

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 3 July 2019

Commencing at 6.30 p.m.

Committee Room 1 & 2

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

26 June 2019

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 26 JUNE 2019
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. APPLICATIONS

2.1 990-1016 SOUTH ROAD, EDWARDSTOWN

To erect a single sided free-standing LED advertising sign with an overall height of 10.3 metres and a total display area of 38.3 square metres – Castle Plaza Shopping Centre

Report Reference: CAP030719 - 2.1.....1

2.2 36 DE LAINE AVENUE, EDWARDSTOWN

To divide land (1 into 5) allotments to create four (4) additional allotments and one (1) common property allotment.

Report Reference: CAP030719 - 2.2.....12

3. OTHER BUSINESS

3.1 APPEALS UPDATE

3.2 POLICY OBSERVATIONS

**4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 3 JULY 2019**

5. MEETING CLOSURE

**REPORT REFERENCE: CAP030719 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 3 JULY 2019**



Originating Officer:	Stephen Both Development Officer - Planning
Applicant:	Vicinity Centres - Level 4 Chadstone Tower 1
Development Description:	To erect a single sided free-standing LED advertising sign with an overall height of 10.3 metres and a total display area of 38.3 square metres – Castle Plaza Shopping Centre.
Site Location:	990-1016 South Road, Edwardstown
Zone:	Mixed Use Zone
Application Type:	Category 2 / Merit
Lodgement Date:	02/11/2018
Development Plan:	Consolidated – 20 February 2018
Referrals:	DPTI
Delegations Policy:	1.4.1.9 Any application where the Manager Development and Regulatory Services determines that the application warrants assessment by the Panel due to its significant, contentious or controversial nature. The Manager Development and Regulatory Services has determined that the application warrants assessment by the Panel due to its design, size and adverse visual impact beyond the boundaries of the subject land.
Categorisation:	Category 2 Mixed Use Zone, Procedural Matters Public Notification Table - All kinds of development where the site of the development is adjacent land to land in another zone.
Application No:	100/2018/2065
Recommendation:	That Development Plan Consent be REFUSED

BACKGROUND

This application has been amended since first being lodged with Council following concerns raised by Council staff in relation to the siting and presentation of the proposed sign to South Road, the size of the display area and the intended use of the structure, as a third party advertising sign. It

was generally considered that the proposal could not be supported given its height, size and intended use, as a free-standing “third party” advertising sign.

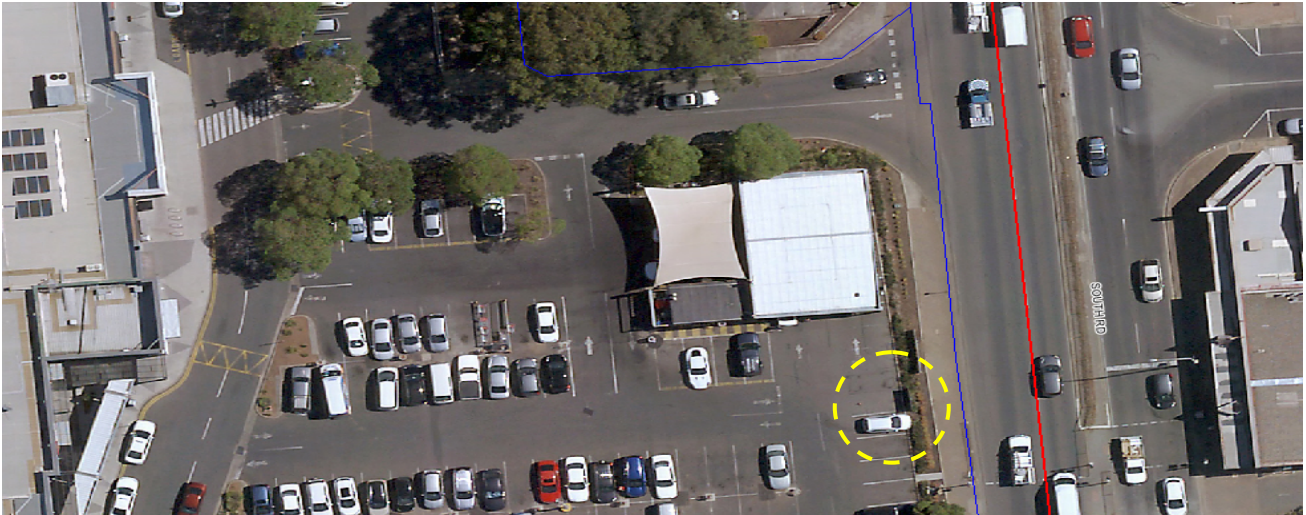
In response to Council's concerns, the applicant submitted amended plans which reduced the overall height of the original sign structure from 12.0 metres to 10.3 metres and a reduction in the display area of the sign from 51.0 square metres to 38.3 square metres in area. In addition, the supporting column of the proposed sign was also reduced from 2.65 metres to 1.32 metres in width.

