

**NOTICE OF  
COUNCIL ASSESSMENT PANEL MEETING**

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

**Wednesday 2 December 2020**

**Commencing at 6.30 p.m.**

**Council Chamber**

**Council Administration Centre**

**245 Sturt Road, Sturt**

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



Alex Wright  
**ASSESSMENT MANAGER**

25 November 2020

Note: The plans contained in this Agenda are subject to copyright and should not be copied without authorisation.

**CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 02 DECEMBER 2020  
COMMENCING AT 6.30PM**

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**1.1 OPEN MEETING**

**1.2 PRESENT**

**1.3 APOLOGIES**

**1.4 IN ATTENDANCE**

**2. GENERAL OPERATIONS**

**3. APPLICATIONS**

**3.1 DEVELOPMENT NO 100/2020/1083**

**16 Yalpa Road MARINO SA 5049**

Domestic outbuilding with wall to be constructed on the southern boundary

Report Reference: **CAP021220 - 3.1**.....1

**3.2 DEVELOPMENT NO 100/2020/1028**

**142-144 Morphett Road GLENGOWRIE SA 5044**

Demolition of all buildings, change in use and subsequent construction of a single storey building comprising medical consulting rooms and pharmacy, with associated car parking, landscaping and signage

Report Reference: **CAP021220 - 3.2**.....15

**4. APPEALS UPDATE**

**4.1 APPEALS AGAINST PANEL DECISIONS**

**4.2 APPEALS AGAINST DELEGATED APPLICATIONS**

**5. POLICY OBSERVATIONS**

**6. OTHER BUSINESS**

**7. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING  
HELD ON 02 DECEMBER 2020**

**8. MEETING CLOSURE**

**REPORT REFERENCE: CAP021220 – 3.1  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 02 DECEMBER 2020**



<b>Originating Officer:</b>	<b>David Bailey Development Officer - Planning</b>
<b>Applicant:</b>	<b>Matthew Joseph O'Grady</b>
<b>Development Description:</b>	<b>Domestic outbuilding with wall to be constructed on the southern boundary</b>
<b>Site Location:</b>	<b>16 Yalpa Road MARINO 5049</b>
<b>Zone &amp; Policy Area:</b>	<b>Residential / Hills Policy Area 11</b>
<b>Lodgement Date:</b>	<b>07/07/2020</b>
<b>Development Plan:</b>	<b>Consolidated – 9 July 2020</b>
<b>Delegations Policy:</b>	<b>4.1.2</b> <i>Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
<b>Categorisation</b>	<b>Category 2</b> <i>Wall (excluding retaining wall) for residential development which exceeds a length of 8 metres and/or exceeds a height of 3 metres when measured from natural ground level where abutting a side or rear boundary (other than a common wall of semi-detached dwellings, row dwellings or residential flat buildings).</i>
<b>Application No:</b>	<b>100/2020/1083</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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**Attachments**

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

## SUBJECT LAND

The subject land is located at 16 Yalpa Road, Marino.

The subject land is a regular shaped allotment with a site depth of 48.8m, a frontage width of 18.3m and site area of 893 square metres. Certificate of Title 5540/049 confirms the allotment is not subject to easements, encumbrances or LMA's.

The site has a slope of approximately 1-in-5 down to Yalpa Road. The site comprises a two storey dwelling which underwent alterations and additions in 2003. Whilst there are no regulated or significant trees on or within close proximity to the subject land, a number of mature trees are on the site and nearby.



Site - Source Exponare October 2020 – Council Staff



Rear Yard of 16 Yalpa viewed from 14 Spinks - Photo by Staff - 21 October 2020



## LOCALITY

The locality predominantly comprises dwelling stock, typified by 1970's and 1980's era housing on large landscaped allotments. Architectural styles reflect this era of development, with a number of dwellings having been altered and upgraded.

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



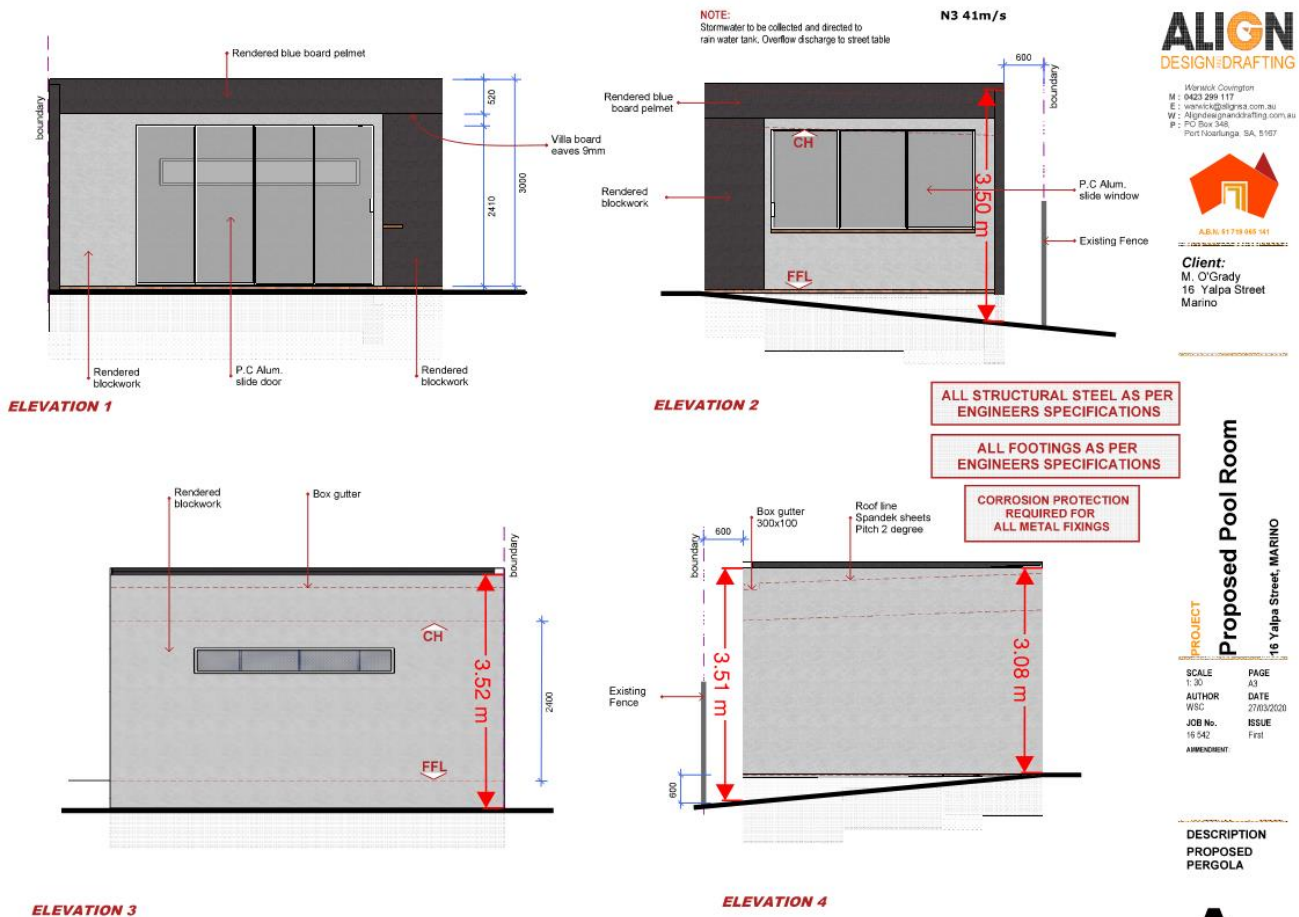
## PROPOSED DEVELOPMENT

The application proposes the construction of a single storey freestanding domestic outbuilding.

