

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



**NOTICE OF  
COUNCIL ASSESSMENT PANEL MEETING**

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

**Wednesday 4 March 2020**

**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.

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

Alex Wright  
**ASSESSMENT MANAGER**

26 February 2020

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**CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 4 MARCH 2020  
COMMENCING AT 6.30PM**

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**1.1 OPEN MEETING**

**1.2 PRESENT**

**1.3 APOLOGIES**

**1.4 IN ATTENDANCE**

**2. APPLICATIONS**

**2.1 476-478 Morphett Road WARRADALE 5046**

The construction of a two storey residential flat building, comprising three (3) dwellings with associated driveway, landscaping and masonry front fence.

Report Reference: CAP040320 - 2.1.....1

**2.2 14 Shakespeare Avenue PLYMPTON PARK**

The construction of a two storey residential flat building comprising three dwellings with associated garages and landscaping

Report Reference: CAP040320 - 2.2.....19

**2.3 13 Macklin Street STURT**

Residential land division (Community Title- 1 into 3 allotments) and three, two-storey row dwellings, one of which incorporates a wall on the eastern boundary as well as associated garages and landscaping

Report Reference: CAP040320 - 2.3.....31

**2.4 4 Greenock Drive STURT – CONFIDENTIAL ITEM**

To construct a single storey residential flat building comprising three dwellings with associated landscaping and car parking

Report Reference: CAP040320 - 2.4.....47

**3. OTHER BUSINESS**

**3.1 APPEALS UPDATE**

**3.2 POLICY OBSERVATIONS**

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

**5. MEETING CLOSURE**

**REPORT REFERENCE: CAP040320 - 2.1  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 04 MARCH 2020**



|                                 |   |
|---------------------------------|---|
| <b>Originating Officer:</b>     | <b>Dylan O'Brien<br/>Development Officer - Planning</b>   |
| <b>Applicant:</b>               | <b>Mr Elvio Ferrara</b>   |
| <b>Development Description:</b> | <b>The construction of a two storey residential flat building, comprising three (3) dwellings with associated driveway, landscaping and masonry front fence.</b>  |
| <b>Site Location:</b>           | <b>476-478 Morphet Road WARRADALE 5046</b>  |
| <b>Zone / Policy Area:</b>      | <b>Residential Zone / Medium Density Policy Area 12</b>   |
| <b>Lodgement Date:</b>          | <b>07/02/2019</b>   |
| <b>Development Plan:</b>        | <b>Consolidated – 29 November 2018</b>  |
| <b>Referrals:</b>               | <b>Department of Planning, Transport and Infrastructure</b>   |
| <b>Delegations Policy:</b>      | <b>1.4.1.2</b><br><i>Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>   |
| <b>Categorisation</b>           | <b>Category 2</b><br><i>The subject application is a Category 2 form of development by virtue of Schedule 9, Part 2,18 (b) of the Development Regulations 2008, which assigns development that incorporates 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high as Category 2 development.</i> |
| <b>Application No:</b>          | <b>100/201/2019</b>   |
| <b>Recommendation:</b>          | <b>That Development Plan Consent be Granted subject to conditions</b>   |

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**Attachments**

|                        |   |
|------------------------|---|
| <i>Attachment I:</i>   | <i>Certificate of Title</i>                       |
| <i>Attachment II:</i>  | <i>Proposal Plan and Supporting Documentation</i> |
| <i>Attachment III:</i> | <i>Statement of Representations</i>               |
| <i>Attachment IV:</i>  | <i>Applicant's Response to Representations</i>    |
| <i>Attachment VI:</i>  | <i>External Agency Referral Comments</i>          |

## SUBJECT LAND

The subject site is a vacant allotment at 476-478 Morphett Road Warradale (lot 21). The site has no discernible slope and provides a frontage width of 26.213 metres, a site depth of 39.624 metres and a site area of 1038.66 square metres.

There are no regulated or significant trees identified on the subject land. However, a well-established tree (Spotted Gum) is located within the rear yard of the neighbouring property at 474A Morphett Road. Access to the subject land is presently obtained via a single width crossover on the northern side of the frontage to Morphett Road (refer figure 1 below)

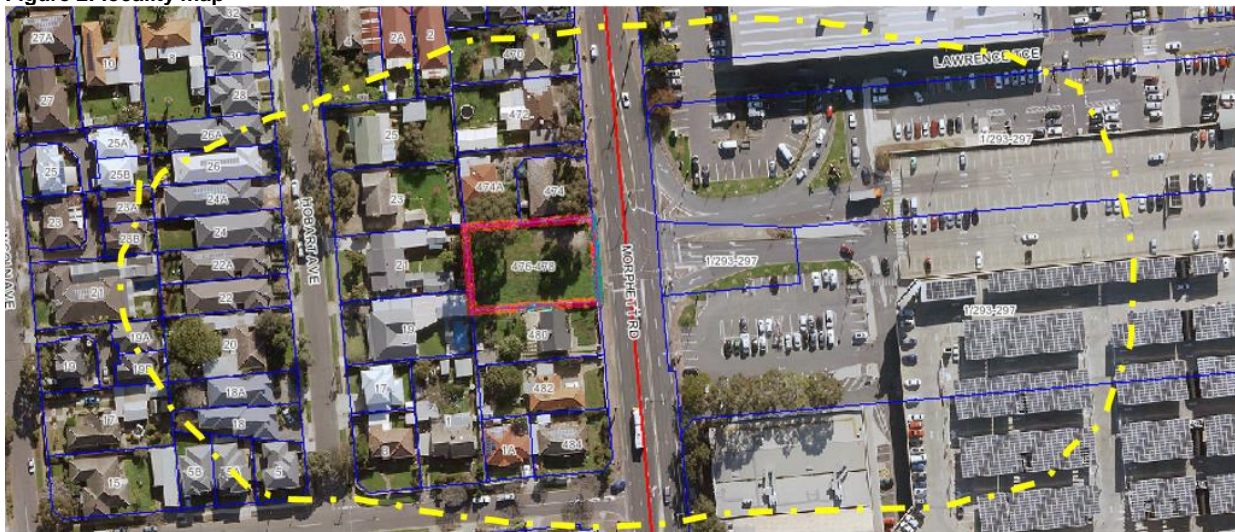
Figure 1: neighbouring tree and crossover location map



## LOCALITY

The pattern of development in the locality is predominantly residential in nature on the western side of Morphett Road in the form of single story detached dwellings with some two-storey dwellings evident, Westfield Shopping Centre complex, comprising various commercial uses, associated buildings and parking to the east of Morphett Road (refer figure 2 below).

Figure 2: locality map



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

## PROPOSED DEVELOPMENT

The proposed development is for the construction of a two storey residential flat building comprising three (3) dwellings with associate car parking, landscaping and a masonry front fence.

Dwelling 1 (located at the front of the site) comprises four bedrooms including a master bedroom on the lower level with ensuite, and three bedrooms including separate ensuite (bedroom 2) on the upper level with a second living area and bathroom. The lower level contains the main entrance and foyer with access to an open plan main living / meals areas and kitchen as well as a separate laundry and toilet.

Dwellings 2 and 3 (located towards the rear of the site) comprised 2 bedrooms on the upper level including Bedroom 1 with ensuite and a second living area and separate bathroom. The lower levels comprise separate lounge rooms, laundry and toilet as well as an open plan living / meals and kitchen area with direct access to an alfresco / courtyard at the rear.

The application includes an engineered site works plan, which indicates variability of approximately 500mm in spot levels across the whole site. To this end, the site is virtually flat with no discernible slope. The allotment is identified as flood prone, where a higher than normal finished floor level is required to reconcile potential impacts from future flooding. According to the site work plan, finished floor levels (FFL) of between 400mm and 600mm above natural ground level. To this end, minimal cut is required and whilst some fill will be incorporated, retaining is unlikely to exceed 400mm.

The proposed dwellings are to gain access from an existing crossover on the eastern side of the property's frontage, which will be altered accordingly and the mature tree located on the neighbouring land (to the north) shall not be adversely affected.

## REFERRALS

### Internal

17/10/2019 engineer has provided the following response:

- All manoeuvring areas are acceptable;
- Traffic and stormwater management has been reviewed and considered appropriate;
- FFL and paving levels are acceptable; and,
- Install 3000 litre rainwater retention tanks plumbed into all toilets and laundry(with filtering) connected to at least 80% roof area, instead of proposed dual retention/detention tanks

### External

Department of Planning, Transport & Infrastructure (DPTI) support the proposed development subject to condition, which have been included as part of the recommendation.



## PROCEDURAL MATTERS

### Classification / Categorisation

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns development that incorporates 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high as Category 2 development.

### Properties Notified

- 12 (shown in orange)

### Representations

- 1 representation received opposing the proposed development (shown in red).

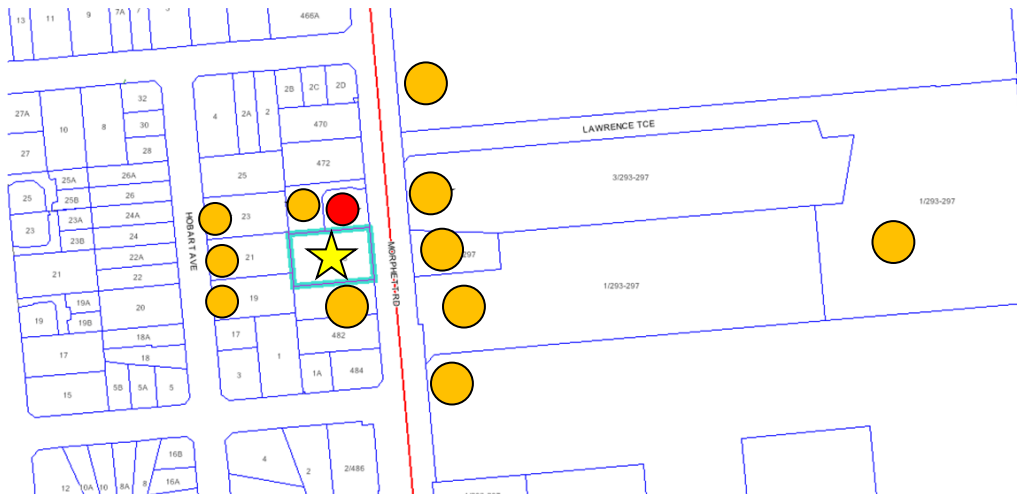
### Person(s) wishing to be heard

Mrs Grizella Kiss at 474A Morphette Road, has expressed opposition to the proposal and indicated that she wishes to be heard and will be represented by a family member. The full list of representation is included within the Report attachments.

### Applicant Response

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

## PUBLIC NOTIFICATION



## ASSESSMENT

The assessment is split into three (3) main sections:

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

## Zone and Policy Area Considerations

### Residential Zone

| Objectives   | Satisfies   |
|--|---|
| <ol style="list-style-type: none"><li>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</li><li>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</li></ol> | <p>The proposal will assist in providing a range of dwelling types for the community.</p> <p>The land is in close proximity to public transport, which offers some merit to increased dwelling density.</p> <p>The land is also within 20 metres (convenient walking distance) of a Regional Centre Zones on the opposite side of Morphet Road.</p> |
| Relevant Principles of Development Control   | Satisfies   |
| <ol style="list-style-type: none"><li>1 The following forms of development are envisaged in the zone:<ul style="list-style-type: none"><li>▪ dwelling including a residential flat building</li></ul></li></ol>  | <p>Residential flat buildings are an envisaged form of development within the policy area.</p>  |

### Medium Density Policy Area 12

| Objectives   | Satisfies  |
|--|--|
| <ol style="list-style-type: none"><li>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.</li><li>2 Development that minimises the potential impact of garaging of vehicles on the character of the area.</li><li>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</li><li>4 Development that contributes to the desired character of the policy area.</li></ol> | <p>Proposal is reflective of the medium density housing type sought, which is in close proximity the Regional Centre Zone (Westfield) and regular public transport nodes along Sturt and Morphet Roads and the Oakland Park train station located approximately 600 metres to the north.</p> <p>The impact of garaging will be minimal, with each dwelling provided with only single car garage or carport that does not face the street and is situated either behind or to the side of the associated dwelling.</p> <p>Proposed density is supported by existing community services and infrastructure.</p> <p>Proposal incorporates good residential design principles and contributes to the Desired Character (refer discussion).</p> |
| Desired Character  | Satisfies  |
| <p>This policy area encompasses areas especially suitable for a wide range</p>   | <p>The proposal is considered to satisfy</p>   |

*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).*

*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.

the Desired Character for the following reasons:

The proposal achieves the desired density, and shall contribute to an attractive residential environment by virtue of its building design and landscaping being complementary of the existing streetscape character and residential environment.