SUBJECT LAND & LOCALITY

The subject land is located on the western side of South Road at 990-1016 South Road Edwardstown, being the site of the Castle Plaza Shopping Centre. The subject land provides a total site area of approximately 7.158 hectares and has frontages to South Road to the east, Raglan Avenue to the north and Furness Avenue to the south. Access to the rear of the subject land is provided via a number of local roads which abut the site to the west including Lindsay Way, Lindsay Avenue, Norma Avenue, Flinders Avenue and Brook Street.



The site of the development is located approximately 9.6 metres to the south of the existing Quality Car Wash franchise which is located adjacent the subject land's eastern boundary and South Road frontage.



The locality surrounding this site maintains a predominate commercial character which is largely influenced by existing retail and commercial type uses located along both sides of South Road. Land on the western side of South Road comprises the Castle Plaza Shopping Centre, whilst development along the eastern side of South Road (City of Mitcham), comprises mainly individual commercial tenancies and shops of various sizes fronting the road.

Free-standing and fascia advertising signage associated with the various commercial uses, is prevalent along both sides of South Road in various sizes and forms thereby contributing to the commercial character of the locality. Signage located along the western side of South Road notably comprises free-standing pylon signs ranging between 5.0 to 12.0 metres in height.

It is also worthy to note that development along the eastern and western sides of South Road varies in respect to their character, visual appearance and orderliness, with development located along the western side of South Road generally considered to be more orderly when compared to the eastern side of South Road, which exhibits varied built form, with little uniformity in setbacks.

THE PROPOSAL

The application involves the erection of a single sided free-standing LED advertising sign located approximately 9.6 metres to the south of the existing Quality Car Wash franchise, adjacent the subject land's eastern boundary abutting the western side of South Road.

The proposed sign will achieve an overall height of 10.37 metres and incorporate an advertising hoarding area measuring 10.93 metres in width by 3.67 metres in height, to provide a total hoarding area of 40.1 square metres and a total advertising display area of 38.3 square metres.

The proposed sign will be single sided with its advertisement area to be orientated in a north-east direction to attract the attention of south bound traffic travelling along South Road. The proposed sign will be supported by a 6.4 metre high column which is to be located within the existing carpark area adjacent the western boundary of South Road.

The advertisement area will comprise an electronic LED display with static image advertisements to be rotated every forty-five seconds. The applicant advises that the advertisements will be for third party products and are not intended to be directly associated with the Castle Plaza Shopping Centre or its various uses.

Procedural Matters

Classification

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

Referrals

Commissioner of Highways (External Referral):

The application proposes a freestanding LED sign located adjacent South Road, an arterial road under the care, control and management of the CoH. The adjacent section of South Road is identified as a Major Traffic Route, Primary Freight Route, Major Cycling Route and High Activity Pedestrian Area.

DPTI has reviewed the proposal against the *Advertising Signs: Assessment Guidelines for Road Safety* and notes that:

- The sign is within a device restriction area;
- The sign would be viewable to traffic travelling south along South Road; and
- The sign achieves adequate clearances from direct sightlines to the nearby traffic signals.

Accordingly, DPTI raises no objections in-principle to the proposed development subject to appropriate conditions being applied to safely manage the operation of the proposed sign.

Zone Area Considerations

Mixed Use Zone

Objectives

1 A mixed use zone accommodating a mix of employment generating land uses and medium to high density residential development and short term accommodation in close proximity to a high frequency public transport corridor.

