

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 4 September 2019

Commencing at 6.30 p.m.

Committee Room 1 & 2

Council Administration Centre

245 Sturt Road, Sturt

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



Alex Wright
ASSESSMENT MANAGER

28 August 2019

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 SEPTEMBER 2019
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. APPLICATIONS

2.1 2 PLEASANT AVENUE, GLANDORE

Change in use from dwelling into an office, and construction of an ancillary carport to the rear

Report Reference: **CAP040919 – 2.1**.....1

2.2 27 WINIFRED AVENUE, GLANDORE

Land Division Residential Torrens 1 into 4 allotments and subsequent construction of four (4) two storey row dwellings with associated landscaping

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2.3 19 ANGUS AVENUE, EDWARDSTOWN

Land Division Residential Community Title - 1 into 5 allotments

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2.4 4 GORDON TERRACE, MORPHETTVILLE

A change of use from a supported care facility to educational establishment including internal alterations to the Local Heritage Item of Cobham Hall, as well as construction of a transportable building for the purpose of toilet facilities, and associated on-site car-parking areas and driveways, signage, fencing, and landscaping

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2.5 4 GORDON TERRACE, MORPHETTVILLE

Land Division (Torrens Title - 1 into 4 allotments)

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3. OTHER BUSINESS

3.1 APPEALS UPDATE

3.2 POLICY OBSERVATIONS

- 4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 4 SEPTEMBER 2019**
- 5. MEETING CLOSURE**

**REPORT REFERENCE: CAP040919 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 SEPTEMBER 2019**



Originating Officer:	Kai Wardle Development Officer - Planning
Applicant:	Allstate Pest Control
Development Description:	Change in use from dwelling into an office, and construction of an ancillary carport to the rear
Site Location:	2 Pleasant Avenue, Glandore
Zone & Policy Area:	Residential Zone / Residential Character Policy Area 17
Application Type:	Category 3 / Merit
Lodgement Date:	23/04/2019
Development Plan:	Consolidated – 29 November 2018
Referrals:	Development Engineer (Internal)
Delegations Policy:	4.1.2 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.
Categorisation:	Category 3 Not defined by the Development Plan or the <i>Development Regulations 2008</i> , and not considered minor in nature pursuant to Schedule 9, Part 1 – 2(g).
Application No:	100/2019/702
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

SUBJECT LAND

The subject land is 2 Pleasant Avenue, Glandore (Lot 23), which comprises a site area of 836 square metres, a frontage width of 18.29 metres and site depth of 45.72 metres. The subject land contains an existing character dwelling constructed in the 1920's, which has been subject to recent renovations including a dwelling addition to the rear which replaced the previous lean-to, and re-roofing. The character elements and external materials of the front façade remain in good condition.

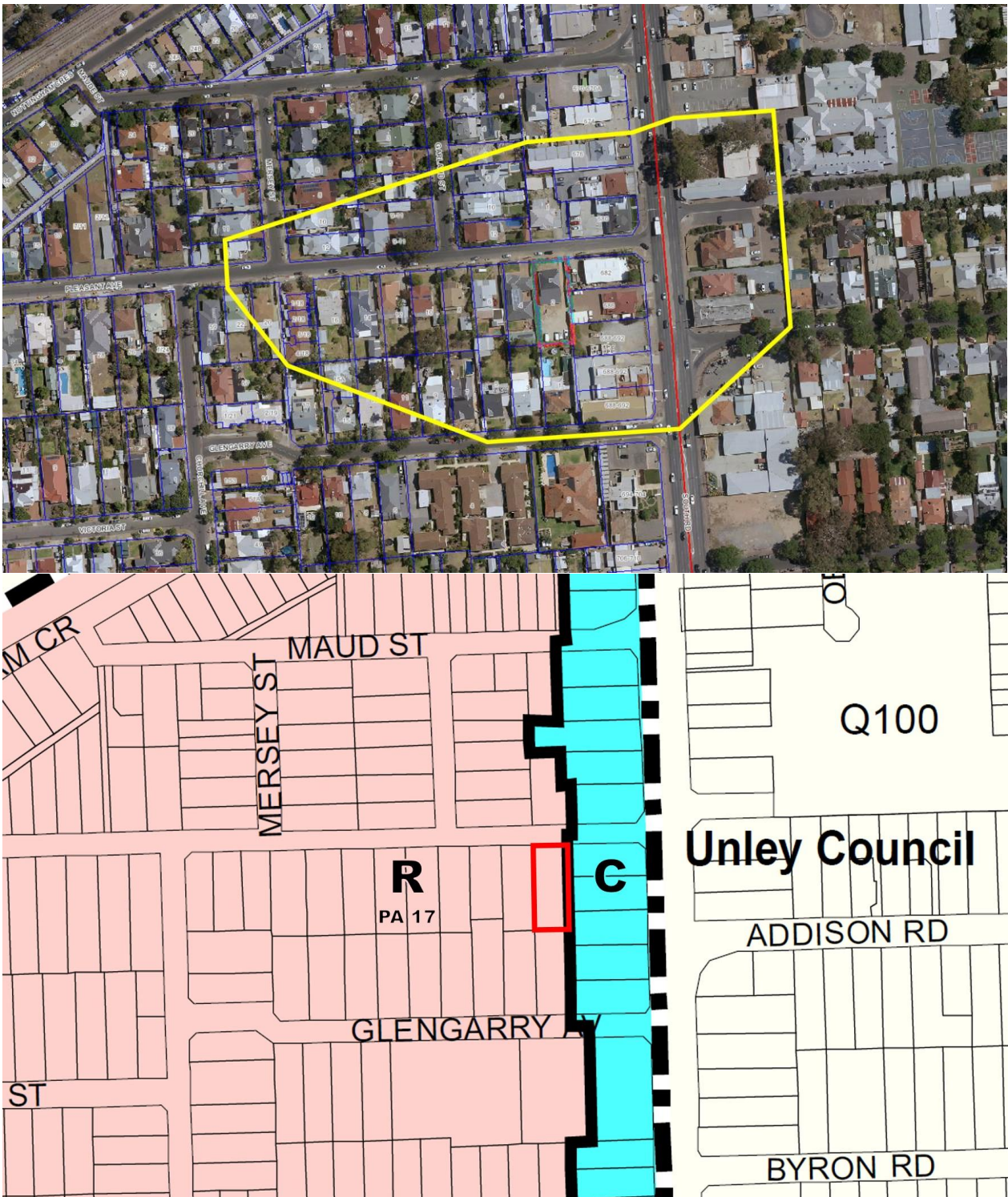
The subject land is flat with no discernible slope. The previous lawn and vegetation were cleared in late 2017, and there are no regulated or significant trees on the subject land. Access is presently obtained from Pleasant Avenue via a single crossover on the eastern side of the property's frontage.



