



Members – Council Assessment Panel  
**CITY OF MARION**

**NOTICE OF  
COUNCIL ASSESSMENT PANEL MEETING**

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

**Wednesday 02 June 2021**

**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.

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

Alex Wright  
**ASSESSMENT MANAGER**

26 May 2021

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**CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 02 JUNE 2021  
COMMENCING AT 6.30PM**

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**1. MEETING PROCEDURES**

**1.1 OPEN MEETING**

**1.2 PRESENT**

**1.3 APOLOGIES**

**1.4 IN ATTENDANCE**

**2. GENERAL OPERATIONS**

- No items listed for discussions

**3. DEVELOPMENT ACT 1993 APPLICATIONS**

**3.1 DEVELOPMENT NO 100/2020/2362**

**411 MORPHETT ROAD OAKLANDS PARK**

Two (2) three storey residential flat buildings: one comprising six dwellings and one comprising five dwellings, with associated landscaping

Report Reference: CAP020621 - 3.1 .....3

**3.2 DEVELOPMENT NO 100/2021/0239 (100/C013/2021)**

**4 WILFRED STREET EDWARDSTOWN**

Residential Land Division, Community Title - 1 into 6 and a two storey residential flat building comprising of 6 dwellings with associated carports, landscaping and solar panels

Report Reference: CAP020621 - 3.2 .....36

**4. PDI ACT APPLICATIONS**

- No Items Listed

**5. APPEALS UPDATE**

- Verbal Update to be Provided

**5.1 APPEALS AGAINST PANEL DECISIONS**

- Verbal Update to be Provided

**5.2 APPEALS AGAINST DELEGATED APPLICATIONS**

**6. POLICY OBSERVATIONS**

- Verbal Update to be Provided

**7. OTHER BUSINESS**

**8. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING  
HELD ON 02 JUNE 2021**

**9. MEETING CLOSURE**

**2. GENERAL OPERATING PROCEDURES  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 02 JUNE 2021**

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**REPORT REFERENCE: CAP020621 – 3.1  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 2 JUNE 2021**



<b>Originating Officer:</b>	<b>Kai Wardle Development Officer - Planning</b>
<b>Applicant:</b>	<b>Citify Pty Ltd</b>
<b>Development Description:</b>	<b>Two (2) three storey residential flat buildings: one comprising six dwellings and one comprising five dwellings, with associated landscaping</b>
<b>Site Location:</b>	<b>411 Morphett Road, Oaklands Park</b>
<b>Zone &amp; Policy Area:</b>	<b>Suburban Activity Node Zone</b>
<b>Lodgement Date:</b>	<b>24/12/2020</b>
<b>Development Plan:</b>	<b>Consolidated – 14 January 2021 [gazetted 24 December 2020]</b>
<b>Referrals:</b>	<b>Department for Infrastructure and Transport (DIT) Internal: Development Engineer; Waste Administration Officer</b>
<b>Delegations Policy:</b>	<b>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>1</b> <i>Development Plan, Suburban Activity Node Zone, Public Notification Table: Dwelling; Residential flat building; All forms of development that are ancillary and in association with residential development</i>
<b>Application No:</b>	<b>100/2020/2362</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>Plans and supporting documentation</i>
<i>Attachment III:</i>	<i>Planning consultant opinion and architect design reports</i>
<i>Attachment IV:</i>	<i>External agency referral comments</i>

## SUBJECT LAND

The subject land is 411 Morphet Road (Lot 5 DP 41421 CT 5870/699), which is a single existing residential allotment with a site area of 1056 square metres. The land's frontage width is 18.28 metres and is between 52.38 to 58.9 metres in depth. The land is generally rectangular although an angled cut-off at the land's south-eastern corner reduces the allotment width at the rear down to a minimum of 11.95 metres.



The land contains a single storey brick dwelling in visually poor condition located near the front of the land. A small outbuilding is located behind the dwelling, while the rear half of the site is undeveloped. Established landscaping is located throughout, which is generally overgrown. No regulated or significant trees are identified on the land or its immediate surroundings.



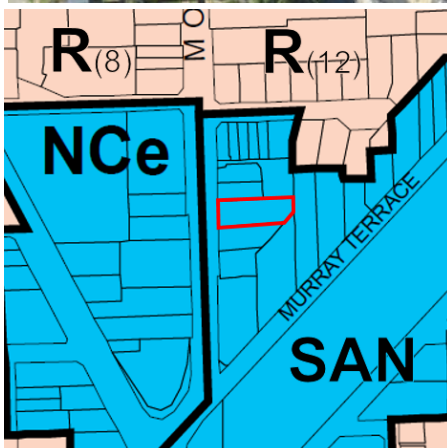
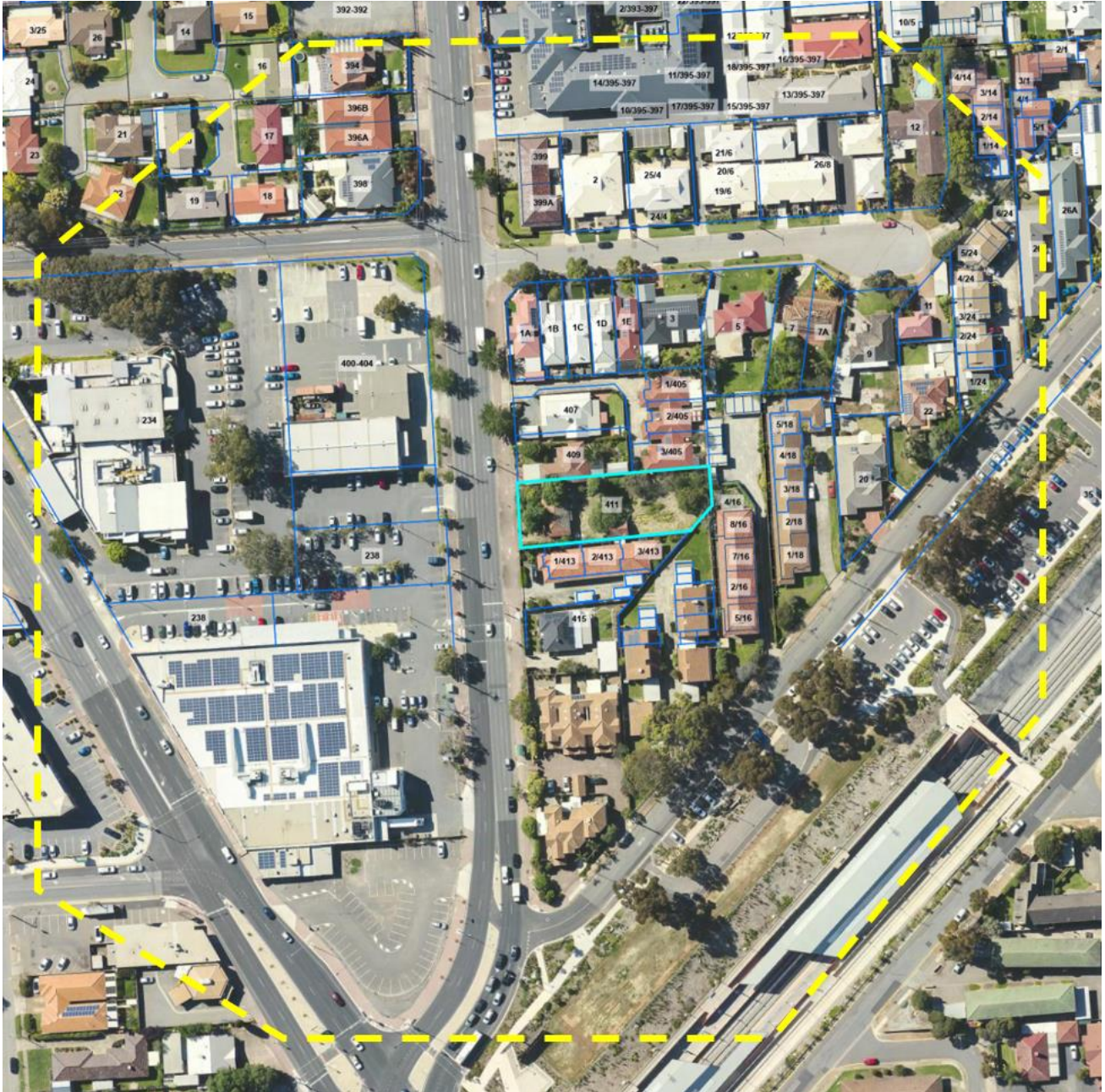
A survey has found that existing boundary fencing is misaligned to the boundaries of the land, with side fences located south of their true boundaries: the southern fence by 0.4 to 0.57 metres, and the northern fence by 0.4 to 0.8 metres.

The land is flat, rising from the front to rear by up to 0.6 metres at a gradient of around 1-in-100. Access is presently obtained from a single width crossover at the land's southern side. It appears that vehicles would presently be required to exit the land onto the arterial road in reverse.



## LOCALITY

The site is situated within Oaklands Park, a short distance north of Oaklands Crossing and directly opposite Warradale's commercial centre. The site fronts Morphett Road, an arterial road which splits the locality into two distinct land use characters: commercial to the west and residential to the east.



Above: November 2020 aerial image with extent of locality indicated.

Left: Surrounding Development Plan zoning.  
(Zone Map Mar/7)

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The locality's commercial uses include a large supermarket, warehouse and a licensed hotel, which are located directly opposite the subject land to the west. Several other smaller premises including shops, offices and consulting rooms are located on the western side of Diagonal Road. These commercial land uses are located in the Neighbourhood Centre Zone under the relevant Development Plan. The commercial built form character which faces the subject land generally comprises large blank walls and loading bays which are interspersed with landscaped car parking areas.



The surrounding residential character and pattern of development is mixed, including a range of densities and dwelling types. Most allotments which face Morphett Road contain single storey dwellings at low to medium densities which incorporate front privacy fencing.



Most allotments which face the Oaklands Railway Station are developed at medium densities in the form of residential flat buildings of up to two storeys. These buildings are typically arranged down the length of their allotments with dwellings oriented to face the common driveway.



Some examples of low density original housing stock remain, however these have progressively been replaced by low to medium density infill development in various forms including battleaxe arrangements. A large aged care facility is located at the northern extent of the locality, which includes a two storey nursing home surrounded by tightly spaced single storey independent living units.

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

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## PROPOSED DEVELOPMENT

The proposal seeks to construct a total of eleven dwellings on the land, in the form of two three storey residential flat buildings. The proposed built form is linear, constructed for most of the allotment's length. Each dwelling is rectangular in shape and oriented to face the side boundaries, located behind one another from the front of the allotment. The front building contains six dwellings while the rear building contains five dwellings.

A common driveway on the southern side of the allotment facilitates vehicular access to each dwelling. The driveway is partly covered by proposed landscaped trellises and a portion of the first floor which cantilevers over. Pedestrian access to each dwelling is provided by a separate side path along the northern boundary, to which each dwelling presents an individual entry door.

The ground floor of each dwelling comprises the pedestrian entry and garaging, providing two off-street parking spaces to most dwellings. The garages also typically contain laundry facilities, under-stair storage, and a rainwater tank outside of the required parking envelope. Each first floor contains an open-plan kitchen, living and dining area with direct access and outlook onto a private balcony. The upper floor contains each dwelling's two bedrooms and bathrooms. Most dwelling layouts are similar, with the following notable differences:

- Dwelling 1 (the front dwelling) has an exclusive front yard, front glass sliding door to the garage, and presents towards the street with front-facing upper floor windows and balcony;
- Dwellings 6 and 7 (the dwellings at the inner end of each building) each have a single garage and an external parking space in lieu of a tandem garage, with laundry facilities located in the kitchen;
- Dwelling 10 has only one parking space, with laundry facilities located in the kitchen;
- Dwelling 11 (the rear dwelling) has a smaller floor area, only one parking space, an exclusive rear yard and a rear-facing balcony, while the second bathroom and a study are located on the ground floor.

Landscaped areas are proposed to the front and rear of the building including tree plantings. Smaller landscaping is proposed in landscaping strips adjacent to the common driveway, attached to trellises above the driveway, and attached to vertical wire on the edge of balconies. A red brick fence of 1.2 metres in height is proposed to the front boundary, with sections of open vertical slats that provide a level of visual permeability to the front landscaping.

Common facilities include a mailbox adjacent to the front of the pedestrian side path, and a main switchboard/communal services area adjacent to the front of the driveway. One communal visitor parking space, a bin storage and wash-down area, and bike racks are located centrally within the site, in the gap between the proposed buildings.

## 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 Public Notification Table of the Suburban Activity Node Zone assigns dwelling, residential flat building, and all forms of development that are ancillary and in association with residential development as Category 1. Therefore, the application has not involved public notification.

### Delegation

The application has been delegated to the Council Assessment Panel by the Manager Development and Regulatory Services pursuant to clause 4.1.9 of Council's Development Delegations Policy, as a development which may be significant or controversial. The Manager was of the opinion that the proposal may be significant or controversial due primarily to the following:

- It is the first three storey development of its kind within the locality;
- It demonstrates a density which is significantly higher than surrounding development;
- It demonstrates a built form envelope and height which is of notably greater visual impact, bulk and scale than surrounding development.

### External Referrals

#### Department for Infrastructure and Transport (DIT):

Supports the proposed development subject to standard conditions, which have been included as recommended conditions.

*Attachment IV: External agency referral comments*

### Internal Referrals

#### Development Engineer

Provided comment on traffic, vehicle parking, manoeuvring, stormwater management and flood risk mitigation. Is satisfied with these matters.

#### Waste Administration Officer

Liaised with the waste collection contractor to provide comment on the waste management report. Confirmed an ability to provide the suggested larger-than-standard bin sizes subject to providing the contractor with 10 weeks' notice. Is satisfied with the proposed waste collection arrangements.

## ASSESSMENT

The assessment is split into three main sections:

1. Selected Qualitative Policy Assessment, which considers relevant qualitative Zone, Overlay and Medium and High Rise Development criteria including Objectives, Desired Character and Principles of Development Control;
2. Quantitative Snapshot, which lists the proposal's performance against relevant quantitative Principles of Development Control;
3. Assessment Discussion, which involves detailed discussion of pertinent matters.

## Selected Qualitative Policy Assessment

### Zone

#### Suburban Activity Node Zone

##### Relevant Objectives

##### Generally Satisfies

- |   |  |
|---|--|
| 1 A zone that includes a range of medium and high density residential development supported by a mix of compatible land uses.   | The proposal is a high density residential development supported by existing non-residential uses nearby.  |
| 2 Well designed and functional mixed use areas with a walkable urban form, pedestrian and cyclist friendly streetscapes, and active street frontages that facilitate personal interaction and promote public transport use. | The proposed design does not facilitate an active street frontage.   |
| 3 The design and layout of development to encourage walking and cycling and promote public transport use.   | The increased density, proximity to public transport, separate pedestrian access and provision of bike racks encourages alternative modes of transport to private vehicle use. |
| 4 A mixed use area with a variety and concentration of activity close to a key focal point such as a fixed transit stop, activity centre or high quality open space.  | The increased population contributes to a concentration of activity close to the key focal point of Oaklands Crossing.   |
| 6 Development that contributes to the desired character of the zone.  | The contribution to the Desired Character is mixed.  |

##### Desired Character

##### Partially Satisfies

*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.*

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*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.*

*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.*

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The proposal partially satisfies the Desired Character statement. In short, while the proposed form of development (three storey residential flat buildings) and high density are envisaged, some aspects of the development such as its relationship with the streetscape do not entirely satisfy sections of the statement.