2 Retail, commercial, community, civic and residential uses within a mixed use environment that are compatible with surrounding development and do not compromise the amenity of surrounding residential areas.

4 Mixed use development integrated with a high quality public realm that promotes walking, cycling, public transport patronage and positive social interaction.

6 Creation of a network of pedestrian and cycle routes linking retail, employment and residential activities with each other and public transport nodes and connection to cycling and walking networks outside the zone including the proposed 'Greenway' along the Adelaide - Seaford Railway Line.

7 Development that contributes to the desired character of the zone.

Assessment against the Objectives, Principles and Desired Character is not considered relevant as it contains to relevant criteria in which to assess the proposal against.

Principles of Development Control

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

- affordable housing
- community centre
- consulting room
- entertainment venue
- hotel
- library
- office
- residential flat building
- row dwelling
- serviced apartment
- shop or group of shops (other than bulky goods retailing)
- student accommodation
- supported accommodation.

Desired Character

The Mixed Use Zone is intended to facilitate the redevelopment and expansion of an existing traditional retail centre into a more vibrant, compact and intensely developed mixed use activity centre with a focus on integration and connectivity between land uses and public transport facilities.

While the zone will continue to accommodate the weekly shopping and comparison goods needs of the surrounding community, it is envisaged that development will progressively expand the community and employment role of the zone through the provision of a range of appropriate and compatible commercial, cultural, entertainment, educational, civic and community uses.

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

Coordinated redevelopment of large and amalgamated sites that are developed to their full potential is strongly encouraged. Amalgamation of allotments into larger sites will enable the achievement of optimum uses of land through the development of multi-storey buildings

containing a mixture of retail, commercial and community activities at ground and lower levels, with residential apartments generally located above ground level. Other than within Area 2 as shown in Concept Plan Map Mar/9 – Mixed Use Zone, buildings will be provided with base podiums of at least two storeys.

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

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

ASSESSMENT

Whilst the Objectives, Desired Character Statement and Principles of Development Control for the Mixed Use Zone provide guidance in relation to the future development of land located within the Zone and Policy Area, there are no provisions that directly relate to the assessment of freestanding or other forms of signage.

Given this, an assessment of the proposed development will need to be made against the relevant signage provisions prescribed within the General Section of the Development Plan which follows below;

Advertisements

Objectives

1 Urban and rural landscapes that are not disfigured by advertisements and/or advertising hoardings.

Does Not Satisfy

It is considered that the design, height and size of the display area will dominate the commercial landscape, and will result in having a detrimental visual impact along the frontage of the Castle Plaza Shopping Centre.

2 Advertisements and/or advertising hoardings that do not create a hazard.

Satisfies

DPTI has assessed the application and has advised that it raises no objections in-principle to the proposed development subject to appropriate conditions being applied to safely manage the operation of the proposed sign.

3 Advertisements and/or advertising hoardings designed to enhance the appearance of the building and locality.

Does Not Satisfy

It is considered that the design, height and size of the display area of the proposed sign will dominate the commercial landscape, and will result in having a detrimental visual impact along the frontage of the Castle Plaza Shopping Centre.

Principles of Development Control

1 The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:

- (a) consistent with the predominant character of the urban or rural landscape*
- (b) in harmony with any buildings or sites of historic significance or heritage value in the area*
- (c) co-ordinated with and complement the architectural form and design of the building they are to be located on.*

Does Not Satisfy

It is considered that the siting, size, shape and general appearance of the proposed sign to be inconsistent with that of other north-south facing double sided free-standing signs located along the western side of South Road.

The proposed sign is not typical of other free-standing pylon signs contained within the shopping centre site and is not dissimilar in design, appearance and scale to the sort of free-standing "third party" signage one might expect to find along railway corridors.

By comparison, it is considered that the siting, size and height of the existing signs that front the western side of South Road (Red Rooster, Caltex, Hungry Jacks) to be compatible in height, scale and display area without being visually dominate.

Moreover, it is also considered that the height and orientation of the excessive display area will dominate the commercial landscape and will result in having a detrimental visual impact along this section of South Road.

