground floor. Further, the western elevation is sited away from the main entertaining area of 240 Sturt Road, whereas the eastern side property includes various outbuildings which generally run the length of the boundary. Despite the built form running the majority of the length of the allotment, the above considerations demonstrate the overall visual impact upon adjoining land is not unreasonable in this instance.

The proposal includes a variety of landscaping species throughout the site, including areas street side of the building. 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 communal open space shares these characteristics with regard to the landscaped area dimensions and deep soil zone. The design of this area is considered to provide a space which promotes social interactions and high quality amenity for residents.

It is acknowledged the communal open space measures 5.9m in length by 4m in width. These dimensions are considered appropriate as a secondary area of private open space for occupants if they choose to use this space, acknowledging that the balcony of each dwelling is of a size which satisfies the Development Plan guidelines.

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

#### *Amenity considerations*

While the site has some interface with existing residential properties, it is my opinion that the proposal will unlikely result in amenity impacts upon nearby residents. It is also acknowledged the adjacent properties are located within a Suburban Activity Node Zone which contemplates similar forms of development to that proposed. 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. 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.

#### *Waste collection and storage*

The location of waste storage receptacles will be located in a communal area at the front of the site. This area is appropriately screened from public view by 1.8 metre high aluminium panels. Council's collection services will be sufficient for the removal of waste from the site, acknowledging up to 14 metres of kerb is free for bin storage. A standard 140L (general waste bin) has a width of 535mm whereas the 240L (recycling and organics bins) has a width of 585mm. If each dwelling were to place two bins at the kerb, a minimum length of 8.96m is required. It is also acknowledged the site is situated adjacent the Marion Croquet Club which can provide additional room for bin storage on collection days if required.

It is acknowledged that up to 24 bins will be located on the subject land at one time. Given the design of the dwellings, there are limited opportunities for each individual dwelling to store bins within the individual dwelling/courtyard areas. As such, a communal bin storage area is proposed as the front of the site for convenience. The enclosed area is equal to 8.65m, which is large enough to accommodate the number of waste bins provided for the site (approximately 7.7sqm required).

#### *Traffic and vehicle 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 DPTI, who have formed the opinion that from a traffic safety point of view, the proposal is satisfactory.

The new 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 DPTI.

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 these properties. 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.

It is acknowledged the proposal fails to provide any on-street parking as sought by the Development Plan. It is my opinion that considerations for this particular matter should take into account the desired outcomes for the zone, which seeks to promote walking and cycling and public transport use. The subject land is sited approximately 30 metres from a bus stop on Sturt Road and it is acknowledged the bus interchange sited outside of Westfield Marion Shopping Centre is located some 350m west of the site. Each of these services are within walking distance of the site and are considered to assist in promoting the use of public transport and walking. Bicycle parking is available at the front of the site, providing up to six parking spaces which is considered to assist in satisfying the overall intent of the zone.

Given the Development Plan specifies a minimum 0.25 visitor parking spaces per dwelling (total of 2 required), a recommended condition of consent has been included which reads “Car parking spaces 1 and 2 as identified on the Site Floor Plan, Drawing No. A1, Revision B Date 3 February 2020, prepared by D’Andrea Architects, shall be allocated and used as visitor parking spaces”. It is also acknowledged that if a future land division were to be lodged for the subject land, this arrangement would form part of the community title arrangements and agreement.

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.

### *Overlooking*

Each dwelling incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the western 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 northern elevation of the balcony associated with Dwelling 8 includes a 1.7m high obscure glass screen in order to prevent views into the northern adjoining land. Each dwelling includes a balcony oriented east, which overlooks the Marion Croquet Club.

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.

### *Heritage Places*

The objectives within the Heritage Places section of the Development Plan seeks for;

1. The conservation of State and Local heritage places.
3. Conservation of the setting of State and local heritage places.

The proposal finds compliance with a majority of applicable Heritage Places Development Plan provisions. The proposal is considered to be compatible with the heritage value of the Local Heritage Places and has minimal impacts on it setting. The setting of 240 Sturt Road is impacted but not diminished by the proposal through the provision of sufficient separation and height relationships to the building.

The design and appearance of the building will provide a modern finish, without impacting the heritage value of the Local Heritage Place. The proposed design find support with both the desired outcome of the Suburban Activity Node Zone while maintaining the heritage setting of the Local Heritage Places.