Further detail is contained within the Assessment Discussion section of this report.

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**Relevant Qualitative Principles of Development Control**

**Partially Satisfies**

- 1 The following types of development, or combination thereof, are envisaged in the zone:  
[...]  
- residential flat building

The proposal is for residential flat buildings and so is envisaged within the zone.

- 3 *Development should be undertaken in accordance with Concept Plan Map Mar/7 - Laffer's Triangle (where applicable) and in all cases primarily take the form of:*  
*(b) in all other areas - residential flat buildings, row dwellings, non-residential buildings and mixed use buildings comprising two or more land uses with non-residential land uses on the ground floor.*
- The Concept Plan does not apply.
- The proposal is for residential flat buildings and so is envisaged within the zone.
- 4 *Development within walking distance of public transport stops should comprise land uses that directly promote public transport use and provide opportunities for multi-purpose trips.*
- The proposal is in a short distance from the Oaklands Railway Station and bus stops on nearby arterial roads. The land use is entirely residential and so does not directly promote public transport use or provide opportunities for multi-purpose trips.
- 7 *Development should be consistent with the desired character for the zone.*
- Partially satisfies Desired Character statement – some aspects of the development are inconsistent including its relationship with the street. Refer to Assessment Discussion for further detail.
- 9 *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.*
- This is to be addressed via reserved matter, as the applicant has advised the following: 'The site falls within the ambit of an area to which the Noise and Air Emissions Overlay applies. Accordingly, the proposed development must comply with the Minister's Specification SA 78B in order for Building Rules Consent and Development Approval to be granted'.
- The specification includes sound attenuation measures and so compliance with the specification is expected to adequately satisfy this criteria.
- 19 *Development facing streets, public reserves or public spaces should be designed to provide attractive, high quality and pedestrian friendly frontage(s) by:*
- The development faces the street, and so an attractive, high quality and pedestrian friendly frontage should be provided.
- (a) in mixed use developments incorporating habitable rooms of dwellings, active uses such as shops, prominent entry areas (ie lobby with communal space), accessible bike parking rooms, for multi storey buildings, well landscaped areas that incorporate deep root plant zone space, areas of communal public realm incorporating public art or the like*
- Dwelling 1 is the only one of the eleven dwellings which face the street. It presents four clear habitable room windows and a balcony towards the street. A deep root plant zone of 3 metres depth is provided forward of the building line and will contribute landscaping to the streetscape appearance.
- (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*
- The front façade design incorporates some articulation provided by contrast between four distinct elements:
- the ground floor with red brick;
  - upper floors with 'surfmist' rendered blueboard;
  - the section of the upper floor contained within the boxed gable end and clad in 'monument'; and,
  - the open balcony with glass balustrading.

*(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*

The main switchboard/communal services area is located adjacent to the front of the driveway. The bin storage and wash down area is located between the two buildings and will not be visible from the street.

*(d) ensuring ground, semi-basement and above ground parking do not detract from the streetscape*

The parking of vehicles will be contained within garages or otherwise tucked beneath buildings, and so parked vehicles will not be visible from the street. However a row of garage doors will be visible down the length of the common driveway, and the side wall of Dwelling 1's garage forms the entire front façade of the ground floor.

*(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.*

The one driveway proposed is around the minimum width permitted for a development of this nature and caters for required vehicle manoeuvring area. The land only has one road frontage. Therefore the visual dominance of vehicle access points cannot functionally be reduced further and is therefore 'minimised'.

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 proposed front fence is 1.2 metres in height and also contains permeable sections to facilitate sight between the land and the street.

Zone criteria which is more quantitative in nature have not been listed above. Instead these are detailed within the Quantitative Snapshot table. Pertinent matters, including the Desired Character, are discussed further within the Assessment Discussion section of this report.

## Overlays

### Affordable Housing Overlay

#### Objectives

Generally Satisfies

- 1 *Affordable housing that is integrated into residential and mixed use development.*
- 2 *Development that comprises a range of affordable dwelling types that caters for a variety of household structures.*

The proposal is not specifically affordable housing, and as per PDC 1 is not required to be. Nevertheless the nature of development comprising two bedroom apartment-style dwellings provide an alternative and potentially more affordable housing option to the prevailing suburban character of three+ bedroom detached dwellings, and which caters to a variety of household structures.

#### Principles of Development Control

Not Applicable

- 1 *Development comprising 20 or more dwellings should include a minimum of 15 per cent affordable housing unless the development is to occur in stages and it can be demonstrated that any shortfall in affordable housing from any stage of development will be accommodated in another stage or stages.*

The proposal does not involve 20 or more dwellings and so is not required to incorporate affordable housing.

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## Noise and Air Emissions Overlay

### Objectives

- 1 *Protect community health and amenity from adverse impacts of noise and air emissions.*

### Principles of Development Control

- 1 *Noise and air quality sensitive development located adjacent to high noise and/or air pollution sources should:*
  - (a) *shield sensitive uses and areas through one or more of the following measures:*
    - (i) *placing buildings containing less sensitive uses between the emission source and sensitive land uses and areas*
    - (ii) *within individual buildings, place rooms more sensitive to air quality and noise impacts (e.g. bedrooms) further away from the emission source*
    - (iii) *erecting noise attenuation barriers provided the requirements for safety, urban design and access can be met*
  - (b) *use building design elements such as varying building heights, widths, articulation, setbacks and shapes to increase wind turbulence and the dispersion of air pollutants provided wind impacts on pedestrian amenity are acceptable*
  - (c) *locate ground level private open space, communal open space and outdoor play areas within educational establishments (including childcare centres) away from the emission source.*

### Reserved Matter

This is to be addressed via reserved matter, as the applicant has advised the following: 'The site falls within the ambit of an area to which the Noise and Air Emissions Overlay applies. Accordingly, the proposed development must comply with the Minister's Specification SA 78B in order for Building Rules Consent and Development Approval to be granted'.

The specification includes sound attenuation measures and so compliance with the specification is expected to adequately satisfy this criteria.

The building is entirely residential. Only Dwelling 1's bedrooms present directly towards the arterial road: all other dwellings are situated behind Dwelling 1.

## Strategic Transport Routes Overlay

### Objectives

- 1 *Development that recognises the importance of strategic transport routes and does not impede traffic flow or create hazardous conditions for pedestrians, cyclists or drivers of vehicles, including emergency services vehicles.*

### Satisfies

The proposal has been reviewed by DIT and is supported subject to standard conditions. Two way simultaneous access can be achieved at the crossover and all vehicles can enter and exit the site in a forward direction. Therefore hazards or impediments to traffic flow are minimised.

### Relevant Qualitative Principles of Development Control

### Does Not Satisfy

- 1 *Development adjacent to a strategic transport route should:*
  - (a) *avoid the provision of parking on the main carriageway*
  - (b) *be accessible via service roads, where possible, that provide:*
    - (i) *parking off the main carriageway*
    - (ii) *a buffer from the main carriageway for pedestrian and cycle activity*

The proposal demonstrates a shortfall in off-street visitor parking, while the nearest on-street parking on a side street is 80 metres away on Sturm Court or 150 metres away on Murray Terrace subject to time restrictions or associated with the railway station. Off-street parking located opposite the land is plentiful however is a private parking area associated with the supermarket and hotel, and should not be used by visitors to the subject land.

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- 2 *Vehicular site access should not be provided along the main street frontage where an alternative access is available.*

As such, it is possible that visitors may be inclined to park on Morphett Road where permitted outside of clearway hours, which is undesirable.

No alternative site access is available.

## Medium and High Rise Development

The criteria contained within the Medium and High Rise Development section is of particular relevance to this proposal, being residential flat buildings of three storeys. The criteria is highly prescriptive and accordingly this section of the Development Plan has been selected for increased scrutiny as detailed below:

### Medium and High Rise Development (3 or More Storeys)

Objectives	Generally Satisfies
1 <i>Medium and high rise development that provides housing choice and employment opportunities.</i>	The proposal involves two bedroom dwellings, which provides housing choice for smaller households.
2 <i>Residential development that provides a high standard of amenity and adaptability for a variety of accommodation and living needs.</i>	A proposed amenity for residents is of an average standard. The floor plans with two separate bathrooms provide flexibility for different types of households and living arrangements.
3 <i>Development that is contextual and responds to its surroundings, having regard to adjacent built form and character of the locality and the Desired Character for the Zone and Policy Area.</i>	<p>The proposed development is the first of its density, height and scale within the locality. Other residential flat buildings within the locality are lower density and are a maximum two storeys in height. Adjacent buildings to either side are only single storey. The proposal is therefore contrary to its existing surroundings, however it should be noted the increased density, height and scale responds to the Zone which expects a new character and enables such an outcome.</p> <p>Performance against the Zone's Desired Character statement is mixed.</p>
4 <i>Development that integrates built form within high quality landscapes to optimize amenity, security and personal safety for occupants and visitors.</i>	Landscaping areas are provided and incorporate some thoughtful, quality elements. However deep soil areas and driveway landscaping dimensions fall short of some relevant quantitative criteria. Particularly the limited driveway landscaping strip width constrains the ability to accommodate high quality landscape plantings which optimise amenity along the sides of the development.
5 <i>Development that enhances the public environment, provides activity and interest at street level and a high quality experience for residents, workers and visitors by:</i> <ul style="list-style-type: none"> <li>(a) <i>enlivening building edges</i></li> <li>(b) <i>creating attractive, welcoming, safe and vibrant spaces</i></li> <li>(c) <i>improving public safety through passive surveillance</i></li> </ul>	<p>The ground floor front façade is generally passive in its presentation to the street and contributes a low level of activity or interest.</p> <p>(a) The street level building edge as it relates to the public environment is relatively passive, forming the side wall of Dwelling 1's garage at ground level with a front yard, common landscaping and</p>

<p>(d) <i>creating interesting and lively pedestrian environments</i></p> <p>(e) <i>integrating public art into the development where it fronts the street and public spaces</i></p> <p>(f) <i>incorporating generous areas of high quality fit for purpose landscaping, green walls and roofs.</i></p>	<p>services area between the building line and the street. A sliding door to Dwelling 1's garage provides access to its front yard facing the street.</p> <p>(b) A separate pedestrian path is provided, however it is only 1 metre wide and is bordered by the proposed three storey built form and an indicated 2.1 metre high Colorbond fence. The width of the path is similar to the side access path of a typical single dwelling. It is not the type of path one would expect to provide the main pedestrian access to eleven dwellings, and is not considered to be particularly attractive, welcoming or vibrant. Entrapment is possible, particularly adjacent the rear building.</p> <p>(c) Some passive surveillance of the street is offered by Dwelling 1.</p> <p>(d) Refer to (b). The pedestrian environment is marginalised down the side of the building only 1 metre wide and is not an area that would provide great interest or liveliness.</p> <p>(e) No art, however not considered to be necessary for a development of this nature/scale.</p> <p>(f) Landscaping areas are provided however are not considered 'generous' as deep soil areas and driveway landscaping dimensions fall short of some relevant quantitative criteria. Green wall and roof elements are proposed to balconies and driveway trellises respectively.</p>
<p>7 <i>Buildings designed and sited to be energy and water efficient.</i></p>	<p>North-facing balconies optimise solar access to private open spaces and internal living areas. 3000L plumbed-in retention tanks are proposed to capture and reuse stormwater.</p>

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

#### **Generally Satisfies**

*Note: Some of the following Principles of Development Control (PDC) prescribe a measurable design solution as one way of achieving the intent of the PDC. Where this solution is met, it should be taken as meeting the intent of the principle. Alternative design solutions may also achieve the intent of the PDC and, when proposed should be assessed on their merits.*

<p>1 <i>Buildings should be designed to respond to key features of the prevailing local context within the same zone as the development. This may be achieved through design features such as vertical rhythm, proportions, composition, material use, parapet or balcony height, and use of solid and glass.</i></p>	<p>The prevailing local context is a mixture of low scale detached dwellings or medium density development in the form of residential flat buildings or battleaxe development of one or two storeys. Surrounding architectural presentation towards the street is modest, and at times very passive with privacy fences or blank walls presenting to the street. Located opposite are the service and parking areas of a supermarket and warehouse. Proportionately, the building is much larger than surrounding residential development. Materials are modern. The use of glass on the front façade is similar to the extent of other developments within the locality.</p>
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- 2 *In repetitive building types, such as row housing, the appearance of building facades should provide some variation, but maintain an overall coherent expression such as by using a family of materials, repeated patterns, facade spacings and the like.*
- Achieves some level of variation through roof forms and colour, whilst maintaining an overall design theme and pattern.
- 3 *Windows and doors, awnings, eaves, verandas or other similar elements should be used to provide variation of light and shadow and contribute to a sense of depth in the building façade.*
- Windows, balcony and boxed gable provide variation and senses of depth in the front façade.
- 4 *Buildings should:*
- (a) *achieve a comfortable human scale at ground level through the use of elements such as variation in materials and form, building projections and elements that provide shelter (for example awnings, verandas, and tree canopies)*
- (a) Ground level wall materials are entirely recycled-look red brick, punctured by garage doors on the eastern elevation and front entry doors, porticos and windows on the western elevation. The driveway is partly sheltered by a section of the first floor and trellises.
- (b) *be designed to reduce visual mass by breaking up the building façade into distinct elements*
- (b) The building design includes distinct elements which help to reduce visual mass. However, the limited setback variation for the length of the building and the cantilevered middle floor contribute to visual bulk.
- (c) *ensure walls on the boundary that are visible from public land include visually interesting treatments to break up large blank facades.*
- (c) No proposed boundary walls, besides the 1.2m high front fence which is visually interesting and includes visually permeable sections.
- 5 *Buildings should reinforce corners through changes in setback, materials or colour, roof form or height.*
- The subject land does not relate to a street corner, however corners of the building include changes in materials, colour and setback.
- 6 *Materials and finishes should be selected to be durable and age well to minimise ongoing maintenance requirements. This may be achieved through the use of materials such as masonry, natural stone, prefinished materials that minimise staining.*
- Materials include face brick, rendered hebel, and prefinished cladding. Rendered hebel can be prone to staining however the applicant has advised the following:
- ‘It should be noted that staining can occur where the incorrect coating system is implemented (i.e. incorrect paint). The correct installation is with a 3-coat Acratex system, which prevents any staining of the surface that looks like water has discoloured the surface. Other staining could be from rust, however all capping and flashings used with the correct Colorbond coated flashings performed for drip edges and/or falling inwards to roofs should not cause staining. To summarise, it is not the cladding type specified which causes staining, but the specific details of each system not being installed to best practice which can cause this’.
- 7 *Balconies should be integrated into the overall architectural form and detail of the development and should:*
- Balconies are integrated into the form and design of the building.
- (a) Balconies are roofed and protected from wind by adjacent walls.