The outbuilding includes:

- A wall of 4.5 metres length on the southern boundary. This wall increases from 3m to 3.5 metres in height from its eastern elevation to its western elevation. This is a consequence of the site's slope down to the west.
- A wall of 5.9 metres length set in 0.6 metre from the western boundary. This wall is to be 3.5m in height.
- Rendered block work to the western and southern elevations
- Bifold windows/doors form the northern and eastern elevations.
- A flat roof extending 0.9m out from the northern and eastern building elevations. This flat roof is fronted by a pelmet
- A roof area of 26.5sqm
- A floor area of 18sqm (measured to external faces).

The outbuilding is to be sited south of an existing palm and west of a swimming pool.



Note: the measurements in red (3.50m, 3.52m, 3.51m and 3.08m) are measured by council staff.

## 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

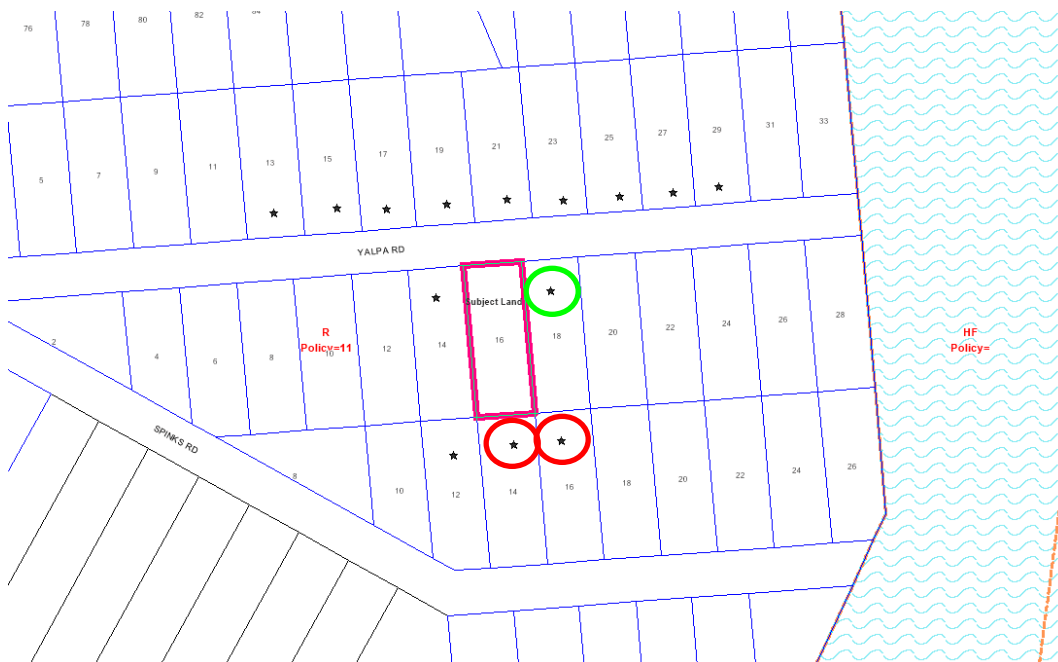
As a result of the proposed boundary wall exceeding 3 metres in height from natural ground level, the proposal was assigned as a Category 2 form of development by virtue of the Public Notification Table of the Residential Zone within Council's Development Plan.

### Referrals

**SA Water; SCAP:**  
N/A

**Coordinator Arboriculture (Internal):**

## PUBLIC NOTIFICATION



**Properties Notified**

14

**Representations**

3 received

2 opposing the development (circled in red) and 1 in support (circled in green)

**Representations received**

1. F & E Williams
2. M Dickens (represented by F Williams)
3. VJ & W Vejo

**Applicant Response**

A response by the applicant is within the attachments.

**HOME**



## ASSESSMENT

The assessment is split into three main sections:

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

### Zone and Policy Area Considerations

Residential Zone						
Objectives		Satisfies				
1	An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.	Satisfies				
2	Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.					
Relevant Principles of Development Control		Satisfies				
1	The following forms of development are envisaged in the zone: ▪ outbuilding in association with a dwelling	Satisfies				
3	The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.	Satisfies				
6	Dwellings should be designed within the following parameters:	Does not satisfy				
<table><tr><th>Parameter</th><th>Value</th></tr><tr><td>Maximum length and height when wall is located on side boundary</td><td>Not applicable in Hills Policy Area 11, that part of Residential Character Policy Area 17 within the suburb of Marion, and Watercourse Policy Area 19, as walls on boundaries are generally not appropriate in these policy areas.</td></tr></table>			Parameter	Value	Maximum length and height when wall is located on side boundary	Not applicable in Hills Policy Area 11, that part of Residential Character Policy Area 17 within the suburb of Marion, and Watercourse Policy Area 19, as walls on boundaries are generally not appropriate in these policy areas.
Parameter	Value					
Maximum length and height when wall is located on side boundary	Not applicable in Hills Policy Area 11, that part of Residential Character Policy Area 17 within the suburb of Marion, and Watercourse Policy Area 19, as walls on boundaries are generally not appropriate in these policy areas.					

## Hills Policy Area 11

Objectives	Satisfies
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- |  |           |
|--|-----------|
| 1 A policy area primarily comprising detached dwellings at low densities.                  | Satisfies |
| 2 Residential development which is sensitive to the particular topography of the locality. | Satisfies |
| 3 Residential development which has minimal visual and environmental impacts.              | Satisfies |
| 4 Development that contributes to the desired character of the policy area.                | Satisfies |

Desired Character	Satisfies
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<i>The policy area encompasses parts of the escarpment which forms an east-west band through the centre of the council area, including elevated land visible from the Adelaide Plains in the suburbs of Seacliff Park, Seaview Downs, Seacombe Heights and Darlington. The policy area also contains undulating to steep land along the coast from Marino to Hallett Cove. Many dwelling sites have good views of the Adelaide Plains or the coast.</i>	Satisfies
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<i>The desired character is a high quality residential environment containing site appropriate houses set in attractively landscaped, relatively large gardens. This desired character is derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the re-vegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</i>	Achieves the intent of dwellings in landscaped grounds.
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<i>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i>	Satisfies
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<i>Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Appropriate designs will continue to include split-level buildings to reduce visual bulk and reduce the need to cut and fill sloping sites.</i>	Satisfies. The proposal involves minimal earthworks
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<i>Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.</i>	Satisfies
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<i>It is important when designing new buildings and extensions (and associated finished levels and decks) on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development.</i>	Satisfies
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<i>Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except in areas where land has been subdivided into smaller allotments than now desired in this policy area, any new land division and development will be at a lower density and intensity than existing. In addition, larger-than-minimum allotments may be preferable due to the natural topography.</i>	Outbuildings in rear yards are characteristic of the locality.
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### **Relevant Principles of Development Control**

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1 The following forms of development are envisaged in the policy area:

- detached dwelling
- group dwelling.

4 Development should be designed and sited to relate to the slope of the land, so that:

- (a) the bulk and scale of the buildings do not dominate the landscape
- (b) the amount of cutting and filling of the natural ground profile is minimised.