LOCALITY

The subject land is located at the eastern extent of a largely intact residential character area. It is the easternmost dwelling within the Pleasant Avenue streetscape, with varied non-residential land uses – including offices – situated immediately east of the subject land and extending north and south along South Road. A church is located on the corner of Pleasant Avenue and Garland Street. There is a visible contrast between the relatively uniform pattern of residential development to the west, and the varied pattern of non-residential built form to the east. This discernible line between the different patterns and uses of development is consistent with the location of the Zone boundary.

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



THE PROPOSAL

The application proposes to change the existing use of the land from a dwelling into an office, and to construct an ancillary carport to the rear of the site. It also proposes associated landscaping along the front, western side and rear boundaries of the site.

The floor area of the proposed office use is measured as 142.2 square metres, comprising the entire floor area of the existing dwelling (excluding verandahs). The specific use of the office is proposed to be administration for Allstate Pest Control, which has an existing main office on the eastern adjoining land at 686 South Road. The proposed operating hours of the office are stated to be 9:00 am to 5:00 pm on weekdays (closed on weekends and public holidays). The applicant states that the proposed office shall accommodate a maximum of three administration employees, and shall not be used for appointments or initial consultations.

The application does not propose any building works to the existing dwelling. The extent of proposed building works relates only to the construction of the ancillary carport to the rear. The carport is an open-sided structure of 103.6 square metres: 14.8 metres wide and 7 metres deep. The carport's skillion roof rises at a 2 degree pitch towards the south, attaining a maximum height of 3.67 metres at the southern end, and 3.4 metres at the northern end. The driveway shall be resurfaced and the vehicle parking/manoeuvring area shall be paved.

The proposal also involves landscaping strips to the front, western side and rear boundaries of the land. Proposed plantings comprise a strip of *Adenathos sericeus* (Woolly Bush) to the rear boundary, which can reach a mature height of around 3.5 metres, and a strip of *Cupressus sempervirens* (Italian Pencil Pine) to the western side and front boundaries, which can reach a mature height of around 15 metres. The plantings are anticipated to assist in screening the carport and vehicle manoeuvring area from adjoining residential properties once mature.

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

Council administration were of the view that the proposal was not of a minor nature, on the basis of it involving a change in use from residential to a non-residential use, and its proximity to adjoining residential property which could be impacted upon. As such, it was Council administration's view that the proposal could not be deemed as a Category 1 development, and therefore the proposal was considered to constitute a Category 3 form of development, and was processed as such.

Public Notification



Properties Notified	12
Representations	3 in total. 2* against, 1 in favour. *1 of those against (Mr J Balkwill) has withdrawn their representation.
Persons wishing to be heard	Mr L Douglas
Applicant Response	A response by the applicant is included within the Report attachments.

Referrals

Development Engineer (Internal):

Referred to the Development Engineer to review the traffic/parking assessment supplied by the applicant as part of the application. Engineer advised that they are satisfied with the proposal, including in relation to the proposed driveway width.

ASSESSMENT

The majority of relevant Development Plan provisions are qualitative statements. Accordingly, the majority of the assessment comprises a discussion of the proposal's performance against the foremost matters raised in those statements.

The relevant Zone and Policy Area objectives and principles of development control are listed in the following table for reference. The foremost relevant General Section provisions are referred to within the discussion. A small quantitative snapshot table is also provided for quick reference to the relevant quantitative provisions.