2 The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:

- (a) clutter*
- (b) disorder*
- (c) untidiness of buildings and their surrounds*
- (d) driver distraction.*

Does Not Satisfy

It is generally held that the western side of South Road exhibits a more orderly pattern of development when compared to the eastern side of South Road, which exhibits varied building forms with little uniformity, and a high degree of signage clutter derived from the erection of numerous advertising signs of various sizes and forms.

It is considered that the proposed free-standing sign will add to signage clutter along the western side of South Road. In addition, it is likely to also expect that due to the orientation of the sign it will have the potential to distract motorists travelling south bound along South Road.

4 The content of advertisements should be limited to information relating to the legitimate use of the associated land.

Does Not Satisfy

The applicant has confirmed that the proposed free-standing advertising sign is to be used for third party products and is not intended to be directly associated with the

Castle Plaza Shopping Centre or its various uses.

5 Advertisements and/or advertising hoardings should:
(a) be completely contained within the boundaries of the subject allotment
(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees
(c) not obscure views to vistas or objects of high amenity value.

Satisfies

6 Advertisements and/or advertising hoardings should not be erected on:
(a) a public footpath or veranda post
(b) a road, median strip or traffic island
(c) a vehicle adapted and exhibited primarily as an advertisement
(d) residential land.

Satisfies

7 Signs should not be silhouetted against the sky or project beyond the architectural outline of the building.

Does Not Satisfy

As the proposed advertising sign is to be located in an open location in close proximity to the boundary of South Road, the structure is anticipated to be visually dominant when viewed from surrounding land.

As is common with a number of older billboard signs that are located within the locality, these existing signs have been erected flush up against the walls of existing buildings, thereby concealing the hoarding behind and helping to minimise their visual impact on the streetscape when viewed from surrounding land.

A major concern identified during the assessment of this application is the detrimental visual impact that the large featureless horizontally orientated rear hoarding panel will have on the existing commercial landscape.

As the rear of the proposed sign will face in a south-western direction, it is likely to expect that the rear elevation of the hoarding will have a negative visual impact on the commercial landscape, when viewed from the main shopping centre building and customer car parking area.

10 Advertisements should be designed to conceal their supporting advertising hoarding from view.

Does Not Satisfy

Whilst the applicant has reduced the width of the support column from 2.65 to 1.32 metres in width, it is noted that the proposed sign is to be located within an open and exposed location close to the boundary of South Road. Consequently, it is likely that the 6.4 metre high support column and rear placed hoarding structure will be visually apparent when viewed from South Road and surrounding land.

11 Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.

Does Not Satisfy

As mentioned above, the applicant has confirmed that the proposed free-standing

advertising sign is to be used for third party products and is not intended to be directly associated with the Castle Plaza Shopping Centre or its various uses.

15 Advertisements and/or advertising hoardings should not create a hazard by:

(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road

(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals

(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high

(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).

Satisfies

DPTI has assessed the application and has advised that it raises no objections in-principle to the proposed development subject to appropriate conditions being applied to safely manage the operation of the proposed sign.

16 Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.

Satisfies

This is not considered an issue given that all existing power lines have been placed underground along this section of South Road.

17 Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.

Reasonably Satisfies

Whilst the proposed sign has been identified as being located within a device restriction area, DPTI has advised that it raises no objections in-principle to the proposed development subject to appropriate conditions being applied to safely manage the operation of the proposed sign.

18 Freestanding advertisements and/or advertising hoardings should be:

(a) limited to only one primary advertisement per site or complex

(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.

Does Not Comply

As already mentioned, the subject land already accommodates more than the anticipated number of free-standing multi-tenancy signs on the land.

24 Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.

Complies

DPTI advises that South Road has a posted speed limit of 60km/h

Conclusion

The Castle Plaza Shopping Centre site currently incorporates six free-standing advertising signs, two of which comprise multi-tenancy advertising signs which are exclusive to the shopping centre. These signs stand between 5 and 12 metres in height and are considered to effectively promote the land as a centre for retail sales and commercial activities.