5 Wherever possible, existing vegetation should be used to screen buildings and excavation or filling from view.

8 Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area and a maximum floor area ratio of 0.4.

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The design and appearance is generally an acceptable outcome for the Policy Area and subject land. The use of rendered finishes complements the associated and nearby dwellings and is non-reflective, consistent with the Desired Character. Whilst the appearance of a flat roof varies from following the general slope of the land, it is considered appropriate due to the small nature of the outbuilding and having less visual impact when viewed from adjoining land than a pitched roof form.

### **General Residential Development - Outbuildings - Considerations**

#### **Residential Development**

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

##### **Satisfies**

- |   |                     |
|---|---------------------|
| 10 Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling. | Partially Satisfies |
| 11 Outbuildings, including garages and sheds, should not be constructed unless in association with an existing dwelling.                                      | Satisfies           |

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

## Quantitative Snapshot

Criteria	Proposal		
Maximum Floor Area	60 square metres	18sqm	Satisfies
Maximum Wall or Post Height	3 metres	3m to 3.5m	Partially Satisfies
Maximum Building Height	5 metres	3.5m	Satisfies
Maximum height of finished floor level	0.3 metres	0.6m	Does not satisfy
Minimum setback from side or rear boundaries (where not located on the boundary)	0.6 metres for an open structure; or 0.9 metres for a solid or enclosed wall	0.6m	Does not satisfy
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	4.5m	Satisfies
Site coverage	35%	The proposal increases site coverage from 29% to 32%	Satisfies
Private open space	20%	With the proposal, private open space exceeds 20%	Satisfies
Private open space dimension	5x5m	5 x 5 metre area retained	Satisfies

## Assessment Discussion

### Desired Character

The proposed freestanding domestic outbuilding is consistent with the intent of the Hills Policy Area for outbuildings associated with detached dwellings on large allotments in landscaped grounds. The outbuilding meets the Policy Area expectations with respect to the amount of site coverage and the amount of private open space. The outbuilding is sited to retain a mature tree (not regulated) and to enable better use of the private open space and pool.

### Boundary Wall/Rear Setback

A wall 4.5 metres in length and between 3 and 3.5 metres (measured from natural ground level to the wall top) is proposed on the southern boundary.

The General Residential Development – Outbuildings - anticipate outbuilding walls to be sited along side and rear boundaries for a length of 8m and 3m in height.

In this instance, the additional height is attributed to the slope in the land. Although the height proposed for part of the boundary wall marginally exceeds the desired maximum by up to 0.5m, the excess will not have a materially different impact to that which would be caused by an outbuilding achieving the 'as of right' criteria in the *Development Regulations 2008*. The 'as of right' provisions allow a wall on a boundary up to 8 metres in length (being 3.5 metres longer than the proposal) and a roof up to 5 metres in height (the proposal has a flat roof).

It is recognised that the outbuildings wall of 4.5 metres length and up to 3.5 metres height (noting the land slopes away to the west) will impact the site to the south (14 Spinks Road). The impacts



will be with respect to being visible, creating a boundary line comprising part wall/part fence, and casting a shadow, particularly mid-winter.

As these impacts are similar to the impacts expected by 'as of right' buildings, this forms the basis to support the proposal.

The Residential Zone envisages that walls on boundaries are not generally envisaged in the Hills Policy Area. Setting buildings off boundaries is a general way to provide space between buildings and to contribute to the desired open and landscaped character. In this instance, the outbuilding is sited to enable a non-regulated palm to be retained, thereby adding greening. The outbuilding also enables the overall site to meet the open space and site coverage policies of the Hills Policy Area.

It is noted that a number of other structures are on boundaries in the locality, whether it be garage walls or outbuildings.

### **Side Setback**

A wall 5.9 metres in length is proposed with a 0.6m setback from the western boundary. The General Residential Development – Outbuildings - anticipates walls that are solid (as distinct to open) being setback 0.9m from the side boundary. This 0.3m variance is not considered to result in overshadowing or visual impact on the adjacent land that is unacceptable.

## CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Hills Policy Area 11, as it provides an anticipated ancillary building to the main dwelling.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains failings including side setbacks and wall height along the rear boundary. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

On balance, the proposal achieves the majority of applicable Principles of Development Control contained within the Marion Council Development Plan. Noting the nature of the boundary wall and roof design which can be constructed 'as of right', the visual presence and shadow impact of the proposed free standing outbuilding is considered acceptable.

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

## **RECOMMENDATION**

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/1083/2020 for Domestic outbuilding with wall to be constructed on the southern boundary at 16 Yalpa Road MARINO 5049 be GRANTED subject to the following conditions:

## **CONDITIONS**

- 1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/1083/2020, except when varied by the following conditions of consent.
- 2. Any existing vegetation nominated to be retained and/or any new vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 3. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling, to the reasonable satisfaction of the Council.
- 4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 6. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.

## **NOTES**

- 1. The applicant is reminded that Development Approval from the Council is required for any retaining wall over one metre in height, any masonry fence over one metre in height, any non-masonry fence (eg colorbond, wood paling, brush etc) over 2.1 metres in height, and any retaining wall with a fence on top with a total height over 2.1 metres in height (measured from the lower of the two adjacent ground levels).
- 2. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has

restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2004.

3. You are undertaking work that may affect the stability of adjoining land. Section 60 of the Development Act 1993 and Regulation 75 of the Development Regulations 1993, prescribe that your neighbour has a right to be notified by you 28 days prior to you undertaking that work. This is to enable your neighbour to obtain a report for which you are obliged to pay, that specifies any work that is required to be undertaken to ensure the stability of your neighbour's property is maintained during and following the undertaking of the work you propose. You should make yourself aware of these requirements before proceeding.
4. The Fences Act 1975 details certain requirements and procedures in order to remove, replace or repair boundary fencing. If you intend to remove or repair an existing boundary fence, you are obligated to give the other affected neighbours 30 days notice to comment and respond as per a "Form 2". If a fence is removed (even if only temporarily) by a neighbour without the consent of the adjoining owner, or without following the procedure under the Fences Act, you may be liable to compensate the other owner. For more information, please refer to the Legal Services Commission brochure titled "Fences and the Law". Copies are available at Council's Administration Centre, or online at <http://www.lawhandbook.sa.gov.au/ch31s02.php>.