### *Energy efficiency and stormwater*

A total capacity of 24m<sup>3</sup> rainwater retention tanks are proposed throughout the site, which are fully plumbed into all toilets and laundry (with filtering) connected to 80% of the roof area. The tanks are located adjacent the western side boundary as well as the north-eastern corner of the allotment in order to ensure they do not impact upon vehicle turning areas or pedestrian paths accessing each associated dwelling.

Permeable paving has been included within the ground floor courtyard of each dwelling which will assist with stormwater runoff in these areas which are of smaller dimensions.

Although the balcony of each dwelling faces east, it is acknowledged that these spaces will receive some northern light throughout the day, whereas the communal open space faces north for comfortable year round use.

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 presenting to Sturt. The landscaped area adjacent the road frontage achieves a 3 metre depth which will be planted with a variety of planting species, thereby enhancing the appearance of the building.

The front landscaping includes deep soil zone areas with plantings which include growth heights up to 7m which will be complimentary to the two storey nature of the building. Various other low-medium height plantings are interspersed around the taller trees which will promote an attractive landscaped area forward of the building.

Other areas are landscaped throughout the site where appropriate including the provision for potted plantings in the courtyard/balcony of each dwelling. A deep soil zone is provided at the rear of the site adjacent the communal open space area, which is interspersed with a variety of other low-medium growing species.

As identified above, the design of the building is considered to be of a standard contemplated by the zone and the proposed landscaping adjacent the street will assist in achieving an attractive presentation when viewed from the arterial road network.

## Conclusion

The preceding assessment has demonstrated the proposed development generally satisfies the applicable quantitative and qualitative provisions of the Development Plan and Objectives and Desired Character of the Suburban Activity Node Zone.

The proposal fails to accord with Council's Development Plan in respect to the number of on-street parking spaces. This non-compliance has been identified throughout this report and demonstrated that in this instance, this failing results in an acceptable outcome and is not fatal to the overall merits of the proposal. The Suburban Activity Node Zone aims to promote walking, cycling and the use of public transport, each of which are encouraged as a result of the design elements of the proposal and proximity of the site to public transport opportunities.

The main façade features a variety of complementary colours and materials and design elements, stepping and glazing. The presentation to the street is articulated and is considered to provide visual interest, while minimising the dominance car parking areas. The use of exposed brick, render and cladding is complementary to dwellings in the locality.

The proposed dwellings are considered to provide a positive design contribution to the streetscape and reflects the outcomes sought by the Suburban Activity Node Zone Objectives and Principles of Development Control.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993.

Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to conditions.

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## **Recommendation**

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2019/2013 for the construction of a two storey residential flat building comprising of 8 dwellings with associated landscaping and car parking at 244 Sturt Road, Marion, be GRANTED subject to the following Reserved Matter and Conditions:

## **Reserved Matters**

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

- 1. A revised set of elevation plans shall be submitted to Council demonstrating sound attenuating values to be included on the side facing windows/doors of Dwelling 1 and Dwelling 2 to the reasonable satisfaction of the Team Leader - Planning.

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

## **Conditions**

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2019/2013, except when varied by the following conditions of consent.
- 2. Car parking spaces 1 and 2 as identified on the Site Floor Plan, Drawing No. A1, Revision B Date 3 February 2020, prepared by D'Andrea Architects, shall be allocated and used as visitor parking spaces.
- 3. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 5. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.



6. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
7. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling, to the reasonable satisfaction of the Council.
8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
9. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
10. All landscaping shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
11. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
12. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
13. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.

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

14. Vehicular access to/from Sturt Road shall be a minimum 6 metres in width with generous flaring to the road.
15. All vehicles shall enter and exit the site in a forward direction.
16. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

**Notes**

1. The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Sturt Road frontage of this site for future upgrading of the Sturt Road/Diagonal Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.

The applicant should return the attached consent form to [dpti.luc@sa.gov.au](mailto:dpti.luc@sa.gov.au) for consent purposes.

2. Demolition of the existing dwelling and/or other structures on the land cannot occur until a separate application has been lodged, assessed by and approved by the Council.
3. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2004.
4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
5. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
6. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).