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(a) utilise sun screens, pergolas, louvres, green facades and openable walls to control sunlight and wind

(b) be designed and positioned to respond to daylight, wind, and acoustic conditions to maximise comfort and provide visual privacy

(c) allow views and casual surveillance of the street while providing for safety and visual privacy of nearby living spaces and private outdoor areas

(d) be of sufficient size, particularly depth, to accommodate outdoor seating.

(b) Generally north-facing and shaded by ceiling and landscaping.

(c) Only one balcony has views towards the street. Others face the northern adjoining properties and incorporate 1.5m obscure screening to reduce overlooking.

(d) Balconies are of sufficient size and depth (generally 3.7 x 4.2m) for outdoor seating.

8 Development facing the street should be designed to provide attractive, high quality and pedestrian friendly street frontage(s) by:

(a) incorporating active uses such as shops or offices, prominent entry areas for multi-storey buildings (where it is a common entry), habitable rooms of dwellings, and areas of communal public realm with public art or the like where consistent with the Zone and / or Policy Area provisions

(b) providing a well landscaped area that contains a deep soil zone space for a medium to large tree in front of the building (except in a High Street Policy Area or other similar location where a continuous ground floor façade aligned with the front property boundary is desired). One way of achieving this is to provide a 4 metre x 4 metre deep soil zone area in front of the building

(c) 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)

(d) positioning services, plant and mechanical equipment (such as substations, transformers, pumprooms and hydrant boosters, car park ventilation) in discreet locations, screened or integrated with the façade

(e) ensuring ground, semi-basement and above ground parking does not detract from the streetscape

(f) minimising the number and width of driveways and entrances to car parking areas to reduce the visual dominance of vehicle access points and impacts on street trees and pedestrian areas.

The street frontage is not of considered to be of particularly high quality or pedestrian friendly.

(a) Habitable rooms face the street from upper levels.

(b) Front landscaped area contains a deep soil zone space of approximately 3 x 9m, containing a medium tree and other supporting plantings including a small tree.

(c) The façades of the upper floors are well articulated, containing contrasts between walls and voids. The ground floor front façade is a blank brick wall with a glass sliding door to the garage.

(d) The communal services area including main switchboard is located to the front of the building adjacent the driveway entrance.

(e) Ground level garaging and driveway area dominates most of the ground level, however is only viewable from a southern perspective. Views from north of the driveway entrance will not be exposed to the driveway and garage doors.

(f) The number and width of the driveway is minimised.

9 Common areas and entry points of the ground floor level of buildings should be designed to enable surveillance from public land to the inside of the building at night.

The length of the common side path and common driveway are each viewable from their frontages to the public road. Pedestrian entry points to each dwelling are set in from the site path and will not be visible from public land.

10 Entrances to multi-storey buildings should:

(a) be oriented towards the street

(b) be visible and clearly identifiable from the street, and in instances where there are no active or occupied ground floor uses, be designed as a prominent, accentuated and welcoming feature

(c) provide shelter, a sense of personal address and transitional space around the entry

(f) avoid the creation of potential areas of entrapment.

It is understood this principle is primarily intended to apply to multi-storey buildings which contain a common entrance to common internal areas. In any case:

(a) Each dwelling entrance is not oriented to the street – they are concealed down a long, narrow pedestrian side path and are stepped into the building. The side path is directly accessible from and visible to the street.

(b) Not clearly visible from the street. The pedestrian path is comparable to a ~~home~~ dwelling side path.



(c) Each entry is separate and covered.

(f) Entrapment is possible, particularly adjacent the rear building.

11 *To contribute to direct pedestrian access and street level activation, the finished ground level of buildings should be no more than 1.2 metres above the level of the footpath, except for common entrances to apartment buildings which should be at ground level or universally accessible.*

Satisfies: floor levels are only approximately 0.3 metres above footpath level.

12 *Dwellings located on the ground floor with street frontage should have individual direct pedestrian street access.*

Each dwelling has a separate entry door. Dwelling 1 has a street frontage, however its pedestrian entry is directed towards the side path, the same as other dwellings.

13 *The visual privacy of ground floor dwellings within multi-storey buildings should be protected through the use of design features such as the elevation of ground floors above street level, setbacks from street and the location of verandas, windows, porticos or the like. One way of achieving this is for ground floor levels for multi storey residential developments to be raised by up to 1.2 metres (provided access is not compromised where relevant).*

Ground level privacy of dwellings is not of concern. Only Dwelling 11 contains any ground floor habitable rooms and it is situated at the rear of the property. All other dwellings' ground floors comprise entry with staircase, garage, and storage or laundry.

14 *Residential buildings (or the residential floors of mixed use buildings) should have habitable rooms, windows and balconies designed and positioned with adequate separation and screening from one another to provide visual and acoustic privacy and allow for natural ventilation and the infiltration of daylight into interior and outdoor spaces.*

There is no direct line of sight between any of the proposed dwellings. Balconies contain walls between them which provides privacy. Ventilation and daylight is available from balconies' northern orientation, however it is noted their minimal northern side setback could leave them vulnerable to reduced amenity if the northern adjoining properties are subject to multi-storey development in future.

*One way of achieving this is to ensure any habitable room windows and/or balconies are separated by at least 6 metres from one another where there is a direct 'line of sight' between them and be at least 3 metres from a side or rear property boundary. Where a lesser separation is proposed, alternative design solutions may be applied (such as changes to orientation, staggering of windows or the provision of screens or blade walls, or locating facing balconies on alternating floors as part of double floor apartments), provided a similar level of occupant visual and acoustic privacy, as well as light access, can be demonstrated.*

15 *Living rooms should have a satisfactory short range visual outlook to public or private open space.*

Each living room has a short range outlook onto the associated balcony.

17 *Dwellings located on the ground floor with street frontage should have habitable rooms with windows overlooking the street or public realm.*

Dwelling 1's habitable room windows overlook the street from upper levels. The ground floor garage orients a glass sliding door towards the street frontage however it is not a 'habitable room'.

19 *Multi-storey buildings should include a variety of internal designs that will facilitate adaptive reuse, including the conversion of ground floor residential to future commercial use (i.e. by including floor to ceiling heights suitable for commercial use).*

All dwellings have essentially the same internal design. Each ground floor is relied upon for vehicle parking and has a ceiling height of only 2.4 metres.

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20 Multi-storey buildings should:

(a) minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow

(b) incorporate roof designs that enable the provision of photovoltaic cells and other features that enhance sustainability (including landscaping).

(a) The proposed buildings shall cause significant overshadowing to the private open space and north-facing habitable room windows of the three southern adjoining residential units during the winter solstice. Between 9am and 3pm, all private open space and windows shall be overshadowed.

The shadow shall result in temperature and daylight impacts during winter months.

Overshadowing impacts shall be notably less severe around the equinoxes and non-existent around the summer solstice.

(b) The proposed roof designs are skillion, flat or gabled. Photovoltaic cells situated on the roofs would be exposed to good levels of sunlight.

21 Green roofs (which can be a substitute for private or communal open space provided they can be accessed by occupants of the building) are encouraged for all new residential commercial or mixed use buildings.

No proposed accessible green roofs. Landscaped trellis proposed over driveway and on balconies provide some landscaping attached to built form.

23 Deep soil zones should be provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies.

One way of achieving this is in accordance with the following table:

Site area	Minimum deep soil area	Minimum dimension	Tree/deep soil zones
<300m <sup>2</sup>	10m <sup>2</sup>	1.5 metres	1 small tree / 10m <sup>2</sup> deep soil
300-1500m <sup>2</sup>	7% site area	3 metres	1 medium tree / 30m <sup>2</sup> deep soil
>1500m <sup>2</sup>	7% site area	6 metres	1 large or medium tree / 60m <sup>2</sup> deep soil
Tree size and site area definitions			
Small tree	< 6 metres mature height and < less than 4 metres canopy spread		
Medium tree	6-12 metres mature height and 4-8 metres canopy spread		
Large tree	12 metres mature height and > 8 metres canopy spread		
Site area	The total area for development site, not average area per dwelling		

4.7% of the site (50m<sup>2</sup>) are deep soil zones with a minimum dimension of 3 metres. Other landscaping areas with a lesser dimension comprise an additional 30m<sup>2</sup>, taking the total ground landscaped area across the site to 7.6%. However for the purposes of this criteria, only areas with a dimension greater than 3 metres may contribute to the required 7%.

Total number of tree plantings are: At least 1 medium tree ('Japanese Zelkova') supported by at least 3 small trees ('Crepe Myrtle'), within a total of 50m<sup>2</sup> deep soil zone to the site's front and rear.

24 Deep soil zones should be provided with access to natural light to assist in maintaining vegetation health.

Eastern and western natural light is available to the front and rear deep soil zones respectively, both with some degree of northern exposure. This provides natural light for approximately half the day per zone.

25 Dwellings should provide a covered storage area of not less than 8 cubic metres in one or more of the following areas:

- (a) in the dwelling (but not including a habitable room)
- (b) in a garage, carport, outbuilding or an on-site communal facility and be conveniently located and screened from view from streets and neighbouring properties.

Satisfies, refer to Quantitative Snapshot table.

- 26 *Development should provide a dedicated area for the on-site collection and sorting of recyclable materials and refuse, green organic waste and wash-bay facilities for the ongoing maintenance of bins. This area should be screened from view from public areas so as to not detract from the visual appearance of the ground floor.*
- The communal bin storage area is located between the two buildings, screened from public view. It contains a communal tap and slab rebate to enable washing of bins.
- 27 *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.*
- The maximum number of bins to be collected kerbside at any one time is 10 (5 general; 5 recycling), with a maximum of 7 (5 general; 2 organics) on non-recycling weeks. As demonstrated by the Waste Management Plan, the land's frontage can accommodate the required number of bins to be presented kerbside for collection. Council's Waste Administration Officer has reviewed the proposed Waste Management Plan and considers it to be acceptable.

## Quantitative Snapshot

Subject land

Site area: 1056m<sup>2</sup>

Frontage width: 18.28m

Site depth: 52.38 to 58.9m

			Front Building						Rear Building				
			D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11
Minimum net density	✓	50 dw/ha	Average site area: 96m <sup>2</sup> Net density: 104 dw/ha										
Floor areas	GF Area incl. parking	-	No maximum applies	51m <sup>2</sup>	49m <sup>2</sup>	49m <sup>2</sup>	49m <sup>2</sup>	49m <sup>2</sup>	49m <sup>2</sup>	49m <sup>2</sup>	49m <sup>2</sup>	33m <sup>2</sup>	54m <sup>2</sup>
	1F Area incl. balcony	-		59m <sup>2</sup>	56m <sup>2</sup>	56m <sup>2</sup>	56m <sup>2</sup>	56m <sup>2</sup>	56m <sup>2</sup>	56m <sup>2</sup>	56m <sup>2</sup>	56m <sup>2</sup>	53m <sup>2</sup>
	2F Area	-		48m <sup>2</sup>	48m <sup>2</sup>	48m <sup>2</sup>	48m <sup>2</sup>	48m <sup>2</sup>	48m <sup>2</sup>	48m <sup>2</sup>	48m <sup>2</sup>	48m <sup>2</sup>	40m <sup>2</sup>
	Total	-		158m <sup>2</sup>	153m <sup>2</sup>	153m <sup>2</sup>	153m <sup>2</sup>	153m <sup>2</sup>	153m <sup>2</sup>	153m <sup>2</sup>	153m <sup>2</sup>	153m <sup>2</sup>	137m <sup>2</sup>
Bedrooms/bathrooms	-	No maximum applies	2/2	2/2	2/2	2/2	2/2	2/2	2/2	2/2	2/2	2/2	2/2
Site coverage (including cantilevered sections)	-	No maximum applies	Front building site coverage: 362m <sup>2</sup>						Rear building site coverage: 294m <sup>2</sup>				
			Total site coverage: 656m <sup>2</sup> (62.1%)										
Front setback (excluding verandas, porticos and the like)	✓	Minimum 3m	3m to 3.44m Dwelling 1 balcony: 2.1 to 2.3m – excluded as it is similar to a verandah or portico.										
Rear setback (excluding verandas, porticos and the like)	✓	Single storey: 2m	2m to 2.25m; 4m to 5m										
	✓	Two storey: 4m	4m to 4.4m Dwelling 11 balcony: 2.17m to 2.4m – excluded as it is similar to a verandah or portico.										
	*	Three storey: refer to Interface Height Provisions	4m to 4.37m *Note: Refer to Assessment Discussion regarding Interface Height Provisions										
Side setbacks (excluding verandas, porticos and the like)	✓	Single storey: No minimum	Northern: 1m Southern: Dwellings 1-10: 6.1m Dwelling 11: 8.2m										
	✓	Two storey: 0.9m / 1.8m southern	Northern: Dwellings 1-10 wall: 4.62m Dwellings 1-10 balconies: 1.06m Dwelling 11: 1m Southern: Dwellings 1-10: 3.73m to 3.77m Dwelling 11: 7.41m										