**REPORT REFERENCE: CAP021220 – 3.2  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 02 DECEMBER 2020**



<b>Originating Officer:</b>	<b>Kai Wardle Development Officer - Planning</b>
<b>Applicant:</b>	<b>Adroit Developers Pty Ltd</b>
<b>Development Description:</b>	<b>Demolition of all buildings, change in use and subsequent construction of a single storey building comprising medical consulting rooms and pharmacy, with associated car parking, landscaping and signage</b>
<b>Site Location:</b>	<b>142-144 Morphett Road, Glengowrie</b>
<b>Zone &amp; Policy Area:</b>	<b>Residential Zone / Marion Plains Policy Area 8</b>
<b>Lodgement Date:</b>	<b>15/07/2020</b>
<b>Development Plan:</b>	<b>Consolidated - 9 July 2020</b>
<b>Referrals:</b>	<b>External: Department of Infrastructure and Transport (Commissioner of Highways)</b> <b>Internal: Development Engineer; Coordinator Traffic and Parking; Coordinator Arboriculture</b>
<b>Application Type:</b>	<b>Non-Complying</b> <i>Development Plan, Residential Zone, Procedural Matters, Non-complying Development Table:</i> <ul style="list-style-type: none"><li>• <i>Consulting room</i></li></ul>
<b>Delegations Policy:</b>	<b>4.1.1</b> <i>Non-complying applications – the Panel will decide to refuse the application or seek the concurrence of the State Commission Assessment Panel to approve the application [...]</i>
<b>Categorisation</b>	<b>Category 3</b> <i>Not defined by the Development Plan or the Development Regulations 2008, and not considered minor in nature pursuant to Schedule 9, Part 1 – 2(g).</i>
<b>Application No:</b>	<b>100/2020/1028</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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**Attachments**

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment III:</i>	<i>External Agency Referral Comments</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's response to representations</i>

## SUBJECT LAND

The subject land is 142-144 Morphett Road, Glengowrie, which is situated on the north-western corner of Morphett Road and Stanley Street. It comprises two existing allotments, referred to as Lot 253 and Lot 254 respectively. In total, the subject land is approximately square in shape, comprising a site area of 1573 square metres, a frontage to Morphett Road of 36.77 metres, and a frontage to Stanley Street of 36.57 metres with a 3 x 3 metre corner cut-off in-between. The land is generally flat, with a gradient of around 1-in-40 sloping downwards to the south-west.

The land currently accommodates two separate non-residential uses, effectively operating as separate sites. A trailer hire business (service trade premises) operates from the outbuildings and paved/gravelled yard space located in the northern and western flanks of the land, while a financial services office operates from the original dwelling in the south-eastern corner of the land. Previously, the land accommodated a used car sales yard and a motor repair station.

The trailer hire business obtains ingress from Morphett Road via a crossover near the northern boundary and has egress via a crossover onto Stanley Street, while the financial office uses the original dwelling's crossover onto Morphett Road located near the intersection with Stanley Street.

Due to the past use of the subject land for motor vehicle repairs, Council's Contaminated Land Register has identified the land as subject to potential contamination. The applicant has been made aware of this and has requested that a condition of consent be applied to require a Preliminary Site Investigation (PSI) be provided to Council prior to Development Approval being issued, with any identified contamination issues to be remedied/managed as necessary. Their suggested condition has been adapted into a recommended reserved matter.

No significant or regulated trees have been identified on or within close proximity to the subject land.





## LOCALITY

The subject land is situated on Morphett Road, a secondary arterial road. The built form and land use character along this section of Morphett Road is varied, comprising a mixture of residential and non-residential uses.

The non-residential uses in the locality include a large hotel directly adjoining the subject land to the north; a retail showroom, block of shops and public open space located opposite; and a pre-school at the northern extent of the locality. The hotel is a boxy, modern two storey building surrounded by a large, landscaped car parking area; the retail showroom is a single storey commercial building located behind front car parking; and the block of shops is a low scale single storey building with a boxy addition which presents towards the subject land.

The land also has a direct interface with established residential development along Stanley Street, which comprises primarily redeveloped dwelling stock of single storey detached or semi-detached dwellings on subdivided allotments. Residential development on Morphett Road is primarily original single storey detached dwellings, with some redeveloped dwellings at higher densities towards the northern and southern extents of the locality. Dwellings which face Morphett Road are often situated behind solid privacy fencing to reduce amenity impacts caused by the arterial road.



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

HOME





Existing non-residential development within the locality (clockwise from top-left): Morphett Arms Hotel; Montessori House pre-school; Reece Plumbing Centre; 'Morphett Village' block of shops.



## PROPOSED DEVELOPMENT

This application proposes to demolish all buildings on the subject land, and to construct a single storey medical centre comprising consulting rooms and a pharmacy. The existing land uses of service trade premises and office shall therefore change to consulting rooms and a shop. Associated works include a sealed car parking area, landscaping, fencing and signage.

The floor area of the proposed building is 400 square metres, of which 300 square metres is the medical centre and 100 square metres is the shop (pharmacy). The medical centre component comprises ten GP and allied health consulting rooms, a treatment room, pathology room, waiting area, reception, staff room, and associated amenities. The shop component comprises the retail floor area of the pharmacy, which is directly connected to and accessible from within the medical centre. The building's total site coverage is 452 square metres, taking into account the three external verandahs.

The proposed hours of operation are:

- Monday to Friday 8am to 8pm
- Saturday 8am to 6pm
- Sunday and Public Holidays 10am to 6pm

The building is low scale: it is single storey in nature and has maximum heights of 4 metres from floor level and 4.8 metres from natural ground level. Its primary frontage is to Morphett Road, incorporating the pharmacy front façade with floor-to-ceiling windows and a public access door, as well as smaller windows and a private access door to the staff room, all beneath a projecting verandah. The building presents to Stanley Street as its secondary street elevation, comprising two distinct architectural sections: the side elevation of the pharmacy including windows and signage; and the secondary public access door to the medical centre waiting room with consulting room windows on both sides, also beneath a projecting verandah. This entrance is accessible via proposed external ramp and stairs.



*Morphett Road elevation (fencing shown is on western boundary)*



*Stanley Street elevation (fencing shown is on northern boundary)*

The most utilised access door to the medical centre is expected to be on the northern elevation, which faces onto a paved footpath that is accessible from the car park and Morphett Road. This elevation also incorporates two distinct architectural sections, with articulation, stepping and fenestration. The western elevation comprises high level windows to the consulting rooms and alternating external materials behind landscaping.



*Northern elevation*



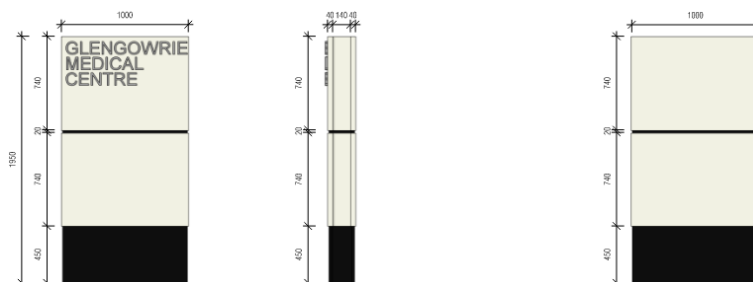
*Western elevation*

The building has a contemporary appearance and contains a complementary variety of external colours and materials, including white rendered AAC panel, sections of brown and dark grey cladding, and 'vintage' red face brick. Feature fins to the secondary street elevation and window frames shall be dark grey. Proposed fencing includes 1.8 metre timber-look slatted fencing to screen service and waste storage areas within the site, and 1.8 metre dark grey Colorbond fencing to boundaries with adjoining properties, which reduces to 1 metre at the north-eastern corner.

The proposed car parking area is located behind or to the side of the proposed building on the northern and western flanks of the site, and provides a total of 35 vehicle parking spaces. Of those, 5 are designated for staff use only, and 2 are disabled spaces. Access is obtained to the car park via a proposed new two-way crossover to Stanley Street, with egress via the same crossover or an out-only crossover to Morphet Road.

Generous landscaping area is proposed throughout the site, including along the western boundary, in-between the car park and both roads, and adjacent all sides of the proposed building. The landscape plan proposes an appropriate variety of plantings of different growth heights, including crepe myrtle trees, pencil pines, and a selection of lower shrubs/ground covers.