Zone and Policy Area Considerations

Residential Zone

Objectives	Satisfies
<p>1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p>2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>	<p>These objectives are of limited relevance to non-residential development. In response to Objective 1 however, it is noted that the proposal shall retain the existing residential appearance of the subject land, and therefore it shall continue to contribute to an attractive residential environment.</p>

Relevant Principles of Development Control

Relevant Principles of Development Control	Satisfies
<p>1 <i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> • [...] <ul style="list-style-type: none"> • <i>small scale non-residential uses that serve the local community, for example:</i> <ul style="list-style-type: none"> - [...] - offices <p>4 <i>Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:</i></p> <ul style="list-style-type: none"> (a) <i>primarily serves the needs of the local community</i> (b) <i>is consistent with the character of the locality</i> (c) <i>does not detrimentally impact on the amenity of nearby residents.</i> 	<p>Envisaged form of development – refer to Zone discussion.</p>

Residential Character Policy Area 17

Objectives	Satisfies
<p>1 <i>Preservation of the existing development patterns and built form.</i></p> <p>2 <i>Development which reflects the traditional character elements of the locality, particularly as presented to the streetscape.</i></p> <p>3 <i>Development that minimises the impact of garaging of vehicles on the character of the locality.</i></p> <p>4 <i>Development that reflects good residential design principles.</i></p> <p>5 <i>Development that contributes to the desired character of the policy area.</i></p>	<p>Refer to Policy Area discussion.</p>

Desired Character

Satisfies

New development in those parts of the policy area located in the suburbs of Edwardstown, Glandore and Glengowrie will reinforce the attractive established character of predominantly single-storey, detached houses. New development will largely comprise the replacement of less attractive or unsound dwellings with new detached dwellings, and in more limited situations, new semi-detached dwellings.

Refer to Policy Area discussion.

Replacement dwellings will be appropriately designed modern interpretations of the pre-1950's buildings remaining in the area in the locality of the development site. Buildings will be sited so as to complement the siting of adjoining buildings and in such a way that the landscape character is retained and enhanced. Dwellings will incorporate elements typical of homes in the area, including articulated roof forms comprising combinations of gable, Dutch-gable and hips, chimneys, projecting front verandas/portches/porticos, timberframed windows and external walls constructed of a mixture of brick, painted brick, stone, and rendered masonry. Garages and carports will be discreetly located well behind the main face of the associated dwelling or to the rear of the dwelling, with design and materials to complement the dwelling.

[...]

Fences on or near the street frontage will be low and of a construction and style that complements those existing in the locality.

The density of development and siting of all buildings will not erode the landscape character of the site or locality, which is derived from mature vegetation in front and rear yards, alongside boundaries or within the public road reserve.

Relevant Principles of Development Control

Satisfies

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

- detached dwelling
- semi-detached dwelling within the suburbs of Edwardstown, Glandore and Glengowrie.

Refer to Policy Area discussion.

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

4 Development should preserve and enhance streetscapes by:

- (a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality
- (b) limiting the number of driveway crossovers.

7 Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.5.

Quantitative Snapshot

	Requirement	Proposed	
Site coverage <i>Policy Area PDC 7</i>	40% maximum	33.2%	Satisfies
Pervious area <i>Residential Development PDC 15</i>	20% minimum	24.3%	Satisfies
Off-street car parking <i>Table Mar/2</i>	4 per 100m ²	6 (for 142.2m ²)	Satisfies
Driveway width <i>Transportation and Access PDC 30(e) and 35</i>	Accord with AS 2890 (3.6m)	3.3m	Does Not Satisfy

Note: Site coverage and pervious area are only directly applicable to dwellings/residential development, but are included for reference given the circumstances of the site.

Discussion

The only clear quantitative shortfall demonstrated by the proposal is its driveway width. This is discussed below.

Quantitative Considerations

Driveway width

The proposed driveway width of 3.3 metres does not satisfy Transportation and Access Principles 30(e) and 34, which seek consistency with AS 2890. According to a traffic/parking assessment report supplied by the applicant, the relevant standard requires a minimum driveway width of 3.6 metres. The supplied traffic report considers the following points (amongst others) to determine that the proposed driveway width of 3.3 metres is appropriate:

- B99 design vehicles (whose physical dimensions represent the 99.8th percentile of all cars and light vans according to AS 2890) are able to maintain 300 millimetre clearances to all hard surfaces;
- potential for simultaneous entry and exit movements is low given the limited car parking capacity, demand and likely tidal nature of vehicle movements; and,
- the driveway is less than 30 metres in length.

The report concludes that the proposed development provides a design standard which is appropriate and generally meets the relevant minimums of AS 2890. The report and plans have also been referred to Council's Development Engineer who has advised that they are satisfied with the proposal, including in relation to the proposed driveway width. As such, the proposed shortfall in driveway width is considered acceptable in this instance, as safe and convenient vehicle movements are achieved.

Qualitative Considerations

The appropriateness of the proposal as a whole is considered to be dependent on three main factors, which are somewhat interrelated: the suitability of the land use within the Zone, the performance against the Desired Character and relevant Policy Area provisions, and the anticipated potential impacts upon the locality.