Two-storey dwellings are an envisaged dwelling type and whilst the proposal will result in lesser setbacks to that of the original housing stock, further discussion in this report indicate that the proposal will still result in a cohesive streetscape outcome and the additional bulk and scale of the development is not considered to adversely impact on the amenity of the adjoining properties.

The site is being development at a higher density to that of the original housing stock and will provide a form of housing that will add to the range of housing types in the locality to support varying accommodation needs.

The proposal will not result in the removal of street trees and a comprehensive landscape plan is included as part of the application.

Further discussion is located within the Assessment Discussion of this report.

The proposal is considered to satisfy all of the relevant Zone and Policy Area provision 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 report.

## Quantitative Snapshot

**Existing site area dimensions**    **Site area:** 1038.66m<sup>2</sup> **Frontage width:** 26.213m **Site depth:** 39.624m

| Criteria   | Standard   | Proposed  | compliance                     |
|--|--|---|--------------------------------|
| Site area<br>Medium Density Policy<br>Area 12: PDC 6 | Residential flats<br>250m <sup>2</sup> (average) | Dwelling 1: 264.67m <sup>2</sup><br>Dwelling 2: 163.46m <sup>2</sup><br>Dwelling 3: 188.53m <sup>2</sup><br>Average of dwellings:<br>205.55m <sup>2</sup><br>Common areas: 422m <sup>2</sup><br>Average to total site area: | <b><u>Does not Satisfy</u></b> |



|   |  |  |                                   |
|---|--|--|-----------------------------------|
|   |  | 346.62m <sup>2</sup>   |                                   |
| Frontage width<br><i>Medium Density Policy<br/>Area 12: PDC 6</i>   | <b>Residential flats<br/>18m</b>   | <b>26.213m</b>   | <b>Satisfies</b>                  |
| Site coverage<br><i>Medium Density Policy<br/>Area 12: PDC 7</i>  | <b>40% for sites greater than<br/>325m<sup>2</sup></b>                                 | <b>Dwelling 1: 39%<br/>Dwelling 2: 31%<br/>Dwelling 3: 31%</b>   | <b>Satisfies</b>                  |
| Floor area ratios<br><i>Medium Density Policy<br/>Area 12: PDC 7</i>  | <b>0.80 for sites greater than<br/>325m<sup>2</sup></b>                                | <b>Dwelling 1: 0.64<br/>Dwelling 2: 0.51<br/>Dwelling 3: 0.51</b>  | <b>Satisfies</b>                  |
| Pervious area<br><i>Residential Development<br/>PDC 15</i>  | <b>20%</b>   | Total pervious area: 285m <sup>2</sup><br>(27.5%)  | <b>Satisfies</b>                  |
| Front setback<br><i>Residential Zone: PDC 6</i>   | <b>8.0m</b>  | <b>Dwelling 1: 7.171m</b>  | <b><u>Does not satisfy</u></b>    |
| Carport/garage setback  | <b>5.5m and behind or in-<br/>line with main face</b>                                  | Each dwelling features a<br>carport or garage which<br>setback behind the dwelling   | <b>Satisfies</b>                  |
| Rear setback (ground)<br><i>Residential Zone: PDC 6</i>   | <b>6m, may be reduced to<br/>3m for &lt;50% rear width</b>                             | <b>Dwelling 1: 3.435m<br/>Dwelling 2: 6.5m<br/>Dwelling 3: 6.5m</b>  | <b><u>Partially Satisfies</u></b> |
| Rear setback (upper level)<br><i>Design and appearance<br/>PDC 2</i>  | <b>6m</b>  | <b>Dwelling 1: 3.435m<br/>Dwelling 2: 6.5m<br/>Dwelling 3: 6.5m and<br/>5.55m from existing rear<br/>boundary of site.</b>   | <b><u>Partially Satisfies</u></b> |
| Side setbacks (ground)<br><i>Residential Zone: PDC 6</i>  | <b>0.9m</b>  | <b>Dwelling 1, 2 &amp; 3:<br/>Minimum 3m</b>   | <b>Satisfies</b>                  |
| Side setbacks (upper level)<br><i>Residential Zone: PDC 6</i>   | <b>2.0m</b>  | <b>Dwelling 1: 3.435m<br/>Dwelling 2: 6.5m<br/>Dwelling 3: 6.5m</b>  | <b>Satisfies</b>                  |
| Building height<br><i>Residential Zone: PDC 6</i>   | <b>2 storeys; 9m</b>   | <b>8.3m and approx. 8.76m<br/>above lowest point of<br/>natural ground level.</b>  | <b>Satisfies</b>                  |
| Private open space<br><i>Residential Zone: PDC 7<br/>General Section:<br/>Residential Development:<br/>PDC 16</i> | <b>20%</b>   | <b>Dwelling 1: 77.6m<sup>2</sup> or<br/>22.4% or 126m<sup>2</sup>/36.4%<br/>including front courtyard<br/>Dwelling 2: 64.68m<sup>2</sup> or<br/>18.69%<br/>Dwelling 3: 78.43m<sup>2</sup> or<br/>22.66%.</b> | <b><u>Partially Satisfies</u></b> |
| Private open space<br>dimension<br><i>Residential Zone: PDC 7</i>   | <b>5x5m</b>  | <b>Dwelling 1: 5.0m<br/>Dwelling 2: 6.5m<br/>Dwelling 3: 6.5m</b>  | <b>Satisfies</b>                  |
| Amount of POS to be left<br>uncovered<br><i>General Section<br/>Residential Development:<br/>PDC 22</i>           | <b>50% of private open<br/>space should be open to<br/>the sky</b>                     | <b>Dwelling 1: 66.3% open<br/>Dwelling 2: 77.2% open<br/>Dwelling 3: 81.2% open</b>  | <b>Satisfies</b>                  |
| Garage widths<br><i>General Section<br/>Residential Development:<br/>PDC 12</i>                                   | <b>No wider than 6m or 50%<br/>of the allotment width<br/>whichever is the lesser.</b> | Proposed garages are only<br>single car width.   | <b>Satisfies</b>                  |

|   |  |   |                                   |
|---|--|---|-----------------------------------|
| On-street parking for Residential flat buildings<br><i>General Section:<br/>Transportation &amp; Access:<br/>PDC 42, 43 and Table<br/>Mar/2 - Off-street Vehicle<br/>Parking Requirements</i> | <b>1.5 per dwelling, 1 of which is to be covered plus 1 visitor space per 3 dwellings.</b>   | <u>A dedicated on-site visitor space is <b>not</b> provided.</u>  | <b><u>Partially Satisfies</u></b> |
| Driveway separation<br><i>General Section:<br/>Residential Development:<br/>PDC 40</i>  | <i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i> | Driveway crossover is situated no less than 1.0m from an existing Stobie pole. There are no other infrastructures in front of the subject site to consider. | <b>Satisfies</b>                  |

## Assessment Discussion

The minor variances and compliance to the following criteria, some of which are identified within the Quantitative Snapshot table, are considered and discussed in detail below:

- **Site areas**
- **Front setbacks**
- **rear setback (ground and upper level)**
- **private open space (dwelling 2)**
- **on-street parking (residential flat buildings)**
- **Overshadowing**
- **Privacy**
- **Energy efficiency**
- **Design and appearance**
- **Flooding**
- **Mature vegetation**

### *Site areas*

- *The Medium Density Policy Area 12 requires residential flat buildings to have an average site area no 250m<sup>2</sup> and frontage of 18m.*

If you assess each dwelling and associated curtilage in isolation, Dwelling 2 and 3 exhibit respective site areas of 163.46m<sup>2</sup> and 188.53m<sup>2</sup>, or 205.5m<sup>2</sup> as an average of all three dwellings only. To this end, the proposal falls short of the required 250m<sup>2</sup> for two of the dwellings and as a dwelling average. However, as an average of the entire area (1038m<sup>2</sup>), the proposed density equates to approximately 346m<sup>2</sup> per dwellings, which is greater than the espoused density for this locality / policy area.

Of note, approximately 40% of the total land area (422m<sup>2</sup>) is set aside to provide what is a generous vehicle access / manoeuvring and landscaping area, and buffer between the neighbouring properties to the north and mature Tree (Spotted Gum).

The shortfall in individual curtilage is not consider fatal as the proposal includes a generous common driveway and landscape areas and an average density in relation to the total site areas, which is in excess of the espoused minimum.

In conclusion, the proposed density and frontage requirements are achieved.

### *Front Setbacks*

- *Design and Appearance PDC 23: except where otherwise specified should be set back at least 8 metres from main arterial roads boundaries.*
- *Design and Appearance PDC 24 states: All setbacks from the road frontage should be additional to the road widening setback established under the Metropolitan Adelaide Road Widening Plan Act 1972.*
- *Medium Density Policy Area 12 (Desired Character) stipulates: "... 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 neighbouring properties on either side of the subject land are setback approximately 9.0 metres and 8.0 metres respectively, suggesting an average setback of 8.5 metres. The subject land also fronts onto a main arterial road (Morphett Road) where the Development Plan stipulates minimum setback of 8.0 metres.

The proposal front setback of Dwelling 1 at 7.171 metres falls short of both the established average and minimum requirement. However, DPTI have confirmed there are no current proposals that would require land from the site for road widening, and the proposed building setback of 2.3 metres to the 2.1 metre high masonry wall, is considered acceptable. Furthermore, the level of separation from either side boundary provides a suitable transition between the setback of the established neighbours, while the generous landscape plan should (over time) soften the appearance of the dwellings from the street.

Therefore, having regard to the above, and including the Desired Character, which espouses lesser setbacks to that of the original housing stock and knowing the proposal will not be affected by future road widening, the front setback of 7.171 metres, which is only 1.329 metres closer, is acceptable as it should not look out of character with the prevailing setback pattern.

### *Setbacks / Rear setbacks (ground floor and upper level)*

- *Residential Zone PDC 6: dwelling should be designed with a minimum setback of 6m for single storey parts of the dwelling (where no wall height exceeds 3 metres), 6m for all other parts of the dwelling with a wall height greater than 3 metres,*
- *Design and appearance PDC 2 suggest buildings should be sited with respect to side and rear property boundaries to:*
  - (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight*
  - (b) minimise the impact of bulk and scale of development on adjoining properties*
  - (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.*

The proposed dwellings are joined together as residential flats, from dwelling 1, which faces Morphett Road directly, to dwelling 3 at the rear of the site. Only dwelling 3 (at the rear) is located in a conventional manner adjacent the rear boundary of the site. In this instance, dwelling 3 proposes an upper and lower level rear setback of 5.55 metres, which is 450mm short of the minimum upper and lower level setback standard. However, the neighbouring dwellings to the rear are set well away from the subject site / rear boundary and are separated by a number of ancillary outbuilding structures (refer diagrams below). To this end, the visual and / or overshadowing consequences upon the immediate neighbours to the rear are considered negligible.