Integrated signage is proposed on the northern, southern and eastern sides of the building, which identify the building as 'Glengowrie Medical Centre' in clear text. A single-sided 1.95m x 1m freestanding pylon sign is proposed to be located near the north-eastern corner of the land presenting to Morphet Road, which reads 'Glengowrie Medical Centre' in relatively small text.



*Proposed freestanding sign*

## PROCEDURAL MATTERS

### Classification

The subject application is a non-complying form of development by virtue of the Procedural Matters section of the Residential Zone, where a consulting room of 150 square metres or more is listed as a non-complying form of development.

### Categorisation

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

### Referrals

#### **Department of Infrastructure and Transport (Commissioner of Highways):**

Supportive of the proposed development subject to conditions.

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

Supportive of the traffic and parking arrangements, and the engineered site works plan.

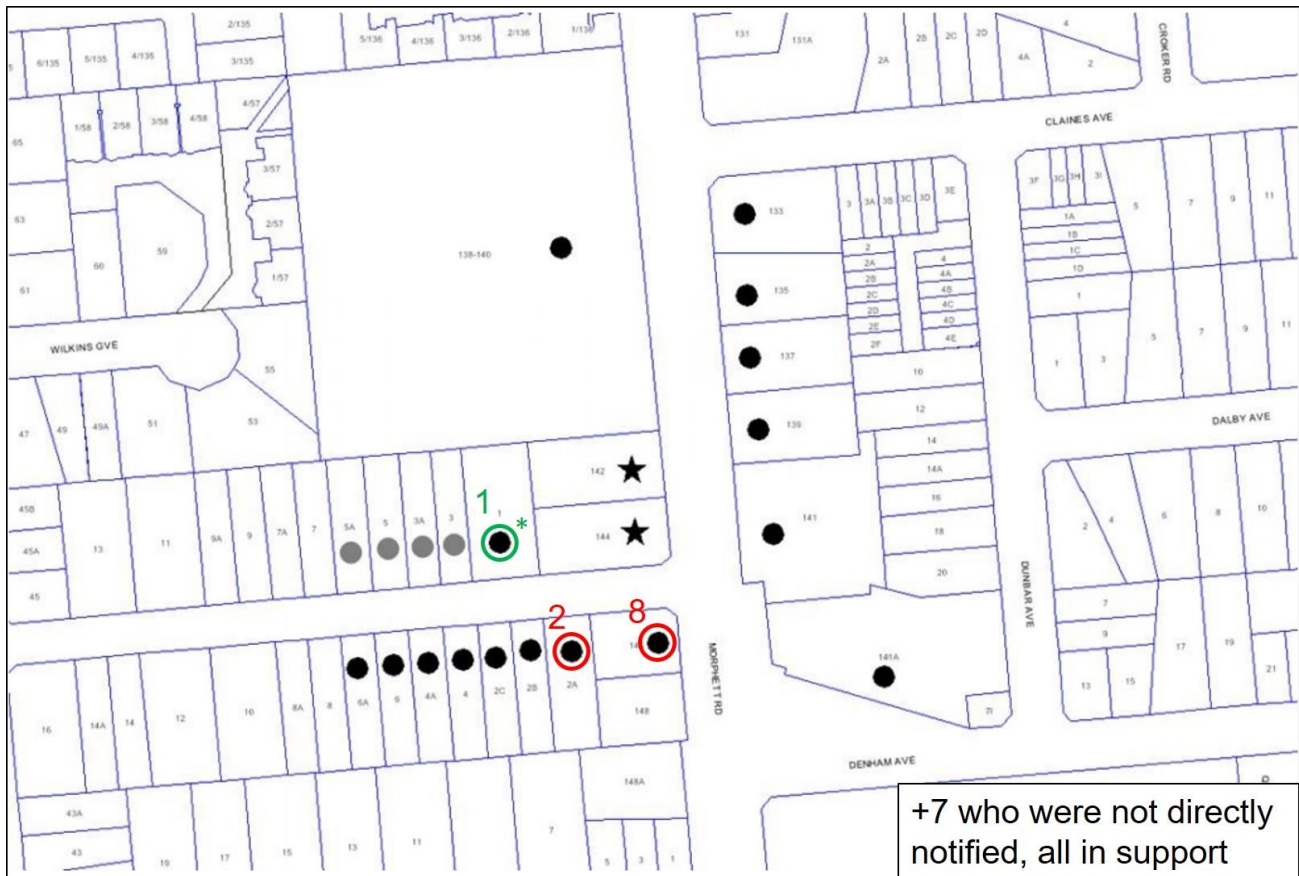
#### **Coordinator Traffic and Parking (Internal):**

Satisfied with parking supply and level of traffic impact on surrounding road network.

#### **Coordinator Arboriculture (Internal):**

Regarding a street tree located on Stanley Street which conflicts with the proposed crossover location: 'The tree is a small *Callistemon harkness* in good health and condition however given the design layout and no other options the tree should be removed at cost of \$1,250'.

## PUBLIC NOTIFICATION



### Properties Notified

20

### Representations

10 received

2 opposing the development and 8 in support

### Representations received

1. G & L F Vaccaro (*in support subject to concerns*)
2. B R & L A McCormick (*opposed, but indicated support subject to concerns*)
3. M Farr
4. A Paxinos
5. S Aghdam
6. B Gheydar
7. J Mehdikhani
8. C Cook (*opposed*)
9. H McArdle
10. A Hepworth

### Applicant Response

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

### Zone and Policy Area Considerations

Residential Zone	
Objectives	Satisfies
1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i>	While non-residential, the proposal's design quality is considered to contribute towards an attractive zone.
Relevant Principles of Development Control	Satisfies
<p>1 <i>The following forms of development are envisaged in the zone:</i> [...]</p> <ul style="list-style-type: none"> <li>▪ <i>small scale non-residential uses that serve the local community, for example:</i> <ul style="list-style-type: none"> <li>- <i>child care facilities</i></li> <li>- <b>consulting rooms</b></li> <li>- <b>health and welfare services</b></li> <li>- <i>offices</i></li> <li>- <i>open space</i></li> <li>- <i>primary and secondary schools</i></li> <li>- <i>recreation areas</i></li> <li>- <b>shops</b></li> </ul> </li> </ul> <p>4 <i>Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:</i>  <i>(a) primarily serves the needs of the local community</i>  <i>(b) is consistent with the character of the locality</i>  <i>(c) does not detrimentally impact on the amenity of nearby residents.</i></p>	<p>The intended purpose of the zone is for primarily residential uses, with associated small scale non-residential uses, including consulting rooms and health services (relevant to the medical centre component), and shops (relevant to the pharmacy component).</p> <p>While the proposed use is not necessarily 'small scale', it will primarily serve the local community, as other medical consulting rooms/medical centres are located in other suburbs which serve their respective local communities.</p> <p>(a) Primarily serves the needs of the local community.</p> <p>(b) The character of the locality is a mixture between conventional residential dwellings and non-residential built form with a generally squarer, less detailed appearance. The proposal achieves an appropriate balance between these two characters, being a non-residential built form but combining it with stepping, articulation, materials and detailing which shall complement the residential character. The nature and scale of the use is considered appropriate in context of its location on an arterial road adjacent to a Neighbourhood</p>



Centre zone and large hotel.