The proposed single sided advertising sign will have a total overall height of 10.3 metres, a width of 10.9 metres, a face height of 3.67 metres and a total advertising display area of 38.3 square metres which would make it one of the largest advertising signs to be located on the subject land if approved. As a “third party” advertising sign, it is considered that the proposed sign bears no relationship to the land it is situated on, or other free-standing signs located within the shopping centre site and will be visually dominant when viewed from South Road and surrounding land.

The proposed development does not seek to minimise the number of displays on the site, which currently incorporates more than the anticipated number of multi-tenancy signs on the land. Furthermore, due to its size and location the proposed sign is not considered to improve or enhance the appearance or amenity of the existing Castle Plaza Shopping Centre site or wider locality, and will only serve to clutter the local landscape with an additional overbearing free-standing advertising structure.

Having assessed the proposed development against the relevant provisions of the Development Plan, I am of the opinion that the proposed development fails to achieve a satisfactory level of compliance to warrant the support of the Council Assessment Panel. As such, I am of the opinion that the proposal is seriously at variance with the Development Plan and therefore warrants refusal.

As a result of the above considerations, it is my view that on balance, that the proposed development is seriously at variance with the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993 and should therefore be refused.

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 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: 100/2065/2018 to erect a single sided free-standing LED advertising sign with an overall height of 10.3 metres and a total display area of 38.3 square metres at 990-1016 South Road, Edwardstown be REFUSED.

REASONS FOR REFUSAL

- 1. The proposed development is considered to be at variance with (General Section – Advertisements) Objectives 1 and 3 as the proposed sign will result in having an adverse visual impact on the existing urban landscape and the immediate locality.
- 2. It is considered that the size, shape and general appearance of the proposed signage to be inconsistent with other free-standing signs located along the western side of South Road and therefore at variance with Advertisements Principle of Development Control 1.
- 3. The proposed development is considered to be at variance with Advertisements Principle of Development Control 2 in that it will add to the number of advertising signs to be located across the frontage of the subject land and consequently increase the potential for signage clutter.
- 4. The proposal development fails to comply with Advertisements Principles of Development Control 4 and 11 given that the content to be advertised by the proposed sign shall only incorporate third party advertising.
- 5. The proposal fails to comply with Advertisements Principle of Development Control 10 as the main support column and associated hoarding associated with the proposed sign has not been adequately concealed and will be clearly visible when viewed from surrounding land.

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>
<i>Attachment V:</i>	<i>External Agency Referral Comments</i>

**REPORT REFERENCE: CAP030719 – 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 3 JULY 2019**



Originating Officer:	Stephen Both Development Officer - Planning
Applicant:	Cohen Developments
Development Description:	To divide land (1 into 5) allotments to create four (4) additional allotments and one (1) common property allotment.
Site Location:	36 De Laine Avenue, Edwardstown
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 1 / Merit
Lodgement Date:	07/03/2019
Development Plan:	Consolidated – 29 November 2018
Referrals	State Commission Assessment Panel SA Water
Delegations Policy:	1.4.1.5 Any application for land division that proposes the creation of three or more additional allotments (excluding an allotment identified as common property or as a free an unrestricted right of way) where one or more of the proposed allotments is more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.
Application No:	100/2019/388
SCAP Reference No:	100/C029/19
Recommendation:	Development Plan Consent, Land Division Consent and Development Approval (Granted)

BACKGROUND

Members are advised that the proposed community title land division application relates to a previously approved land use application, Development Application 100/2018/2343, which was granted Development Plan Consent by staff in accordance with Development Delegations Policy 1.5.1 which states that all development applications other than applications set out in Section 4.1 of the Policy be determined by the Administration. A detailed assessment was undertaken with the proposal illustrating sufficient merit when assessed against the applicable Development Plan provisions to warrant the granting of Development Plan Consent. The application involved the demolition of existing buildings and structures on the land, as well as the construction of five (5) single storey dwellings with associated car parking and landscaping. A copy of the approved plans and details relating to this particular application are included as further information.

SUBJECT LAND

The subject land is located on the southern side of De Laine Avenue and comprises a large regular shaped allotment with a street frontage of 18.29 metres and a depth of 69.3 metres thereby providing a total site area of 1,268.2 square metres.