	X	Three storey: 1.8m / 2.8m southern	<p>Northern: Dwelling walls: 1.86m Nib walls: 1.56m Southern: Dwellings 1-10: 5.66m to 5.7m; 5.36m to 5.4m (nib walls) Dwelling 11: 5.21m to 7.41m</p>										
Building height	✓	Min: 2 storeys Max: 3 storeys, 12.5m	3 storeys, maximum 11m from natural ground level					3 storeys, maximum 10.75m from natural ground level					
Private open space	✓	15m <sup>2</sup> , of which 5m <sup>2</sup> may comprise roof patios and the like with min 2m dim. and at least 10m <sup>2</sup> to side or rear and directly accessible from a habitable room	18.5m <sup>2</sup> balcony	15m <sup>2</sup> balcony	15m <sup>2</sup> balcony	15m <sup>2</sup> balcony	15m <sup>2</sup> balcony	15m <sup>2</sup> balcony	15m <sup>2</sup> balcony	15m <sup>2</sup> balcony	15m <sup>2</sup> balcony	15m <sup>2</sup> balcony	11.7m <sup>2</sup> balcony 13m <sup>2</sup> rear yard
Off-street parking	X	0.5 per studio 1 per 1 bedroom 1.5 per 2 bedroom 2 per 3+ bedroom	2	2	2	2	2	2	2	2	2	1	1
	X	plus 0.25 visitor spaces per dwelling	<p>2.75 visitor spaces required (11 dwellings) 1 space provided*</p> <p>*The two 'visitor' spaces indicated in front of Dwellings 6 and 7's garages are not suitable as communal visitor spaces as they would conflict with private parking for those dwellings. As such, the spaces have been treated as private spaces for the use of Dwellings 6 and 7 only.</p>										
Vehicle clearance	✓	2.3m headroom 3m width 5.4m depth per space	<p>2.4m overhead clearance to each building's cantilevered first floor and 2.5m to trellises. 3m minimum internal width achieved to all garages and parking spaces. 5.4m internal depth achieved to single garages. Tandem garages are measured to scale at 10.6m in depth (5.3m per space), which has been reviewed by Council's Development Engineer and deemed acceptable as parked vehicles can utilise shared space between them.</p>										
Driveway width	✓	6m for the first 6m, then 5m for remainder	6m width for the first 6m, reduced to 5.85m (to garages) or 5.45m (to edge of northern landscaping strips) for remainder.										
Landscaping strip width	X	1m on both sides of driveway	<p>0.3m wide landscaping strip on southern side of driveway, reduces to 0.15m with no plantings for driveway's first 6m. 0.4m wide landscaping pockets where possible between garages on northern side of driveway.</p>										
Landscaped area	X	7% site area (deep soil areas of >3m dimension) 1 medium tree / 30m <sup>2</sup> deep soil	<p>4.7% of the site (50m<sup>2</sup>) are deep soil zones with a minimum dimension of 3 metres. Other landscaping areas with a lesser dimension comprise an additional 30m<sup>2</sup>, taking the total ground landscaped area across the site to 7.6%. However for the purposes of this criteria, only areas with a dimension greater than 3 metres may contribute to the required 7%. Total number of tree plantings are: At least 1 medium tree ('Japanese Zelkova') supported by at least 3 small trees ('Crepe Myrtle'), within a total of 50m<sup>2</sup> deep soil zone to the site's front and rear.</p>										
Storage area	✓	8m <sup>3</sup> in the dwelling (not including habitable rooms) or garage	9.9m <sup>3</sup>	9.9m <sup>3</sup>	9.9m <sup>3</sup>	9.9m <sup>3</sup>	9.9m <sup>3</sup>	12.96m <sup>3</sup>	12.96 m <sup>3</sup>	9.9m <sup>3</sup>	9.9m <sup>3</sup>	12.96m <sup>3</sup>	8.17m <sup>3</sup>

## Assessment Discussion

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

- **Land Use**
- **Density**
- **Built Form, Scale and Setbacks**
- **Design, Appearance, and Relationship to the Street**
- **Overshadowing**
- **Overlooking**
- **Parking**
- **Landscaping**

### Land Use

The proposed land use is solely residential, in the form of two residential flat buildings. This is considered to be entirely appropriate, despite the Development Plan containing several policy statements which encourage mixed use development.

For example, the Zone's Desired Character states that, 'smaller scale non-residential uses will be encouraged at street level', and in particular around Oaklands Crossing, that 'mid-rise high-density mixed use development is anticipated, with shops and cafes at ground level framing the rail station'. Zone Objective 4 and Principle 4 also contain statements which reinforce a desire for varied land use activities in close proximity to key focal points such as public transport and activity centres, while Medium and High Rise Development Principle 20 seeks for designs to enable adaptive reuse.

Incorporation of a non-residential land use into the proposal is not considered to be necessary for several reasons. Firstly, residential flat building is listed as an envisaged form of development by Zone Principle 1. It is therefore clear that although the Zone encourages mixed use development, it also anticipates solely residential development. This is reinforced by Zone Objective 1 and the establishing sentence of the Desired Character which infer that the Zone should be developed for medium and high density housing foremost, followed by other mixed uses if and where appropriate or compatible.

While in close proximity to Oaklands Crossing, the land does not 'frame' the railway station and so ground level shops and cafes are not specifically sought at this location. The land is located opposite a neighbourhood-level centre zone which contains a variety of non-residential land uses. The centre zone contains areas of underutilised land which would be better suited or positioned to accommodate potential non-residential or mixed use development than the subject land, which by comparison is somewhat constrained and is surrounded by established residential development.

In summary, residential flat building is listed as an envisaged form of development, and the lack of a mixed use element to this proposal is not considered to be detrimental to its merits.

### Density

The proposed net density of 104 dwellings per hectare equates to an average site area of 96 square metres per dwelling, and aligns with the modern understanding of a high residential density. The Zone seeks for 'medium to high density' of at least 50 dwellings per hectare, but does not specify a maximum desired density.

The lack of a specified maximum density leaves determining an appropriate density to other policy statements which relate to density in a more descriptive manner. The general intent of the Zone is to

promote alternative transport methods by permitting higher densities in strategically suitable locations, as messaged through various relevant Zone criteria. These include Zone Objective 4, which seeks for a 'concentration of activity close to a key focal point such as a fixed transit stop, activity centre or high quality open space', and the Desired Character, which specifically envisages enhanced population density around the Oaklands Railway Station.

The land's location in close proximity to the Oaklands Railway Station, Warradale Neighbourhood Centre Zone, and walkable distance to the Marion Regional Centre Zone are therefore considered to be key factors in its suitability to accommodate the proposed high residential density. Other sites within the Zone which are less favourably positioned may not be suitable for such a high density.

It should be noted that the proposed density of 104 dwellings per hectare is more than double the minimum 50 dwellings per hectare desired by the Zone. The extent of this numerical difference may raise the question of whether a density this high is reasonably expected by the Zone.

It should also be noted that the proposed density correlates either directly or indirectly with some unfavourable aspects of the proposal. These include the ground level layout of the development, which is dominated by vehicle parking and manoeuvring areas, and where the building's front façade is the side wall of Dwelling 1's garage. There is also insufficient area to provide the minimum number of communal visitor parking spaces.

The somewhat narrow site width of 18.28 metres also affords limited flexibility to alternative designs for a development of this density. For example, other unfavourable aspects of the proposal include the narrowness of the pedestrian access path and driveway landscaping strips. These aspects of the proposal cannot be improved without compromising the functionality of other elements of the development, such as vehicle parking and manoeuvring. The inability to improve these aspects of the proposal suggests a development which is at its functional limits, caused in part by the proposed density.

These aspects of the proposal are assessed in further detail within the subsequent headings of this report. As detailed, my conclusion on these matters is that while they are unfavourable, they are at least partly justifiable or otherwise are not considered to be detrimental or significant enough to warrant refusal of the application on balance with its merits.

Likewise, in my view there are no suitable grounds for refusal on density alone, as there is no applicable maximum density sought by the Zone, and the proposal satisfies the Zone's desire for higher densities and intensification of development in strategically appropriate locations.

### **Built Form, Scale and Setbacks**

It is acknowledged that the proposed three storey building height and scale will be foreign for the locality, where the existing character is typified by a mixture of single and two storey development. This is accepted on the basis that the Zone envisages such a building height and encourages a distinctly new character. The proposal also generally complies with the Zone's building envelope, and the design of each elevation incorporates some articulation, as well as variation of materials and setbacks between levels to manage visual impacts.

The proposed buildings are three storeys and 10.75 to 11 metres in height from existing ground levels. This satisfies the relevant maximum of three storeys and 12.5 metres specified by Zone Principle 10. It is also consistent with the 'mid-rise' development sought by the Desired Character. The land is not located adjacent to a residential zone and so the proposal is not required to have transitional regard to lower scale development within the locality.

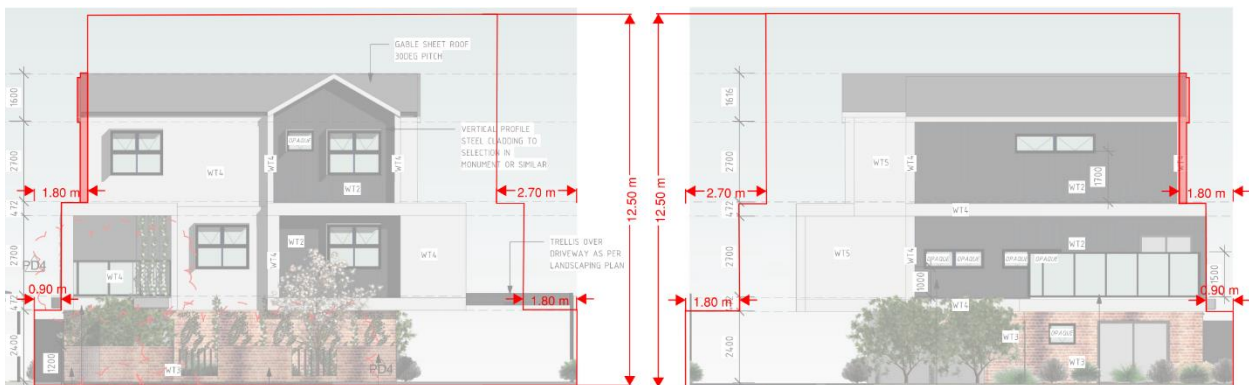
**HOME**

While not applicable to this application, it is noted that the Zone permits buildings of up to four storeys and 16.5 metres on larger sites, while the Desired Character specifically states that 'building heights may be increased' on land surrounding Oaklands Crossing to facilitate enhanced population density, subject to management of adverse impacts on adjacent properties. In this case, the site area and impacts caused to surrounding properties would preclude a greater building height from being suitable. Nevertheless, the fact that the Zone envisages greater building heights where site conditions are appropriate reinforces the view that the proposed building height is fundamentally appropriate for the Zone.

In addition to maximum building height, the Zone also specifies desired minimum setbacks from boundaries. As detailed within the Quantitative Snapshot table, the proposed building generally complies with and exceeds the minimums required, with the exception of:

- Upper floor nib walls between each dwelling and sections of roof form measured from the northern side elevation; and,
- If Interface Height Provisions are applied, upper parts of the two rearmost dwellings measured from the rear boundary.

These are illustrated and discussed individually below.



*Building envelope (height and side setbacks) as per Zone Principles 10 and 14 as viewed to the front elevation (left) and rear elevation (right).*

*Note: Verandahs, porticos and the like are excluded from minimum setback criteria.*

The design of each building includes nib walls between each dwelling which protrude from the main side wall by 0.3 metres for a width of 0.2 or 0.4 metres respectively. Therefore, although the upper floor main side wall achieves a satisfactory setback of 1.86 metres, its nib walls have a setback of only 1.56 metres from the northern side boundary. It is noted that 'verandahs, porticos and the like' are excluded from side setback criteria. The small protrusion and width of each nib wall is similar to that which would be demonstrated by posts associated with a verandah or the like. They are lightweight in appearance, provide articulation to the elevation, and have a minimal visual impact. In practice, roof form such as eave overhang is also typically excluded from side setback calculations. Therefore, the nib wall and roof form side setback shortfall to the northern side boundary is considered minor and acceptable.



*Interface Height Provision of Zone Principle 12 if applied to the proposal, as viewed to the rear building's northern elevation (left) and southern elevation (right).*

The proposed rear setback to the ground and first floor of the building satisfy the minimum 2 and 4 metres sought by Zone Principle 15. The rear balcony of Dwelling 11 is taken to be excluded from this minimum criteria as it is an open-structured balcony similar to a 'verandah, portico or the like'.

Zone Principle 15 states that a three storey building component is subject to the Interface Height Provisions of Zone Principle 12. However, if Principle 12 is read in isolation, it seems clear that it relates only to a 'zone boundary', particularly with the Residential Zone. As the rear boundary is not the zone boundary, it could therefore be interpreted that no minimum rear setback criteria applies to the proposed third storey. Accordingly, it could be argued that the proposed 4 to 4.37 metre rear setback of the third storey is appropriate in context of Principle 12.

In my view, such an interpretation would be contrary to the intent of Principle 15 and a narrow reading of Development Plan policy as a whole. It would be nonsensical for no minimum third storey rear setback to apply, given that a minimum rear setback of 2 and 4 metres applies for single and two storey components respectively. Nonetheless, I do not believe that Principle 12 should be strictly applied, as it is clearly intended for a Residential Zone boundary rather than all rear boundaries. Correctly assessed, determination of an appropriate rear setback warrants consideration of other applicable Development Plan criteria such as Design and Appearance Principle 2, which relates to bulk, scale and neighbouring amenity.

As illustrated, Dwelling 11's third floor is the primary culprit in relation to the rear setback specified by the Interface Height Provisions. Compared to the remainder of the building, it is of notably smaller area and width across the rear of the allotment. This acts as a step when viewed from the rear, and subsequently assists in managing the building's bulk when viewed from that direction.

The relationship between the rearmost portion of the building and surrounding areas of adjacent properties warrants attention when considering the likely visual prominence of the building and subsequent visual impacts on surrounding occupiers. The adjacent part of the northern adjoining property is a roofed area of private open space and dwelling side path which provide limited opportunity for upward views towards the third storey. Being located to the north, it will not be overshadowed. Directly to the east is the rear of a two storey residential flat building and its associated communal open space and an outbuilding. The third floor is considered to be located a sufficient distance away to preserve a reasonable level of visual amenity to this space, noting that it retains a relatively open northern and eastern orientation. To the south is the angled rear corner of another communal open space area. As illustrated, the third floor provides a generous setback to this space and is not considered to impose unreasonable visual impacts upon it.





*Highlighted sections are portions of the building's third storey component which are contrary to the Interface Height Provisions, as shown on the previous elevation plan. This diagram illustrates the portion of the building's location relative to surrounding parts of adjacent properties.*

Overshadowing caused by the proposed rear setback is detailed within the Overshadowing section of this report. In short, as the rear boundary is the eastern boundary, proximity to it only causes additional overshadowing to the east in afternoon hours, the extent of which is acceptable. A hypothetical amendment to rear setback to comply with the Interface Height Provisions would not materially affect overshadowing impacts caused to the southern adjoining properties, as these are primarily due to the proposed southern side setbacks, which notably exceed the minimums sought by Zone Principle 14.

Given the above, it is reasonable to conclude that the proposal generally complies with the permissible building envelope for a development on this site.

### **Design, Appearance, and Relationship to the Street**

The Zone desires 'high quality urban design', and in particular seeks for 'attractive, high quality and pedestrian friendly frontages', which are 'active' and 'facilitate personal interaction'. While the building and landscaping design incorporates some attractive qualities and materials, the proposal does involve certain less desirable aspects in terms of layout and design. These include a passive ground floor presentation to the street, a narrow 1 metre-wide pedestrian side path which provides access to all dwellings, and a ground floor layout which is largely dominated by vehicle parking and manoeuvring areas. Some of these are considered to be the product of an attempt to maximise development opportunity on the site, at the expense of achieving a high quality design outcome which is entirely consistent with the Desired Character. Nevertheless, certain traits of the locality are considered to lend support to the proposal demonstrating a more passive relationship with the streetscape.

Certain elements of the proposal are contrary to the Zone's desire for development to have an 'active' street frontage. In particular, the entire ground floor front façade of the building is the side wall of Dwelling 1's garage, punctured only by a private glass sliding door. Although the landscaping and front fence help to conceal this aspect of the proposal, this concealment only reinforces a passive pedestrian-scale street frontage. Although it is acknowledged that the upper floors provide some relief by presenting habitable room windows and a balcony towards the street frontage, the orientation of the development results in only one of the eleven dwellings having any form of direct street presence. A fenced yard space, landscaping and service areas comprise the ground area between the building

and the street. The appearance of the front façade and its relationship with the primary street frontage could be compared to that which may be expected of a secondary street frontage.