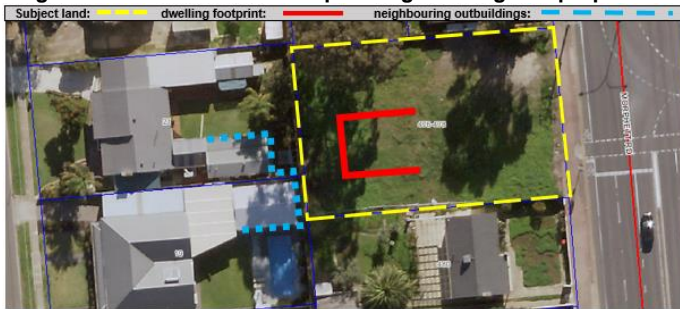
With regard to Dwelling 1, the upper-level rear setback shortfall is not based on the conventional arrangement, where the setback is adjacent the actual rear boundary of the allotment. Specifically, the lower and upper level rear setback faces what will be the proposed side boundary of Dwelling 2, where the outlook is to the south, away for Dwelling 1. Furthermore, given what can be prescribed as a minimum side setback (2.0m), the proposed rear setback of approximately 3.4 metres in

relation to the side boundary of Dwelling 2 is considered to be adequate for this type of the dwelling infill arrangement.

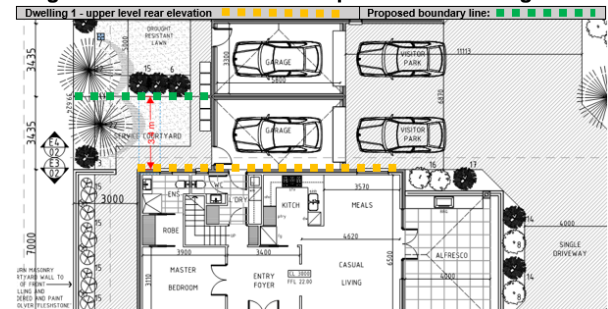
Given the reasonably small footprint of the dwellings and level of separation from neighbouring buildings to the rear and southern side, and generous setback from the northern side boundary, the bulk and scale on adjoining properties is considered acceptable. Moreover, the low footprint sufficiently maintains the character of the locality in regards to the patterns of space between buildings and provides opportunity for landscaping that will overtime soften the appearance of the proposed dwellings from the street and to some degree between properties.

To this end, the proposed setbacks will not detract from the amenity of adjoining properties in terms of noise, privacy, sunlight or bulk and scale.

**Diagram 1: indicates relationship to neighbouring rear properties.**



**Diagram 2: indicated relationship between dwelling 1 & 2.**



### Private Open Space

- *General Section, Residential Development, PDC 22:* A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.
- *Residential Zone, PDC 7:* minima area of private open space no less than 20 per cent of site area.

Dwelling 2 features 64.68m<sup>2</sup> of private open space (POS) which equates to only 18.69% of the total site area. Whilst this falls marginally short of the numerical standard (20% or approx. 69m<sup>2</sup>) prescribed in PDC 7, the actual area is designed as one continuous space with a generous dimension of 6.5 metres by 9.952 metres which exceeds the required minimum dimension of 5.0 metres by 5.0 metres, with direct connection to the internal living area. Furthermore, given Dwelling 2 is essentially a two-bedroom dwelling, I am satisfied that regardless of the numerical shortfall (which is marginal), the proposed POS area is sufficient in size and dimension to accommodate the likely needs of future occupants.

### On-street parking for Residential flat buildings

- *General Section: Transportation & Access: PDC 42* On-site visitor parking spaces should be sited and designed to:
  - (a) not dominate internal site layout
  - (b) be clearly defined as visitor spaces not specifically associated with any particular dwelling
  - (c) be accessible to visitors at all times.
- *General Section: Transportation & Access: PDC 43 - On-site vehicle parking should be provided having regard to:*
  - (a) the number, nature and size of proposed dwellings
  - (b) proximity to centre facilities, public and community transport within walking distance of the dwellings
  - (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons
  - (d) availability of on-street car parking
  - (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).
- *Table Mar/2 - Off-street Vehicle Parking Requirements.*

The proposal falls partially short of the on-site parking provisions as it fails to provide dedicated on site visitor space. In addition, the location adjacent an intersection and major access point to Westfield precludes on-street parking.

Nonetheless, each dwelling is provided with two dedicated on-site spaces, where the requirement is only 1.5 spaces, and 6 spaces in total, where the provisions stipulate 5.5 (including a dedicated visitor space). Furthermore, future occupants are less likely to be reliant on daily vehicles use as the subject land is located within convenient walking distance to and from major public transport nodes, the Westfield shopping centre and various associated services located within the Regional Centre Precinct directly opposite the subject land.

For these reasons, the failure to provide a dedicated on-site visitor park is appropriated by the overall level of on-site parking, and location of the site being within convenient walking distance to services, shopping and public transport.

### *Overshadowing*

- *Design and Appearance, PDC 9: The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:*
  - (a) *windows of habitable rooms*
  - (b) *upper-level private balconies that provide the primary open space area for a dwelling*
  - (c) *solar collectors (such as solar hot water systems and photovoltaic cells).*
- *Design and Appearance, PDC 10 Except where otherwise specified in a zone, policy area or precinct, development should ensure that:*
  - (a) *north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June*
  - (b) *ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:*
    - (i) *half of the existing ground level private open space*
    - (ii) *35 square metres of the existing ground level private open space*
  - (c) *where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.*

In relation to the southern side boundary, the rear setback of dwelling 2 and 3 is 6.5 metres. If you project a likely shadow from a wall height of 6 metres at the winter solstice, the extent of shadow will be approximately 9.5 metres to the south. To this end, the dwellings are likely to result in shadow being cast over a 3 metre portion of the neighbouring land to the south. However, if you take into account the boundary fence, which is generally 1.8 metres and up to 2.1 metres in height, the level of overshadowing is unlikely to exceed that which already occurs as a result of the neighbouring boundary fence.

The immediate neighbours to the south are unlikely to be impacted beyond current levels to any notable degree and the proposal does not offend PDC 10 in terms of overshadowing having an impact on habitable room windows and / or private open space areas of adjoining dwellings.

### *Visual privacy*

- *Design and appearance PDC 11 states: Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:*
  - (a) *off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct*
  - (b) *building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms*



*(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.*

- *Design and appearance PDC 12 states: Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.*

Design and Appearance Principle 11 suggests buildings with upper level habitable room windows should minimise direct overlooking of habitable room windows and private open spaces through appropriate privacy measures, which are appropriately integrated into the design of the built form and have minimal impacts on residents' or neighbours' amenity.

To appropriately minimise the potential for unreasonable overlooking from windows located along the side and rear elevations, the proposed dwellings incorporate either fixed obscure glazing and / or all window sill height are set at 1.7 metres above the upper level internal finished floor level.

Upper storey windows on the front elevation of Dwelling 1 are unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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

### *Energy Efficiency*

- *General Section: Energy Efficiency PDC 1: Development should provide for efficient solar access to buildings and open space all year around.*
- *General Section: Energy Efficiency PDC 2: Buildings should be sited and designed:*
  - (a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings*
  - (b) so that open spaces associated with the main activity areas face north for exposure to winter sun.*
- *General Section: Energy Efficiency PDC 3: Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:*
  - (a) taking into account overshadowing from neighbouring buildings*
  - (b) designing roof orientation and pitches to maximise exposure to direct sunlight.*

The Development Plan seeks development that provides for efficient solar access to buildings and open space all year around. Furthermore, buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings and that open spaces associated with the main activity areas proposed, face north for exposure to winter sun.

Dwellings 2 and 3 are oriented so that their open space and main activity areas face south. However, these dwellings also feature a habitable room (lounge rooms) with a north facing window for exposure to winter sun, and thereby provide for efficient solar access to an internal living area all year around.

Dwelling 1 features a north facing private open space courtyard approximately 30m<sup>2</sup> with a minimum 5 metre dimension which is equivalent to approximately 40% of the total private open space area, and with direct connection to the internal living area that will receive direct northern winter sunlight throughout the day.

Whilst the proposal has not been designed to optimise northern sunlight to all private open space areas, each dwelling is provided with either a living area and / or a portion of POS that will benefit from the northern sun exposure during the winter months. Furthermore, each dwelling incorporate a

hipped roof form set at a 25 degree pitch, with north-facing sections upon which future solar panels could be sited efficiently.

For these reasons, the proposal accords sufficiently with the Development Plan as it relates to energy efficiency.

### *Design and Appearance*

- *General Section Design & Appearance: PDC 1 Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:*
  - (a) *building height, mass and proportion*
  - (b) *external materials, patterns, colours and decorative elements*
  - (c) *roof form and pitch*
  - (d) *façade articulation and detailing*
  - (e) *verandas, eaves, parapets and window screens.*
- *General Section: Design & Appearance: PDC 3 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.*
- *General Section Residential Development PDC 6: Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:*
  - (a) *front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants*
  - (b) *individual entries for ground floor accommodation*
  - (c) *opportunities to overlook adjacent public space.*
- *General Section, Residential Development PDC 8: Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.*
- *General Section Residential Development PDC 9: Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.*
- *General Section Residential Development PDC 2: Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.*

The proposed dwellings reflect the Desired Character of the locality, as they incorporate an attractive presentation to the streetscape via Dwelling 1, with the inclusion of well-proportioned lower and upper level windows and main entrance that will be set behind a masonry front fence and gateway with landscaping to front of the site, and surrounding the common driveway to the northern side. Other design elements include, a hipped / gabled roof form at a 25 degree pitch with eave overhangs.

The façades include timber shutters surrounding timber window frames painted in cottage blue and a small portico over the main entrance, as well as 'corvato stule' terracotta roof tiles and a variety of profiles / treatments including, an eave freeze and corbels below the eave lines and coin work between lower and upper levels and through the external corners that will be painted in rich burgundy and offset from the rendered main façade that will be painted 'broken white'.

The combination of finishes and profiles along with the windows and entrance treatments will provide element of visual interest and assist to break up and reduce the bulk and scale of the dwellings from the street.

For the reasons above, I am satisfied that the design and appearance of the dwellings is acceptable for this particular site and locality and appropriately satisfy the relevant Development Plan criteria.

### *Flooding*

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the proposed finished floor levels and setbacks from boundaries are sufficient to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

### *Mature vegetation*

Medium Density Policy Area 12 (Desired Character) stipulates: *"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"*.

There are no mature trees on the subject that will be affected by the proposal. A mature tree (spotted gum) measuring 3.6 metres in circumference and 1.1458 metres in diameter is however, located on the adjacent property at 474A Morphett Road. Whilst this tree is **not** proposed to be removed, given the location is within 10 metres of a dwelling, the tree is not a regulated tree, and not provided with any protection under the Development Act 1993. To this end, the tree can be removed at any time without approval. Furthermore, to include formal tree protection conditions would be considered ultra vires (acting beyond ones legal powers of authority).

The applicant has provided an arborist report prepared by Dr, Martin Ely PhD from Project Green, which also acknowledges the lack legislated protections, although to facilitate a positive outcome for the tree and the tree owner. The report recommends that protection measures are utilised where possible, as the tree is owned by the neighbours and there may be civil liabilities involved if there is damage to the tree or damage caused by the tree in response to development activities at 476-478 Morphett Road (subject site).

To this end, I have included the recommended measures prescribed by the arborist as 'general notes' which are not enforceable, to advise the applicant accordingly should the proposal receive Development Plan Consent.

## **CONCLUSION**

The preceding report has identified that the proposed dwellings accord sufficiently with the density envisaged.

The proposal maintains a coherent streetscape as a result of the street setback, front yard landscaping and design to reduce the bulk and scale of each dwelling, and the dwellings' appearance will be modern in terms of design. The proposed variety / use of materials should provide a positive contribution to the existing streetscape, while garaging is discreetly located behind the associated dwellings facing the common driveway, and will not be readily visible from the street.