Suitability of land use for the Zone

Residential Zone Principle 1 specifically envisages small scale non-residential uses such as offices, with Principle 4 further seeking for such uses to be of a nature and scale that serves the local community, is consistent with the character of the locality, and does not detrimentally impact on the amenity of nearby residents. The proposed office use is considered to be small in scale and of low intensity. It is consistent with the character of the locality, and the intended administration function shall serve a pest control business which operates within the local and broader community. The extent of impacts on nearby residents are discussed further within this report, and overall are considered appropriate. Accordingly, as the proposed office use is an envisaged form of development and its operations (as discussed below) are conducted in an appropriate way, the proposed use is considered to be suitable for the locality.

Performance against Policy Area

The proposal is considered to satisfy the relevant objectives of the Policy Area. It preserves the existing development pattern and built form sought by Objective 1, and proposes no change to the traditional character elements and good residential design principles illustrated by the existing dwelling as sought by Objectives 2 and 4. Addressing Objective 3, the proposed carport minimises the impact of garaging on the locality by virtue of being located behind the existing dwelling at the rear of the site.

The desired character seeks for development to maintain or enhance the existing residential area's architectural and landscape character. While the proposed land use is not residential, the subject land shall retain its existing residential streetscape appearance by virtue of the existing character dwelling being retained without external alterations. Front fencing is not proposed as part of this application, and any potential changes are unlikely to form development in their own right. Proposed plantings along the front, western side, and rear of the site shall contribute to revegetation of the site and shall respond to the mature vegetation in front and rear yards and alongside boundaries valued by the desired character. Lastly, the proposed carport and associated manoeuvring areas are discreetly located to the rear of the existing dwelling. The proposed carport is sited comparably to that of the neighbouring outbuilding to the west, and subsequently is consistent with surrounding built form patterns. As the carport is a significant distance from the street and will barely be visible from the public realm, it is not considered to be important for it to be designed to complement the dwelling as generally sought by the desired character.

As such, the proposal is considered to satisfy the Policy Area's desired character, and therefore accords with Objective 5.

The proposal is also considered to satisfy the Policy Area's relevant principles of development control, by virtue of being consistent with the desired character as sought by Principle 2, and preserving the streetscape with regard to maintaining crossover arrangements and not proposing changes to fencing as sought by Principle 4. Despite 'office' not being listed as an envisaged form of development by Policy Area Principle 1, it has already been established that small-scale office uses are envisaged by Residential Zone Principle 1. While Policy Area Principle 7 is only applicable to dwellings, it is noted that the total extent of site coverage (including proposed carport) equates to 33.2% of the site area and is within the maximum extent of site coverage permitted (40%).

Impacts

The proposed operating hours of the office are stated to be 9:00 am to 5:00 pm on weekdays (closed on weekends and public holidays), however it is reasonably anticipated that incidental use of the land could extend approximately an hour either side of such times. The applicant states that the proposed office shall accommodate a maximum of three administration employees, and shall not be used for appointments or initial consultations.

The specific use of the proposed office is for administration, and subsequently the office itself is not anticipated to generate unreasonable noise, waste, or other undesirable impacts listed by Interface Between Land Uses Principle 1. Due to its proposed operating hours, there shall be no need for external lighting of the site. In any respect, a condition is recommended to ensure that any external lighting which may arise in future does not cause nuisance or loss of amenity beyond the site.

With regard to the proposed carport, its maximum height is 3.67 metres, which is similar to the height of a typical residential outbuilding. The carport is situated 1.5 metres from the rear boundary,

and 2.2 metres from the western side boundary. As sought by Design and Appearance Principle 2, the proposed carport's height and siting shall not unreasonably affect adjoining amenity, and is considered to maintain the character of the locality in regards to the patterns of space between buildings. In this regard, it is noted that several nearby residential allotments (including the western adjoining property) also contain an outbuilding at the rear extent of their sites. As sought by Design and Appearance Principles 9 and 10, direct winter sunlight into adjacent dwellings – including their north-facing windows, windows of habitable rooms, balconies and solar collectors – shall not be affected. Whilst a small extent of the rear adjoining property's private open space may be overshadowed, the extent of which is not considered to be unreasonable, and a sufficient area shall remain unaffected for use and enjoyment by occupants. Due to the carport's open nature, it shall have a limited visual impact, and will also be partially obscured by existing boundary fencing and proposed plantings once mature.

The greatest extent of impacts anticipated to be caused by the proposed use of the land is noise generated by vehicles entering and exiting the site. The three employees stated to be working within the office are anticipated to cause six vehicle movements per day (one per employee in the morning and evening respectively). The applicant's response to representations also advises that the additional capacity of the carport may cater for additional employee(s) of the business who visit the office on occasion. In any case, the six vehicle capacity of the carport, with reference to the small scale use of the office, is not anticipated to result in a substantial number of vehicle movements occurring per day. This also translates to limited additional traffic impacts on the surrounding street network.

The proposed operating hours of the office – being 9:00 am to 5:00 pm – shall result in vehicle movements occurring largely between, or shortly before and after those times, which shall not unreasonably disrupt adjoining properties. The extent of noise generated may also be somewhat masked by background noise from the nearby South Road, and potentially buffered by existing boundary fencing and the proposed plantings once mature. While some vehicle noise shall nevertheless be audible to adjoining properties, the anticipated extent, frequency and timing of such noise is not considered to cause unreasonable nuisance.

