

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 03 June 2020

Commencing at 6.30 p.m.

Council Chambers

Council Administration Centre

245 Sturt Road, Sturt

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



Alex Wright
ASSESSMENT MANAGER

27 May 2020

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 03 JUNE 2020
COMMENCING AT 6.30PM**



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2.1 9 COPPIN STREET, GLENGOWRIE	
Two storey detached dwelling	
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2.2 284-288 AND 292-296 STURT ROAD, MARION, 24 TWEED AVENUE, MARION AND 876 MARION ROAD, MARION	
To undertake a staged development: Stage 1 - alterations and additions to an existing educational establishment including demolition of existing playing courts, fencing and single storey dwelling, a single storey building for use as a pre-school, construction of a verandah, alterations to access, internal driveway and car parking and associated siteworks and landscaping; Stage 2 - The construction of a two storey educational building (Part 1); Stage 3 - The construction of a two storey educational building (Part 2)	
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- Acknowledgement of existing Members whose term has concluded.	
6. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON 03 JUNE 2020	
7. MEETING CLOSURE	

**REPORT REFERENCE: CAP030620 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 3 JUNE 2020**



Originating Officer:	Kai Wardle Development Officer - Planning
Applicant:	Regent Homes SA Pty Ltd
Development Description:	Two storey detached dwelling
Site Location:	9 Coppin Street, Glengowrie
Zone & Policy Area:	Residential Zone / Northern Policy Area 13
Lodgement Date:	27/06/2019
Development Plan:	Consolidated – 29 November 2018
Referrals:	Coordinator Arboriculture (Internal) and Development Engineer (Internal)
Delegations Policy:	4.1.2 <i>Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
Categorisation	2 <i>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>
Application No:	100/2019/1055
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

Attachments

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

BACKGROUND

This application is preceded by an approved land division application, being DA 100/2018/375, which seeks to divide the subject land into two new allotments. The subject application relates only to the construction of a two storey detached dwelling with associated landscaping on one of the approved allotments. It should be noted that the allotments approved as part of the land division application have not yet been created.

Council has received legal advice on a similar scenario which involved separate applications for land division and built form. This advice detailed that if the land division application has not been finalised (i.e. allotments created), the built form application should be considered independently without consideration to future/approved allotments. This is because it cannot be assumed that the land division application will be implemented, even if approved.

For the purposes of this assessment, the site of the development is therefore taken to be the existing allotment as a whole. Nevertheless, as the plans indicate the intended dwelling site, this report also includes measures of performance in that regard which are listed and discussed separately for reference only.

SUBJECT LAND

The subject land is currently 9 Coppin Street, Glengowrie (Lot 39). It is situated on the north-western corner of the intersection of Coppin and Gillespie Streets.

The subject land presently contains a single storey detached dwelling with associated outbuildings, which are under demolition at the time of writing this report. The subject land is flat with no discernible slope. Vegetation on the land is not regulated or significant in nature. Access is presently obtained to the land from Gillespie Street via an existing crossover at its northern end.

The existing allotment as a whole has a site area of 722 square metres, a frontage width to Coppin Street of 15.24 metres (excluding corner cut-off), and a site depth of 39.75 metres. The intended site of the proposed dwelling is consistent with the approved Lot 101 (within DA 100/2018/375), which has a site area of 402 square metres, the same frontage width to Coppin Street, and a site depth of 22.26 metres.



LOCALITY

The locality comprises primarily original dwelling stock, typified by mid-century single storey dwellings, with occasional two storey dwellings which are usually modest in appearance. The original dwelling stock is generally low scale, with generous front setbacks and well established landscaping. There are a range of architectural styles within the streetscape, including bungalow, art deco, contemporary and colonial-influenced mid-century designs. Sporadic redevelopment has occurred, including new detached and semi-detached dwellings. Within Coppin Street, this recent development is single storey in nature and could be described as incorporating design features which are reminiscent of traditional character elements. Recent constructions of modern two storey dwellings can be observed at the southern and eastern extremities of the locality, however the traditional character of the Coppin streetscape is relatively intact. Gillespie Street is a somewhat neglected streetscape, comprising mostly secondary street setbacks involving boundary fencing and outbuildings. North of Beadnall Terrace is the Residential Character Policy Area, where traditional built form character elements are more noticeably preserved.

A cleared site is located on the corner of Beadnall Terrace and Gillespie Street, on which three two storey row dwellings have been granted Development Plan Consent, but have not yet received Development Approval. If constructed, that development would bring a denser and more modern built form character to within close proximity of the subject land. However, as that development has not commenced, it does not form part of the locality's existing character and therefore is only a future possibility.

More context on the surrounding locality can be found in photos overleaf.

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



Examples of various architectural styles within Coppin Street*Gillespie Street**Other two storey developments within the locality*

PROPOSED DEVELOPMENT

The proposed development is the construction of a two storey detached dwelling, with associated landscaping. The intended site of the proposed dwelling is consistent with the approved Lot 101 in the preceding land division application DA 100/2018/375.

The dwelling contains three bedrooms and two-and-a-half bathrooms. The ground floor comprises the main bedroom with ensuite and walk-in-robe, double garage, an open plan kitchen/living/dining area which opens onto an under-main-roof alfresco and the north-facing private open space. A separate toilet, laundry and studio area are also located on the ground floor at the rear of the dwelling. The upper floor contains a retreat, from which two bedrooms and a bathroom are accessed. A staircase and void are located adjacent the front door.

The landscaping plan includes two plantings of *Aesculus pavia* 'Red Buckeye' trees to the front yard, supported by low height shrubs to skirt paved areas. The secondary elevation comprises plantings of *Buxus sempervirens* 'European Boxwood' topiary trees to complement and soften built form, with other plantings proposed within the rear yard.

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

Coordinator Arboriculture (Internal):

Supported removal of the westernmost Bottlebrush street tree on Coppin Street in the preceding land division application. The tree is currently pending removal and replacement by Council.

Development Engineer (Internal):

Confirmed that the proposed FFL is appropriate and requested a 5000L retention tank, which has been implemented.

PUBLIC NOTIFICATION**Properties Notified**

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Representations

2 received, both opposing the development

Representations received

1. Mrs Mary Langford
2. Mr Terry and Mrs Collen Dwyer

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

Zone and Policy Area Considerations

For reference, the subject land would be located within Marion Plains Policy Area 8 under the current version of the Development Plan. However, due to its lodgement date, this application is subject to a previous version of the Development Plan in which Marion Plains Policy Area 8 does not exist. Therefore Northern Policy Area 13 is applicable to this assessment.

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>	The proposal is considered to contribute towards an attractive residential zone.
2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i>	The proposed density is appropriate for the Policy Area.
Relevant Principles of Development Control	Satisfies
1 <i>The following forms of development are envisaged in the zone:</i> ▪ [...] <i>dwelling including a residential flat building</i>	Proposal is an envisaged form of development.
3 <i>Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</i>	Density is suitable.
Northern Policy Area 13	
Objectives	Generally Satisfies
1 <i>A policy area primarily comprising low scale, low to medium density housing.</i>	Proposal is of the low density housing sought, however by virtue of its design, is arguably not low scale with regards to its surroundings.
2 <i>Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i>	The impact of garaging shall be minimal, with the dwelling's double garage appropriately stepped back behind the main face of the dwelling.
3 <i>Development that minimises the impact of garaging of vehicles on the character of the locality.</i>	Proposed density shall support the viability of community services and infrastructure.
4 <i>Development densities that support the viability of community services and infrastructure.</i>	
5 <i>Development that reflects good residential design principles.</i>	
6 <i>Development that contributes to the desired character of the policy area.</i>	Proposal incorporates generally good residential design principles, and generally contributes to the desired character – refer to discussion.

Desired Character	Generally Satisfies
<p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>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.</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. 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.</i></p> <p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed 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.</i></p>	<p>The proposal is considered to generally satisfy the desired character.</p> <p>The proposal achieves the desired density, and shall contribute to a variety of architectural styles and a lesser front setback than typical of original dwelling stock.</p> <p>The dwelling’s promotion of a cohesive streetscape is mixed. While the architectural style is in contrast to those of most dwellings in the locality, it seeks to promote a cohesive streetscape through its stepped setback and design alterations of its western portion.</p> <p>While the impact of height and bulk shall not adversely affect adjoining land, it shall be somewhat at odds with the generally modest two storey development otherwise seen within the locality.</p> <p>Further discussion is located within the Assessment Discussion of this report.</p>

Relevant Principles of Development Control	Generally Satisfies
<p>1 The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none">▪ [...]▪ dwelling including a residential flat building <p>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	

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

Quantitative Snapshot

As detailed within the Background section of this report, it is important to note that the site of the development is taken to be the existing allotment as a whole, as the associated land division application has not yet been finalised. Therefore, performance in the following table has been measured against the existing allotment as a whole.