Pedestrian access to each dwelling is obtained from a 1 metre wide side path which runs along the northern side boundary. All dwelling entrances face the northern side boundary and are recessed from view of the street. A small entrance canopy is provided above each pedestrian entry door. The narrow path shall be wedged between the proposed three storey building and a 2.1 metre Colorbond boundary fence, with no room available for landscaping. These aspects of the proposal are not considered to be inviting to pedestrians and are contrary to Development Plan criteria which seek for building entrances to be visible from the street.

The dominance of vehicle parking and manoeuvring at the ground level is to be expected for a medium to high density form of residential development to meet the associated off-street parking minimums. While the row of garaging and parking will be a dominant feature of the ground floor south elevation, it shall only be viewable from a southern perspective. When viewed centrally from the front of the development, garaging and manoeuvring areas will not appear dominant.

Certain aspects of the locality are considered to lend support to the more passive elements of the ground floor presentation and relationship to the street. The land is situated on an arterial road, which generates noise arising from traffic and activity. Placing habitable areas at the ground floor with an open and active presentation to the street as generally sought by the Desired Character would be vulnerable to noise and air quality impacts caused by the arterial road, and contrary to relevant Noise and Air Emissions Overlay criteria. The character of the opposite Neighbourhood Centre Zone as it faces the subject land also contains blank walls, loading areas and car parking areas, while other medium density development within the locality are observed to present to the street with similarly passive façades. Despite these aspects of the locality, the reality of the proposal is that it fails to meet prescribed criteria which seek for active streetscape presentation which is pedestrian friendly.

### **Overshadowing**

The proposed building shall cause significant overshadowing to the southern adjoining property during winter months. Particularly, it fails to provide any direct sunlight to the southern adjoining dwellings' north-facing living room windows or private open spaces between 9am and 3pm on the winter solstice, contrary to Design and Appearance Principle 10. The proposal does not enable direct winter sunlight into those dwellings, contrary to Design and Appearance Principle 9, and does not maintain or enhance their amenity to sunlight as sought by Design and Appearance Principle 2.

Despite these shortfalls, it is important to note that the proposed development exceeds the minimum southern side setbacks specified by Zone Principle 14. The proposed building height is also well within the maximum permitted by Zone Principle 10. As the Zone permits buildings of this height and proximity to the southern boundary, it is reasonable to construe that the Zone inherently anticipates overshadowing impacts accordingly.

Application of Design and Appearance Principles 2, 9 and 10 therefore ought to be balanced with the level of overshadowing inherently anticipated by the Zone's desire for buildings of this height and scale. It is accepted that overshadowing shall detrimentally impact southern adjoining amenity during the winter solstice. It is noted that overshadowing impacts will subside during other times of the year around the equinoxes and summer solstice, as demonstrated by the overshadowing diagrams.

### **Overlooking**

The proposal incorporates sufficient measures to minimise the potential for overlooking from its numerous upper floor windows and balconies which present towards adjoining properties.

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Each dwelling includes a balcony on the second storey northern elevation, which present consecutively in a row towards the northern adjoining properties. Although it may be reasonable for northern adjoining properties to perceive a loss in visual privacy due to the location and extent of balconies which present towards them, any side or rear-facing elevation of the balconies are to be screened using obscure glass balustrading to a height of 1.5 metres from floor level. This screening height and method is considered to be sufficient to reasonably minimise direct downward overlooking of the northern adjoining properties' private open spaces and habitable room windows with typical use of the balconies. The height also maintains an acceptable level of amenity and external outlook to future occupants of the proposed development. Side and rear-facing upper floor windows incorporate obscure glazing to a height of 1.7 metres from floor level, or otherwise demonstrate sufficient sill heights. In my view, the proposed methods of balcony and window screening satisfy Design and Appearance Principles 11 and 12.

## Parking

The proposal demonstrates a shortfall in off-street visitor parking, which together with a lack of appropriate public or on-street parking opportunities in immediate proximity to the land is concerning.

For a residential flat building, Table Mar/2A specifies a minimum 1.5 spaces per 2 bedroom dwelling, plus 0.25 visitor spaces per dwelling. In my view, the intended application of the 1.5 spaces per dwelling criteria is to provide opportunity for some dwellings to be provided with 2 spaces and other dwellings to be provided with 1 space. Nine of the eleven proposed dwellings incorporate 2 dedicated spaces, while the two rear dwellings (Dwellings 10 and 11) are provided with only 1 dedicated space. This is considered to be appropriate, as not all 2 bedroom households would own 2 vehicles or require 2 parking spaces. The two dwellings with only 1 parking space provide a suitable option for smaller households or those which depend on alternative modes of transport as encouraged by the Zone and made more feasible by the land's proximity to public transport. Overall, 20 dedicated off-street spaces are provided, in excess of the 16.5 minimum required.

Concerns arise in relation to off-street visitor parking. At the minimum rate of 0.25 per dwelling, 2.75 visitor spaces are required to cater for the development. The development provides only 1 true communal visitor parking space, located in the gap between the two buildings. One may argue that, overall, the development achieves a parking surplus (at 21 spaces where a minimum 19.25 applies including both dedicated and visitor spaces). However, to do so would be to ignore the differing function of dedicated and visitor spaces.

While it is noted that the applicant's traffic engineer has referred to the second parking spaces in front of Dwelling 6 and 7's garages as 'visitor' parking spaces, they are not considered appropriate in that regard. Transportation and Access Principle 42 states that off-street visitor parking spaces should be clearly defined as visitor spaces not specifically associated with any particular dwelling, and be accessible to visitors at all times. As the spaces are located directly in front of Dwelling 6 and 7's garages, they are inherently associated with those dwellings. The parked vehicle of a visitor to another dwelling in that space would obstruct access to the dedicated garage space of Dwellings 6 and 7, and as a result are fundamentally inappropriate as communal visitor spaces. As such, for the purposes of this assessment, they have been treated as dedicated spaces for Dwellings 6 and 7.

Clause 3 of Table Mar/2A does provide some concessions allowing for a below-minimum number of parking spaces based on parking conditions within 'the wider locality', and in particular, (b), (e), and (f) may apply, which read:

*A lesser number of parking spaces may be provided based on the nature of the development and parking conditions in the wider locality including (but not limited to) the following:*

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*(b) the development is sited in a locality where the respective peak demands for parking for the range of uses (existing and proposed) occurs at different times and suitable arrangements are in place for the sharing of adjoining or nearby parking areas*

*(e) generous on-street parking and/or public parking areas are available and in convenient proximity, other than where such parking may become limited or removed by future loss of access, restrictions, road modifications or widening*

*(f) the site of the development is located within distances specified in the conditions applicable to Designated Areas for at least two different public transit modes.*

On-street parking on Morphett Road is possible, however highly undesirable from a planning perspective, while also unlikely to be a favourable option to visitors. This section of Morphett Road is designated as a Strategic Transport Route, and Strategic Transport Routes Overlay Principle 1(a) states that development should avoid the provision of parking on the main carriageway. Due to the narrow width of Morphett Road at this location, on-street parking would impede traffic flow by obstructing the outer lane and may present a hazard. This, together with morning or afternoon clearway restrictions, is also likely to make using Morphett Road for on-street parking undesirable for residents or visitors.

Off-street parking located opposite the land is plentiful, however it is a private parking area associated with the supermarket and hotel, and so should not be used by visitors to the subject land or relied upon on this assessment. While a public off-street parking area is located at the corner of Morphett and Diagonal Roads, it is a temporary parking area which was intended to compensate for loss of parking during the now-completed railway station redevelopment. Therefore the future of this temporary parking area is uncertain and should not be individually relied upon to provide parking for the development.

The nearest on-street parking on a side street is 80 metres to the north, on Sturm Court. Alternatively, there are on-street parking spaces around 150 metres to the south on Murray Terrace, however these are subject to time restrictions, or those which are not time-restricted are subject to the commuter parking demands of the railway station. While there are public off-street parking areas associated with the railway station, these are well patronised during the day and are located at the extremity of what may be considered 'in convenient proximity'. Nevertheless it may be suitable for visitors to rely upon some of this parking capacity, as peak parking demands associated with the railway station are during business hours on weekdays, whereas peak demands for visitors to the site are likely to be after business hours on weekdays or during weekends.

A shortfall in visitor parking may also be provided some support by (f), as the land is situated within 400 metres of Oaklands Railway Station, which provides a high frequency public transit service. However, this is the only 'high frequency' service, as the bus services within 200 metres of the land are not frequent enough to be eligible.

Overall, the shortfall in visitor parking remains concerning. While on-street parking is possible on Morphett Road, it should not be relied upon. Nearby alternative public parking is at least 80 metres away from the subject land and would compete with the demands of the locality including other dwellings and the railway station. While the land is close to public transport, in my view it does not entirely compensate for or excuse the shortfall in off-street visitor parking. Nevertheless, on balance, I do not consider the shortfall in off-street visitor parking to be fatal to the proposal.

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## Landscaping

The proposal incorporates areas or elements of landscaping to its front, sides and rear, including the recommended tree plantings. However, the area of deep soil zones and width of driveway landscaping areas fail to meet minimum criteria.

The proposed 4.7% extent of deep soil areas with a dimension of greater than 3 metres falls short of the minimum 7% sought by Medium and High Rise Development Principle 23. It should be noted, however, that the quantitative criteria referenced in Principle 23 is detailed as 'only one way of achieving' the principle, which reads, 'Deep soil zones should be provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies'. The proposed deep soil areas and dimensions are sufficient to accommodate the recommended tree planting of 1 medium tree, plus the additional small trees which are proposed.

The proposed driveway landscaping strips of 0.3 metres to the southern side and 0.4 metres to the northern side fall notably short of the minimum 1 metre width on both sides sought by Residential Development Principle 41. Furthermore, the strip on the northern side is heavily punctured by entrances to parking areas and so is only evident in small pockets. The dimensions of the strips provide limited opportunity for plantings of a meaningful size to be established, and this is evident in the selected plantings of *liriopes* (a ground cover) and *clivia minata* (a low flowering shrub). The lack of ability to accommodate meaningful landscaping to the sides of the development limit the opportunity to soften the proposed visual bulk of the building and the extent of hard paved areas. The proposed trellises with attached landscaping are expected to provide some vertical landscaping relief to the driveway and southern elevation of the building, however they are of a limited size and only located centrally within the allotment.



## CONCLUSION

The merits of the proposal are considered to be finely balanced. While the proposal includes several departures of note, on balance it is considered to generally achieve most applicable Principles of Development Control contained within the Marion Council Development Plan.

Unfavourable qualitative aspects of the proposal include its front façade design and relationship with the street, which do not entirely satisfy certain Development Plan statements which seek for active street frontages and building entrances oriented to the street. These statements can be found within the Zone's Desired Character statement and certain Medium and High Rise Development criteria. The building demonstrates a relatively passive front elevation, facilitating limited interaction with the street from the ground floor. The narrow 1 metre width of the pedestrian side path to serve all eleven dwellings is also noted as a concern. Visual impact and overshadowing caused to the southern adjoining property around the winter solstice are of some concern, however need to be balanced with the building height and envelope expected by the Zone.

Numeric shortfalls include the number of off-street visitor parking spaces being 1 in lieu of the 2.75 minimum sought, deep soil areas equating to 4.7% instead of the 7% minimum recommended, and driveway landscaping strips being only 0.3 and 0.4 metres wide where a minimum width of 1 metre is sought on each side. There is also a shortfall in third storey rear setback against the Interface Height Provisions, however due to conflicting Development Plan language it is unclear whether it should strictly apply given the rear boundary is not a zone boundary.

As the Zone does not specify a desired maximum density, there are no clear grounds on which to argue the proposed density is fundamentally inappropriate, particularly as the Zone seeks for higher densities and intensification of development in strategic locations such as this. It could be argued however that the proposed density and attempt to maximise development opportunity on a somewhat constrained site has contributed to some of the unfavourable aspects of the proposal, including its ground level layout, streetscape presentation, visual bulk and overshadowing, and shortfalls in visitor parking and landscaping areas.

Generally however, the proposal is an envisaged form of development for the Zone. While it is noted that the density and scale of the development shall be the first of its kind within the locality, the Zone allows for and encourages high density, mid-rise residential development in close proximity to public transit and activity centres. Furthermore, the proposed building generally complies with the expected building envelope in terms of building height and setbacks.

The design, while not entirely consistent with the Desired Character, is considered to be of acceptable design quality, incorporating some articulation offered by variation in roof form, nib walls, colours and materials. The landscaping, while numerically short in some regards, incorporates the recommended tree planting and provides elements of landscaping throughout the site.

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, while finely balanced, 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: 100/2362/2020 for Two (2) three storey residential flat buildings: one comprising six dwellings and one comprising five dwellings, with associated landscaping at 411 Morphett Road, Oaklands Park 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. The proposal is to be updated to specify proposed sound attenuation measures to reasonably satisfy Suburban Activity Node Zone Principle 9, such as insulation, double-glazed windows and doors, and the selected measures are to be clearly specified on proposed plans.

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 granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
3. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
4. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.
5. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation, and shall be planted prior to occupation.

6. Landscaping shall provide clear sightlines at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath, in accordance with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004.
7. All waste shall be managed in accordance with the Colby Phillips Advisory document titled 'Waste Management', dated 17 December 2020, including being stored in the designated communal bin storage area.

***DIT Conditions***

8. The access shall be designed and constructed in accordance with the site plan produced by Gemma Lea Design Studio, Sheet No. PL.02, Rev. PD4, dated 6 January 2021.
9. All vehicles must enter and exit Morphett Road in a forward direction.
10. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
11. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Morphett Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

**NOTES**

1. To reduce the number of bins required to be presented for collection, the alternative larger communal bin sizes suggested within the Waste Management document (3 x 240L for general waste and 4 x 360L for recycling) can be accommodated by Council's waste contractor Cleanaway, subject to the applicant providing them with at least 10 weeks' notice prior to when the bins are required.

This alternative arrangement would also be acceptable to Council for the purposes of Condition 7.