CONCLUSION

In summary, the proposal is considered to satisfy the vast majority of applicable Development Plan provisions.

Small scale office uses are envisaged within the Residential Zone. As sought by the Policy Area's desired character, the proposal shall retain the existing character dwelling without external alterations, and involves the revegetation of the land along boundaries and within the front yard. The proposed carport and vehicle manoeuvring areas are located discreetly to the rear of the site, and shall be partially obscured from view of adjoining residential properties by existing boundary fencing and proposed plantings once mature. Given the likely use of the office, it is not anticipated that unreasonable impacts upon adjoining properties or the locality will result.

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. 100/702/2019 for Change in use from dwelling into an office, and construction of an ancillary carport to the rear at 2 Pleasant Avenue, Glandore be GRANTED subject to the following conditions:

RESERVED MATTERS

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

An engineered stormwater and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail methods of stormwater disposal from the proposed carport and paved vehicle parking and manoeuvring area, including any existing or proposed retention tanks in accordance with Council's relevant requirements.

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

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/702/2019, except when varied by the following conditions of consent.
2. Landscaping as identified on the approved plan shall be planted prior to commencing the office use of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
3. A minimum of 50% of the trees indicated to be planted on the approved plan shall be at least 1.5 metres in height at the time of planting.
4. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.

5. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
6. Wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council.
7. All vehicles shall enter and exit the land in a forward direction.
8. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
9. Driveways, car parking spaces, manoeuvring areas, landscaping areas and verandahs shall not be used for the storage or display of any goods, materials or waste at any time.
10. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment (including the prevention of any materials entering the stormwater system either by wind or water), to the reasonable satisfaction of Council.
11. All waste and other rubbish shall be screened from public view, to the reasonable satisfaction of Council.
12. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
13. 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.
14. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
15. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to the office use of the premises, with the marking maintained in a clear and visible condition at all times.
16. The hours of operation of the premises shall be restricted to the following times:
 - 8:00 am to 6:00 pm on weekdays.
17. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.

NOTES

1. 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.

2. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. 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 2000.

Attachments

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

**REPORT REFERENCE: CAP040919 - 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 SEPTEMBER 2019**

Originating Officer:	Dylan O'Brien Development Officer - Planning
Applicant:	Mr Brian Peters
Development Description:	Land Division Residential Torrens 1 into 4 allotments and subsequent construction of four (4) two storey row dwellings with associated landscaping.
Site Location:	27 Winifred Avenue, Glandore
Zone & Policy Area	Residential Zone / Medium Density Policy Area 12
Application Type:	Category 1 / Merit
Lodgement Date:	27/07/2019
Development Plan:	Consolidated – 19 November 2018
Referrals:	Not applicable
Delegations Policy:	Development Delegations Policy 4.1.6 Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 210 square metres required for row dwellings within the Medium Density Policy Area 12.
Categorisation:	1 Schedule 9 (Part 1: 2(a)(iv)) of the Development Regulations 2008 assigns the construction of 3 or more row dwellings or 1 or more additional row dwellings, provided that no such dwelling is more than 2 storeys high, as Category 1 development.
Application No:	100/2019/1202
SCAP No:	100/D116/19
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

SUBJECT LAND

The subject land is a corner allotment located at 27 Winifred Avenue, bound by Winifred Avenue to the West and Naldera Street to south.

The subject site is regular in shape with a frontage width of 26.44 metres, and a depth of 28.73 metres. The overall site area measures approximately 759.62 square metres.