Criteria		Performance	
Site coverage	40%	24.7% (178.46m ²)	Satisfies
Pervious area	20%	62.6% (452m ²)	Satisfies
Floor area ratio	0.6	0.30 (213.5m ²)	Satisfies
Front setback	Average of, or in-line with adjacent 7 Coppin = 10.6m	Ground floor: 5m; 8.04m Upper floor: 6m; 10.1m	Does Not Satisfy
Carport/garage setback	5.5m and behind or in-line with main face	8.04m; behind main face	Satisfies
Rear setback (ground)	6m, may be reduced to 3m for <50% rear width	22.94m; 25.24m	Satisfies
Rear setback (upper)	8m	25.24m	Satisfies
Side setbacks (ground)	0.9m	0.9m	Satisfies
Side setbacks (upper)	2m	3.32m; 7.41m	Satisfies
Secondary street setback	2m	2.87m; 2.07m; 1m	Does Not Satisfy
Boundary wall	8m length, 3m height, 1 side boundary	6.47m length; 3.07m height from natural ground level (front parapet 3.67m height from natural ground level); 1 side boundary	Minor Departure
Building height	2 storeys; 9m	2 storeys; 7 metres	Satisfies
Private open space	20%	423m ² (58.6%)	Satisfies
Private open space dimension	5x5m	Approx. 23m x 18.3m	Satisfies
Garage width	6m or 50% of dwelling façade width (the lesser)	6.09m (35%)	Minor Departure
Off-street parking	2 (1 covered)	4 (2 covered)	Satisfies
On-street parking	1 per 2 allotments	5 spaces available on Gillespie Street, shared with the approved Lot 102.	Satisfies

The following table is provided for reference only, which lists how the dwelling would perform if it were assessed against its intended site.

Criteria			Performance		
Site coverage	40%	44.4% (178.46m ²)	Rear setback (upper)	8m	7.74m
Pervious area	20%	32.8% (132m ²)	Private open space	20%	24.4% (98.1m ²)
Floor area ratio	0.6	0.53 (213.5m ²)	Private open space dimension	5x5m	5.44 x 16.15m, plus alfresco
Rear setback (ground)	6m, may be reduced to 3m for <50% rear width	7.74m; 5.44m (57%)			

Assessment Discussion

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

- **Desired character: design, appearance and impacts**
- **Front setback**
- **Secondary street setback**

Desired character: design, appearance and impacts

A close analysis of the proposal in relation to the objectives and desired character statement of Northern Policy Area 13 is considered to be particularly important in determining whether the design and appearance of the dwelling is appropriate. The following sentences of the desired character statement are considered particularly relevant to this part of the assessment:

The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. 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 whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.

The design and appearance of the dwelling is modern in form, incorporating primarily vertical square elements to the most prominent parts of its front and secondary street elevations, such as parapets, the entry canopy, protruding stairwell, piers and sunscreens. While some of these elements are somewhat bulky in appearance, they generally demonstrate good residential design principles by emphasising the dwelling's pedestrian entry point, framing habitable room windows, and providing articulation, as sought by Residential Development Principles 8 and 9, and Design and Appearance Principles 1 and 16, respectively. The side and rear elevations of the proposed dwelling are more conventional in appearance, demonstrating a more sympathetic shallow pitched roof.

The design incorporates limited external colour or material variety, which does little to assist in visually breaking up the mass of the built form. However, there are some subtle tonal differences between elements, such as between the main render in 'Wattyl Alabaster' and the clad piers, canopy and sunscreens in 'Colorbond Dune'. The timber front door and timber-clad wall and soffit lining to the entry canopy shall provide good contrast to the otherwise predominantly rendered façade and further emphasise the pedestrian entry point.

While the overall quality of the design itself is considered to demonstrate some good residential design principles, its modern and bulky form at its most prominent faces are in contrast to the more traditional prevailing character observed within the locality and the Coppin streetscape in particular. This character is derived from primarily original dwelling stock, typified by mid-century single storey dwellings, with occasional two storey dwellings which are usually modest in appearance. While more recently constructed two storey dwellings of comparable mass and design to the proposal are found at the extremities of the locality, the traditional character of the Coppin streetscape is relatively intact.

The proposal is therefore at variance to Design and Appearance Objective 1, which seeks for development of an appearance that responds to and reinforces positive aspects of the local environment and built form. However, this objective is somewhat contradicted by Northern Policy Area 13's desired character statement, which seeks for a variety of architectural styles, an

improvement in the built form character, an increased range of dwelling types, forms and styles, and buildings of up to two storeys. It also seeks for generally a lesser front setback, and a higher density than original dwelling stock. It is therefore clear that the Policy Area seeks for new dwellings to be different than original dwelling stock in terms of design, character and form, which provides sound merit for the proposal.

The desired character also seeks for development to seek to promote cohesive streetscapes. By appropriately managing the visual transition of its front setback, design, bulk and mass to the more traditionally designed and generously setback western adjoining property at 7 Coppin Street, the proposal is considered to acceptably balance promoting a cohesive streetscape with the statement's calls for a change in built form outcomes and lesser front setbacks.

Furthermore, the additional height and bulk of the proposed two storey development shall not unreasonably affect adjoining properties. Overshadowing caused by the proposal onto 7 Coppin Street is anticipated to be limited to its side area and front yard, and shall subside by midday, achieving the relevant criteria of Design and Appearance Principles 9 and 10. Its bulk and scale presenting to the western side and rear are also reduced by virtue of its shallow pitched roof form on those elevations. The prominent faces of the dwelling presenting towards Coppin and Gillespie Streets shall be softened to some extent by the proposed landscaping, which further contributes to promoting a cohesive streetscape and shall reduce bulk and scale impacts upon the locality. It should also be noted that the rear-facing upper floor windows have sill heights of 1.5 metres from floor level, which shall sufficiently minimise overlooking of adjoining properties. There are no windows proposed to the western side.

Whilst finely balanced, the proposed development is considered to appropriately satisfy the desired character statement. The proposal is considered to strike an acceptable balance between achieving the changed built form outcomes sought by the desired character statement whilst promoting a cohesive streetscape and minimising amenity impacts. The proposal also generally satisfies the Policy Area's objectives, by achieving the desired density, appropriately minimising the impact of garaging, and incorporating generally good residential design principles.

Front setback

The proposed front setback of between 5 and 10.1 metres fails to align with the only adjoining dwelling as sought by Design and Appearance Principle 22. The western adjoining 7 Coppin Street has a front setback of 10.6 metres to its main face, and 8 metres to its prominent front gable porch. Nevertheless, the proposed front setback is considered acceptable given its performance against the Policy Area's desired character statement.

The subject land's eastern boundary is Gillespie Street. This provides a suitable opportunity for the proposal to fulfil the desired character's call for a 'generally lesser setback from the primary road frontage' without adversely affecting an eastern adjoining property. The proposal takes this opportunity by stepping its front setback, at 5 and 6 metres to its eastern portion, increasing to 8.04 and 10.1 metres for its western portion, providing an appropriate transition of setback and mass to the greater adjoining western setback. Through doing so, the proposal also achieves another aspect of the desired character, by seeking to promote a cohesive streetscape.

Secondary street setback

A small portion of the secondary street setback is less than the minimum of 2 metres sought by Zone Principle 6. The two storey stairwell has a setback to the Gillespie Street boundary of 1 metre, for a length of 2.56 metres. The remainder of the dwelling's length adjacent this boundary is setback at between 2.07 metres and 2.87 metres.

Subsequently, the protruding stairwell forms a prominent feature of the dwelling's secondary street elevation and overall appearance, and its setback brings a portion of the dwelling's bulk and mass closer to the street. This notwithstanding, the stairwell provides articulation to the secondary street elevation, and seeks to address the Gillespie streetscape, which is otherwise typified by secondary elevations involving boundary fencing and outbuildings with minimal setbacks. However, it is noted that no two storey development is currently in such close proximity to Gillespie Street as the proposed stairwell.

The selected landscaping of 'European Boxwood' topiary trees along the secondary street, once mature and if grown vertically, could somewhat assist in softening the appearance of the protruding stairwell when viewed from the north or south.

Minor & Inconsequential Shortfall Discussion

The minor variances to the following criteria, as identified within the Quantitative Snapshot table, are considered to be justified and are discussed accordingly below:

- **Boundary wall height**
- **Garage width**

Boundary wall height

The calculated boundary wall height of 3.07 metres from natural ground level marginally exceeds the maximum of 3 metres sought by Zone Principle 6. This marginal excess will not have a materially different impact to that which would be caused by a compliant 3 metre high boundary wall. It is also noted that the wall's length of 6.47 metres is less than the maximum 8 metres permitted. The front parapet, which is 3.67 metres in height from natural ground level, is only 0.28 metres in return depth, and therefore shall have limited impact.

Garage width

The proposed garage width of 6.09 metres marginally exceeds the maximum of 6 metres which is sought by Residential Development Principle 12. The garage has a standard double opening width of 4.8 metres, is setback 3.05 metres behind the main face of the dwelling, and is only 35% of the dwelling façade width. Therefore, the impact of garaging is considered to be appropriately minimised, and is not considered to dominate the streetscape.

Further Discussion

The following discussion relates only to the shortfalls of site coverage and rear setbacks which would arise if the assessment incorrectly had regard to the intended site of the development rather than the existing allotment as a whole. The conclusion of the following discussion is that site coverage and rear setbacks in context of the intended dwelling site are appropriate.