**REPORT REFERENCE: CAP020621 – 3.2  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 02 JUNE 2021**



<b>Originating Officer:</b>	<b>Nicholas Timotheou Senior Development Officer - Planning</b>
<b>Applicant:</b>	<b>The Village People Project Pty Ltd</b>
<b>Development Description:</b>	<b>Residential Land Division, Community Title - 1 into 6 and a two storey residential flat building comprising of 6 dwellings with associated carports, landscaping and solar panels</b>
<b>Site Location:</b>	<b>4 Wilfrid Street, Edwardstown</b>
<b>Zone &amp; Policy Area:</b>	<b>Mixed Use Zone / Precinct 12 Castle Plaza Environmental Assessment Area</b>
<b>Lodgement Date:</b>	<b>10/02/2021</b>
<b>Development Plan:</b>	<b>Consolidated – 14 January 2021 gazetted 24 December 2020</b>
<b>Referrals:</b>	<b>Development Engineer SA Water State Commission Assessment Panel</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 2</b> <b>Mixed Use Zone Public Notification Section</b> <i>All kinds of development where the site of the development is adjacent land to land in another zone.</i>
<b>Application No:</b>	<b>100/2021/239</b>
<b>SCAP No.</b>	<b>100/C013/21</b>
<b>Recommendation:</b>	<b>That Development Plan Consent and Land Division 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 Plan and supporting documentation</i>
<i>Attachment III:</i>	<i>Representations</i>
<i>Attachment IV:</i>	<i>Response to representations</i>
<i>Attachment V:</i>	<i>SA Water and SCAP referral documents</i>

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## SUBJECT LAND

The subject land comprises 4 Wilfrid Street, Edwardstown. The land is irregular in shape, achieving a site area of 818 square metres, derived from a frontage width of 16.24 metres, a secondary frontage of 45.72 metres to Ackland Street and an average site depth of 47.2 metres.

The land is currently vacant and devoid of any Regulated Trees. The land is generally flat with no discernible slope. Two vehicle access points exist along Ackland Street and measure between 10 and 12 metres in width. A third access point is available to the site from Wilfrid Street, measuring approximately 5.5 metres in width.



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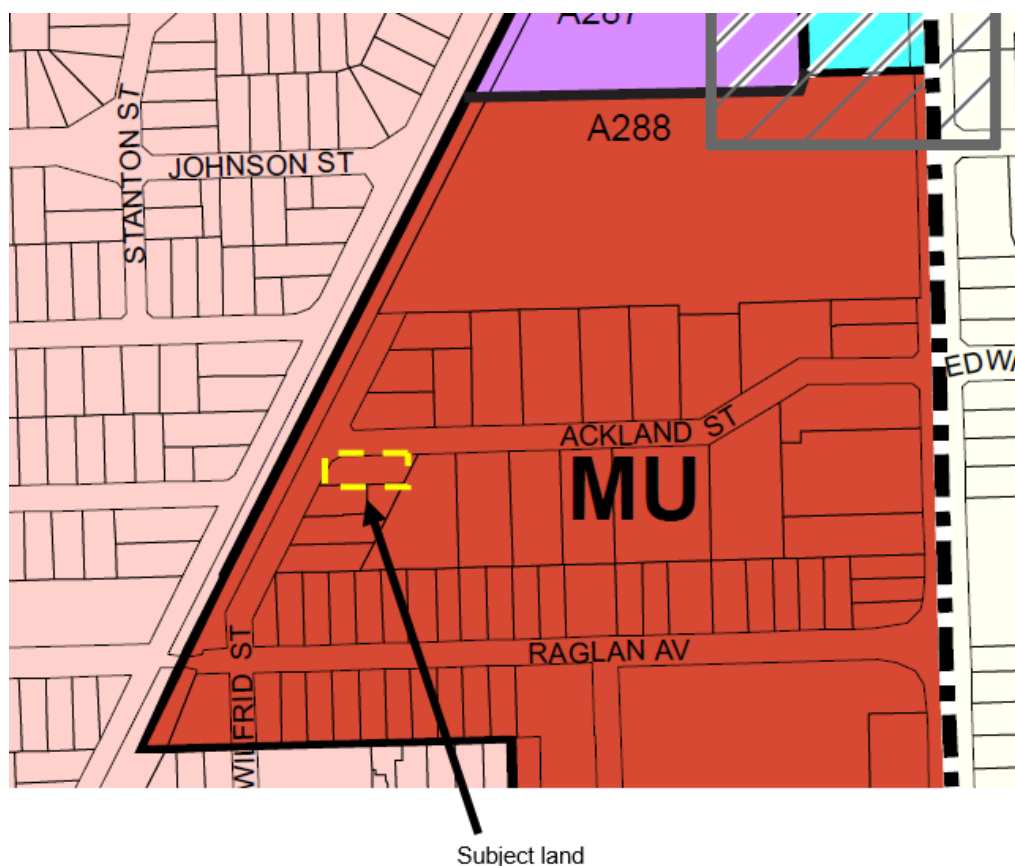


## LOCALITY

The subject land is situated within a Mixed Use Zone which is generally characterised by a mixture of commercial land uses including shop, general industry, warehouse and office. A large majority of the locality comprises vacant land associated with the old Hills Industry site, which was cleared between 2008 and 2009.

A train line borders the subject land to the west and separates the Mixed Use Zone from a Residential Zone. The western side of the train line features a mixture of low – medium housing and is generally representative of the original dwelling stock.

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





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## **PROPOSED DEVELOPMENT**

The proposal is best described as a 'residential land division, Community Title - 1 into 6 and a two storey residential flat building comprising of 6 dwellings with associated carports, landscaping and solar panels'.

Each dwelling incorporates two bedrooms and a bathroom at ground floor. Bedroom 1 provides direct access to a front facing courtyard. The main entry point to each dwelling is located to the rear of the building (south elevation) and is accessed via a communal area of open space. The first floor features an open plan kitchen/meals/living with access to the main area of private open space in the form of a balcony overlooking Ackland Street. Open style front fencing is proposed for each dwelling comprising 1200mm high wire and timber posts with espaliered climbers.

Seven on-site parking spaces are provided. Four covered spaces are provided to the west of the building and gain access via a new crossover from Wilfrid Street. The remaining three spaces are located on the eastern side of the building are serviced via a double width crossover from Ackland Street. Bicycle parking is provided adjacent to the four car parking spaces, allowing for up to six spaces. Each dwelling is provided with dedicated areas for bin storage which is screened by the front fencing return.

Landscaping is provided throughout the site and is included with a mixture of semi-mature trees and low-medium level plantings.

The building is two storeys in nature and includes a mixture of colours and materials including cladding, timber, and wire balustrade to the balconies. A wall mural is proposed along the west facing elevation of the building facing Wilfrid Street. Angled solar panels are located on the roof at a 2 degree pitch and face north.

## **PROCEDURAL MATTERS**

### **Delegation Policy**

The application has been delegated to the Council Assessment Panel pursuant to Council's Development Delegations Policy 4.1.9, which identifies:

*The Panel will undertake the role of the relevant authority pursuant to Section 33 of the Development Act 1993, in relation to the following types of development applications:*

*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.*

The Manager Development and Regulatory Services has exercised their right to apply Development Delegations Policy 4.1.9 and as such, the application is delegated to the Council Assessment Panel.

### **Classification**

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

### **Categorisation**

The subject application is a Category 2 form of development by virtue of the City of Marion Development Plan, Mixed Use Zone Public Notification Section which lists all kinds of development where the site of the development is adjacent land to land in another zone as a Category 2 form of development.

### **Referrals (Internal)**

#### **Development Engineer**

Council's Development Engineer has advised they are satisfied with the plans from a stormwater management perspective as well as vehicle manoeuvring areas.

**PUBLIC NOTIFICATION**



**Properties Notified**

**Representations**

**Representations received**

**Applicant Response**

14 (shaded in blue)

1 received opposing the development (circled yellow)

Mr Alan Beiler

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



## 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.

### Mixed Use Zone

#### OBJECTIVES

1. *A mixed use zone accommodating a mix of employment generating land uses and medium to high density residential development and short term accommodation in close proximity to a high frequency public transport corridor.*
2. *Retail, commercial, community, civic and residential uses within a mixed use environment that are compatible with surrounding development and do not compromise the amenity of surrounding residential areas.*
3. *Smaller dwellings, including innovative housing designs located close to local services and public transit stations.*
4. *Mixed use development integrated with a high quality public realm that promotes walking, cycling, public transport patronage and positive social interaction.*
5. *A zone that provides a spatial separation, or transitions down, in scale and intensity to adjacent lower density residential zones.*
6. *Creation of a network of pedestrian and cycle routes linking retail, employment and residential activities with each other and public transport nodes and connection to cycling and walking networks outside the zone including the proposed 'Greenway' along the Adelaide - Seaford Railway Line.*
7. *Development that contributes to the desired character of the zone.*

#### DESIRED CHARACTER

*The provision of high density housing will contribute to the creation of a vibrant and accessible place during both business hours and after business hours. Vitality and sense of place will be facilitated by the creation of attractive, safe and accessible public spaces that are enclosed by buildings that form a cohesive and continuous built form edge, reinforcing public spaces as key spatial elements within the built fabric.*

*Coordinated redevelopment of large and amalgamated sites that are developed to their full potential is strongly encouraged. Amalgamation of allotments into larger sites will enable the achievement of optimum uses of land through the development of multi-storey buildings containing a mixture of retail, commercial and community activities at ground and lower levels, with residential apartments generally located above ground level. Other than within Area 2 as shown in Concept Plan Map Mar/9 – Mixed Use Zone, buildings will be provided with base podiums of at least two storeys.*

*The substantial redevelopment of the zone allows for the creation of a new character to the locality, with bold, high quality and contemporary architectural styles encouraged. The use of iconic built form and scale is appropriate at key road intersections within the zone to emphasise major arrival focal points, accentuate key corners and terminate vistas. Building scale will take account of the lower scale residential areas located to the south of the zone.*

*Development will respond to the need for a high quality pedestrian environment through the retention of human scale at key frontages, and setbacks of higher elements of buildings that prevent uncomfortable micro-climatic conditions at ground level.*

*Public environments will become integrated with the spaces in the private realm in a manner that creates interconnected streets and paths, with architectural features and outdoor activities that will encourage pedestrian activity. These high quality spaces will incorporate landscaping and public art, together with high quality paving, street furniture and lighting that foster a sense of place and belonging for residents, workers and visitors.*

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*It is expected that any development of Area 2 between Ackland Street and Raglan Street will set aside land to allow for the future road connection between Raglan Avenue and Ackland Street, as shown in Concept Plan Map Mar/9 – Mixed Use Zone. The future connection road will be created, along with the widening and upgrade of Ackland Street, upon the development of the land north of Ackland Street, so as to provide for the principal vehicular connection between Raglan Avenue, west of the rail line and Edward Street / South Road. All roadways within the zone will ensure the ease of pedestrian and bicycle movements throughout the zone and adjacent areas through their location and design.*

*The eastern portion of Raglan Avenue, as shown in Concept Plan Map Mar/9 – Mixed Use Zone will be transformed into a pedestrian friendly main street that reinforces a strong pedestrian connection between the northern and southern sides of the street. It is envisaged that land uses fronting the proposed main street will be a focus for after-hours activities in the form of cafes and restaurants as well as other activities that achieve vibrancy in this location.*

*Development will provide for the potential future provision of a train station and bus stops adjacent the rail line and ensure any future development adjacent this area, as shown on Concept Plan Map Mar/9 – Mixed Use Zone, can be integrated with such a facility. Given the provision of a train station is uncertain at this stage, development needs to also ensure linkages to existing train and bus services are provided until such time that the station location is finalised.*

*Development will consolidate and coordinate car parking and service vehicle access points in order to reduce conflicts with key pedestrian paths. For retail development, at grade parking areas may be appropriate if located to the side or rear of buildings and broken up with extensive landscaping. Car parking associated with commercial, residential and mixed use development will, where feasible, be integrated below and/or within buildings in order to reduce the amount of car parking areas visible from street and other public areas. It is expected that existing large car park areas will be progressively redeveloped with buildings over time. Multi-storey parking stations are appropriate provided they are sleeved with active uses to street frontages and / or provided with attractive screens to facades that are visible from streets and other public places.*

*Land adjacent to the zone includes a range of commercial and industrial activities. Residential and other environmentally sensitive development within the zone will need to acknowledge and respond to the function of existing and potential non-residential land uses through solutions that mitigate adverse impacts without affecting the long term viability of those uses.*

#### **Precinct 12 Castle Plaza Environmental Assessment Area**

*Some areas within **Precinct 12 Environmental Assessment Area** have been identified as possibly being affected by contaminating land uses and activities. To minimize risk of harm to human health and the environment it is expected that development involving a change of land use, or land division, for a sensitive use will occur on a precautionary basis. This will include the appropriate level of site contamination investigation and, if necessary, auditing be applied prior to the development proceeding.*

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

1. The following forms of development are envisaged in the zone:
  - Residential flat building
2. The following additional forms of development, or combination thereof, are only envisaged within Area 2 of the zone, identified on Concept Plan Map Mar/9 – Mixed Use Zone:
  - discount department store
  - mini-major tenancy
  - supermarket.
3. Retail land uses should:
  - (a) provide convenience goods and a range of comparison goods to serve the major weekly shopping needs of residents, workers and visitors of the surrounding district and in the zone
  - (b) be located principally at ground level with activation of public spaces
  - (c) where comprising discount department stores, supermarkets or mini-major tenancies, only be within Area 2 identified in Concept Plan Map Mar/9 – Mixed Use Zone.
4. Residential development should only be established outside of Area 1 identified within Concept Plan Map Mar/9 – Mixed Use Zone.
5. Land uses that generate high levels of pedestrian activity should be located at ground level to contribute to the enlivening and surveillance of the public realm.
6. Land uses should be established with a view to promoting after-hours use to reinforce the centre as the focus of social activity in the district.
7. Development listed as non-complying is generally inappropriate.
8. Development should not be undertaken unless it is consistent with the desired character for the zone.