The level of separation from the side / rear boundaries is sufficient to minimise the bulk and scale of the two-storey dwellings as viewed from the adjacent land. The impact of the dwellings' two-storey nature is therefore considered reasonable as will have a negligible impact on the amenity of adjacent land via noise, overshadowing or loss of privacy.

The proposal does not result in the removal of mature street trees in a road reserve, nor the large Spotted Gum on adjacent land to the north. On balance, the proposal is considered to adequately comply with the all relevant requirement and is therefore an actable / appropriate development for this site and locality.

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: 100/2019/201 for the construction of a two storey residential flat building, comprising three (3) dwellings with associated driveway, landscaping and masonry front fence, at 476 to 478 Morphett road, Warradale be GRANTED Development Plan Consent, subject to the following conditions:

### **Development Plan Consent**

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/201/2019, being drawing number CRD/PC, prepared by TMK Consultant Engineers, and documentation titled Drainage Plan, and Plans Titled, “Morphett Rd Fence Elevation 1, Morphett Rd Front Elevation 2, Internal Rear Elevation 3, 4 and 5, Side (South) Fencing Elevation 6, Side South Elevation 7, Side (North) Elevation 8, Site & Ground Floor Plan and Site & Upper Floor Plan” (Inclusive) prepared by Elvio Ferrara Design & Construct P/L, except when varied by the following conditions of consent.
2. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council’s information guide titled “Stormwater Detention”, to the reasonable satisfaction of the Council.  
  
*<https://cdn.marion.sa.gov.au/sp/Brochure-Stormwater-Detention-Retention.pdf>*
4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
7. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.



8. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
9. All 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.
10. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

#### **DPTI Conditions**

11. Access to Morphett Road shall be constructed in general accordance with Elvio Ferrara Design Site and Ground Floor Plan, Project No. 1725 A, Page 01/02, Issue A dated 30 July 2019.
12. The access point shall be suitably flared to Morphett Road to allow convenient ingress and egress movements in order to minimise disruption to the free flow of traffic. The flaring shall maintain 1 metre clearance from the Stobie pole located to the north of the access.
13. All vehicles shall enter and exit the site in a forward direction.
14. The shared vehicle manoeuvring area(s) shall be clear of all obstructions.
15. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Morphett Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

#### **NOTES**

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. 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.

6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

**Tree protection note**

7. The mature tree *Corymbia maculata* (Spotted Gum) located adjacent the northern side boundary of the subject site within the neighbouring land at 474A Morphett Road, is exempt from the regulated tree provisions of the Development Act. However, this exemption does not absolved against potential civil liabilities if there is damage to the tree or damage caused by the tree in response to development activities at 476-478 Morphett Road.

Australian Standard 4970-2009 (Protection of trees on development sites) provides guidance on principles and best practices for protecting trees on or in close proximity to the land subject to development.

It is suggested that a project arborist with a sufficient level of qualification be engaged to provide advice in relation Australian Standard 4970-2009 and implement appropriate measures to protect the subject tree during and following construction.

**REPORT REFERENCE: CAP040320 – 2.2  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 4 MARCH 2020**



|                                 |   |
|---------------------------------|---|
| <b>Originating Officer:</b>     | <b>Nicholas Timotheou<br/>Development Officer - Planning</b>  |
| <b>Applicant:</b>               | <b>Intro Architecture</b>   |
| <b>Development Description:</b> | <b>The construction of a two storey residential flat building comprising three dwellings with associated garages and landscaping</b>  |
| <b>Site Location:</b>           | <b>14 Shakespeare Avenue, Plympton Park</b>   |
| <b>Zone &amp; Policy Area:</b>  | <b>Residential Zone / Northern Policy Area 13</b>   |
| <b>Lodgement Date:</b>          | <b>19/06/2019</b>   |
| <b>Development Plan:</b>        | <b>Consolidated – 29 November 2019</b>  |
| <b>Referrals</b>                | <b>Coordinator Arboriculture (Internal)</b>   |
| <b>Delegations Policy:</b>      | <b>1.4.1.6</b><br><i>Any application for three or more dwellings (including detached, semidetached, row and residential flat) where one or more dwelling sites are more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.</i>  |
| <b>Categorisation:</b>          | <b>Category 2</b><br><i>Schedule 9 Part 2 (18)</i><br><i>Except where the development falls within Part 1 of this Schedule, is within the City of Adelaide, or is classified as non-complying development under the relevant Development Plan, any development which consists of the construction of the following, or a change of land use consequent on the construction of the following:</i><br><i>(a) 1 or more buildings of 2 storeys comprising dwellings; or</i><br><i>(b) 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high, but no residential building is to be more than 2 storeys high.</i> |
| <b>Application No:</b>          | <b>100/2019/1007</b>  |
| <b>Recommendation:</b>          | <b>That Development Plan Consent be REFUSED</b>   |

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*Attachment I: Certificate of Title*  
*Attachment II: Proposal Plans*  
*Attachment III: Representations*  
*Attachment I: Response to Representations*

## BACKGROUND

Despite the nature of the proposed development being described as a residential flat building, through the lodgement of an associated land division application (100/2019/1658), the applicant has indicated their intention to formally divide the land. If this were to occur, the dwelling type would be defined as three, two storey row dwellings.

**residential flat building** means a single building in which there are 2 or more dwellings, but does not include a semi-detached dwelling, a row dwelling or a group dwelling;

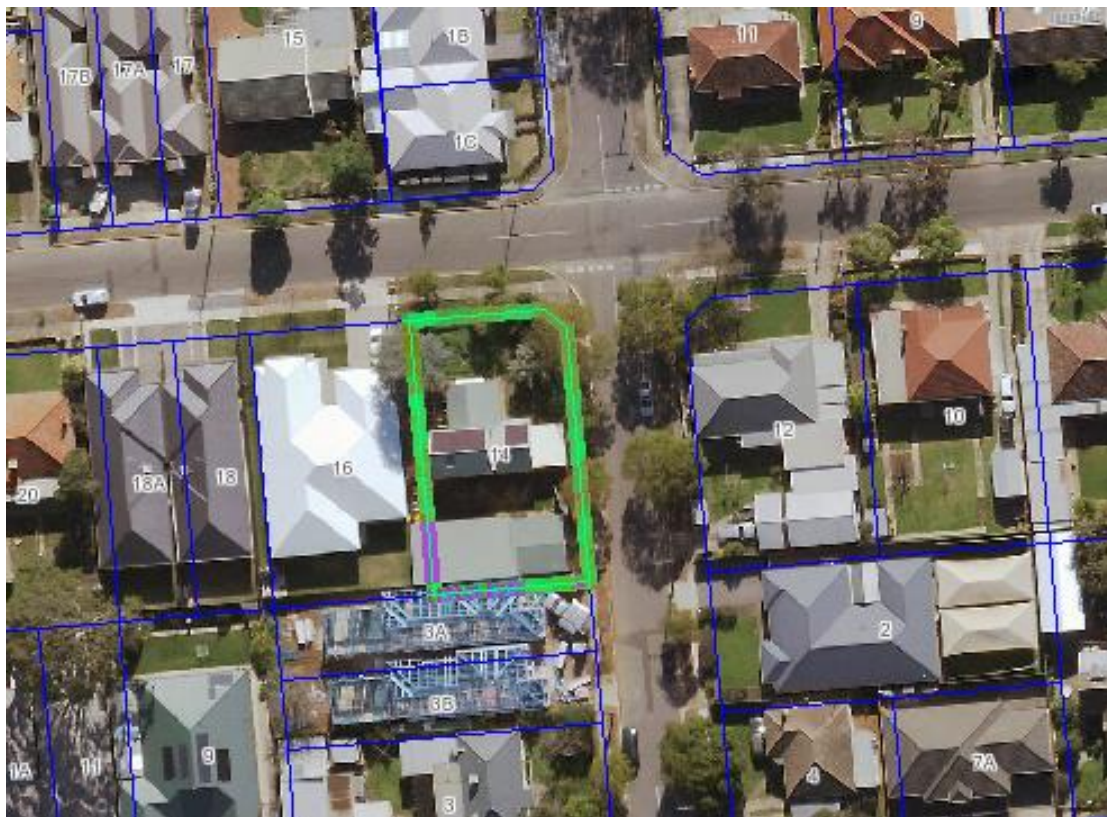
**row dwelling** means a dwelling—

- (a) occupying a site that is held exclusively with that dwelling and has a frontage to a public road or to a road proposed in a plan of land division that is the subject of a current development authorisation; and
- (b) comprising 1 of 3 or more dwellings erected side by side, joined together and forming, by themselves, a single building;

## SUBJECT LAND

The subject land is located at 14 Shakespeare Avenue, Plympton Park. The allotment is rectangular in shape with a primary frontage of 20.1 metres to Shakespeare Avenue (including corner cut-off), a secondary frontage of 35.35 metres to Wilson Street, and total site area of 706 square metres.

The subject land currently accommodates a single-storey detached dwelling and ancillary structures with vehicular access via the secondary street of Wilson Avenue. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

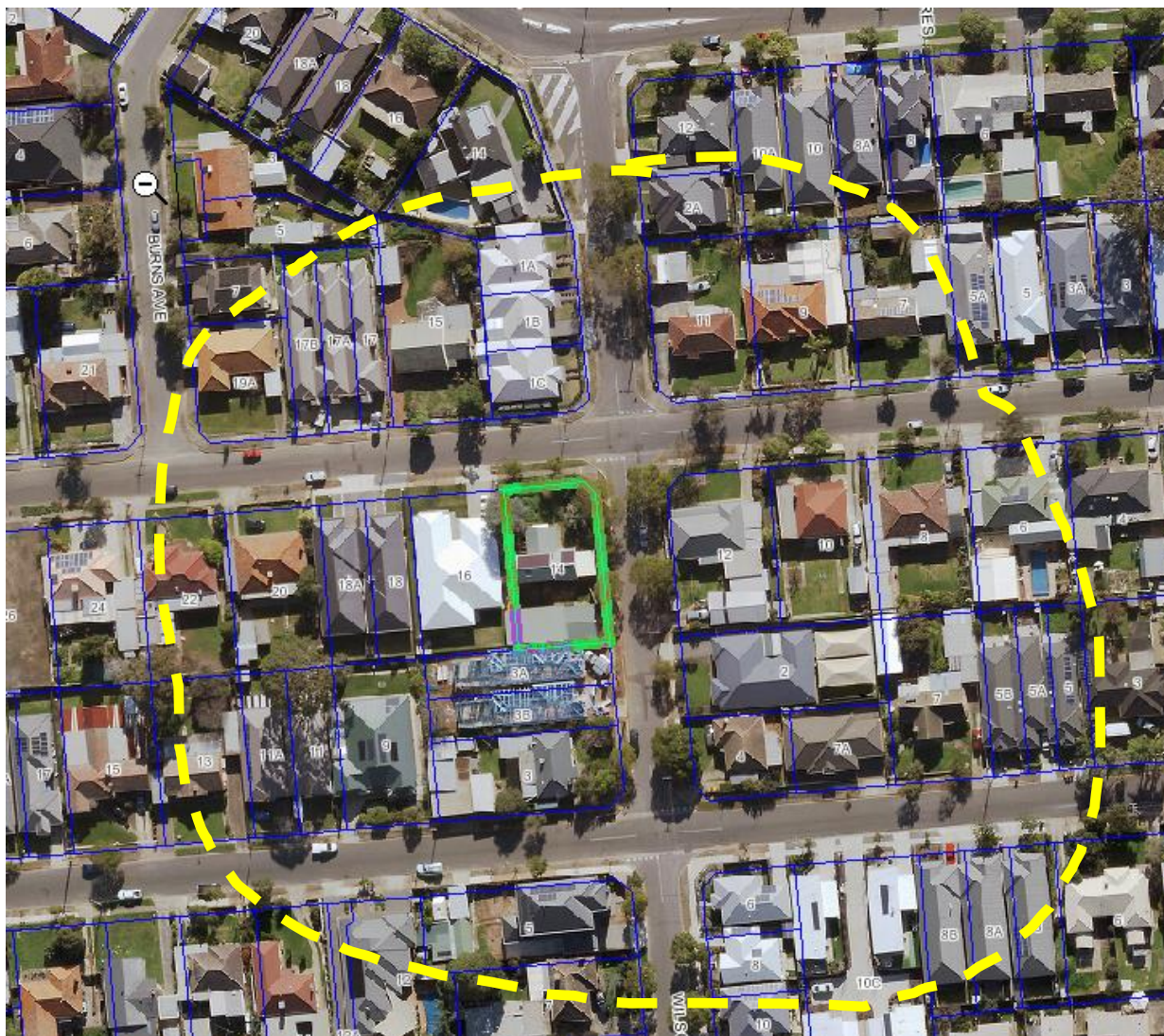




## LOCALITY

The locality is residential in nature, and predominantly consists of single storey detached dwellings at low densities, which are representative of the original dwelling stock. A number of redeveloped/sub-divided properties are also evident in the locality, which typically take the form of single-storey detached and semi-detached dwellings, and to a lesser extent, group and row dwellings.