- (c) Use is generally internal to the building: the only material impacts caused beyond the site are expected to be traffic and noise/activity caused by vehicle and pedestrian access, which are not considered unreasonable in context of the site's existing use as a service trade premises and the site's location on an arterial road adjacent to a Neighbourhood Centre Zone and large hotel.

Please refer to the **Assessment Discussion** section for further detail.

## Marion Plains Policy Area 8

### Objectives

### Generally Satisfies

- 1 A policy area primarily comprising low scale, low to medium density housing.
- 4 Development densities that support the viability of community services and infrastructure.
- 5 Development that reflects good residential design principles.
- 6 Development that contributes to the desired character of the policy area.

The proposal is not the primarily low scale, low to medium density housing sought. However having regard to the site's location on an arterial road, the existing non-residential use of the land, and the significant remaining opportunity for such desired housing to be accommodated in more appropriate locations elsewhere in the locality and Policy Area, this is considered appropriate.

The proposal provides a service to the community.

The proposal reflects good design principles which are complementary of the surrounding residential character.

Contributes to the Desired Character – refer to the following.

### Desired Character

### Satisfies

*This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).*

*The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.*

*The desired character is an attractive residential environment containing low density dwellings, but at a higher density compared to that typical of the original dwelling stock in the area.*

*The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.*

*Development should seek to promote cohesive streetscapes by incorporating designs that are sympathetic to the existing streetscape character, including complementary design features such as pitched roofs, eaves, front*

HOME



*verandahs/porches and building materials.*

*Buildings of up to two storeys are appropriate, provided that the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.*

*Buildings that present plain box-like built forms and limited detailing are generally inappropriate.*

*Where a new building is built adjacent original dwelling stock, a lesser setback from the primary road frontage is anticipated, provided that the new building is designed to complement the existing streetscape character with regard to building design, articulation, roof form, materials and landscaping.*

*Development will be interspersed with landscaping, particularly between the main road frontage and the building line, to enhance the appearance of buildings from the street, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.*

*Amalgamation of properties is desirable where it will facilitate appropriately designed low-to-medium density development.*

*Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.*

### ***Desired Character Discussion***

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With regard to the existing site circumstances and the proposal's relation to the locality, the proposed non-residential use is considered appropriate despite not being the residential land use the Desired Character is designed to encourage.

In form, the proposal contributes to an attractive environment by virtue of reflecting design principles which complement and are sympathetic to those of the surrounding residential character. The proposal is sufficiently articulated to avoid presenting a plain, box-like built form, including a variety of colours, materials, and high levels of fenestration, as well as verandahs and stepping which add detail and create a sense of depth. It contributes to an improvement in built form character over the existing site circumstances, and is surrounded by a good amount of landscaping area with appropriate plantings which satisfy the intent of the Desired Character.

The proposal involves amalgamation of two existing titles and two separately operating sites, facilitating an appropriate integrated land use on a larger overall site. While it involves the removal of a street tree, the tree is an average-sized Bottlebrush and its contribution to the landscape character of the locality is replaceable.

## Quantitative Snapshot

Criteria			
Front setback	<b>Average of, or in-line with adjacent</b> Morphett Arms: 11m+ Existing dwelling: 8m 146 Morphett: 9.5m <b>Additional to road widening setback required</b> +2.13m	4.13m to main face, with verandah/blade walls to 2.63m	<b>Does Not Satisfy</b>
Off-street parking	<b>10 per 100m<sup>2</sup></b> (consulting rooms) <b>7 per 100m<sup>2</sup></b> (shop not in a Centre Zone)	Consulting rooms: 300m <sup>2</sup> ∴ 30 parks required Shop: 100m <sup>2</sup> ∴ 7 parks required Total: 37 parks required Provided: 35 vehicle parks (including 2 disabled parks), as well as 10 bicycle spaces	<b>Minor Departure</b>
Freestanding advertisement display area or panel size	<b>4m<sup>2</sup> (or 2m<sup>2</sup> per side if double sided)</b>	1.95m <sup>2</sup> , single sided	<b>Satisfies</b>

The following criteria are included for reference only, as the associated principles are specifically written to relate only to 'dwellings' and therefore do not apply to the proposed development. For qualitative consideration of matters including site layout, setbacks and building height, refer to the Assessment Discussion section of this report.

Criteria		
Site coverage	<b>40%</b>	28.7% (452m <sup>2</sup> )
Pervious area	<b>20%</b>	9.2% (145m <sup>2</sup> )
Rear setback (ground)	<b>6m, may be reduced to 3m for &lt;50% rear width</b>	17.8m
Side setbacks (ground)	<b>0.9m</b>	14.5m to northern boundary
Secondary street setback	<b>2m</b>	3m, decreasing to 2m with verandah/blade walls at 1.25m
Building height	<b>2 storeys; 9m</b>	1 storey; maximum 4.8m from natural ground level

## Assessment Discussion

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

- **Suitability of land use**
- **Siting and layout**
- **Design and appearance**
- **Interface between land uses**

### Suitability of land use

The suitability of the proposed land use for the subject land, the locality and the Zone are considered to be of paramount importance to the question of whether this non-complying development warrants support. In my view, aspects of the subject land, locality and Zone each support the suitability of the proposed land use.

Residential Zone Principle 1 envisages small scale non-residential uses that serve the local community, including consulting rooms, health and welfare services, and shops. The proposal is considered to be of medium scale as it comprises ten consulting rooms, a treatment room and a pathology room with an ancillary 100m<sup>2</sup> pharmacy. It is important to note that not all rooms are proposed to be used simultaneously, with the applicant advising the medical centre's peak periods shall accommodate 8 professional employees including nurses, practitioners and allied health members.

Residential Zone Principle 4(a) emphasises that non-residential development should primarily serve the needs of the local community. The proposed medical centre and pharmacy are likely to be used most commonly by local residents of the surrounding suburbs, given the proliferation of other medical centres and pharmacies in other suburbs which are considered more convenient for residents who live further afield. The applicant has identified a gap in health services within an approximate 1 kilometre radius of the subject land, and the proposal shall therefore address this gap by providing conveniently located health services to the surrounding community, as sought by Community Facilities Objective 1 and Principle 1.

Residential Zone Principle 4(b) seeks for the nature and scale of a non-residential use to be consistent with the character of the locality. The character of the locality is a mixture between conventional residential dwellings and non-residential built forms with typically squarer, less detailed appearances located on the arterial road. The proposal achieves an appropriate balance between these two characters, being a non-residential built form but incorporating stepping, articulation, materials and detailing which shall complement the residential character. The overall scale of the building is single storey and fits comfortably within the maximum height limits expected for a residential dwelling, while the building's location in the eastern corner of the site physically separates it from residential development along Stanley Street to the west and emphasises a relationship to non-residential buildings within the Neighbourhood Centre Zone to the east. The nature and scale of the use is considered appropriate in context of its location on an arterial road adjacent to a Neighbourhood Centre Zone and a large hotel.

Residential Zone Principle 4(c) seeks for a non-residential use not to detrimentally impact on the amenity of nearby residents. The proposal's performance in this regard is considered acceptable, and is discussed further within the 'Interface between land uses' section of this report. The existing character and amenity of the locality is not that of a typical residential area. The ambience experienced by residential properties in proximity to Morphet Road are already moderately affected by the arterial road, including noise and activity associated with traffic and existing non-residential uses within the locality, including the existing uses of the subject land itself.