Site coverage

If measured against the intended site, the site coverage of 44.4% would exceed the maximum of 40% sought by Policy Area Principle 4 to an insignificant degree. In this event, the proposed site coverage would be considered appropriate in context of Zone Principle 9.

While the proposal is contrary to some of the quantitative minimum setback provisions, these are generally considered to be well-justified in terms of the qualitative outcomes sought by the Policy Area's desired character statement and elsewhere within the Development Plan. Please refer to the relevant setback headings for further discussion in those regards.

Sufficient pervious area, and private open space area and dimensions would be provided on the intended site despite the small excess in site coverage. Floor area ratio would also be within the maximum permitted. The extent of site coverage would not result in unreasonable amenity impacts on adjoining properties, as discussed elsewhere within this report.

It is also noted that the proposed site coverage includes an under-main-roof alfresco area. If the alfresco is excluded, the site coverage of the dwelling alone would measure at 40.6% against its intended site. Incorporation of an alfresco area with the subject dwelling application reduces the need for owners/occupiers of the land to construct a verandah in the future, and therefore the higher proportion of site coverage proposed is reasonably justified by the benefit derived from delivering a usable all-weather area of private open space in conjunction with the dwelling.

Lastly, sufficient area would remain for the domestic requirements listed in Residential Development Principle 14.

Rear setbacks

If measured against the intended site, the proposal would demonstrate minor shortfalls against Zone Principle 6 in terms of its ground and upper floor rear setbacks.

The ground floor would be situated at between 7.74 and 5.44 metres from the rear of the intended site. The minor shortfall against Zone Principle 6 would be due to the section which is setback less than 6 metres comprising 57% of the rear boundary width. This slightly greater width is considered acceptable given that the setback of 5.44 metres is similar to the minimum of 6 metres sought and is generous compared to the minimum 3 metres permitted for 50% of the rear boundary width.

The upper floor would be situated at 7.74 metres from the rear of the intended dwelling site, which is marginally short of the minimum of 8 metres sought. As the rear boundary of the intended dwelling site is the northern boundary, the marginal shortfall would not cause any additional overshadowing of adjoining property. The visual impact of the proposed rear setback would not be materially different from the minimum of 8 metres permitted. It is also noted that upper floor's rear elevation is located partly behind the ground floor's pitched roof form, which shall assist in softening the appearance of the rear elevation's vertical mass.

The proposed rear setbacks are considered to satisfy Design and Appearance Principle 2.

CONCLUSION

The proposed development is considered to be finely balanced in terms of its merits against the relevant provisions of the Development Plan. In my view, it has sufficient merits to warrant support.

The proposal accords with the desired character statement of Northern Policy Area 13, which contains wording which seeks for new dwellings to be different to original dwelling stock in terms of density, primary street setbacks and architectural style. Although the proposed design incorporates boxy elements and accentuates its bulk and vertical mass on its most prominent faces, architectural adherence to the existing traditional streetscape character is not sought by the most relevant policy: the desired character statement.

The dwelling demonstrates some regard to promoting a cohesive streetscape by providing greater setbacks to its western portion in order to reflect the more generous setbacks of the western adjoining dwelling. The additional impact of the upper floor's bulk and scale is not considered to be unreasonable, with impacts on adjoining properties particularly limited.

The proposal's other minor quantitative shortfalls, in terms of boundary wall height and garage width, are considered qualitatively appropriate. If measured in the context of the intended dwelling site rather than the existing allotment as a whole, minor shortfalls would also arise in site coverage and rear setbacks. In any case, the proposed site coverage and rear setbacks are considered appropriate.

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: 100/2019/1055 for a two storey detached dwelling at 9 Coppin Street, Glengowrie 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.100/2019/1055, except when varied by the following conditions of consent.
- 2. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 4. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
- 5. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
- 6. All 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.
- 7. 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.
- 8. 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.

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. Before commencing any site works, a temporary vehicular access to the property for machinery, delivery of building materials and general vehicles should be provided. In the case where no driveway invert exists, the kerb can be saw cut and removed at the intended location for the new driveway invert to provide the necessary temporary access. In addition, if a paved Council footpath exists, this should also be removed in alignment with the removed section of kerb. The applicant should also take note of other information provided regarding use of, damage to and construction on Council owned land.**
- 4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- 5. In undertaking the subject development the applicant should consider the retention of any existing trees and the replacement of any removed with suitable species in appropriate locations.**
- 6. Council encourages the installation and use of rainwater tanks to support domestic water needs.**

**REPORT REFERENCE: CAP030620 – 2.2 – SUNRISE SCHOOL DA
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 3 JUNE 2020**



Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Sunrise Christian School
Development Description:	To undertake a staged development: Stage 1 - alterations and additions to an existing educational establishment including demolition of existing playing courts, fencing and single storey dwelling, a single storey building for use as a pre-school, construction of a verandah, alterations to access, internal driveway and car parking and associated siteworks and landscaping; Stage 2 - The construction of a two storey educational building (Part 1); Stage 3 - The construction of a two storey educational building (Part 2).
Site Location:	284-286 Sturt Road, Marion 288 Sturt Road, Marion 292-296 Sturt Road, Marion 876 Marion Road, Marion 24 Tweed Avenue, Marion
Zone & Policy Area:	Suburban Activity Node Zone Commercial Zone / Sturt/Marion Road Corner Policy Area 3 Residential Zone, / Marion Plains Policy Area 8
Lodgement Date:	05/03/2020
Development Plan:	Consolidated – 15 August 2019 Gazetted 8 August 2019
Referrals:	External Department of Planning, Transport and Infrastructure Internal Development Engineer Heritage Architect
Application Type:	Non-Complying <i>Commercial Zone - Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying: Educational establishment</i>

Delegations Policy:**1.4.1.1**

Non-complying applications – the Panel will decide to refuse the application or seek the concurrence of the State Commission Assessment Panel to approve the application, except for the following:

- the decision to proceed with an assessment of a non-complying application pursuant to Regulation 17 (3)(b) of the Development Regulations 2008).*

non-complying applications deemed to be minor in accordance with Regulation 17 and Schedule 9 Part 1 (3) of the Development Regulations 2008.

Categorisation**3**

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).

Application No:**100/2020/342****Recommendation:**

That Development Plan Consent be GRANTED subject to concurrence of the State Commission Assessment Panel (SCAP) and Reserved Matters and Conditions

Attachments

Attachment I: Certificate of Title
Attachment II: Proposal Plan and supporting documentation
Attachment III: Statement of Representations
Attachment IV: Applicant's Response to Representations
Attachment V: External Agency Referral Comments

BACKGROUND

Subject land

Council Senior Policy Planner has provided background for the re-zoning of the corner allotment from the Residential (General) Zone to the Commercial Zone which occurred as part of the 2010 Development Plan Amendment (Consolidated 3 July 2010).

For Members benefit, following review of the suitability of its current zoning (Residential) the land was re-zoned. It was identified that the location, size and dimensions of the site were more appropriate for zoning which encouraged a non-residential land use and provide opportunities to include a “landmark” building which responds to the Sturt/Marion Road junction. A review of Council’s records indicate the site has remained vacant since January 2012 and prior to that, contained a residential property.

Historical Applications

Members of the Panel may recall an application for the subject land being presented at the CAP meeting held on the 4th December 2019 (Development Application 100/2019/816). The application was considered by the Panel and refused for the following reasons:

1. The proposal seeks to remove a large and prominent significant tree which makes an important contribution to the character, amenity and environment of the locality, in contravention to Significant Trees Objectives 1 and 2, and Principles 1 and 2.
2. The proposal introduces into the Commercial Zone a land use that is not contemplated within that Zone or Policy Area and moreover a land use that is identified in Commercial Zone Principle 2 as being generally not appropriate.
3. The proposed site coverage is excessive for the purpose intended as a school located in a Residential Zone.
4. The proposed traffic access and circulation arrangements are incompatible with the safety needs of school children and external traffic flows.
5. The proposal generates a traffic density incompatible with that expected for the Policy Area.

As the application formed a non-complying development, no right of appeal to the applicant was afforded. Subsequently, the subject application has been lodged and aims to respond to the reasons for refusal.

Since the lodgement of Development Application 100/2019/816 and the subject application, the Development Plan was amended, Consolidated 15 August 2019 which placed portions of the subject land in a different zone.

The main changes made between the previous application and the subject application are as follows:

- The retention of the significant tree at the rear of the school site;
- The removal of the proposed basketball courts and associated shed relocation at the rear of the school site;
- The addition of a small covered outdoor learning area over an existing half-court basketball court; and

- Alterations to the façade treatments of the buildings and the inclusion of a climbing green-wall to provide shading of the eastern building façade.

It should be acknowledged that if an application were to be lodged for the removal of the Significant Tree at the rear of the site, the assessment of that removal would be separate from the subject application and be assessed on its merit at that time.

SUBJECT LAND

The subject land comprises the following properties:

284-286 Sturt Road, Marion

- allotment 20 in Deposited Plan 113089, Certificate of Title 6207/542
- allotment 13 in Filed Plan 147247, Certificate of Title 5849/6

Allotment 20 holds frontage to Sturt Road, achieving a width of approximately 40 meters. Access to the subject land is available via 2 access points, leading to a kiss and drop car park and separate car park providing 14 spaces. Landscaping is interspersed throughout the front of the allotment and a freestanding advertisement display is featured at the entrance to the site. The allotment includes school buildings, a playing court and a portion of a second school building/playground which crosses allotment 13.