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



## THE PROPOSAL

The application is best described as follows;

“The construction of a two storey residential flat building comprising three dwellings with associated garages and landscaping”.

The dwellings each incorporate three bedrooms (main with ensuite), laundry, bathroom and separate WC as well as open plan kitchen/living/meals areas with direct access to the associated area of private open space. Dwelling 1 and 2 include a second lounge at the entrance, whereas Dwelling 3 provides a study facing the street. Each dwelling is provided with a double width garage



and an associated visitor space within the driveway, which seek to gain access via two new crossovers on Wilson Street and one via Shakespeare Avenue.

The dwellings incorporate a mixture of materials and finishes including cladding, exposed brick and panel lift doors. The protruding front porch/verandah incorporates cladding and the roof forms includes a skillion design in Colorbond. A selection of landscaping is also proposed throughout the site, including a semi-mature tree forward of each dwelling.

No fencing details are provided as part of the subject application and any such fencing will be at the discretion of the future owners/occupiers (and in accordance with the relevant legislative requirements).

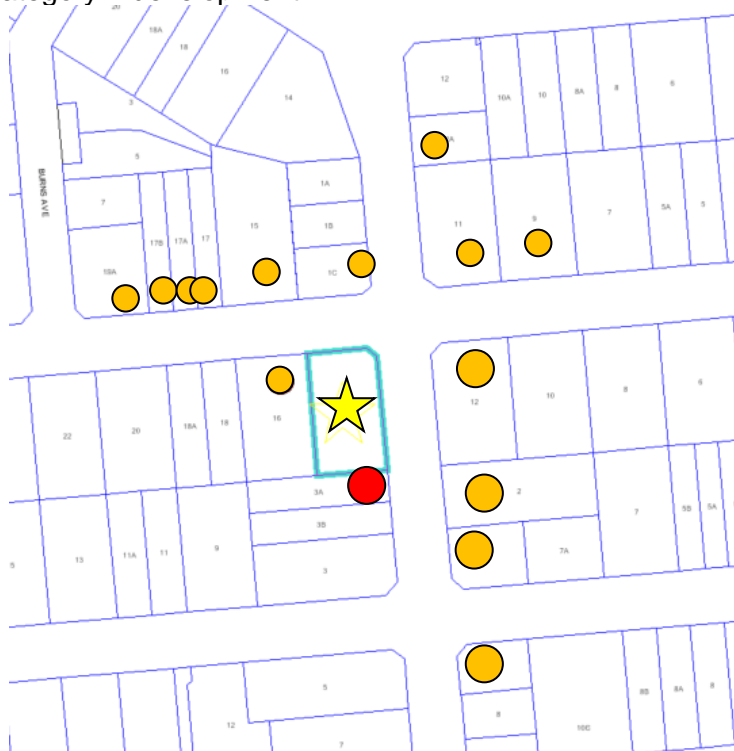
## Procedural Matters

## Classification

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

## Categorisation

The application forms a Category 2 development by virtue of Schedule 9 of the Development Regulations 2008, which prescribes the construction of 1 or more buildings of 2 storeys comprising dwellings as a Category 2 development.



|                                    |   |
|------------------------------------|---|
| <b>Properties Notified</b>         | 15 (in orange)  |
| <b>Representations</b>             | 1 representation received opposing the development (in red) |
| <b>Persons wishing to be heard</b> | Mr Thomas Guerin – 3a Wilson Street, Plympton Park          |
| <b>Applicant Response</b>          | Refer report attachments                                    |

## Referrals

### Internal

#### **Coordinator Arboriculture**

- The southern tree along Wilson Street shall maintain a minimum of 2.0 metres radius setback from the trunk face of the tree.
- The middle tree along Wilson Street may be removed provided the cost be covered by the applicant at \$650.00+gst
- The tree along Shakespeare Avenue may be removed provided the cost be covered by the applicant at \$650.00+gst

## Zone and Policy Area Considerations

### **Residential Zone**

- |   |   |  |
|---|---|--|
| 1 | <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i> | Proposal considered to adequately satisfy the intent of applicable Objectives. |
| 2 | <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i>  |  |

### **Northern Policy Area 13**

#### **Objectives**

- |    |  |   |
|----|--|---|
| 1. | <i>A policy area primarily comprising low scale, low to medium density housing.</i>  | Proposal considered to partially satisfy the intent of applicable Provisions. |
| 2. | <i>Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i> |   |
| 3. | <i>Development that minimises the impact of garaging of vehicles on the character of the locality.</i>   |   |
| 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>   |   |

#### **Desired Character**

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

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

*The desired character is an attractive residential environment containing low 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.*

*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.*

### Principles of Development Control

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

- 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.

### Quantitative Snapshot

| Requirement               |                                   | Proposed                                 |                              |   |                     |
|---------------------------|-----------------------------------|--|------------------------------|---|---------------------|
| Residential Flat building |                                   | Dwelling 1                               | Dwelling 2                   | Dwelling 3  |                     |
| Allotment Dimensions      |                                   |  |                              |   |                     |
| Area                      | 300m <sup>2</sup> average         | 243.8sqm                                 | 223.6sqm                     | 239.1sqm  | Does not satisfy    |
| Frontage                  | 20m                               | 12.1m                                    | 11.1m                        | 12.1m   | Satisfies           |
| Depth                     | 45m                               | 20.1m                                    | 20.1m                        | 20.1m   | Does Not Satisfy    |
| Setbacks                  |                                   |  |                              |   |                     |
| Front                     | Average of adjoining dwelling: 5m | 5m                                       | 5m                           | 5m  | Satisfies           |
| Garage                    | 5.5m                              | 5.5m                                     | 5.5m                         | 5.5m  | Satisfies           |
| Side                      | 0.9m                              | 1m                                       | n/a                          | n/a (secondary street setback)                          | Satisfies           |
| Upper level side          | 2m / 3m                           | 3m                                       | Internal                     | Internal and second street                              | Satisfies           |
| Rear                      | 6m/3m (50% allotment width)       | 6m/3m (<50%)                             | 6m/3m (<50%)                 | 6m  | Satisfies           |
| Upper level rear          | 8m                                | 6  | 6                            | 6   | Does Not Satisfy    |
| Secondary                 | 2m                                | n/a                                      | n/a                          | 2m  | Satisfies           |
| Building Footprint        |                                   |  |                              |   |                     |
| Site Coverage             | 40%                               | 52.7% (128.5m <sup>2</sup> )             | 57.4% (128.4m <sup>2</sup> ) | 58.1% (139m <sup>2</sup> )                              | Does Not Satisfy    |
|                           |                                   | Total site coverage – 396sqm (56%)       |                              |   |                     |
| Floor area ratio          | 0.6                               | 149m <sup>2</sup> 0.61                   | 149m <sup>2</sup> 0.66       | 150.5 m <sup>2</sup> 0.63                               | Does Not Satisfy    |
|                           |                                   | Total floor area ratio – 448.5sqm (0.64) |                              |   |                     |
| Pervious Surface          | 20%                               | 157.4m <sup>2</sup> (22.3%)              |                              |   | Satisfies           |
| Wall on Boundary          | 3m height, 8m length              | n/a                                      | n/a                          | Length: 6.3m<br>Height: 3.2m from natural ground level) | Partially Satisfies |
| Building Height           | Two storey < 9m                   | Two-storey < 9m                          |                              |   | Satisfies           |

| Private Open Space |   |                           |                         |                             |   |
|--------------------|---|---------------------------|-------------------------|-----------------------------|---|
| Area               | 20% of allotment (side or rear)             | 21% (56.2m <sup>2</sup> ) | 26% (60m <sup>2</sup> ) | 17.4% (41.8m <sup>2</sup> ) | Satisfies (D1 & 2)<br>Does Not Satisfy (D3) |
| Dimensions         | 5m by 5m (part accessible from living area) | 5.5 x 6m                  | 5.5 x 6m                | 3.78 x 5.5m                 | Satisfies (D1 & 2)<br>Does Not Satisfy (D3) |
| Car parking        |   |                           |                         |                             |   |
| On-site            | 2 spaces, 1 covered                         | 4 spaces, 2 covered       | 4 spaces, 2 covered     | 2 spaces                    | Satisfies                                   |
| On-street          | 1 space (6 metres) per 2 dwellings          | 3 on-street parks         |                         |                             | Satisfies                                   |

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

- **Desired Character**
- **Site Area**
- **Site Coverage and Floor Area Ratio**
- **Private Open Space**
- **Upper level rear setback**
- **Design and Appearance**

#### *Desired Character*

The proposal is considered to be consistent with the Desired Character of the Northern Policy Area 13 in that it will provide low-medium density housing and result in a redeveloped site at a greater density than that of the original housing stock.

The Desired Character also encourages a range of dwelling types designed to achieve a variety of architectural styles. The dwellings each contain three bedrooms which is typical of dwellings within the wider locality. Accordingly, the proposal does not necessarily increase the range of dwelling types in the locality. However, it is noted that row dwellings with smaller backyards present a different dwelling option to the typical original dwelling stock in the locality (single-storey dwellings with larger backyards).

The proposal maintains a coherent streetscape as a result of the proposed street setbacks and frontage widths. The design includes contemporary features including skillion roof, a mixture of colours and materials and fenestration. In my view, the dwellings' appearance and use of materials will result in a modern design which satisfies the intent of the Policy Area.

On balance, the proposal is considered to adequately comply with the Desired Character of the Northern Policy Area 13.

#### *Site Areas*

The application proposes to construct a two storey residential flat building comprising 3 dwellings on an allotment which currently features a single storey detached dwelling, thereby increasing the density of the land by 2. It is acknowledged that the dwellings do not hold "site exclusivity" in that the land is yet to be formally divided. As such, the proposal is to be assessed against the residential flat building guidelines. This notwithstanding, as an application has been lodged for land division on the land and reflects the built form outcome, it is acknowledged it is the applicant's intention to divide the land, which would then result in the proposal being defined as row dwellings. This

notwithstanding, the subject applicant includes the construction of a two storey residential flat building and as such, must be assessed against the relevant guidelines.