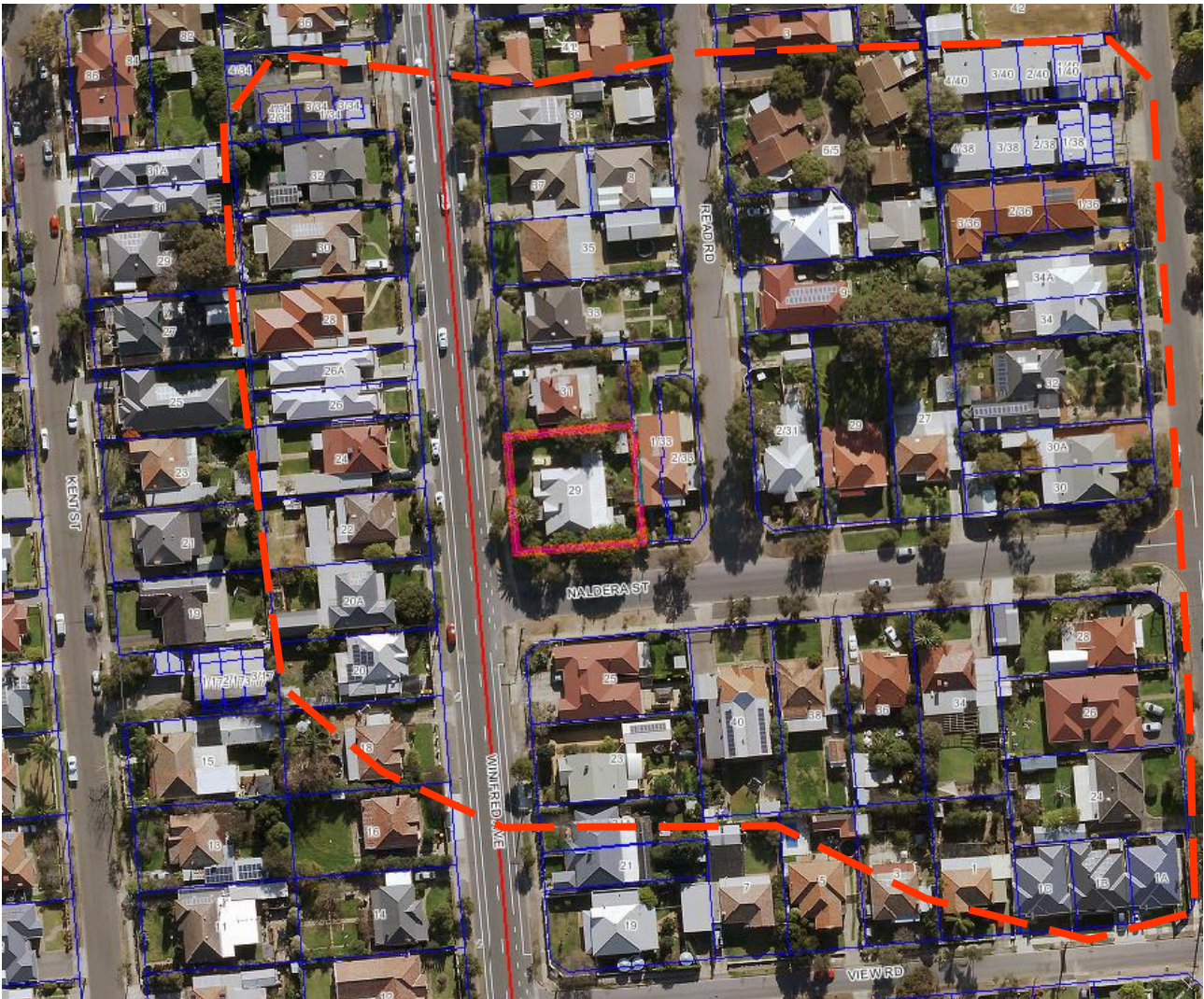
The land is occupied with a single-storey detached dwelling facing Winifred Avenue, which is the original house.



LOCALITY

The subject land is situated to the western edge of Glandore, which is bordered by Anzac Highway to the north, Main South Road to the east, Cross Road to the south and Winifred Avenue to the west. The tramline extends through the centre of the suburb (north of the subject site) providing the boundary between Marion and West Torrens Councils.

The area is characterised by predominantly single storey detached dwellings on medium to large sized allotments as well as numerous original maisonettes. There are a number of dwellings incorporating art deco elements. To a lesser extent infill development is evident and in the form of mainly semi-detached dwellings, although group, residential flat buildings and row dwellings exist sporadically within the wider locality. The most recent example of higher density development are exemplified in three two storey row-dwellings constructed on a corner of Clarke Avenue and View Road, Glandore, known as 1A, 1B and 1C View Road.



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

THE PROPOSAL

A proposal for the construction of four, two-storey row dwellings and the creation of three additional Allotments.

The each dwelling incorporates a, laundry and open plan kitchen / living / meals area with direct access to the rear private open space, on the lower level. Dwelling 2, 3 and 4 include a second lounge facing Naldera Street.

The upper levels comprise, 3 bedrooms, including main bedroom and ensuite, a bathroom and small landing.

Apart from Dwelling 1 which features a separate double carport facing Winifred Avenue (proposed secondary street), each dwelling provides a single width garage under the main and seeks the construction of two new crossovers for access to and from Naldera Street.

Each dwelling incorporates a mixture of recycled red face brick (lower level), a combination of render / stria cladding through the upper levels, black aluminium window frames, panel lift garage doors, and timber entry door.

Procedural Matters

Classification

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

Referrals

External

State Commission Assessment Panel (SCAP)

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

SA Water:

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

The augmentation requirements of SA Water shall be met.

The necessary easements shall be vested to SA Water.

SA Water advise that a sewerage pumping station with a capacity of 8L/s with a dedicated site, all weather vehicular access and approximately 250m of pumping main is required for this development.

Zone and Policy Area Considerations

Residential Zone

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

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

The proposed row-dwellings will add to the range of dwelling types in the locality whereas, the contemporary design should add to the attractive residential environment.

The subject land is approximately 600 metres walking distance from the nearest Neighbourhood Centre Zone at the corner of Cross Roads and Almond Grove (south/west of the land), and the Glandore Oval on South Road (west of the subject land), and less 500 metres walking distance from the tram line to the north.

The increased dwelling density sufficiently addresses Objective 1 and 2.

Medium Density Policy Area 12

Objectives

- 1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.*
- 2 Development that minimises the potential impact of garaging of vehicles on the character of the area.*
- 3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.*
- 4 Development that contributes to the desired character of the policy area.*

1 The proposed dwellings are classified as medium density, in accordance with that envisaged in the policy area. The site is located in proximity of open space, centres and public transport nodes.