Allotment 13 is located to the rear of Allotment 20 and accommodates a school building, playground, grassed area and outbuildings. Various mature trees are featured over this allotment, including a Significant Tree, identified as a River Red Gum (*Eucalyptus camaldulensis*), adjacent the northern rear boundary.

288 Sturt Road, Marion

- allotment 21 in Deposited Plan 113089, Certificate of Title 6190/346

Allotment 21 contains the Maranatha Christian Assembly church building which is listed in the Development Plan as a Local Heritage Place. The land to the rear of the church functions as a shared car park with the school, as well as a playing court.

292-296 Sturt Road, Marion

- allotment 312 in Deposited Plan 34680, Certificate of Title 5108/650

Allotment 312 is a vacant parcel of land sited on the corner of Marion and Sturt Road. The site achieves a length of approximately 77 Metres along Sturt Road and 42 Metres to Marion Road. The allotment also includes a portion of driveway which links with Allotment 21 and Allotment 18.

876 Marion Road, Marion

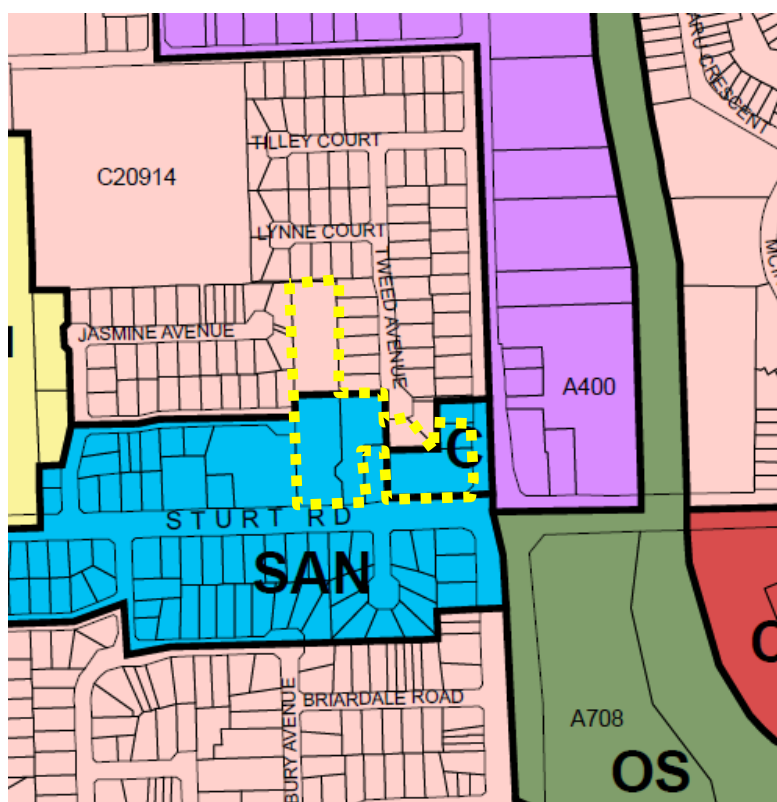
- allotment 18 in Filed Plan 147252, Certificate of Title 5547/491

Allotment 18 is a vacant parcel of land which achieves frontage to Marion Road, measuring approximately 22 metres in width. The allotment includes a portion of driveway which links with Allotment 312 and provides access/egress to Marion Road.

24 Tweed Avenue, Marion

- allotment 14 in Filed Plan 147248, Certificate of Title 5472/375

Allotment 14 contains an existing detached dwelling in good condition. The allotment is sited at the end of the Tweed Avenue cul-de-sac and is irregular in shape. Access to the allotment is made via a single width crossover adjacent the eastern side boundary.



Zones

CP	Caravan and Tourist Park
C	Commercial
Cu	Community
In	Industry
LCe	Local Centre
NCe	Neighbourhood Centre
OS	Open Space
RA	Regional Activity
R	Residential
SAN	Suburban Activity Node
	Zone Boundary

The locality features a mixture of commercial and residential properties, including the Old Council Chambers (recently issued Development Plan Consent for use of the land as an office) (listed as a Local Heritage Place).

The site is bound by residential properties from the north to south (in a counter-clockwise direction) and comprise single-storey detached dwellings at low densities which are representative of the original dwelling stock. Limited infill development has occurred with only a minor presence of recently built detached dwellings. A group of SA Housing Trust units are situated directly to the east of the subject land presenting to both Sturt Road and Pitcairn Avenue

The western side of Marion Road includes a variety of commercial uses and the Warriparinga Wetlands / Sturt River (south-east of the subject land).

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



PROPOSED DEVELOPMENT

The proposed development includes a staged development and each component is discussed in further detail below.

Stage 1

alterations and additions to an existing educational establishment including demolition of existing playing courts, fencing and single storey dwelling, a single storey building for use as a pre-school, construction of a verandah, alterations to access, internal driveway and car parking and associated siteworks and landscaping.

Stage 1 of the proposal includes a variety of works associated with the development of a single storey building for the purposes of a pre-school (Early Learning Centre / ELC). This includes alterations to the existing front car park and driveway and the demolition of the existing dwelling at 24 Tweed Avenue in order to reconfigure the area in order to formalise and establish additional new on-site parking. In total, the subject land accommodates 59 on-site parking spaces, whereby the proposal will result in an additional 26 spaces, providing 85 in total.

The single storey ELC building includes an associated outdoor play area and landscaping. The design of the building includes an attractive façade, including a variety of colours and materials, fenestration and parapet style roof form. The building can accommodate up to 50 children and it is anticipated that the ELC will employ up to 5 staff. The hours of operation for the building are 8:00am until 5:00pm.

Stage 2 and Stage 3

The construction of a two storey educational building (Part 1 and Part 2).

A two storey educational building is proposed in two stages and is to be sited at the intersection of Sturt and Marion Road. The building wraps around the corner of the allotment and incorporates a curved design featuring variety of colours and materials including fenestration, render, cladding, exposed brick and green wall.

The educational building will operate in conjunction with the existing school buildings situated at 284-286 Sturt Road and will accommodate 10 general learning areas occupied by students from reception to year 3. It is anticipated the building will accommodate up to 250 students and employ up to 13 staff.

PROCEDURAL MATTERS

Classification

The subject application is a Non-Complying form of development by virtue of the Procedural Matters section of the Commercial Zone, where an educational establishment is as a non-complying form of development. The proposal is considered to be a Non-Complying form of development as a portion of land sited in the Commercial Zone has no existing land use rights,

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

External Department of Planning, Transport and Infrastructure (DPTI)

A copy of the DPTI referral can be found in Attachment V of this report.

Internal Development Engineer

Council's Development Engineer has reviewed the application plans and advised they are satisfied with the turning areas, parking and traffic circulations, which are considered improvements to the current arrangements.

The carpark and access proposal will significantly improve on the serviceability and safety of use, notwithstanding the retention of current crossovers from Sturt Road.

Heritage Architect

Council has engaged an independent Heritage Architect to review the proposal and determine whether any heritage impacts will result from the development. Their assessment found:

The revised amended approach to the staged development is still considered to be designed to a high architectural and urban design standard, an appropriate response to its heritage context and the special qualities contemplated in Policy Area 3 of the Commercial Zone.

The proposal is sufficiently separated and restrained in its design to preserve the settings of the Local Heritage Places and views and principal elevations of those Places.

The new application and revised proposal raises no heritage concerns.

PUBLIC NOTIFICATION**Properties Notified**

87

Representations

10 received

Representations received

9 opposing the development and 1 in support

1. Ms Susie Wang of 22 Tweed Avenue, Marion
2. Ms Angela Engler of 18 Pitcairn Avenue, Marion
3. Mr John Rutherford of 20 Tweed Avenue, Marion
4. Mr Colin and Ms Ruth Denton of 5 Tweed Avenue, Marion
5. Mr John Fisher of 18B Jasmine Avenue, Marion
6. Mr Brenton and Ms Samantha Foster of 16 Tweed Avenue, Marion
7. Mr Karl and Ms Margaret Kittel of 11 Tweed Avenue, Marion
8. Mr Man Yin of 18 Tweed Avenue, Marion
9. Mrs Mary Welk of 7 Tweed Avenue, Marion, and
10. Mr Garth Heynen on behalf Mr James Packham and Mr Ziggy Khoshkho of 290 Sturt Road, Marion.

Applicant Response

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

ASSESSMENT

The relevant objectives, desired character and principles of development control of the Commercial Zone, Suburban Activity Node Zone and Residential Zone are listed in the following table and discussed in further detail below:

Commercial Zone

Objectives

- 1 A zone accommodating a range of commercial and business land uses.
- 2 Development that minimises any adverse impacts upon the amenity of the locality within the zone.