The subject land is currently developed with a single storey detached dwelling (circa 1920) with a number of associated out-buildings located to the rear of the site. The subject land is relatively flat and is devoid of any regulated trees or mature vegetation.

Vehicle access to the site is provided via a single driveway crossover located on the eastern side of the subject land.

LOCALITY

The wider locality is characterised by a mix of housing types in a variety of architectural styles comprising single storey detached dwellings at low densities primarily located on the northern side of De Laine Avenue, with single storey group dwellings and unit development at medium densities located on the southern side of the street and to the south of the subject land. Given the above, the locality can be described as having a diverse residential character.



THE PROPOSAL

The application seeks to divide the subject land in order to create a total of five community title residential allotments as well as one common property allotment.

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.

Referrals

External

State Commission Assessment Panel (SCAP):

The SCAP raised no concerns in relation to the proposed division of land and have provided a list of standard conditions for inclusion should the application be approved.

SA Water:

Standard comments were received from SA Water and have been taken into consideration as part of the assessment of the application.

Internal

Engineering:

The land use plans were submitted for assessment purposes with no objections raised in relation to the on-site parking and manoeuvring of vehicles accessing each individual garage.

The storage and disposal of stormwater from the subject land was also assessed as part of the land use application and was considered by Council's Engineering Department as being acceptable.

Zone and Policy Area Considerations

Residential Zone

1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.

Proposal consider to adequately satisfy the intent of applicable provisions.

2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.

Medium Density Policy Area 12

Objectives

1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.

Proposal consider to adequately satisfy the intent of applicable provisions.

2 Development that minimises the potential impact of garaging of vehicles on the character of the area.

3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.

4 Development that contributes to the desired character of the policy area.

Desired Character

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

Proposal consider to adequately satisfy the intent of Desired Character by facilitating an attractive residential environment through an improvement in the built form design and presentation.

The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic are appropriate where located centrally within a large site.

Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.

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

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

Principles of Development Control

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

- affordable housing
- dwelling including a residential flat building
- supported accommodation.

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

Satisfies

The dwellings approved in DA 100/2018/2343 comprise five (5) single storey dwellings in the form of group and residential flat dwellings.

It is considered that the proposed allotments will cater for a density and form of housing that is consistent with the desired character for Policy Area 12.

Quantitative Snapshot

Requirement			Proposed
	Group & Residential Flat Dwellings		
Allotment Dimensions			
Area	250 square metres (excluding the driveway/common property)	Partially Satisfies	✓ Lot 300 = 252m2 ✓ Lot 304 = 280m2 ✖ Lot 301 = 162m2 ✖ Lot 302 = 161m2 ✖ Lot 303 = 161m2
Frontage	18 metres	Satisfies	18.3 metres
Depth	45 metres	Satisfies	69.3 metres

Assessment

The application seeks approval to create five community title allotments and one common property allotment thereby increasing the density of the subject land from one to five. As set out above, proposed Lots (301), (302) and (303) all propose site areas that are less than the minimum 250 square metres prescribed for residential flat dwellings and group dwellings within Medium Density Policy Area 12. That said, the subject land provides a total site area of 1,268.2 square metres which equates to an average of 253.6 square metres per allotment/dwelling.

As already mentioned, a separate land use application (DA 100/2343/2018) for the construction of five (5) single storey dwellings has already been approved for subject land. During the assessment of this application, it was demonstrated the all five dwellings achieved a high degree of compliance with the Development Plan, with each dwelling suitably setback from boundaries and provided adequate areas of private open space and on-site car parking provision. As such, the land use application was approved under delegation and the subsequent shortfall in site area which will result with creation of the allotments is considered acceptable.

Land Division

Objectives

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

Satisfies

The proposed division of land is considered to be orderly and in keeping with the density of development that is envisaged within Medium Density Policy Area 12.

It is considered that the proposed increase in the number of dwellings to

be constructed on the subject land will make optimum use of existing under-utilised infrastructure and facilities.

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

Satisfies

The assessment of the corresponding land use application 100/2343/2018 demonstrated that the construction of five single storey dwellings on the subject land could be satisfactorily achieved in accordance with the Development Plan.