2 The proposed garages are incorporated under the main roof of the associated dwelling, and therefore have an appropriate impact on the character of the locality.

3 The development density should support the viability of services and infrastructure, given the site's proximity to tram line and the Neighbourhood Centre Zone.

4 The contemporary design shall contribute to the Desired Character

Desired Character

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

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.

Satisfies (refer assessment comments below)

Principles of Development Control

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

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

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

3 Medium density development should be in the form of 2 storey buildings with an ability to provide a 3rd storey addition within the roof space.

4 Upper level balconies may extend 1 metre closer to the road boundary than the associated dwelling.

5 In the case of more than one dwelling on one site, access to parking and garaging areas from public streets should be via a minimum number of common driveways.

The proposal two-storey row-dwellings are a form of development which is envisaged in the policy area.

As noted in the discussion table the proposal is deemed to be consistent with the Desired Character.

The proposed upper levels cantilever closer to the road beyond the garages although no closer than the minimum setback prescribes.

Each dwelling is provided with only one vehicle access.

Quantitative Snapshot

Requirement		Proposed	
	Row Dwellings		
Allotment Dimensions			
Site Area	210m ²	Does Not Satisfy	<u>Dwelling 1: 192m²</u> <u>Dwelling 2: 189m²</u> <u>Dwelling 3: 189m²</u> <u>Dwelling 4: 189m²</u>
Frontage	7m	Satisfies	Dwelling 1: 7.28m Dwelling 2: 7.15m Dwelling 3: 7.15m Dwelling 4: 7.15m
Depth	20m	Satisfies	Each allotment achieves a depth of a depth of 26.44m
Setbacks			
Front	5m	Satisfies	Each dwelling is provided with minimum 5m front setback.
Garage or Carport	5.5m (primary st) 0.9m (secondary st)	Satisfies	Dwellings 2, 3 and 4 which incorporate garage setback 5.5m from the primary street frontage. Dwelling 1 incorporates a double carport setback 900mm from the secondary street boundary.
Side	Ground: 900mm	Satisfies	Dwelling 1: not applicable (Secondary St) Dwelling 2/3: not applicable (party walls) Dwelling 4: 900mm
Side Upper	2m	Partially Satisfies	Dwelling 1: 2m (western side on boundary eastern side. Dwelling 2: 1m western side and 2m eastern side. <u>Dwelling 3: 2m western side and 1m eastern side</u> Dwelling 4: on boundary western side and 2.14m eastern side.
Rear	Ground: 6m/3m (50% allotment width)	Satisfies	All dwelling provide a rear setback of 6m, although Dwelling 1 features an open carport to the rear between the dwelling and the rear boundary.
Rear Upper	6m	Satisfies	6m
Secondary	2m	Satisfies	Dwelling 1: 2m, 2.5m and 5m
Building Footprint			
Site Coverage	Site area less than 250m ² = 100m ²	Partially Satisfies	<u>Dwelling 1: 105.2m² or 92m² without upper level o/hang</u> Dwelling 2: 95.6m ² Dwelling 3: 95.6m ² Dwelling 4: 95.6m ²
Floor Area Ratio	Site area less than 250m ² = 0.7	Partially Satisfies	Dwelling 1: 0.69 (satisfies) Dwelling 2: 0.75 (does not satisfy) <u>Dwelling 3: 0.75 (does not satisfy)</u> <u>Dwelling 4: 0.77 (does not satisfy)</u>
Pervious Surface	20%	Satisfies	Average of sites: 27%
Wall on Boundary	3m height, 8m length	Satisfies	Height: 2.72m or 2.98m above natural ground Length: 6.3m.
Building Height	Maximum 9m	Satisfies	Building height: 7.2m Finished floor level: 100.40 Lowest point below FFL: 99.93

			Total height: 7.67m
Private Open Space			
<i>Area</i>	20% of allotment (side or rear)	Satisfies	Dwelling 1: 44m ² or 22% Dwelling 2: 43m ² or 22.7% Dwelling 3: 43m ² or 22.7% Dwelling 4: 43m ² or 22.7%
<i>Dimensions</i>	5m by 5m (part accessible from living area)	Satisfies	Dwelling 1: 5m by approximately 5.5m Dwelling 2: 6m by 7.15m Dwelling 3: 6m by 7.15m Dwelling 4: 6m by 7.15m
Car parking and garages / carports			
Car parking	Three bedrooms 2 spaces, 1 of which covered	Satisfies	Each dwelling is provided with three bedrooms and two on-site parking spaces, one of which is undercover.
Garage widths	6m or 50% of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Satisfies	Dwelling 1: 5.5m wide carport facing the secondary street which is equivalent to 20.8% of the dwelling frontage. Dwelling 2: 3m / 41% of dwelling width. Dwelling 3: 3m / 41% of dwelling width. Dwelling 4: 3m / 41% of dwelling width.

Qualitative Assessment

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

Land Division

Objectives

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

Satisfies

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

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

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

Satisfies

The proposed land division reflects the existing built form approved for the subject land.

Principles of Development Control

1 When land is divided:

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

Satisfies

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).