Principles of Development Control 3 states:

- 3 A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table:

| Dwelling Type                | Minimum Site Area<br>(square metres) | Minimum Frontage Width |                           | Minimum Site<br>Depth (metres) |
|------------------------------|--------------------------------------|------------------------|---------------------------|--------------------------------|
|                              |                                      | Other Road<br>(metres) | Arterial Road<br>(metres) |                                |
| Detached                     | 375                                  | 12                     | 12                        | 20                             |
| Semi-detached                | 320                                  | 9                      | 12                        | 20                             |
| Group                        | 300                                  | 20                     | 20                        | 45                             |
| Residential flat<br>building | 300                                  | 20                     | 20                        | 45                             |
| Row                          | 250                                  | 7                      | 12                        | 20                             |

In this regard, the total site achieves an area of 706 square metres. When regard is had to PDC 3, the following quantitative measurements are attributed to the proposal, while having regard to the indicative future boundaries:

|                      | Minimum | Dwelling 1 | Dwelling 2 | Dwelling 3 |
|----------------------|---------|------------|------------|------------|
| Site area            | 300sqm  | 243.8sqm   | 223.6sqm   | 239.1sqm   |
| Average site area    |         | 235.5sqm   |            |            |
| Frontage             | 20m     | 12.1m      | 11.1m      | 12.12m     |
| Total frontage width |         | 35.35m     |            |            |

When the proposal is strictly considered as a residential flat building, the proposal fails to meet the minimum average site area per dwelling by 64.5sqm.

Notwithstanding the above, it is also considered appropriate to have regard to the locality and determine whether the proposed site areas are significantly out of character with the prevailing density. The Regeneration Policy Area 16 is located a short distance from the subject land (approximately 45 metres south of the subject land), which permits the construction of two storey residential flat dwellings with site areas of 200sqm and row dwellings as low as 170sqm. Given the proximity to the Regeneration Policy Area 16, which is intended to accommodate dwellings at lower densities, it is considered that a transitional built form will assist in achieving compatibility.

Further, the locality has seen a large amount of infill development compared to the original housing stock. Although the average site area of the dwellings fail to satisfy the minimum sought under the Development Plan, it is acknowledged the total frontage width exceeds the 20m identified in PDC 3. As such, the undersized nature of the allotment will not be apparent when viewed from the street and therefore an appropriate streetscape is maintained.

Despite the numeric shortfall in site area, the dwellings are low scale, with the density proposed considered reflective of the low-medium density development sought within Objective 1 of the Policy Area. The proposal also complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock.



In my view, the shortfall in site areas is not necessarily fundamental to the merits of the application, in that it does not represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. Each proposed allotment maintains a generous frontage width, exceeding that sought of residential flat dwellings within the Policy Area, and complementing existing wider frontage widths in the locality. Accordingly, the undersized nature of the development shall not be readily apparent within the streetscape.

Despite the shortfall in site area of each allotment, the development results in a form of housing consistent with the Policy Area. The proposed development is not considered to result in detrimental impacts on adjoining land and will contribute to the positive residential environment sought within the Policy Area.

Whilst I am comfortable with the density of the development, the proposal demonstrates various other non-compliances, which arguably can be attributed to the undersized nature of the development. These failings against the Development Plan are discussed in further detail below.

#### *Site Coverage and Floor Area Ratio*

It is acknowledged the total site coverage across the subject land is calculated at 56% which does not include any areas which also function as private open space (generally in the form of an alfresco or similar, bar the overhang of the upper level associated with Dwelling 3). Whilst Administration is generally accepting of site coverage exceeding the Development Plan provision of 40%, in this instance the non-compliance results in other failings, which can also be attributed to the undersized nature of the site.

Residential Zone Principle 9 permits site coverage to exceed that permitted within the Policy Area when it is demonstrated the excess will not impact on the relevant setbacks and POS provisions, the excess will not adversely affect the amenity of adjoining properties and does not conflict with over relevant Development Plan criteria.

The departure in site coverage and floor area ratio can be attributed to the non-compliance in private open space for Dwelling 3 and upper level rear setbacks. Although there is some merit in the upper level rear setback and the design is not considered to result in overshadowing impacts upon adjacent properties, it is acknowledged the floor area ratio contributes to overall bulk and scale of the building. These matters are discussed in further detail below.

#### *Private Open Space*

The private open space for Dwelling 1 and Dwelling 2 provide an appropriate area when assessed against the Development Plan guidelines. Dwelling 3 fails to provide an area equal to 20% of the individual site, calculated at 17.4% (41.8sqm). It is acknowledged that any area which does not achieve a 2.5 metre dimension is not included in this calculation as identified by PDC 6 of the Residential Zone. Two separate areas of POS are proposed, both of which are directly accessible from the open plan kitchen/meals/living area. These areas measure 3.78 x 5.5 metres and 3.8 x 6 metres. In this regard, the Development Plan seeks a minimum 5 x 5 metre area, which is directly accessible from an internal living room.

The northern portion of private open space is linked to an area which measures 2 metres in width (adjacent Shakespeare Avenue), which achieves a northern orientation and could be used for the storage of waste receptacles, clotheslines etc. and free up the main areas from these items. This notwithstanding, it is also acknowledged the dwelling incorporates three bedrooms which is sited on an undersized allotment where site coverage remains high. As such, it is considered that the area provided is not of a suitable size to meet the likely needs of occupants and there is little justification to accept a non-compliance in private open space for the dwelling.

### *Upper level rear setback*

Each dwelling is oriented to present the main façade to Wilson Street, resulting in the western boundary acting as the rear boundary. Whilst the upper level of each dwelling is setback 6m where 8m is sought.

Despite the non-compliance in upper level setback, this element of the proposal is not considered to result in amenity impacts to adjacent land. An appropriate amount of natural light will be available throughout the day, acknowledging that any shadow will only be cast to the west during morning hours. The dwellings have been designed to assist in reducing the bulk of the building when viewed from adjacent land. This has been achieved through the provision of a mixture of colours and materials to the rear elevation, including horizontal and vertical cladding and full length windows. Further, the single storey portion of the dwelling is considered to provide transition to the upper level which features a variety of setbacks.

It is also of value to note; the western allotment boundary currently serves as a side boundary for the existing dwelling. If a new dwelling/s were to present to Shakespeare Avenue, a 2.0 metre side setback could be achieved for a two storey wall and accord with the applicable provisions of the Development Plan, which would arguably result in greater impacts to the adjacent land in relation to overshadowing and visual impacts.

The non-compliance in rear setback could be attributed to the lack of allotment depth and the undersized nature of the allotments/excess site coverage and floor area ratio. Given this failing is unlikely to result in amenity impacts to adjacent land I am of the view that this aspect of the proposal is appropriate.

### *Design and Appearance*

The dwellings features a variety of design elements and colours/materials and substantial glazing throughout the main façade. The Objectives of the Northern Policy Area 13 seek to accommodate development that minimises the impacts of garaging on the character of the locality, comprising a variety in architectural styles that promotes a cohesive streetscape.

The main facades incorporate a mixture of exposed brick, horizontal and vertical cladding and render. The garages feature a single panel lift door and the skillion roof design incorporates Colorbond materials. These materials should not result in glare to neighbouring properties, drivers or cyclists.

It is acknowledged the Policy Area provides limited direction with respect to the design and appearance of dwellings and when considered against the applicable Objectives and Principles of Development Control, the proposal is considered to satisfy the Desired Character sought.

This notwithstanding, it is acknowledged the excess in floor area ratio and site coverage does add to the overall bulk and scale impacts of the building and if reduced, would assist in achieving an improved streetscape outcome.

### *Landscaping*

Some landscaping is interspersed within the front yard each dwelling. Based on the plans submitted, the main areas of landscaping are provided along the secondary street boundary and front yard of Dwelling 3. Dwelling 1 and 2 provide limited landscaping street side of the dwelling which is not considered to complement the built form and road frontage.

## **Conclusion**

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as provides further diversity in dwelling types and architectural style.

Assessment of the proposal against qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. It is acknowledged that the proposal maintains numerical failings including upper level rear setbacks. Further assessment of this shortfall and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

The most significant numerical shortfall maintained by the proposal involves site areas, high site coverage and lack in private open space for Dwelling 3. Considerations within this report have demonstrated that the proposed density is not necessarily inconsistent with that envisaged for the Policy Area, nor that which has occurred on nearby land. This notwithstanding, it is arguable that the site area of the subject land could be associated with other failings against the Development Plan; however, it is also acknowledged that the dwelling sizes and configuration also play a part in these areas. The site coverage across the site is high, calculated at 56% which contributes to the inability of Dwelling 3 to provide an appropriate area of private open space.

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.

The proposal fails to sufficiently satisfy a number of applicable provisions to warrant support and as such, it is recommended that Development Plan Consent is 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 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: 100/2019/1007 for the construction of a two storey residential flat building comprising three dwellings with associated garages and landscaping at 14 Shakespeare Avenue, Plympton Park, be REFUSED for the following reasons:**
  - 1. The proposal is at variance to Northern Policy Area 13: Principles of Development Control 4 and Residential Zone: principles of Development Control 9 with respect to the non-compliance in site coverage and floor area ratio.**
  - 2. The proposal fails to comply with the Residential Zone: Principles of Development Control 7 and General Section, Residential Development: Principles of Development Control 17 (e), due to a lack in private open space area and dimensions for Dwelling 3.**
  - 3. The proposal fails to provide landscape areas which complement the built form and enhance the appearance of the road frontage as sought by General Section: Landscaping, Fences and Walls: Principles of Development Control 1 (a) and (b).**

**REPORT REFERENCE: CAP040320 – 2.3  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 04 MARCH 2020**



|                                 |  |
|---------------------------------|--|
| <b>Originating Officer:</b>     | <b>Kristen Sheffield<br/>Development Officer - Planning</b>  |
| <b>Applicant:</b>               | <b>XG Build Pty Ltd</b>  |
| <b>Development Description:</b> | <b>Residential land division (Community Title- 1 into 3 allotments) and three, two-storey row dwellings, one of which incorporates a wall on the eastern boundary as well as associated garages and landscaping</b>  |
| <b>Site Location:</b>           | <b>13 Macklin Street, Sturt</b>  |
| <b>Zone &amp; Policy Area:</b>  | <b>Residential Zone / Marion Plains Policy Area 8</b>  |
| <b>Lodgement Date:</b>          | <b>07/11/2019</b>  |
| <b>Development Plan:</b>        | <b>Consolidated – 15 August 2019<br/>[gazetted 8 August 2019]</b>  |
| <b>Referrals:</b>               | <b>SA Water &amp; SCAP<br/>Coordinator Arboriculture (Internal)<br/>Development Engineer (Internal)</b>  |
| <b>Delegations Policy:</b>      | <b>Development Delegations Policy 4.1.2</b><br><i>Any application for three or more dwellings (including detached, semi-detached, row and residential flat) where one or more dwelling sites are more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.</i>   |
| <b>Categorisation:</b>          | <b>Category 1</b><br><i>Schedule 9, Part 1 – 2(f): the division of land which creates not more than 4 additional allotments.</i><br><i>Schedule 9, Part 1 – 2(a): the construction of any of the following (or of any combination of any of the following):</i><br><i>(iv) 3 or more row dwellings or 1 or more additional row dwellings, provided that no such dwelling is more than 2 storeys high</i> |
| <b>Application No:</b>          | <b>100/2019/1850</b>   |
| <b>SCAP No:</b>                 | <b>100/C185/19</b>   |
| <b>Recommendation:</b>          | <b>That Development Plan Consent and Land Division Consent be GRANTED subject to conditions</b>  |

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**Attachments**

|                        |   |
|------------------------|---|
| <i>Attachment I:</i>   | <i>Certificate of Title</i>                       |
| <i>Attachment II:</i>  | <i>Proposal Plan and supporting documentation</i> |
| <i>Attachment III:</i> | <i>External Agency Referral Comments</i>          |



## SUBJECT LAND

The subject site is located at 13 Macklin Street, Sturt. The land comprises a corner allotment of irregular shape, with a southern primary street frontage to Macklin Street of 25.27 metres, a western secondary street frontage to Parson Street of 20.12 metres, and a total site area of 818 square metres.