Principles of Development Control

Land Use

- 1 The following forms of development are envisaged in the zone:
 - bulky goods outlet
 - consulting room
 - motor vehicle related business other than wrecking yard
 - office
 - petrol filling station
 - service trade premises
 - shop with a gross leasable area of 250 square metres or less, except within the **Darlington Policy Area 6**
 - store
 - warehouse.
- 2 Development listed as non-complying is generally inappropriate.

Sturt/Marion Road Policy Area 3

Objectives

- 1 A policy area primarily accommodating low traffic generating commercial land uses including offices, consulting rooms and associated retail areas and residential uses associated with non residential uses.
- 2 A high standard of development which promotes innovative building design and landscaping to enhance the character and amenity of the locality.
- 3 Development that minimises adverse effects on adjoining residential areas.
- 4 Development that contributes to the desired character of the policy area.

Desired Character

The policy area relates to the land on the corner of Sturt Road and Marion Road which is a key landmark/entrance site for the City of Marion. Development in this policy area will be distinctive and of high architectural and landscape quality to reflect the significance of the location and to improve the amenity of the locality.

The site will be developed for a range of low traffic generating and low key commercial land uses. Residential use may be appropriate in conjunction with the non residential uses. The future use of the land will need to have regard to constraints in regard to traffic access and to take into account future road widening requirements on Sturt Road.

New development and changes in land use will have regard to the use and enjoyment of the residential properties located at the rear of the site. It is envisaged that car parking will be located behind the building frontage and servicing and loading areas are to be screened from public view.

Principles of Development Control**Land Use**

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

- consulting room
- office
- shop in association with consulting room or office
- residential in association with a non residential use.

Form and Character

3 Development should not be undertaken unless it is consistent with the desired character for the policy area.

4 Buildings should not exceed 2 storeys or 10 metres above natural ground level except where located within 15 metres of a residential zone in which case the building height should not exceed 8 metres and where undercroft parking is proposed, the ground floor level should not exceed 0.8 metres above natural ground level.

5 Development adjacent the residential zone should incorporate all of the following:

- (a) a minimum 6 metre setback for buildings from the zone boundary
- (b) visual and acoustic buffer features
- (c) landscaped areas having a minimum width of 2 metres
- (d) 2 metre high fencing
- (e) screened or obscured building openings.

6 Development should provide landscaped areas comprising at least 10 per cent of the site area and having a minimum width of 1 metre.

Suburban Activity Node Zone**Relevant Objectives**

1. A zone that includes a range of medium and high density residential development supported by a mix of compatible land uses.
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.
3. The design and layout of development to encourage walking and cycling and promote public transport 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.
5. To identify and remediate contaminated land appropriate for its intended use.
6. Development that contributes to the desired character of the zone.

Principles of Development Control

1. The following types of development, or combination thereof, are envisaged in the zone:

- educational establishment
- pre-school

2 Development listed as non-complying is generally inappropriate.

Residential Zone**Relevant Objectives**

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

Principles of Development Control**Land Use**

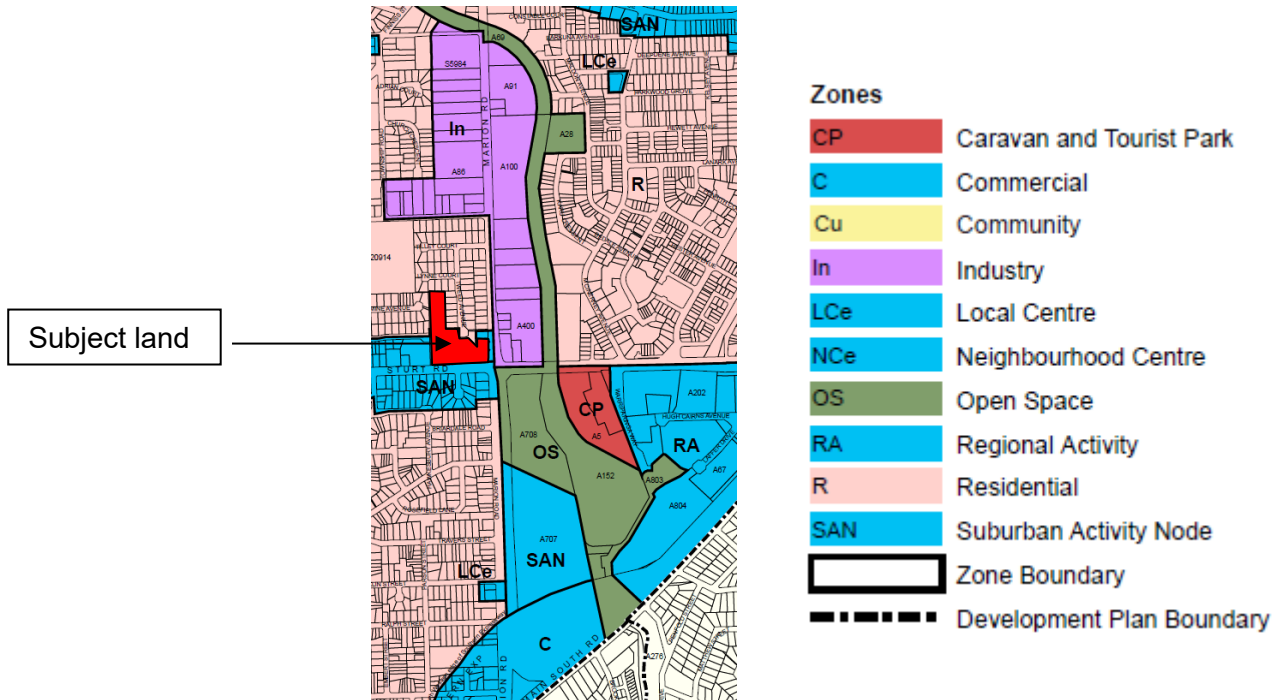
1. *The following forms of development are envisaged in the zone:*
 - *small scale non-residential uses that serve the local community, for example:*
 - *child care facilities*
 - *primary and secondary schools*
2. *Development listed as non-complying is generally inappropriate.*
4. *Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:*
 - (a) *primarily serves the needs of the local community*
 - (b) *is consistent with the character of the locality*
 - (c) *does not detrimentally impact on the amenity of nearby residents.*

ZONE AND POLICY AREA CONSIDERATIONS**Commercial Zone**

The Objectives of the Commercial Zone seek to accommodate a range of commercial and business land uses that minimise adverse amenity impacts upon the locality. Apart from identifying a list of envisaged land uses, the Zone is limited in providing provisions for consideration relative to the proposed use. Although an educational establishment is listed as a non-complying form of development, the proposal finds partial support with the intent of the Sturt/Road Corner Policy Area 3.

It is acknowledged one of the key matters for consideration surrounds the suitability of an educational establishment being introduced into the Commercial Zone. In this regard, the applicant has engaged Property & Advisory for an assessment on the commercial land market for the proposal, to assist in providing an overview on why the existing zoning may not be appropriate or contemporary in the current environment. The report identifies various points for consideration, which in my opinion assist in justifying the site incorporating a non-commercial land use. The key findings are as follows:

- Given the Zone and Policy Area's desire for low traffic generating land uses and a landmark building, many of the envisaged forms of development would arguably fail to meet these outcomes. As such, offices and consulting rooms are most likely a suitable fit for Policy Area.
- There are a range of zones in the vicinity of this property (approximately 1km) that are intended to accommodate office or consulting room development including, in particular, the Suburban Activity Node, Commercial, Regional Centre, Neighbourhood Centre and Regional Activity zones.
- The Development Plan's desire for an iconic or landmark office/consulting type building displays difficulties in a commercial environment, particularly when regard is had to access opportunities for the site and the required provision of off-street parking.
- The expansion of the School within the Commercial Zone would have no adverse impact on the region's underlying commercial development capacity.



These points indicate that despite an educational establishment being introduced into the Commercial Zone, it does not completely remove the opportunity for other envisaged land uses for this zone to operate in the immediate and wider locality. The use is not considered to undermine the intent of the zone, whilst I do not envisage the use being of a magnitude to compromise the commercial hierarchy within the City of Marion, nor within the wider locality.

The subject land includes a small portion of the Commercial Zone, which comprises entirely the Sturt/Marion Road Policy Area 3. The Policy Area seeks to achieve a high and somewhat unique standard/form of development in what it seeks to achieve; however, when due regard is had to the locational characteristics and surrounding land uses, the proposal is not one which is considered to result in an incompatible use of the land, nor the ability of the Policy Area Objectives to be met. The site is located in close proximity to other Commercial (>1km to the south) and Industry (directly opposite and 300m to the north) Zones, illustrating development of this allotment for educational purposes will not remove the opportunity for other commercial and business type activities from occurring in the locality.

When considered against the policy area, the development finds support with the desire for a high standard development which minimises adverse effects on adjoining residential areas where traffic is appropriately managed on-site to provide a safe environment for pedestrians.

The Sturt/Marion Road Policy Area 3 places importance on the delivery of a high standard of development which promotes innovative building design and landscaping to enhance the character and amenity of the locality. The Objectives of the Policy Area are reinforced through the Desired Character, identifying:

The policy area relates to the land on the corner of Sturt Road and Marion Road which is a key landmark/entrance site for the City of Marion. Development in this policy area will be distinctive and of high architectural and landscape quality to reflect the significance of the location and to improve the amenity of the locality.