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9. Development should be in accordance with relevant *Concept Plan Map Mar/9 – Mixed Use Zone*.
10. Dwellings should achieve a minimum net residential site density of 67 dwellings per hectare.
11. Development should be designed to ensure that:
  - a) the building fronting the street or public space forms the base podium of no less than two storeys and no greater than four storeys with the highest scale of development, being four storeys or greater, in the centre of the site
  - b) the development enables an adequate level of daylight, sunlight, privacy and suitable wind patterns in relation to surrounding development and pedestrian environments
  - c) vehicle access is integrated into the design of the development
  - d) pedestrian access is safe and convenient through buildings and surrounding spaces
12. Development along the southern side of Raglan Avenue, west of Brooks Street should be a maximum of four storeys or 16.5 metres in height and set back in the following manner:
  - a) buildings no greater than 3 metres in height located on the southern boundary
  - b) buildings greater than 3 metres in height set back from the southern boundary an additional 2 metres for every 1 metre height above 3 metres.
13. Other than within Area 2, as shown in *Concept Plan Map Mar/9 – Mixed Use Zone*, buildings should be built to the property boundary of public roads and open spaces in order to:
  - (a) create a continuity of frontage along streets and public spaces
  - (b) provide definition, enclosure and interaction with the public realm
  - (c) promote an active, interesting and vibrant frontage and streetscape
  - (d) contribute to the safety and security of the pedestrian environment.
15. Dwellings should provide a high quality living environment by ensuring the following minimum internal floor areas:

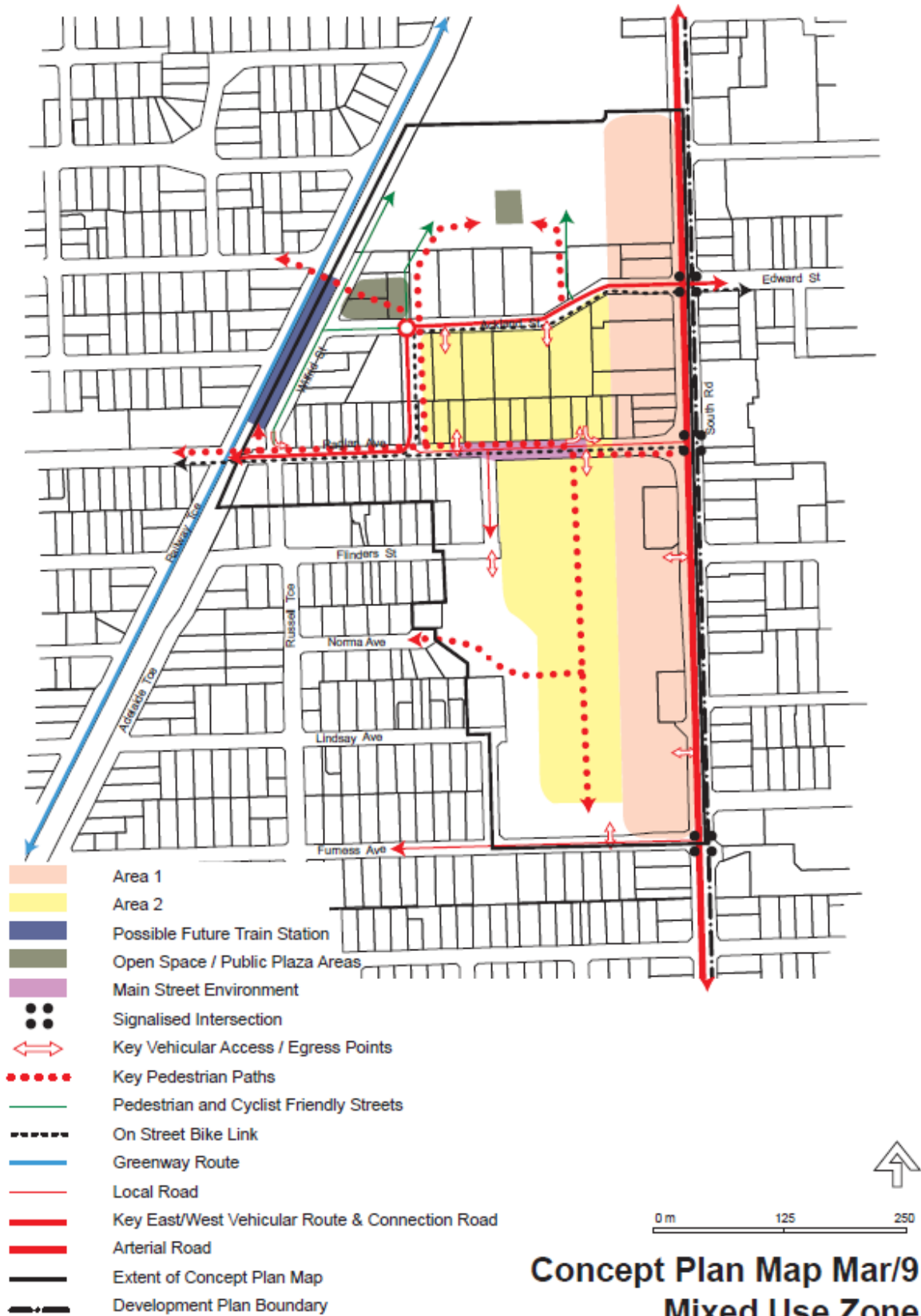
Dwelling configuration	Minimum internal floor area (including internal storage but excluding car parking or open space) requirement (square metres)
Studio (where there is no separate bedroom)	37 square metres
1 bedroom dwelling	50 square metres
2 bedroom dwelling	75 square metres
3 + bedroom dwelling	100 square metres

26. Land division should amalgamate allotments and facilitate the provision of a broad range of development options, with allotments capable of accommodating:
  - (a) multi-storey buildings comprising a mixture of land uses
  - (b) movement networks, as identified in *Concept Plan Map Mar/9 – Mixed Use Zone* that provide for strong connections and safe and convenient access to public facilities, public transport stops and adjacent future development sites.

#### **Precinct 12 Castle Plaza Environmental Assessment Area**

27. Development should not be undertaken unless it is consistent with the desired character for the precinct.
28. Development should not occur on land where potentially contaminating activities have occurred unless an appropriate site investigation report and, if necessary remediation plan, has been prepared by a suitably qualified site contamination consultant to ensure that the site is suitable or could be made suitable, for its intended use.

**Concept Plan Map Mar/9  
Mixed Use Zone**



**Concept Plan Map Mar/9  
Mixed Use Zone**

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## ZONE CONSIDERATIONS

The Objectives of the Mixed Use Zone seek to accommodate a mix of employment generating land uses and medium to high density residential development in close proximity to a high frequency public transport corridor. The zone contemplates residential uses within a mixed use environment, that are compatible with surrounding development and do not compromise the amenity of surrounding residential areas.

In reaching a position as to whether the subject land is appropriate for entirely residential development, policy contained within the zone, together with locational characteristics are relevant and provide guidance. It is acknowledged the Mixed Use Zone is not limited to the subject land and extends to various allotments surrounding the site and south of Raglan Avenue. The proposal is limited to a single allotment and as such, it is evident the zone retains the ability to achieve a mixed use environment, particularly as a large portion of the zone comprises vacant land. Despite being purely for residential purposes, the proposal does not completely remove the opportunity for other envisaged land uses in this zone from being constructed in the immediate and wider locality. Although the proposal is not considered to remove opportunities for the zone to satisfy its intent, it is acknowledged the zone seeks amalgamation of allotments into larger sites to enable the achievement of optimum uses which is not achieved. This however is “encouraged” by the desired character statement and in reality, could be difficult to execute.

The objectives and desired character statement together with *Concept Plan Map Mar/9 – Mixed Use Zone*, provide further guidance on the anticipated development for the zone. PDC 4 identifies residential development should only be established outside of Area 1 as identified within the Concept Plan, which is satisfied in this instance. Throughout the zone policy, there is a desire for development to be integrated with high frequency public transport. The Concept Plan identifies the location of a “potential future train station” while the desired character statement identifies:

*Development will provide for the potential future provision of a train station and bus stops adjacent the rail line and ensure any future development adjacent this area, as shown on Concept Plan Map Mar/9 – Mixed Use Zone, can be integrated with such a facility. Given the provision of a train station is uncertain at this stage, development needs to also ensure linkages to existing train and bus services are provided until such time that the station location is finalised.*

The subject land is located directly adjacent to the potential future train station and although it cannot be guaranteed this infrastructure will be provided, the development is considered to provide opportunities to take advantage of this desired infrastructure. This notwithstanding, the land is located adjacent to a train line and dedicated walking/cycling paths which are linked with Edwardstown train station (1km north) and Woodlands Park train station (approximately 500m south). Given the identification of medium-high density development in the zone being located in close proximity to public transport corridors and public transit stations, it is considered that some regard can be had to this infrastructure.

It is also considered appropriate to have regard to the dimensions of the site, together with existing development in the locality. The site is somewhat limited in dimensions, such that providing an appropriate balance in non-residential and residential land uses may be difficult to achieve, particularly when considering the location of on-site car parking, waste and stormwater provisions.

It is acknowledged the proposed residential flat building will be one of the first of its kind in the zone; however, as identified in the desired character statement:

*The substantial redevelopment of the zone allows for the creation of a new character to the locality, with bold, high quality and contemporary architectural styles encouraged. The use of iconic built form and scale is appropriate at key road intersections within the zone to enhance*



*major arrival focal points, accentuate key corners and terminate vistas. Building scale will take account of the lower scale residential areas located to the south of the zone.*

The zone contemplates a new character, together with smaller dwellings and innovative designs. The proposal aims to complement the desired character through its unique design and configuration. The building comprises smaller dwellings containing two bedrooms, which provides housing diversity for the locality. The layout is considered to strike a balance in promoting activity to the street through the provision of front facing courtyards and balconies, encouragement of social interaction by way of communal open space and promotes the use of nearby services, including walking/cycle paths and public transport.

The building is two storeys in nature and incorporates various design elements and materials. The provision of a variety in landscaping species will assist in complementing the design of the building and improve the streetscape appearance. The balcony areas assist in minimising an upright appearance of the building and are oriented to face Ackland Street, which should promote activity and passive surveillance of the street.

The design of the building includes a mixture of horizontal and vertical cladding, timber, fenestration and wire fencing and balustrade. The upper level balcony is cantilevered over the associated courtyard and is accessed via an open plan kitchen/meals/living area which should promote activity towards the street. Each elevation includes a mixture of colours and materials, while upper levels are introduced through the location of carports and separation from boundaries. A wall mural is proposed along the western elevation of the building which is considered to provide visual interest and a pleasant outcome for residents and the street. The provision of a wall mural along the western façade should assist in providing an environment which accentuates the Wilfrid and Ackland Street corner point.

The location of the car park areas to the side of the building is considered to appropriately minimise the impact of these spaces upon the streetscape and other pedestrian paths identified in the Mixed Use Zone Concept Plan. The location of the bicycle parking will aim to promote walking and cycling from the subject land. The driveway and access area feature grey concrete pavers which will provide an attractive surface when viewed from the street and passing pedestrians. The western car park is bordered by a combination of low level 1200mm high mesh wire and timber post and 1800mm high Colorbond fencing, together with landscaping street-side of this area. This outcome should promote positive contribution to the streetscape and assist in minimising the extent of hard surfaces presenting to the street.

The proposal includes a variety of landscaping species throughout the site. The areas street side of the building/fencing are of an appropriate dimension to provide plantings species which complement the building and minimise the appearance of paved surfaces from the street. The communal open space shares these characteristics and provides an attractive area for residents completed with a variety of low to medium level landscaping. The design of this area is considered to provide a space which promotes social interactions and achieves high quality amenity for residents.

It is acknowledged the communal open space measures 6.2m in width by 31m in length. These dimensions are considered appropriate as a secondary area of private open space for occupants, acknowledging the balcony of each dwelling is of a size which satisfies the Development Plan guidelines.

A train line separates the land from nearby residential development, which provides a high level of separation from the subject site. Other interface is experienced with existing non-residential development on adjoining land. Given a shop and chartered bus storage site are located on adjoining land, the proposal is not considered to cause unreasonable interface issues with these sites nor their long term viability and potential non-residential land uses in the locality. Standard

boundary fencing, level of separation from dwellings and their orientation should be sufficient to avoid amenity impacts from the immediate non-residential land uses to the south.

As a result of the design of the building, it is acknowledged the building entrances are not oriented to the street. As identified earlier in this report, the zone anticipates a new character and innovative housing designs. The proposal has been designed to complement the dimensions of the land and has not followed a conventional design. This notwithstanding, given the unique layout of the dwellings and 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. Further, the location of entry points assists in promoting social interactions between occupants and a high-quality pedestrian environment.

Precinct 12 Castle Plaza Environmental Assessment Area PDC 28 states:

*Development should not occur on land where potentially contaminating activities have occurred unless an appropriate site investigation report and, if necessary remediation plan, has been prepared by a suitably qualified site contamination consultant to ensure that the site is suitable or could be made suitable, for its intended use.*

Principle 28 is reinforced in the Desired Character statement for the Precinct and to this end, the applicant has submitted an Environmental Site Assessment report in order to identify whether the redevelopment of the site for residential purposes poses any risks. Table 3.4 of the report identifies the previous land uses for the site which include:

Year	Private ownership	Corporate ownership
1872 - 1958	Various owners whose occupations include widow, merchant, butcher, storekeeper and manufacturer.	
1958 - 1986		Metglass Screens Limited
1986 - 2007	Various owners whose occupations include builder, married woman and widow.	
2007 - 2018		BRWF Pty Ltd
2018 - 2020	Private owners with no occupation listed.	
2020-date		The Village People Project Pty Ltd

Further to this, the report has included a detailed review of aerial photographs and Council records to assist with the assessment. This information suggests a fire occurred at the site sometime between January and February 2014, that appears to have gutted the main building located in the central portion of the site. The report concludes:

- No impact was identified in the soils, including imported fill materials, analysed from the site with respect to environmental or human health risk;
- No residual contamination resultant from the fire was observed in the near surface fill, apart from a trace of ash in the near surface layer at one borehole location;
- One sample reported a concentration of manganese in excess of the SA EPA Waste Fill criteria, which may have implications should the near surface fill material be removed off-site for re-use or disposal.
- No on-site sources of contamination were identified that had impacted groundwater beneath the site. Identified groundwater impacts are considered legacy impacts from the former Hills Industries site.
- No unacceptable human health or environmental risks have been identified with respect to:
  - On-site receptors, in the context of the future use of the site for residential purposes, and with consideration for the current principles of development control that discourage the construction of a cellar or basement, and prohibit the extraction of groundwater for any purpose; or

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- Nearby receptors, given the fact that the on-site groundwater results did not indicate any unacceptable vapour intrusion risks, and the immediate area hydraulically downgradient of the site is declared to be a groundwater prohibition area.

Based upon the results of this environmental site assessment, the author of the report has concluded that the soil and groundwater beneath the targeted portions of the site do not represent a risk to human health in the context of a future residential land use.