The subject land currently accommodates a single-storey detached dwelling and ancillary structures in poor/average condition with vehicular access to an attached carport from Macklin Street. The land falls slightly towards the north-west, with a site gradient of approximately 2.5%. There are several trees located on the subject land, however none of these are classified as regulated pursuant to the current legislation. In addition, two street trees are sited on Macklin Street and one on Parson Street, forward of the subject land within the Council verge.

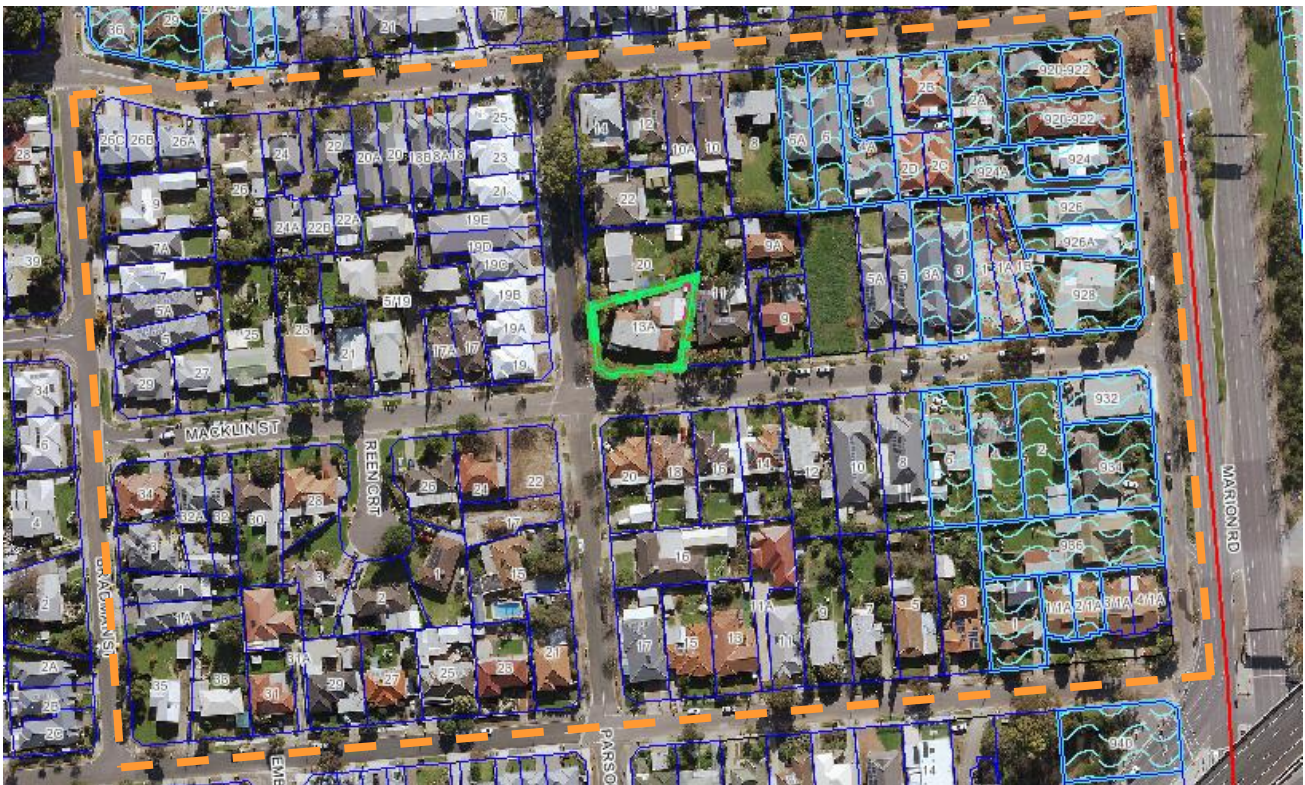


## LOCALITY

The locality consists of a mix of redeveloped/sub-divided properties, (which typically take the form of single-storey and two-storey detached, semi-detached and row dwellings), and single-storey detached dwellings at low densities, which are representative of the original dwelling stock.

The subject land is located approximately 350 metres walking distance from two different public open space reserves, being the Myer Road Reserve and the Brolga Place Reserve, the latter of which includes a children's playground. A Local Centre Zone is located at the end of Macklin Street, 100 metres to the east of the site, while another Local Centre Zone is sited 650 metres to the south-west and a Neighbourhood Centre Zone 600 metres to the west of the subject land. Both Marion Road to the east and Diagonal Road to the south-west offer public transport opportunities.

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





## PROPOSED DEVELOPMENT

The applicant proposes a Community Titled residential land-division to create two additional allotments (three in total) and the construction of three two-storey row dwellings.

The ground floor proposal for Dwelling 1 includes a double garage, a laundry, separate WC and open-plan kitchen, living and dining areas as well as a study and bedroom with ensuite and WIR, while the second floor of this dwelling comprises a retreat, two bedrooms and a bathroom.

The ground floor proposal for each Dwellings 2 and 3 include a single garage, a laundry, separate WC and open-plan kitchen, living and dining areas as well as a bedroom with ensuite and WIR, while the second floors of these dwellings comprise a retreat, two bedrooms each with an ensuite bathroom.

The dwellings will have a modern appearance and are to be well articulated. Materials and finishes include timber cladding and a range of rendered finishes. The dwellings will each provide a hipped roof design to be clad with Colorbond sheeting which is to be set at a 22-degree pitch. Landscaping is also proposed and is to be provided within the rear yards and to the front of each dwelling.

## REFERRALS

### **SA Water; SCAP:**

Standard land division comments and conditions, which have been included within the Conditions section of this report.

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

Regarding the two street trees forward of the subject land on Macklin Street: 'The gum tree in the northern verge of Macklin Street adjacent to proposed Dwelling 2 is in less than average condition. The other Eucalyptus to the east is in poor condition. Both trees on Macklin Street can be removed subject to payment of the associated removal/replacement fee of \$1500'.

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

The driveway grade into the garage of Dwelling 1 is appropriately set at less than 15%. Stormwater disposal and finished floor levels are also appropriate.

## 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.

## ASSESSMENT

The assessment is split into three main sections:

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

### 1. Zone and Policy Area Considerations

#### Residential Zone

##### 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.*

##### Satisfies

The proposed row dwellings contribute to provide a range of dwelling types in the locality.

Given that the subject land is located in close proximity to public transport routes and within an acceptable walking distance of public open space, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

#### Marion Plains Policy Area 8

##### Objectives

- 1 *A policy area primarily comprising low scale, low to medium density housing.*
- 2 *Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.*
- 3 *Development that minimises the impact of garaging of vehicles on the character of the locality.*
- 4 *Development densities that support the viability of community services and infrastructure.*
- 5 *Development that reflects good residential design principles.*
- 6 *Development that contributes to the desired character of the policy area.*

##### Satisfies

The proposed dwellings are classified as low-medium density, in accordance with that envisaged for the Policy Area

The impact of garaging shall be minimal, with each dwellings 2 and 3 having only a single garage which is situated behind the main face, whilst the double garage of dwelling 1 is accessed via the secondary street.

Proposed density shall support viability of community services and infrastructure.

Proposal incorporates good residential design principles and contributes to the Desired Character – refer to assessment discussion.

On balance, the proposal is considered to adequately satisfy the intent of applicable provisions.

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### **Desired Character**

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

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

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

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

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

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

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

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

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

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

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

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### **Principles of Development Control**

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

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

#### **Satisfies**

The proposal seeks for the construction of dwellings.

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

#### **Satisfies**

The proposal is deemed to be consistent with the Desired Character of the Policy Area (as discussed further within the assessment below).



## 2. Quantitative Snapshot

| Criteria             |  | Dwelling 1<br>(Lot 21)  | Dwelling 2<br>(Lot 22)       | Dwelling 3<br>(Lot 23)                                       |                  |
|----------------------|--|---|------------------------------|--|------------------|
| Allotment Dimensions |  |   |                              |  |                  |
| Area                 | 300m <sup>2</sup>                      | 269m <sup>2</sup> + 3m <sup>2</sup><br>(common land)  | 273m <sup>2</sup>            | 273m <sup>2</sup>  | Does not satisfy |
| Frontage             | 9m                                     | 5.48m increasing to 9.3m beyond the corner cut off  | 9.92m                        | 9.9m   | Minor departure  |
| Depth                | 20m                                    | 20.12m- 26.16m  | 26.16m- 29.77m               | 29.77m- 30m  | Satisfies        |
| Setbacks             |  |   |                              |  |                  |
| Front                | Average of adjoining dwelling: 7.5m    | 4.9m min  | 5.5m min                     | 5.6m min   | Does not satisfy |
| Garage               | 5.5m                                   | n/a- sited to the rear of the dwelling via secondary street   | 7.5m min                     | 6m min   | Satisfies        |
| Side                 | Lower: 0.9m                            | n/a (secondary street setback)  | n/a                          | n/a (wall on the boundary)                                   | n/a              |
|                      | Upper: 2m                              | East: 0.9m<br>West: n/a (secondary street setback)  | East: 0m<br>West: 3m         | East: 3m<br>West: 0m   | Minor departure  |
| Rear                 | Lower: 6m/3m (50% allotment width)     | 1m (garage) increasing to 9.3m min  | 5.2m min                     | 7m min   | Does not satisfy |
|                      | Upper: 8m                              | 9.7m min  | 9.1m min                     | 11.1m min  | Satisfies        |
| Secondary            | 2m                                     | Dwelling: 1m -2m<br>Garage: 0.9m - 1.7m   | n/a                          | n/a  | Does not satisfy |
| Building Footprint   |  |   |                              |  |                  |
| Site Coverage        | 40%                                    | 49% (133.7m <sup>2</sup> )  | 40.6% (110.6m <sup>2</sup> ) | 40.6% (110.6m <sup>2</sup> )                                 | Does not satisfy |
| Floor area ratio     | 0.6                                    | 0.54 (149.2m <sup>2</sup> )   | 0.54 (147.6m <sup>2</sup> )  | 0.54 (147.6m <sup>2</sup> )                                  | Satisfies        |
| Pervious Surface     | 20%                                    | 27.6% (75m <sup>2</sup> )   | 38% (103.9m <sup>2</sup> )   | 39.9% (108.8m <sup>2</sup> )                                 | Satisfies        |
| Wall on Boundary     | Length: 8m<br>Height: 3m               | n/a   | n/a                          | Length: 6.2m<br>Height: 2.7m (2.8 from natural ground level) | Satisfies        |
| Building Height      | Two storey < 9m                        | Finished floor level to maximum point of roof: 7.5m<br>Lowest point of natural ground level to FFL: 0.4m<br>Total building height: 7.9m |                              |  | Satisfies        |
| Private Open Space   |  |   |                              |  |                  |
| Area                 | 20% of allotment (side or rear)        | 21.8% (59.4m <sup>2</sup> )   | 35.7% (97.4m <sup>2</sup> )  | 36.2% (98.7m <sup>2</sup> )                                  | Satisfies        |
| Dimensions           | 5m by 5m (accessible from living area) | Satisfies   | Satisfies                    | Satisfies  | Satisfies        |
| Car parking          |  |   |                              |  |                  |
| On-site              | 2 spaces, 1 covered                    | 2 spaces, both covered  | 2 spaces, 1 covered          | 2 spaces, 1 covered  | Satisfies        |
| On-street            | 1 space (6 metres) per 2 dwellings     | At least 3 on-street car parking spaces remain available forward of the subject land on Macklin and Parson Streets                      |                              |  | Satisfies        |