The Policy Area also makes reference to land uses which generate low volumes of traffic and provides guidelines for development in order to assist in minimising amenity impacts upon the use

and enjoyment of residential properties at the rear of the site. Additionally, there is a desire for car parking to be located behind the building frontage and design guidelines when located adjacent a Residential Zone. Whilst the proposal may not collectively generate low volumes of traffic, it is acknowledged that this will be appropriately managed through the provision of adequate on-site parking and traffic circulation to/from the arterial road network.

Despite the proposed use of the two storey building being used for educational purposes, it is my opinion that the built form responds well to the Objectives and Desired Character for the Policy Area. In determining the suitability of the use for the Zone, it is important to identify what consequences may come as a result of the proposal with regard to the amenity of the locality (with particular regard to residential properties) as well as considerations of the existing character of the locality.

The built form outcome for the Sturt/Marion Road intersection is considered to meet the desired outcome for the site by providing a “landmark” building that responds to the corner, acting as an “entrance site” for the City of Marion. The building incorporates various design elements and quality materials, resulting in a high architecturally attractive quality. The provision of a variety in landscaping species (street side of the building) will assist in complementing the design of the building and improve the streetscape appearance.

The Policy Area provides particular guidelines when adjacent a Residential Zone which has been implemented through the design process. These include the limitation of the building height to no more than 10 metres and a maximum of 2 storeys, a setback exceeding 6 metres from allotment boundary, 2.1 metre high fencing designed in accordance with the specifications of the Sonus Report and screened building openings.

The proposal includes a variety of landscaping species throughout the site, including areas forward of the ELC and two storey building. The areas street side of each of the buildings are of an appropriate dimension to provide planting species which are considered to complement the built form proposed. The total site area of the subject land is equal to approximately 15 000sqm, whereas approximately 3200sqm will comprise pervious area. This notwithstanding, it is acknowledged that the majority of sealed areas are in existence. The main built form is proposed on vacant land which is anticipated to eventually be developed and subsequently, the additional roofed area is considered appropriate for the subject land. When the extent of the development occurring in the Commercial Zone is considered in isolation, it is acknowledged the proposal far exceeds the minimum amount of landscaped area (planted out areas) sought by PDC 6 of the Policy Area, measuring to approximately 25% and therefore, satisfying the guidelines. It is acknowledged the Zone does not provide a minimum amount of pervious area sought (i.e. grassed area, permeable paving etc.).

Beyond the main desire of the Policy Area to achieve a built form outcome of a high standard, the proposal and land use is considered appropriate when regard is had to the existing development within the locality. The site is situated adjacent an arterial road and commercial properties (east side of Marion Road), while the proposal includes the expansion of the educational use into the Commercial Zone. The siting of the built form provides a coordinated approach to the development of the vacant land and is considered compatible with the adjoining residential land uses.

Although the use of the land is not commercial or business in nature, an educational building is considered an appropriate outcome for the corner allotment. Given the desire for development of a high architectural standard, combined with reasonable development which will not impact the amenity of nearby residential properties, the site has remained vacant for some time. The expansion of the Sunrise Christian School is not considered to jeopardise the intent of the policy area, rather the proposal is considered an appropriate outcome and opportunity to better enhance the use of the land, whilst ensuring a coordinated master plan for the school can be achieved.

The above considerations demonstrate the proposal finds some support with the intent of the Sturt/Marion Road Policy Area 3. Despite the proposal forming a non-complying development, the land use forms an expansion of the existing school and is not considered to result in significant amenity consequences upon the locality.

Suburban Activity Node Zone

It is acknowledged the extent of development proposed in the portion of the subject land captured by the Suburban Activity Node Zone is limited to the new half playing courts, associated shade structure and alterations to the access/car parking and traffic circulation. The proposal is considered to appropriately satisfy the intent of the Suburban Activity Node Zone through the provision of alterations and additions to an existing, longstanding, educational establishment. The playing courts and shade structure will be incorporated into the overall masterplan for the site and be used for the continued use and enjoyment of the premises.

The zone anticipates a range of land uses including educational establishments which take into account its proximity to education, employment facilities and public transit services. The zone places importance on the delivery of a high quality urban design including built form and landscaping, while providing appropriate interface between residential developments.

The built form outcome (albeit sited within the Commercial Zone) for the site is considered to meet the desired character by providing an attractive building that responds to the characteristics of the locality. The buildings are both single and two storeys in nature and incorporate various design elements and quality materials. The provision of a variety in landscaping species (street side of the building) will assist in complementing the design of the buildings and is considered to respond well to the Sturt/Marion Road junction.

It is also worthy to acknowledge the Suburban Activity Node Zone does not prescribe maximum site coverage guidelines. The proposal is nonetheless considered to provide a balance in reasonable and expected development without overdeveloping the site with sealed and roofed areas.

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

Residential Zone

It is acknowledged that the only portion of land sited within the Residential Zone is the allotment of 24 Tweed Avenue. The use of this land will change from residential to a new car park area and vehicle manoeuvring space.

The Marion Plains Policy Area 8 is silent on non-residential development. This notwithstanding, the Residential Zone identifies primary schools as an envisaged land use, provided they are of a small scale, serve the needs of the local community, be consistent with the character of the locality and not detrimentally impact on the amenity of nearby residents.

It is my opinion that the main considerations of the proposal relate to whether the development will detrimentally impact on the amenity of nearby residents. In this regard, the proposal includes the reconfiguration of the car park area. The alterations to the car park area are considered an improvement to the existing arrangements and are discussed throughout this report.

The separation achieved between nearby residential properties on Sturt Road and those sited in the cul-de-sac of Tweed Avenue is considered adequate to minimise any amenity impacts experienced by occupants of those properties. The access arrangement will utilise the existing points along Sturt and Marion Road, whereas the number of vehicle movements adjacent the residential properties are

considered to be of a similar volume to that currently experienced. It is acknowledged 2.1 metre high fencing will be installed along various boundaries throughout the site and adjacent all parking/manoeuvring areas. This fencing has been assessed by an independent Acoustic Engineer who has prepared an environmental noise assessment report. This report concluded that the upgraded works to fencing around the site has been deemed sufficient to minimise any noise extending beyond the site.

The proposal is considered to continue to assist in serving the needs of the local community, comprising a reasonable expansion of the existing use of the. Despite the subject land being sited adjacent a Residential Zone the character of the locality does not provide a traditional residential setting, particularly when regard is had to location of the built form (adjacent Sturt and Marion Road). Given the site does not directly abut a residential property, combined with characteristics of the locality, it is my opinion that the development will not unreasonably impact on the amenity of nearby residents.

Although the Development Plan calls for non-residential land uses which are of a small scale, as identified above, the locality is not of a typical residential setting. The design is considered to complement the character of the locality and will assist in providing appropriate transition to the local Heritage Place at 290 Sturt Road (discussed below). The location of the building being adjacent an arterial road and non-residential land uses are considered relevant matters for consideration. When the suitability of the scale of the development is had, I am of the view that the proposal is appropriate in this regard.

HERITAGE PLACES AND DESIGN AND APPEARANCE

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

1. The conservation of State and Local heritage places.
2. The continued use, or adaptive re-use of State and local heritage places that supports the conservation of their cultural significance.
3. Conservation of the setting of State and local heritage places.

As part of the assessment process Council sought independent heritage advice from Flightpath. The main conclusions drawn from Flightpath's assessment are as follows:

The revised amended approach to the staged development is still considered to be designed to a high architectural and urban design standard, an appropriate response to its heritage context and the special qualities contemplated in Policy Area 3 of the Commercial Zone.

The proposal is sufficiently separated and restrained in its design to preserve the settings of the Local Heritage Places and views and principal elevations of those Places.

The new application and revised proposal raises no heritage concerns.

The proposal finds compliance with a majority of applicable Heritage Places Development Plan provisions. The proposal is considered to be compatible with the heritage value of the Local Heritage Places and has minimal impacts on their setting. The setting of 290 Sturt Road is enhanced, not diminished by the proposal through the provision of sufficient separation and height relationships to the building. Whilst articulated, the proposal is considered to provide a modest design which exhibits lower height relationships and will not sit proud of the Local Heritage place. This assists in achieving transition to the built form.

The design and appearance of the new ELC building will provide a modern finish, without impacting the heritage value of the Local Heritage Place. The proposed design find support with both the desired outcome of the Sturt/Marion Road Policy Area 3 while maintaining the heritage setting of the Local Heritage Places. Similar front setbacks have been incorporated in order to ensure the

prominence of the Local Heritage Places is not impacted. The use of high quality but simplistic materials, separation and building height have paid respect to the Local Heritage Place and I am satisfied the proposal is appropriate in this regard.

AMENITY CONSIDERATIONS

While the site has some interface with residential properties on the opposite side of Sturt Road and those along Tweed Avenue, Lynne Court and Jasmine Avenue, it is my opinion that the proposal is unlikely to result in unreasonable amenity impacts upon nearby residents, particularly when regard is had to the existing layout of the site. The proposal is considered to appropriately satisfy the applicable Objectives and Principles of Development Control section of the Development Plan and is discussed below.