Principles of Development Control

1 When land is divided:

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

Satisfies

An engineered site works and drainage plan was assessed by Council's Engineering Department during the assessment of the land use application 100/2343/2018. This plan was considered acceptable and was approved as part of the corresponding land use application.

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

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

Satisfies

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

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

Satisfies

The subject land measures 18.3 metres in width and 69.3 metre in depth for a total site area of 1,268.2 square metres.

8 Allotments in the form of a battle-axe configuration should:

- (a) have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment)*
- (b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction*
- (c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape*
- (d) be avoided where their creation would be incompatible with the prevailing pattern of development.*

Does Not Satisfy

This has been acknowledged however, it has been demonstrated during the assessment of the corresponding land use application 100/2343/2018 that the individual dwellings achieve a reasonable level of compliance in respect to the provisions listed opposite.

9 Access ways serving allotments in the form of a battleaxe configuration should:

(a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:

(i) 4 metres for an allotment that accommodates no more than 3 dwellings

(ii) 6.1 metres for the first 6 metres and 4.6 metres thereafter for an allotment that accommodates up to 7 dwellings

(iii) 8 metres for the first 6 metres and 7 metres thereafter for an allotment that accommodates more than 7 dwellings.

Does Not Satisfy

The width of the driveway at the entrance to the subject land measures 7.0 metres for a distance of 3.0 metres and then narrows in width as the driveway extends to the rear of the subject land.

Notwithstanding the above, Council's Engineering Department have assessed the internal access and turning areas within the driveway as being satisfactory and in accordance with the relevant Australian standards.

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

Does Not Satisfy

As the subject land is located on the southern side of De Laine Avenue, the proposed allotments/approved dwellings will not receive adequate exposure to northern sunlight once the built form has been constructed as required by PDC 11 opposite.

21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:

(a) the size of proposed allotments and sites and opportunities for on-site parking

(b) the availability and frequency of public and community transport

(c) on-street parking demand likely to be generated by nearby uses.

Partially Satisfies

On-site car parking provision and the internal movement of vehicles within the confines of the subject land was assessed by Council's Engineering Department as being satisfactory.

That said, only one on-road car parking space is to be provided along the front of the subject land.

22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).

Does Not Satisfy

As mentioned above, each of the five dwellings approved on the land provide at least two on-site parks per dwelling however, only one on-road car parking space is to be provided along the front of the subject land.

Conclusion

As previously discussed, a land use application for the construction of five (5) single storey dwellings with associated car parking and landscaping has already been granted Development Plan Consent by staff under delegated authority at 36 De Laine Avenue, Edwardstown. The built form application was considered to sufficiently accord with the applicable Objectives and Principles of Development Control to, on balance, warrant support. This same level of staff delegation does not extend to land division applications which seek to create three or more additional allotments, hence the delegated authority for this form of development lies with the CAP.

The proposed plan of division has been assessed and found to be consistent with the layout and configuration of the individual development sites approved in respect to the five single storey dwellings approved in Development Application 100/2343/2018. As such, the application is considered to be orderly development and will not result in any adverse or fundamental impacts on

the wider location (the application is essentially creating allotments for each dwelling and no change in the physical sense will occur).

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, Land Division Consent and Development Approval 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, Land Division Consent and Development Approval for Development Application No: 100/388/2019 to divide land (1 into 5) allotments at 36 De Laine Avenue, Edwardstown be Granted subject to the following conditions:

CONDITIONS

Development Plan Consent

- 1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No. 100/388/2019 (SCAP ref: 100/C029/19), except when varied by the following conditions of consent.
- 2. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 3. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 4. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

- 1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

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

2. Payment of \$29,012.00 into the Planning and Development Fund (4 allotments @ \$7,253.00/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of planning, transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

1. This approval has been granted on the basis of the suitability of the land to construct five (5) single storey dwellings with associated car parking and landscaping as demonstrated in Development Application No: 100/2018/2343. Should the proposed allotments be created and sold without that development occurring, new applicants/owners should be aware that any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council. Please note that the proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or row dwellings) and other dwelling layouts may not be suitable for the proposed allotments.

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>External Agency Referral Comments</i>