### 3. Land Division Assessment

The relevant objectives and principles of development control from the General Section: Land Division section of the Marion Council Development Plan are listed and assessed in the following table:

| Land Division   |  |
|---|--|
| <p><b>Objectives</b></p> <p><i>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.</i></p>  | <p><b>Satisfies</b></p> <p>The proposed division of land is considered to be orderly and generally in keeping with the density of development that is envisaged within the Marion Plains Policy Area 8.</p> <p>It is considered that the proposed increase in the number of dwellings to be constructed on the subject land will make optimum use of existing infrastructure and facilities.</p> |
| <p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>   | <p><b>Satisfies</b></p> <p>The proposed residential allotments are suitable for row dwellings as demonstrated by the overall level of compliance of the proposed dwellings with relevant Development Provisions (as discussed further within the assessment section below).</p>  |
| <p><i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i></p>   | <p><b>Satisfies</b></p> <p>The land division is likely to be supported by the necessary infrastructure, and is located within walking distance of bus routes and railway services.</p>   |
| <p><b>Principles of Development Control</b></p> <p><i>1 When land is divided:</i></p> <p><i>(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</i></p> <p><i>(b) a sufficient water supply should be made available for each allotment</i></p> <p><i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i></p> <p><i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></p> | <p><b>Satisfies</b></p> <p>Satisfies PDC 1 as stormwater disposal system is satisfactory and SA Water have confirmed that water supply is available (subject to conditions). SA Water have also confirmed that sewerage connection is available (subject to conditions).</p>   |

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|---|---|
| <p>2 Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <ul style="list-style-type: none"> <li>(i) an existing road</li> <li>(ii) a proposed public road</li> <li>(iii) access to a public road via an internal roadway in a plan of community division</li> </ul> <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p> | <p><b>Satisfies</b></p> <p>The proposed division of land achieves compliance in relation to all the requirements listed opposite.</p>   |
| <p><b>Design and Layout</b></p> <p>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.</p>   | <p><b>Satisfies</b></p>   |
| <p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>   | <p><b>Satisfies</b></p>   |
| <p><b>Roads and Access</b></p> <p>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:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p>  | <p><b>Satisfies</b></p> <p>The allotments / dwellings provide opportunities for adequate on-site car parking. Access to public transport services is available within the wider locality and 3 on-street car parking spaces shall remain available adjacent the subject land.</p> |
| <p>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).</p>  | <p><b>Satisfies</b></p>   |

#### 4. Assessment Discussion

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

- **Desired Character**
- **Site areas**
- **Frontage width**
- **Front setback**
- **Rear setback**
- **Secondary street setback**
- **Site coverage**

##### *Desired Character*

The proposal is considered to be consistent with the Desired Character of the Marion Plains Policy Area 8 in that it will provide low-medium density housing and result in a redeveloped site at a greater density than that of the original housing stock.

The Desired Character also encourages a range of dwelling types to meet a variety of accommodation needs. The dwellings each contain three bedrooms which is typical of dwellings within the wider locality. Accordingly, the proposal does not necessarily increase the range of dwelling types in the locality. However, it is noted that row dwellings with smaller backyards present a different dwelling option to the typical original dwelling stock in the locality (single-storey dwellings with larger backyards).

The proposal maintains a coherent streetscape as a result of the proposed street setbacks, landscaping to front yards and a design which includes complementary features including pitched roofs, eaves, front verandahs and appropriate building materials. In my view, the dwellings' appearance and use of materials will result in a modern yet contemporary design and provide a positive contribution to the existing streetscape.

On balance, the proposal is considered to adequately comply with the Desired Character of the Marion Plains Policy Area.

##### *Site areas*

A minimum site area of 300 square metres is prescribed for row dwellings in the Marion Plains Policy Area 8, which equates to a shortfall of 28 square metres (9.3%) for Dwelling 1 and 27 square metres (9%) for each Dwellings 2 and 3. This results in a 9.1% discrepancy for the total site area.

Whilst the application proposes a density greater than what is anticipated within the Policy Area, the shortfall in site area is not considered to be fatal to the application. The appropriateness of the proposal is reinforced by the ability of the application to maintain an adequate level of compliance with other applicable design criteria. Each proposed allotment maintains an adequate apparent frontage width, complementing existing frontage widths in the locality. Accordingly, the slightly undersized nature of the allotments shall not be readily apparent within the streetscape. In addition, the proposal does not result in adverse amenity impacts on adjoining properties with respect to on-site and on-street parking, overshadowing, or bulk or scale, and the level of articulation and visual interest afforded to the dwellings results in an attractive residential development. Furthermore, the development is considered to provide a positive contribution to the streetscape by virtue of the modern design, appropriate colours and finishes and landscaping forward of the dwellings.

Despite the shortfall in site area of each allotment, the development results in a form of housing consistent with the Policy Area Objectives. The proposed development is not considered to result in

detrimental impacts on adjoining land and will contribute to the positive residential environment sought within the Policy Area.

#### *Frontage width*

The frontage width of Dwelling 1, at 5.48 metres, falls significantly short of the prescribed minimum of 9 metres. However, it is noted that this measurement is reflective specifically of the front boundaries of the proposed allotment and does not include the corner cut off, with the width of this allotment increasing to 9.3 metres beyond the corner cut off, and 9.7 metres at the main face of the dwelling. Accordingly, the shortfall in frontage width should not be readily apparent within the streetscape. The remainder of the dwellings achieve the minimum frontage width requirements.

#### *Front setback*

The Development Plan seeks for dwellings within the Marion Plains Policy Area 8 to maintain a primary street front setback equal to that of buildings on adjoining land with the same primary street frontage. The adjacent dwelling to the east comprises a front setback of some 7.5 metres, whereas the proposed dwellings incorporate angled front setbacks to the primary street due to the irregular allotment shape, resulting in portions of the dwellings protruding forward of the adjacent dwelling.

Whilst it is acknowledged that the front setback of the proposal does not strictly adhere to the quantitative requirement set by the existing dwelling to the east, the angled proposal is considered to respond well to the site, with each dwelling staggered such that an appropriate transition is provided from the corner allotment to the more generous setback of the adjacent dwelling.

It is further noted that the Desired Character of the Marion Plains Policy Area specifies that '*where a new building is built adjacent original dwelling stock, a lesser setback from the primary road frontage is anticipated, provided that the new building is designed to complement the existing streetscape character with regard to building design, articulation, roof form, materials and landscaping*'. The proposal incorporates a contemporary design and provides a positive contribution to the existing streetscape through a mixture of materials and framing elements as well as pitched roof forms and generous landscaping to provide visual interest to both the primary and secondary streets. In addition, the proposed front setbacks are nonetheless compatible with that of newer dwellings within the wider locality.

The proposed front setbacks contribute positively to the function, appearance and desired character of the locality.

#### *Rear setback*

The Development Plan seeks for dwellings to maintain a rear setback of 6 metres, with an incursion of 3 metres permitted for up to 50% of the allotment width. The garage of Dwelling 1 comprises a rear setback of 1 metre to the northern boundary and as such does not satisfy these quantitative requirements.

However, it is considered that were the garage component of the dwelling to be omitted from the proposal, and a freestanding ancillary structure proposed in its place (be it a carport or a shed), that such a structure could feasibly be sited on the rear boundary for a length of 8 metres, the impacts of which would be greater than the proposal in its current form.

Further, were a dwelling to be proposed facing Parson Street, the boundary in question would form a side boundary, which once again could comprise a wall on the boundary. Accordingly, the proposed location of the garage does not result in significant interruption of anticipated patterns of space, nor does it result in significant visual or overshadowing impacts and is thus deemed acceptable in my opinion.



### *Secondary street setback*

The Development Plan seeks for dwellings to maintain a minimum secondary street setback of 2 metres; whereas the lower level of Dwelling 1 incorporates a secondary street setback of 1 metre at its closest point before progressively increasing up to 2.2 metres and then back down to 1.2 metres, and 0.9 metres at the closest point of the garage. The upper level of the dwelling at its closest point comprises a secondary street setback of 1.8 metres, before increasing to 3.4 metres.

Whilst much of the lower level and a small portion of the upper level infringe upon the desired secondary street setback, the proposal nonetheless contributes positively to the secondary streetscape. The angled nature of the proposal allows the primary façade of the dwelling to present towards the intersection of Macklin and Parsons Street, and then provides visual interest and articulation as the dwelling changes angle on the lower level.

### *Site coverage*

The Marion Plains Policy Area 8 prescribes maximum site coverage of 40% of the site area, whereas the proposal comprises site coverage of 49% for Dwelling 1. Dwelling 2 and 3 only slightly exceed criteria at 40.6% (some 1.4 square metres) each.

Principle 9 of the Residential Zone permits site coverage to exceed that permitted within the Policy Area when it is demonstrated the excess will not impact on the relevant setback and private open space provisions, the excess will not adversely affect the amenity of adjoining properties and does not conflict with other relevant Development Plan criteria.

In this regard, the proposal substantially exceeds the minimum POS requirement of 20% for each dwelling and also provides generous pervious surfaces throughout the development site. Additionally, the proposed dwellings generally achieve acceptable setbacks from boundaries (as discussed above). Accordingly, the excess in built form should not result in any significant impact on the function or amenity of the proposed dwellings nor that of adjacent land.

Further, the proposal is considered to comply with PDC 13 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.

The above considerations demonstrate that the excess in site coverage should not adversely impact upon the amenity of adjoining land, or impair the design and function of the proposed dwellings.

## Conclusion

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Marion Plains Policy Area 8, as it results in a redeveloped site at a greater density than that of the original housing stock while maintaining a coherent streetscape as a result of the staggered street setbacks which provide a transition to the more generous setbacks to the east, landscaping to front yards and a design which includes complementary features.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. It is acknowledged that the proposal maintains a number of numerical shortfalls including site areas and site coverage, as well as relatively minor discrepancies in frontage width, front, rear and secondary street setbacks. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

When the abovementioned shortfalls are considered on balance with the proposal's compliance with the Development Plan, the overall merit of the proposal is considered to outweigh any discrepancies.

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

## **Recommendation**

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2019/1850 for Residential land division (Community title- 1 into 3 allotments) and three two-storey row dwellings, one of which incorporates a wall on the eastern boundary, as well as associated garages and landscaping at 13 Macklin Street, Sturt, be GRANTED, subject to the following conditions:

## **Conditions**

### **Development Plan Consent**

- 1. The development shall be carried out and maintained in accordance with the plans and details submitted with and forming part of Development Application No: 100/2019/1850 (SCAP REF: 100/C185/19) except where varied by the following conditions of consent.
- 2. 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 proposed Lots 1, 2 and 3 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. 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.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.  
*<https://cdn.marion.sa.gov.au/sp/Brochure-Stormwater-Detention-Retention.pdf>*
- 5. 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.
- 6. 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.

7. 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.
8. 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.
9. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.
10. All areas nominated as landscaping or garden areas on the approved plans shall be planted 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.
11. All existing vegetation nominated to be retained and all new vegetation 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.
12. 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.

#### **Land Division Consent**

1. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0091620)

SA Water advises 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 in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

2. Payment of \$15,232.00 into the Planning and Development Fund (2 allotment(s) @\$7,616.00/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the 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 State Commission Assessment Panel for Land Division Certificate purposes.

## **Notes**

- 1. Demolition of the existing dwelling and/or other structures on the land cannot occur until a separate application has been lodged, assessed by and approved by the Council.**
- 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. 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.**
- 4. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**
- 5. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).**



**REPORT REFERENCE: CAP040320 - 2.4  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 04 MARCH 2020**

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**CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES**

**Reason for confidentiality**

It is recommended that this Report be considered in CONFIDENCE in accordance with Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, which permits the meeting to be closed to the public for business relating to the following:

- (viii) provision of legal advice;
- (ix) information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place

**Recommendation**

1. The Council Assessment Panel orders pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, that the public, with the exception of the Manager of Development and Regulatory Services, Team Leader - Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager of the Council Assessment Panel.
2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 2.4 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session, the meeting be re-opened to the public.