NOISE

Amenity considerations relating to noise generated from the site have been discussed in the Zone section of this report. When regard is had to that currently generated from the school and traffic along the arterial road network and vehicle parking areas are not considered to result in inappropriate outcomes for nearby residents. The level of separation from nearby residential properties as well as the upgrades proposed to fencing throughout the site is considered appropriate to minimise any amenity impacts attributed to noise.

WASTE COLLECTION AND STORAGE

The location of waste storage receptacles will not change and is sited adjacent the proposed covered outdoor learning area, which is capable of being screened from public view. A private collection service is utilised and will continue to do so outside of school hours in order to minimise any safety risks.

TRAFFIC AND VEHICLE PARKING

The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and the reuse of existing access/egress arrangements from the site. Additional traffic movements generated by the proposed development are not expected to compromise the safety or function of the surrounding road network, nor the safety of pedestrian access throughout the site.

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

Pre-school, primary school and secondary school	1 per full time employee plus 1 space for wheelchair users plus an additional 10 per cent of the total for visitors.
Child care centre	1 per 4 children

Based on the above, the ELC building will see an increased demand of 7 spaces (5 staff, 1 wheelchair user and 1 additional space) whereas the two storey educational building will require 15 spaces (13 staff, 1 wheelchair user and 1 additional space). In the event the ELC were considered as a childcare centre, the proposed demand would increase to a 13 space demand. It is my opinion that the ELC is more akin to a pre-school, noting the Sunrise School serves students from reception to year 10.

The reconfiguration to the parking areas will result in an increase in on-site parking spaces between 22 and 28 spaces (dependant on how the ELC building is considered), whereas, the proposal will see a net gain of 26 spaces.

The proposed development will provide a total of 85 marked spaces, resulting in a net increase of 26 spaces, based on the current provision of 59 formal spaces currently accommodated on site. This exceeds Council's Development Plan requirements by 4 spaces. It is also acknowledged the school is regularly serviced by a 25-seater minibus, while the configuration of the site provides access to kiss and drop zones.

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. Furthermore, it is important to note, the majority of traffic impacts associated with the proposed use will be concentrated to between 8am to 9am and 3pm to 4pm – the time before and after the school commences and finishes, acknowledging typical drop-off/pick-up times are likely to vary between the ELC and the school.

It is also acknowledged the provision of 85 parking spaces will exceed the requirement of 66 spaces specified in the previous approval for the Maranatha Church development (Development Application 100/2011/743).

The reuse of ingress and egress points along Sturt and Marion Road will maintain the flow of traffic within the site and the arterial road, which has previously been deemed appropriate with respect to queuing times for motorists and pedestrian safety, being supported by DPTI.

The proposal will see an increase in vehicle movements at the rear of the site and adjacent the two properties situated at 22 Tweed Avenue and 874 Marion Road; however, it is my opinion that any noise generated from the location of the parking area will not cause unreasonable impacts upon nearby these properties. Vehicle movements and traffic generated from the site can be catered for by the surrounding road network and any noise generated by vehicles will unlikely exceed that currently experienced by the arterial road or existing use of the land.

It is also acknowledged the application plans have been reviewed by an independent traffic engineer who has concluded the following key points:

- The car park layout and circulation aisleways have been designed to the highest level User Class 3A facility specified in AS/NZS 2890.1-2004, which is related to high turnover parking at shopping centres. These dimensions (2.7m wide spaces and 6.2m minimum aisleways) would exceed those typical of school parking areas. Therefore traffic access and circulation are not only in compliance with the parking standard, but exceed the typical requirements as well.
- The proposed upgrade of the school car park would provide a dedicated bus drop off and pick up parallel bay at the rear and a dedicated drop off and pick up facility for parents at the rear. Both measures would significantly address the long-standing congestion issue experienced at the Sturt Road entrance of the school during the busy drop off and pick up times and relocate the main school children movements to the rear, away from the Sturt Road frontage. The car park aisleways are also designed with limited lengths to minimise traffic speeds within the school site, thereby improving safety for school children during the busy times.
- The proposed development does not have vehicular access to any local streets. Assessment for the car park entrances on Sturt Road and Marion Road show that there would be minimal change to the operating conditions of these car park entrances. These car park entrances can therefore safely and satisfactorily accommodate the future traffic flows arising from the development and no incompatible issue is foreseen with the traffic access and circulation arrangements proposed at Marion Road and Sturt Road.
- In the scenario that a comparison were to be made between the proposal and an envisaged form of development (shop/office) on the same site, it would demonstrate that there is no discernible or very little difference between the two land uses, in terms of the daily trips generated.

The applicant's consultant has provided commentary on various upgrades included within the proposal compared to the current access/car parking and internal vehicle movements in existence. Further comparisons have been made to other land uses which are anticipated by the zone. I consider there is merit to these considerations. The reconfigurations demonstrate there are several areas for vehicles to park or remain idle on the site without impacting upon the safety of school children or pedestrians. Whilst additional traffic may be generated, it is acknowledged that this can be appropriately managed on the subject land and is not anticipated to compromise the safety or function of the surrounding road network.

The provision of designated kiss an drop areas, line marked parking spaces, directional line markings and internal "zebra crossings" have all been implemented into the revised layout of the car park and manoeuvring areas in order to ensure traffic management and pedestrian safety is appropriately addressed. Car parking dimensions and aisle width have been designed in order to ensure these spaces can be accessed without impacting on the desired traffic circulation and flow. The use of public road are not relied upon, acknowledging that all access and egress from the site shall utilise the existing points along Sturt and Marion Road. These considerations indicate the redesign of the school's car parking area has placed an importance on both pedestrian and vehicle safety.

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

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

LANDSCAPING, FENCES AND WALLS

The realignment of the car park and proposed additions will also require the removal of some vegetation; however, it is appropriately replaced throughout the site. The use of a variety of low growing native species including Ruby Saltbush, Coast Daisy Bush and Round Leaf Wattle is considered to assist in softening the appearance of the car park area and overall built form.

Landscaping is also provided along the street frontage of the ELC and two storey building presenting to Sturt/Marion Road. The landscaped area adjacent the ELC building achieves a 3 metre depth which will be planted with a variety of low to medium growing landscaping including ornamental pear and Common Everlasting, Grevillea and Tanika Lomandra, thereby enhancing the appearance of the building. At the Sturt Road boundary of the ELC building, vertical timber fencing is proposed which maintains visibility of the building and landscaped area.

The design of the two storey educational building features a landscaping bed presenting to the street. Due to the shape of the allotment and design of the building, the landscaped area increases in width towards the corner of the building. The building has been designed to include a green wall along the eastern façade which will present to Marion Road. The inclusion of the green wall is considered to complement the overall design of the building and will assist in reducing heat loads and provide shading for the building. As identified above, the design of the building is considered to be of a high standard and the proposed landscaping adjacent the street will assist in achieving an attractive presentation when viewed from the arterial road network.

ENERGY EFFICIENCY AND STORMWATER

The proposal includes stormwater catchment and reuse in the two main areas where the development is occurring. These include the ELC building and associated playing area and the car park/vehicle manoeuvring areas. The report prepared by Combe Pearson Reynolds Consulting Engineers has identified 2 catchment areas and their design elements include

Catchment 1

6 grated inlet pits to the central carpark will provide ponding to a maximum depth of 100mm over an area of minimum 50 square metres each. Each pit and ponding area will provide 2,000L of detention capacity, totalling 12,000L detention.

Catchment 2

The roof stormwater downpipes will discharge directly to a 3,000L above ground detention tank. The tank will be fitted with an orifice to restrict flows to 8L/s

The Suburban Activity Node Zone seeks for *“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”*. I am satisfied the water catchment areas identified above assist in meeting the zones desire for WSUD systems through the capture and discharge of stormwater. These catchment areas have been designed in order to ensure that captured stormwater will be treated in order to maintain an appropriate level of stormwater quality. These features have been reviewed by Council's Development Engineer who has raised no objections against Council's requirements in relation to stormwater discharge. It is also acknowledged the buildings will need to be designed in accordance with all energy requirements under the National Construction Code and will be considered as part of the Building Rules assessment of the proposal.

It is also acknowledged the two storey educational building incorporates a green wall along the eastern façade which will assist in the natural cooling/shading of the building from morning sunlight as sought by Objective 1 of the Energy Efficiency Section of the Development Plan.

The ELC building incorporates a north facing play area for comfortable year round use as well as large windows which will assist in providing natural light. It is also acknowledged that opportunities remain available for each building to include solar collectors.

CONCLUSION

The proposal satisfies a number of the applicable Principles of Development Control contained within the Marion Council Development Plan.

The suitability of an educational establishment within the Sturt/Marion Road Policy Area 3 and Commercial Zone is considered the fundamental matter of the assessment.

The corner allotment was re-zoned from a Residential (General) Zone in 2010 to a Commercial Zone and Sturt/Marion Road Corner Policy Area 3, which comprises the entirety of the site. Council's intention for the rezoning was based on the view that due to the size and location of the site, the land was more suitable for a non-residential land use which responds well to the Sturt/Marion Road junction. Since 2012 the land has remained vacant.