The Centres and Retail Development section of the Development Plan contains criteria which relates to the suitability of the proposal in relation to the adjacent Neighbourhood Centre Zone. The size and proposed pharmacy use of the shop will not hinder the development, function or viability of the Centre Zone. The proposed medical centre and pharmacy will not directly compete with the businesses located within the Centre Zone, instead contributing to an increased range of goods and services available within close proximity to the Centre Zone, which is sought by Centres and Retail Development Objectives 1 and 2(a), and Orderly and Sustainable Development Objective 2 and Principle 2.

It is acknowledged that the proposal is contrary to Centres and Retail Development Principles 5 and 6, which seeks for centres to develop on one side of an arterial road. The locality and the subject land already contain non-residential land uses on both sides of the arterial road. Furthermore, there is limited ability to expand the existing Neighbourhood Centre Zone on the eastern side of Morphett Road due to the lack of vacant or underutilised land within the Centre Zone or easily amalgamated land adjacent to the Centre Zone. Therefore the subject land is the most suitable underutilised land in which to undertake efficient and co-ordinated development to augment the existing centre.

### **Siting and layout**

The proposed front setback of 4.13 metres to the main face of the building, and of 2.63 metres to the front of the verandah, does not achieve the same setback as one of the adjoining buildings as sought by Design and Appearance Principle 22. The Morphett Arms Hotel to the north is situated at a setback of 11 metres or more to Morphett Road, while 146 Morphett Road to the south has a front setback of approximately 9.5 metres. For reference, the existing dwelling on the subject land has a front setback of 8 metres.

This criteria should not be applied with strong weight, as both adjoining buildings are physically separated from the subject land and therefore have a limited relationship to the proposed building. The Morphett Arms Hotel building is located at least 40 metres away from the boundary with the subject land, while 146 Morphett Road is separated from the subject land by Stanley Street, and is situated behind front and side privacy fencing which enclose the appearance of the land from the street.

Instead, the front setback is more meaningfully considered in context of the qualitative criteria of Design and Appearance Principle 21, the practical requirement of Design and Appearance Principle 24, and the Development Plan's desired outcomes for the siting and layout of developments.

Design and Appearance Principle 21 seeks for the front setback to be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings within the locality, while also contributing positively to the function, appearance and desired character of the locality. The appearance of dwellings facing Morphett Road are typically dominated by front privacy fencing, which contributes to an enclosed streetscape appearance. Redeveloped corner sites at the southern extent of the locality also present enclosed secondary street elevations to Morphett Road with building setbacks of down to approximately 2 metres. These existing traits of part of the locality are contrary to the Desired Character statement which seeks for low and open-style front fencing and for landscaping to be visible from the street. The proposed front setback provides sufficient room for appropriate landscaping to enhance and soften the proposed built form, and the proposal shall maintain an open appearance with no front fencing.

Design and Appearance Principle 24 seeks for the front setback to be additional to the road widening setback established under the *Metropolitan Adelaide Road Widening Plan Act 1972*, which in this case is 2.13 metres. The siting and layout of the development, including the proposed front setback, take this into account: if a 2.13 metre strip of land is acquired in future for road widening, the main face of the building would maintain a 2 metre setback from the amended front boundary,

room for landscaping would remain to the front of the building, and the only functional loss to the development would be one staff vehicle parking space.

Lastly, the proposed front setback should be considered in context of the desired outcomes for the siting and layout of developments in general. The proposed use requires a large number of off-street vehicle parking spaces to be provided. The siting of building at the front corner of the subject land shall reduce the visual dominance of the vehicle parking area when viewed from surrounding public spaces as sought by Transport and Access Principle 36(i). It shall also help to emphasise direct pedestrian entrances to the building as sought by Design and Appearance Principle 16. The proposed building location also helps to emphasise its relationship with other non-residential uses within the Neighbourhood Centre Zone to the east and provides separation to the established residential character to the west. It is also noted that the proposed layout is similar to existing site circumstances, where the main building and landscaping are located in the south-eastern corner, and car parking and manoeuvring areas within the northern and western flanks of the site.

### **Design and appearance**

The proposed building demonstrates an attractive and appropriately detailed contemporary design and appearance, which responds to and reinforces positive aspects of the local environment and built form. The proposed design achieves an appropriate balance between the residential and non-residential traits of the locality, and is appropriate in context of its site's transitional location between these two different land use and built form characters. While being a non-residential building, it incorporates stepping, articulation, materials, detailing and landscaping which shall complement the residential character. The building's complementary variety of colours and materials – including white rendered AAC panel, brown and dark grey cladding, and 'vintage' red face brick – are considered to result in a high quality design outcome which responds appropriately to the surrounding residential character.

The design of both elevations to public roads responds to various Development Plan criteria by promoting pedestrian access, activity, and passive surveillance of the street, with entry doors situated below front verandahs and surrounded by large windows. Users of the car park can also safely and conveniently access the building from the northern entrance.

Each elevation of the building and the western boundary are also softened by appropriate landscaping areas and plantings which respond to the Policy Area's Desired Character statement. The proposed landscaping shall assist in transitioning to the typically landscaped streetscape character of residential properties. The western boundary landscaping strip also includes tree plantings which shall provide shade to the car parking area as sought by Transportation and Access Principle 36(j).

### **Interface between land uses**

The existing office which operates out of the original dwelling offers small-scale financial services, understood to be on an appointment basis. The existing trailer hire business is understood to have the following operating hours:

- Monday to Friday                      9am to 5pm
- Saturday                                    9am to 4pm
- Sunday                                        11am to 4pm

The proposed use shall intensify the use of the land by virtue of increased operating hours, visitor numbers and associated traffic.

The proposed hours of operation are:

- Monday to Friday 8am to 8pm
- Saturday 8am to 6pm
- Sunday and Public Holidays 10am to 6pm

The proposed hours are considered to be appropriate, in that the proposed use shall not operate during typical noise-sensitive hours. Similar to other medical centres, the applicant expects peak demands to occur during weekday mid-morning periods. The proposed hours are similar to those of other medical centres within metropolitan Adelaide, and are suitable to cater for the varying healthcare needs of a diverse population.

The ambience experienced by residential properties in proximity to Morphett Road is already moderately affected by the arterial road. Existing impacts include noise and activity associated with volumes of arterial road traffic, and activity associated with existing non-residential uses within the locality including the existing uses of the subject land itself.

Owing to the consulting room and shop nature of the proposed use, activity shall be primarily internal to the proposed building. As such, the only material amenity impacts caused beyond the site are expected to be the associated use of the car parking area, with incidental noise and light caused by traffic, vehicle access, parking, and customers/visitors accessing the building. Surrounding properties already experience these types of noise impacts by virtue of the existing trailer hire business, although it is acknowledged the proposed use intensifies the existing situation.

The design of the proposed car parking area, being located around the northern and western perimeter of the site, is similar to the existing layout of the trailer hire business. The northern adjoining property shall not suffer loss of amenity by virtue of it being an existing car parking area associated with the hotel. The western adjoining dwelling is separated from the subject land by its existing driveway, boundary carport and outbuilding, while the proposed landscaping along the western boundary shall provide an additional buffer compared to the existing situation. The southern adjoining dwelling is separated from the subject land by Stanley Street and has a relatively enclosed secondary street elevation facing the subject land. While the visual privacy concerns of that resident are noted, the proposed building is not considered to require measures to prevent overlooking given it presents towards a public road and is single storey. The increased pedestrian activity on Stanley Street caused by the building's proposed Stanley Street entrance is accepted on balance with the Development Plan's desire for active street frontages (Design and Appearance Principle 18) and for pedestrian entry points to be emphasised (Design and Appearance Principle 16).