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

## Quantitative Snapshot

Criteria		Proposed	
Site area	Minimum 67dw/ha	818sqm / 6 dwellings = an average site area of to 136.33 square metres per dwelling and 73 dwellings per hectare	Satisfies
Frontage width	No minimum	45.72	Not applicable
Common driveway and landscaping	5 x 6m plus 800m landscaping along each side	5.5 x 6m access point plus an 800mm and averaged 3.2m deep landscaping strip along the side of the common driveway.	Satisfies
Depth	No minimum	16.9m	Not applicable
Site coverage	No maximum	Total site coverage equal to 428.6sqm / 52.4%	Not applicable
Pervious area	20%	180sqm / 22%	Satisfies
Front setback	No minimum	2 metres with balcony cantilevered to the front property boundary	Not applicable
Carport/garage setback	5.5m	Car parking spaces 1 – 4 are located to the western side of the building. Carport 5 is setback 5.5 metres and Carport 6 is setback 1 metre.	Partially Satisfies
Rear setback (ground)	No minimum	6.2m	Not applicable
Rear Setback (Upper)	No minimum	6.2m	Not applicable
Side setbacks (ground)	No minimum	3m at the closest point	Not applicable
Side Setbacks (Upper)	No minimum	3m at the closest point	Not applicable
Building height	Minimum 2 storeys Maximum 4 storeys	2 storeys high and 7m in height	Satisfies
Private open space	24sqm Residential Development PDC 23 allows private open space to be reduced by 50% when it is substituted for an equivalent area of common open space.	Balcony – 12sqm Courtyard – 4sqm	Satisfies
Private open space dimension	2 x 2 metres	4.8 x 2.5m	Satisfies
Communal open space	Minimum 5 metre dimension	6 x 30 metres = 180sqm	Satisfies
On-site parking	1.25 per 2 bedroom dwelling = 7.5 0.25 per dwelling (visitor spaces) = 1.5 Total – 9 spaces	The proposal provides a total of 7 on-site car parking spaces.	Does Not Satisfies
On-street parking	1 per 2 dwellings – 3 spaces	5 spaces	Satisfies

Bicycle parking	1 for every 4 dwellings – 2 bicycle parks	6 bicycle parks	Satisfies
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## Assessment Discussion

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

- **Private Open Space**
- **Landscaping**
- **Visual Privacy**
- **Overshadowing**
- **On-site Car Parking, Carport Setback and Traffic Assessment**
- **Waste Storage**
- **Energy Efficiency and Stormwater**
- **Crime Prevention**

### Private Open Space

The location of private open space for each dwelling are located wholly forward of the main façade which is at odds with General Section, Residential Development PDC 17 which seeks dedicated areas of POS located to the side and/or rear of the dwelling. It is acknowledged the proposal fails in this regard. The design and layout of the dwellings seek to provide private open space in the form of an upper level balcony and ground level courtyard, each of which are located forward of the building line. Communal open space is also provided to the rear of the building as a secondary area for occupants to utilise. This outcome may hold merit given the Development Plan's desire for private open space to achieve a northerly aspect (Residential Development PDC 16(g)) along with the development plan policy to minimise car parking dominance and active streetscapes.

As such, given energy efficiency benefits and ability to achieve a northerly aspect for comfortable year round use, together with a large communal area, the location of private open space forward of the building line is considered to hold merit. The main area of private open space comprises the upper level balconies which gains access from the open plan kitchen/meals/living and is considered the most usable area for occupants.

The above notwithstanding, it is also acknowledged the location of private open space at ground level is not screened and located adjacent to bedroom windows of adjacent dwellings. While these outcomes are acknowledged, the Mixed use Zone is not that of a typical residential setting and calls for active street frontages to primary streets and a diversity of housing types and densities.

### Landscaping

Landscaping is provided along the street frontage and adjacent to car parking spaces. Potted plants are located adjacent the front boundary and espaliered to the post and wire fencing, creating an upright vertical landscaped appearance. This appearance is replicated along the balcony balustrades and sides of the carport structures which will assist in creating an attractive streetscape outcome. Within the front courtyard area, additional plantings are incorporated into the landscaping plan including Little John (bottlebrush) and Grevillia which will assist in providing an attractively landscaped front courtyard as viewed from the street.

Adjacent the common driveway and up to Residence 1 comprises a garden bed 800mm deep and will be planted with a variety of species, including passion fruit/kiwi vines, native grasses (*Lomandra tankia*, *dianella spp*, *poa labillardierei* and *juncus spp*), non-native grasses (*lililope spp*, *schizachyrium scoparium*), grevillias, lace shrubs and banksia. A second garden bed is located adjacent the south-western corner of the allotment and contains the above-mentioned native/non-native grasses along with a Sydney Red Gum (grow height between 10 and 30m). ~~HOME~~ Coastal

Banksia (grow height between 4 and 15m), which will be complimentary to the two storey nature of the building.

The communal area of private open space incorporates a variety of other plantings and native/non-native grasses which is considered a positive outcome for occupants and should assist in reducing impervious surfaces associated with the proposal, surface runoff and reduce the urban heat island effect of the proposal.

### Visual Privacy

The dwellings are not fitted with screening devices, which is considered appropriate in this instance. The Development Plan policy pertaining to visual privacy calls for development which minimises direct overlooking of habitable room windows and private open space of dwellings. The building is located adjacent to vacant land and commercial business', such that principles of development control relating to visual privacy are not applicable.

Windows along the southern elevation are oriented to overlook the communal open space and main entry to each dwelling. This arrangement is considered to promote passive surveillance and should assist in improving social interactions between occupants.

Although balconies of each dwelling have the opportunity to gain views into the adjoining balcony, it is acknowledged the dwellings are designed in a way to promote social interactions. This arrangement is evident through a generous area of communal open space and design which promotes activity adjacent the street. It is also acknowledged the balcony design of each dwelling are replicated and any impacts are upon a dwelling to be constructed at the same time and therefore, persons purchasing or choosing to reside in each dwelling will be fully aware of the design and its associated impacts. It is acknowledged that this differs in instances where such impacts are proposed upon existing dwellings/properties.

### Overshadowing

Development Plan policy relating to overshadowing speaks to development which enables direct winter sunlight into adjacent dwellings and private open space and does not consider vacant or non-residential development. As such, these guidelines are not applicable to the development.

### On-site Car Parking, Carport Setback and Traffic Assessment

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

It is noted the Mixed Use Zone is classified as a Designated Area as identified in Table Mar/2A and as such, allow for reduced on-site car parking. The Development Plan provides the following rates for on-site parking:

<b>Mixed Use Zone</b>	1 per studio (no separate bedroom) 1 per 1 bedroom dwelling 1.25 per 2 bedroom dwelling 1.5 per 3+ bedroom dwelling	0.25 per dwelling
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Based on the above, the Development Plan calls for a parking rate of 1.25 per dwelling containing up to 2 bedrooms, plus 0.25 visitor space per dwelling. This requires the development to achieve 9 on-site parking spaces.

The proposed development will provide a total of 7 spaces in the form of a carport providing 4 covered spaces adjacent to the western side of the building and 2 separate carports (one with tandem space) on the eastern side of the building. The proposal is at odds with the on-site parking guidelines by 2 spaces. Based on the plan of division, each car parking space is dedicated to an individual dwelling. Lot 6 is provided with 2 parking spaces in a tandem arrangement.

Although at odds with the desired minimums, it is appropriate to have regard to the development as a whole and locational characteristics of the locality. The availability of on-street parking is in excess of the minimum 3 spaces sought, which could alleviate the need for on-site parking spaces. Although on-street parking should not be relied upon for residential development, the Mixed Use Zone is not that of a typical residential environment and as such, some regard to this policy is considered appropriate. This outcome is contemplated by Table Mar/2A - Off Street Vehicle Parking Requirements for Designated Areas, Point 3, which states

*A lesser number of parking spaces may be provided based on the nature of the development and parking conditions in the wider locality... (e) generous on-street parking and/or public parking areas are available and in convenient proximity, other than where such parking may become limited or removed by future loss of access, restrictions, road modifications or widening.*

The land is located adjacent to a train line and walking/cycling paths linked with Edwardstown train station (1km north) and Woodlands Park train station (500m south). Given the zone's identification of medium-high density development in close proximity to public transport corridors and public transit stations, it is considered that some regard can be had to this infrastructure. Further, the land is located a short distance from the Castle Plaza Shopping Centre which contains a variety of shops which can assist in meeting the day to day needs of residents. The use of public transport and the nearby shopping centre is encouraged through the provision of on-site bicycle park which exceeds the minimum sought (2 spaces). This this end, the proposal is considered to provide an appropriate number of car parking spaces to meet the likely needs of occupants.

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

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

The setback of Carport 6 is setback 1m from the front property boundary. This notwithstanding, the location of the carport is not considered to be at the detriment of the streetscape elevation. The zone anticipates minimal setbacks from boundaries and the structure should generally be screened by fencing and landscaping adjacent the north-eastern boundary (inclusive of a Coastal Banksia – grow height between 4 and 15m).

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

The Development Plan policy calls for household waste and recyclable material storage areas to be located away from dwellings and screened from public view. The proposed waste storage areas are located within the front courtyard and rear deck of each dwelling, which are screened via post and wire fencing and espaliered landscaping.

### **Energy Efficiency and Stormwater**

Each dwelling provides north-facing habitable room windows, which shall benefit from adequate levels of northern sunlight during winter months. Similarly, each dwellings provide north facing balconies which gain exposure to northern sunlight.

Each dwelling achieves north facing areas of private open space; however, it is acknowledged the secondary area of communal open space are south facing and will likely be in shadow throughout the day as a result of the two storey nature of the building.

A shared stormwater disposal arrangement is provided for the development, comprising a 6 kilolitre rainwater tank plumbed into either a water closet, water heater or all laundry cold water outlets. Beyond this arrangement, two (2), 10 kilolitre rainwater tanks are provided, one of which is located in the eastern service yard and the other in the communal open space. These tanks are to be plumbed into the garden irrigation. Council's Development Engineer has confirmed the proposed stormwater collection and disposal satisfies Council's requirements.

### **Crime Prevention**

The building has been designed to promote casual surveillance of the street together with the area of communal space. The proposal provides front facing windows and balconies oriented to overlook Ackland Street whereas the open plan kitchen/meals/living rooms achieve opportunities to gain views into the communal open space.

Post and wire fencing with espaliered plants should provide an environment resistant to graffiti and vandalism, while the communal open space and entry into each dwelling is secured by lockable gates.

Although lighting details are not shown on the plans, this level of detail is not considered to be required for a development of this nature. It is acknowledged security lighting for a development of this nature is generally considered a standard feature and would be at the applicant's discretion.

The building has been designed to discourage access between roofs, balconies and windows of each adjoining dwelling and adjacent land.

Bicycle lockers are provided adjacent to the western side of the building, providing a safe storage space for occupants and removing the need to utilise the internal dwelling space.

The above considerations indicate the proposal achieves an appropriate level of compliance with the Crime Prevention section of the Development Plan.

### **Land Division**

#### **Objectives**

*1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.*

#### **Satisfies**

The proposed division of land is considered to be orderly and in keeping with the density of development that is envisaged within Mixed Use Zone. **HOME**

It is considered that the proposed increase in the number of dwellings to be constructed on the subject land will make optimum use of existing infrastructure and facilities

*2 Land division that creates allotments appropriate for the intended use.*

**Satisfies**

The assessment of the built form has demonstrated that the construction of six, two storey residential flat dwellings on the subject land could be satisfactorily achieved in accordance with the Development Plan.

**Principles of Development Control**

*1 When land is divided:*

- (a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner*
- (b) a sufficient water supply should be made available for each allotment*
- (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health*
- (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.*

**Satisfies**

*2 Land should not be divided if any of the following apply:*

- (a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use*
- (b) any allotment will not have a frontage to one of the following:*
  - (i) an existing road*
  - (ii) a proposed public road*
  - (iii) access to a public road via an internal roadway in a plan of community division*
- (c) the intended use of the land is likely to require excessive cut and/or fill*
- (d) it is likely to lead to undue erosion of the subject land or land within the locality*
- (e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development*
- (f) the intended use of the land would be contrary to the zone objectives*
- (g) any allotments will straddle more than one zone, policy area or precinct.*

**Satisfies**

The proposed division of land achieves compliance in relation to all the requirements listed opposite.

*3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.*

**Satisfies**

*11 The layout of a land division should provide for efficient solar access.*

**Satisfies**

The subject land is located on the southern side of Auckland Street, whereby each dwelling will gain access to northern sunlight from their main areas of private open space.



## 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 Mixed Use Zone. The built form is one of the first of its kind in the locality and is contemplated by the desired character of the zone. The substantial re-development of the zone should, overtime, see a new character established, including limited setbacks from boundaries, mixed use developments and a variety of land uses and a shift towards modern architectural designs.

The proposed development should provide a positive design contribution to the streetscape, and reflects the outcomes sought by the Desired Character of the Mixed Use Zone. The proposal is not considered to result in adverse amenity consequences upon the locality in terms of overshadowing, bulk and scale and overlooking.

Areas of private open space are located forward of the building line; however achieve a northern orientation for comfortable year round use. A generous area of communal open space is provided south of the building which will likely be in shadow throughout the day. This area is nonetheless considered usable space for occupants which should promote social interaction and act as a secondary area of open space to the front facing courtyards/balconies.

The main areas surrounding the suitability of the proposal are considered to comprise the introduction of residential development, as a stand alone use into the Mixed Use Zone and number of car parks for the development.

On-site car parking numbers are at odds with the Development Plan policy by 2 spaces. This departure is not considered fundamental to the overall merits of the proposal for a variety of reasons. The zone calls for development at medium to high densities and smaller housing options located in close proximity to public transport collectors. The land is located a short distance from two train stations and a potential future station directly adjacent to the site, together with the Castle Plaza Shopping Centre for day-to-day needs of occupants.

The proposal exceeds on-street parking along with bicycle spaces which in part alleviate the departure in on-site parking. While on-street parking should not be relied upon, it is acknowledged bicycle parking combined with the proximity to public transport and day-to-day shopping opportunities promote the use of these facilities and may reduce the reliance on vehicles.

It is evident the proposal will not completely remove the opportunity for the zone to achieve a mixed use environment. Various vacant allotments in the locality may be developed in the future to establish a new character as desired by the policy.

The proposal should not prejudice future development and envisaged land uses, acknowledging residential flat buildings and residential development is anticipated in the zone. The relevant Concept Plan identifies the land as being suitable for residential development along with the location of a potential future train station located adjacent to the land. Although the train station identified in the Concept Plan cannot be guaranteed, other public transport opportunities exist in the wider locality and can be accessed via walking/cycling paths.

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 and Land Division Consent for Development Application No: 100/2021/239 (100/C013/21) for a Residential Land Division, Community Title - 1 into 6 and a two storey residential flat building comprising of 6 dwellings with associated carports, landscaping and solar panels at 4 Wilfrid Street, Edwardstown 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. A revised set of elevation plans shall be submitted to Council detailing the dimensions and location of all proposed solar panels 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 granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
- 3. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, 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.
- 4. Landscaping must be designed, undertaken and maintained in accordance with the plans and details forming part of the development authorisation.
- 5. Landscaping shall provide clear sightlines at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath, in accordance with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004.

**HOME**

***Land Division Consent Conditions***

6. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0110176)

The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

For SA Water to assess this application, the developer must advise SA Water the preferred servicing option. Information can be found at: <http://www.sawater.com.au/developers-and-builders/building,-developing-andrenovating-your-property/subdividing/community-title-development-factsheets-and-information>. For queries call SAW Land Developments on 74241119

7. Payment of \$38,805.00 into the Planning and Development Fund (1 allotment/s @ \$7761.00 /allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.
8. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

**5. APPEALS UPDATE  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 06 JUNE 2021**



**5.1 APPEALS AGAINST PANEL DECISIONS**

*New Appeals*

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
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*On-going Appeals*

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
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**5.2 APPEALS AGAINST DELEGATED APPLICATIONS**

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
2020/1354	75 South Terrace, Plympton Park	18/02/2021	REFUSED	REFUSED	Compromise reached and Conciliation conference set for 17/06/2021
2020/534	341 Diagonal Road, Seacombe gardens	22/3/2021	REFUSED	REFUSED	Conference listed for 13 August 2021



**6. POLICY OBSERVATIONS  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 02 JUNE 2021**

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Verbal Update to be Provided

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