As detailed throughout the report the proposed built form is considered represent a reasonable expansion of an existing, long standing, non-residential use. The subject school will continue to serve the needs of the local community as a well-established land use in the locality.

The proposal includes an expansion of the Sunrise Christian School (and therefore educational use) into the Commercial Zone. The Sturt/Marion Road Corner Policy Area 3 is limited to the corner allotment of the subject land and is sited in close proximity (>1km) to other Commercial and Industry Zones which can accommodate similar anticipated land uses which are commercial and business in nature. The introduction of an educational land use is not one which is considered to undermine the Objectives of the Zone and Policy Area, particularly when regard is had to the intent of the Policy Area and the outcomes it seeks to achieve.

The Development Plan's desire for a landmark building which generates low traffic volumes somewhat limits the list of envisaged land uses to office/consulting rooms for the site. It has been demonstrated that the immediate and wider locality display various opportunities for these types of land uses to operate and as such, the proposal is not considered to compromise the commercial hierarchy of the locality.

The intent of the zone's aspirations to achieve a landmark building is partially achieved through the proposed built form. The development is considered to comprise a high architectural standard, presenting as a key landmark entrance site for the City of Marion. The height, bulk and scale of the proposed two storey and single storey built form is acceptable, and each proposed building is considered to incorporate sufficient design elements, materials, fenestration and articulation to provide attractive and positive façades. Adverse visual or amenity impacts are not anticipated due to the extent of separation afforded between the proposed built form and the nearby residential properties.

The proposed development will result in an overall student increase of approximately 300 and an approximate staff increase by 18 (including both the ELC and two storey educational building). Based on the current provision of 59 formal spaces currently accommodated on site, the overall development will provide a total of 85 marked spaces, resulting in a net increase of 26 spaces. This exceeds Council's Development Plan requirements by 4 spaces.

Whilst the amount of spaces provides accords with the applicable Development Plan criteria, given the increase in staff and student numbers, it is anticipated adjacent road network will experience additional traffic movements above what is already experienced. The increase is not however anticipated to compromise the safety or function of the surrounding road network. Furthermore, it is important to note, the majority of traffic impacts associated with the proposed use will be concentrated to between 8am to 9am and 3pm to 4pm – the time before/after the school commences and finishes, and therefore traffic impacts will not be as apparent outside of these times. Additionally, the applicant's independent traffic engineer, Council's Development Engineer

and The Department of Planning, Transport and Infrastructure are satisfied that the site provides safe and convenient access, and advised the proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and access/egress arrangements from the site.

The alteration of the existing in/out access point at Sturt and Marion Road is considered to improve traffic circulation and increase the overall safety of road users. The provision of line marked parking spaces and directional markings will help delineate the desired flow of traffic throughout the site while dedicated kiss and drop zones and zebra crossings will assist in providing a safe environment for users of the subject land. The car park layout and circulation aiseways have been designed to exceed the minimum standards and have been reviewed by an independent traffic consultant, Council's Development Engineer and the Department of Planning, Transport and Infrastructure (Traffic), each of which have raised no concerns with the configuration. When regard is provided to the existing car parking configuration, which is shared with a set of playing courts, the proposal is considered to significantly improve pedestrian safety 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, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to the concurrence of the State Commission Assessment Panel, a reserved matter and conditions.

RECOMMENDATION

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concurs 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: 100/342/2020 for To undertake a staged development: Stage 1 - alterations and additions to an existing educational establishment including demolition of existing playing courts, fencing and single storey dwelling, a single storey building for use as a pre-school, construction of a verandah, alterations to access, internal driveway and car parking and associated siteworks and landscaping; Stage 2 - The construction of a two storey educational building (Part 1); Stage 3 - The construction of a two storey educational building (Part 2) at 284-286 Sturt Road, Marion, 288 Sturt Road, Marion, 292-296 Sturt Road, Marion, 876 Marion Road, Marion and 24 Tweed Avenue, Marion be GRANTED subject to the concurrence of the State Commission Assessment Panel (SCAP), and with the following Reserved Matters and Conditions.

RESERVED MATTER

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

1. A fully engineered site works and drainage plan shall be provided to Council administration for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees, to the reasonable satisfaction of Council Administration.
2. Details of the green wall along the eastern side of the two storey building shall be submitted to Council for consideration prior to Development Approval being issued, to the reasonable satisfaction of Council Administration.

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

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2019/816, being:
 - a. Existing Site Plan, Sheet DD01, prepared by Thomson Rossi;
 - b. Demolition Site Plan, Sheet DD02, prepared by Thomson Rossi;
 - c. Proposed Site Plan, Sheet DD03, Revision B, prepared by Thomson Rossi;
 - d. ELC Site Plan, Sheet DD04, prepared by Thomson Rossi;
 - e. Floor Plan and Roof Plan, Sheet DD05, prepared by Thomson Rossi;

- f. Elevations, Sheet DD06, prepared by Thomson Rossi;
 - g. 3D Axonometric, Sheet DD07; prepared by Thomson Rossi;
 - h. Perspectives, Sheet DD08, DD09 and DD10 prepared by Thomson Rossi;
 - i. Stage 2 Plans, Sheet DD10, prepared by Thomson Rossi;
 - j. Stage 1 – Cola – Plan / Elevations, Sheet DD11, prepared by Thomson Rossi;
 - k. Massing – Stage 1, 2 & 3, Sheet DD12, prepared by Thomson Rossi;
 - l. Future Stages - Perspectives, Sheet DD13, prepared by Thomson Rossi;
 - m. Stage 2 - Plans, Sheet DD14, prepared by Thomson Rossi;
 - n. Stage 2- Elevations, Sheet DD15, prepared by Thomson Rossi;
 - o. Stage 3 - Plans, Sheet DD 16, prepared by Thomson Rossi;
 - p. Stage 3 – Elevations, Sheet DD17, prepared by Thomson Rossi;
 - q. Stormwater Management Plan Sheet 1 and Sheet 2, Rev B, prepared by Coombe Pearson Reynolds Consulting Engineers; and
 - r. Page 7 & 8 of the Environmental Noise Assessment, prepared by Sonus.
2. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
 3. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to the occupation and use of the building for its designated use with the marking maintained in a clear and visible condition at all times.
 4. 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.
 5. 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 and shall be screened from public view to the reasonable satisfaction of Council.
 6. Landscaping shall be planted within 3 months of the completion of each Stage and maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
 7. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
 8. 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.
 9. 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.

Department of Planning, Transport and Infrastructure Conditions

10. All access to Sturt Road and Marion Road shall be consistent with Frank Siow turn paths and Thomson Rossi Site Plan, Project 3141, Drawing No. DD03, Revision A dated 23 September 2019.
11. A channelised left turn lane shall be provided at the Marion Road access point prior to the operation of Stage 2. Sufficient land to accommodate the upgrade shall be set aside from the subject site.

12. All road works on Marion Road to facilitate safe access to/from the development (ie. a channelised left turn lane) shall be designed and constructed in accordance with Austroads 'Guide to Road Design', any relevant Australian Standards and any DPTI requirements. All costs associated with the design and construction of the road and access upgrades required to facilitate the development (including, but not limited to, project management and any necessary road drainage, lighting upgrades) shall be borne by the applicant. The applicant shall enter into a Developer Agreement with DPTI regarding these works and shall contact DPTI Traffic Services, Network Planning Engineer, Ms Teresa Xavier on (08) 8226 8389 or via email at teresa.xavier@sa.gov.au to obtain approval and discuss any technical issues regarding the required works.
13. The western access on Sturt Road shall cater for entry only movements and the eastern Sturt Road access shall cater for simultaneous two-way vehicle movements of a 25 seater bus and B99 vehicle. The Sturt Road access points shall be clearly signed and line marked with sufficient flaring to accommodate the vehicles requiring access at each access point.
14. All vehicles shall enter and exit the site in a forward direction.
15. All off-street parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
16. The internal manoeuvring areas for commercial vehicles shall be designed in accordance with *AS2890.2:2018*.
17. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

**REPORT REFERENCE: CAP030620 – 3 – APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 03 JUNE 2020**



3.1 APPEALS AGAINST PANEL DECISIONS

New Appeals

- Nil

On-going Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
100/2019/1993	215 Sturt Road, Seacombe Gardens	05/05/20	Grant DPC	Refuse	Preliminary conference set for Monday 1 st June.
100/2019/2013	244 Sturt Road, Marion	21/04/20	Grant DPC	Refuse	Conciliation conference scheduled 9 July 2020

3.2 APPEALS AGAINST DELEGATED APPLICATIONS

- Council staff will advise Members of any appeals worth noting.

REPORT REFERENCE: CAP030620 – 5 – OTHER BUSINESS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 03 JUNE 2020



5.1 COUNCIL ADMINISTRATION ACKNOWLEDGMENTS

- Council Administration wish to acknowledge the efforts and contributions that departing Independent Members Nathan Sim and Sue Giles have made, over a number of years, to the Council Assessment Panel and the City of Marion more broadly.
- Council Administration wish to acknowledge the efforts and contribution made by departing Elected Member Cr Maggie Duncan to the Council Assessment Panel.