The supplied traffic and parking report analyses the traffic and parking aspects of the proposal, and has been reviewed by Council's Development Engineer and Coordinator Traffic and Parking. Both have advised they are satisfied with the proposed car parking layout, access arrangements, number of proposed parking spaces, and the level of traffic impact on the surrounding road network. Although it is noted that the proposed crossover to Stanley Street shall result in increased traffic within the side street, this accords with Transport and Access Principle 25 which seeks for the number of access points onto an arterial road to be minimised, and where possible be limited to local roads. The proposed layout is also supported by the Department of Infrastructure and Transport, as a Morphett Road ingress would increase disruption to the arterial road's traffic flow. The car park is provided with two egress points: onto Stanley Street and Morphett Road respectively. This provides opportunity for outbound traffic to disperse throughout the surrounding road network.

The proposed plant/services location is behind screening adjacent to the northern elevation of the building, on the eastern side of a blade wall facing Morphett Road. The screening shall assist in visually obscuring the plant equipment, while the location is a sufficient distance (30 metres) away from the western adjoining property, such that unreasonable noise impacts should not occur. The



proposed waste storage location is in the north-western corner of the subject land. It is located behind screening and is adjacent to the northern adjoining car parking area and the western adjoining boundary wall of the neighbouring outbuilding. As such, it is not expected to cause unreasonable amenity impacts on adjoining properties.

Waste collection is proposed to be conditioned to occur during appropriate hours in accordance with the *Environment Protection (Noise) Policy 2007*. Deliveries are expected to be sporadic and via smaller vehicles rather than larger commercial vehicles, and the applicant has advised that they are comfortable that all deliveries can occur outside of noise-sensitive hours, which is also proposed to be conditioned.

It is expected that external lighting of the car parking area during the hours of darkness it is in use can occur without unreasonably affecting the amenity of surrounding land, and this is proposed to be appropriately reinforced via standard conditions.

#### Minor & Inconsequential Shortfall Discussion

The minor variance to the following criteria, as identified within the Quantitative Snapshot table, is considered to be justified and is discussed accordingly below.

#### **Off-street car parking**

Based on floor area, the proposal requires a total of 37 off-street car parking spaces to satisfy the relevant minimums of Table Mar/2. The proposal achieves 35 off-street car parking spaces. As noted in the traffic and parking report, the proposed pharmacy component shall act in an ancillary and integrated manner to the proposed medical centre, and as such increases the likelihood that trips will be shared. This can provide some merit to applying a discount to the parking space requirement for the shop component. It should also be noted that the building's floor area has been reduced since the traffic and parking report was written, reducing the number of required spaces from 40 to 37. Council's Development Engineer and Coordinator Traffic and Parking have reviewed the report and advised they are satisfied with the number of spaces provided.

The subject land is also located in close proximity to a bus stop, and the proposed development includes a capacity of 10 dedicated bicycle parking spaces. These enable viable transport alternatives which may further reduce the demand for car parking spaces.

## CONCLUSION

On balance, the proposal achieves the majority of applicable Principles of Development Control contained within the Marion Council Development Plan. Despite being identified as a non-complying form of development within the Residential Zone due to the proposed consulting room floor area, the scale, intensity and impacts of the proposed land use are considered to be appropriate in context of the subject land, the locality and the Zone. These considerations include the subject land's existing non-residential use, its location on an arterial road adjacent to a Neighbourhood Centre Zone and large hotel, and the Zone's desire for the proposed non-residential uses at a scale which serves the local community and is consistent with the character of the locality. The proposed operating hours are considered appropriate and are not during typical noise-sensitive hours.

The layout and design of the proposed site and building are considered to be of a high quality which responds appropriately to its setting within the locality and the relevant criteria of the Development Plan. The proposed location of the building at the eastern corner of the land emphasises its relationship with other non-residential uses to the east and provides separation to the established residential character to the west. It also reduces the dominance of car parking areas when viewed from the street, emphasises pedestrian entry points to the building, and maintains landscaped area to all sides of the building.

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

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2020/1028 for Demolition of all buildings, change in use and subsequent construction of a single storey building comprising medical consulting rooms and pharmacy, with associated car parking, landscaping and signage at 142-144 Morphet Road, Glengowrie 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 preliminary site investigation (PSI) shall be provided to Council for consideration. If the PSI identifies the site has been used for a potential contaminating activity, targeted sampling will be required. If contamination issues are identified at the site the risks will need to be remedied/managed as necessary to ensure the site is suitable and safe for the intended use. The site contamination investigation and reporting shall be undertaken by a certified site contamination practitioner, in accordance with EPA Publication 665/20.

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

## CONDITIONS

1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/2020/1028, being:
  - Drawing numbers SK01 to SK07, SK20 and SK30 by Intro Design, Revision 3 dated 21 October 2020; and,
  - Drawing number CF5, 'Site & Drainage Plan' by Zafiris & Associates, Issue A, plot date 4 November 2020;except when varied by the following conditions of consent.
2. Payment of \$1375 (including GST) shall be made to Council prior to Development Approval, for the purposes of removing and replacing the affected Council street tree on Stanley Street.
3. The hours of operation of the premises shall be restricted to the following times:
  - Monday to Friday from 8am to 8pm
  - Saturday from 8am to 6pm
  - Sunday and Public Holidays from 10am to 6pm

4. All deliveries to and from the site shall be restricted to the following times:
  - Monday to Friday from 8am to 7pm
  - Saturday from 8am to 6pm
5. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
6. Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the Australian Standards Association Code AS 1158 during the hours of darkness that they are in use. Such lights must be directed and screened so that overspill of light into the nearby properties is avoided and motorists are not distracted. Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.
7. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment (including the prevention of any materials entering the stormwater system either by wind or water), to the reasonable satisfaction of Council.
8. All waste and other rubbish shall be screened from public view, to the reasonable satisfaction of Council.
9. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
10. Waste collection and service vehicles (operated by private contractor/s) required to enter and exit the subject land shall be scheduled to occur outside of peak usage periods for the approved land use(s) and peak traffic periods for the local road network.
11. Noise generated from the site shall not exceed the maximum noise levels stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
12. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
13. Wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council.
14. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
15. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS 2890.6.2009.
16. 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.

17. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
18. The car parking spaces herein approved shall be available free of charge to any individual visitor to the site or employee of the site during the business hours of the premises.
19. Bicycle parking facilities be provided that are designed and constructed in accordance with Australian Standard, or subsequent standards. The facilities shall be located to ensure ease of access to users.
20. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
21. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
22. Any existing vegetation nominated to be retained and/or any new vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
23. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
24. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
25. A trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order to the reasonable satisfaction of the Council.
26. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
27. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
28. The advertisement(s) and supporting structure(s) shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.

***DIT Conditions***

29. All vehicular access shall be gained in accordance with the Site Plan produced by Adroit Developers, Drawing No. SK02, Revision 2, dated 10 September 2020.

- 30. All vehicles shall enter and exit the site in a forward direction.**
- 31. The obsolete crossover on Morphett Road shall be closed and reinstated to Council's kerb and gutter standards.**
- 32. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Morphett Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.**