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

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

Satisfies

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

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

Satisfies

Allotment 1: 7.28m by 26.44m = 3.63
Allotment 2: 7.15m by 26.44m = 3.69
Allotment 3: 7.15m by 26.44m = 3.69
Allotment 4: 7.15m by 26.44m = 3.69

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

Satisfies

All lots achieve a north facing rear boundary

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

- (a) the size of proposed allotments and sites and opportunities for on-site parking
- (b) the availability and frequency of public and community transport
- (c) on-street parking demand likely to be generated by nearby uses.

Satisfies

The allotments / dwellings provide opportunities for adequate on-site car parking. Access to frequent bus and train services is readily available within the wider locality and 3 on-street car parking spaces shall be available adjacent the subject land.

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

Satisfies

Each of the dwellings approves adequate on-site parks and room for at least 3 on-street parks will remain available adjacent the subject land.

Desired Character

The proposal is considered to be consistent with the Desired Character of the Medium Density Policy Area 12 in that it will provide medium density housing and result in a redeveloped site at a greater density than that of the original housing stock.

The proposal maintains a cohesive streetscape as a result of the proposed street setbacks, landscaping to front yards and a design which is considered to reduce the bulk and scale of each dwelling. Further to this, the dwellings' appearance and use of materials will result in a modern yet contemporary design and provide a positive contribution to the existing streetscape.

The impact of the dwellings' two-storey nature is not considered to unreasonably impact on the amenity of adjacent land (discussed in Overshadowing and Overlooking sections of the table below).

The site is located adjacent the Northern Policy Area 13 (western side of Winifred Street) which accommodates dwellings at lower densities. The proposed dwellings have been designed with high degree of articulation between lower and upper levels as well as transitional setbacks from the side and rear boundaries, which should assist in softening the appearance of the two-storey dwellings as viewed from allotments within the adjacent policy area.

The dwellings each contain three bedrooms which is typical of dwellings within the wider locality. Accordingly, the proposal does not increase the range of dwelling types in the locality to meet a variety of accommodation needs. That being said, it is noted that the two-storey row dwellings with smaller compact backyards and open plan living present a different dwelling option to the typical original dwelling stock in the locality (single-storey dwellings with larger backyards).

The site is located in relatively close proximity to a number of desirable attributes where high densities are sought. Occupants would be within walking distance of the Glandore Community Centre (and associated open space), bus transportation is available on Winifred Avenue (adjacent the site) and Cross Road (350m away), whilst tram transportation is available via the Adelaide-Glenelg tram line (250m away).

On balance, the proposal is considered to adequately comply with the Desired Character despite the undersized nature of each allotment (discussed below).

Site areas

Medium Density Policy Area 12 Principle 6 requires row dwellings to have a site area no less than 210 square metre and a frontage width of 7m.

The development has shortfalls in relation to site area with Residence 1, 18 square metres whilst Residence 2, 3 and 4 are 21 square metres undersized. This represent an 8.57% departure for Residence 1 and a 10% departure for residence 2, 3 and 4.

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 proposal does not result in adverse amenity impacts on adjoining properties with respect to on-site and on-street parking, overshadowing, bulk or scale, and (as discussed further within the report) 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 room for positive landscaping forward of the dwellings.

In addition to the above, the shortfall in site area has not resulted in unreasonable impacts on the amenity of neighbouring properties for the following reasons:

- Due to the orientation of the land, the proposed dwellings will cast the most shadow over their respective front yards and onto Naldera Street. The dwelling directly to the east may receive some level of shadowing in the afternoon from the western sun (although private open space will be unaffected). As such, neighbouring dwellings will not be unreasonable overshadowed.

It is noted that the proposed setback of 2.1 metres complies with the development plan requirement (PDC 6 of the Residential Zone). It is also noted the upper wall on the eastern elevation does increase from 2.1 metres to 2.8 metres further into the site which provides articulation in the upper level and reduces the overall bulk when viewed from the neighbouring property.

Finally a proposal of this density is unlikely to be replicated given there are no similar sized corner allotments in the locality and the policy area has now changed from Medium Density to Residential Character where row-dwellings are not an envisaged form of development.

Despite the shortfall in site area, the development results in a form of housing consistent with a majority of 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.

Design and Appearance

The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive, modern and unique presentation to the streetscape.

Each dwelling provides a front door facing the primary street frontage and upper and lower level habitable room windows. The front façade has incorporated significant design elements and articulation. The facades are further enhanced through the inclusion of:

- A mixture of recycled red brick (lower level) and horizontal cladding and render panels (upper level) on the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Upper level eave overhangs and pitched roof forms.

Furthermore, the dwellings incorporate a 27.5-degree Colorbond roof in Monument Dark Grey, with rendered facades and the garaging of each dwelling features Colorbond Panel lift doors (surf mist). These materials should not result in glare to neighbouring properties, drivers or cyclists.

Appropriate articulation is provided through differing side setbacks to the upper and lower level of the dwelling. The level of articulation afforded through these differing setbacks, and the use of different colours and materials is considered to appropriately aid in reducing the potential visual bulk and scale impacts associated with the dwelling's two storey nature

On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.

Overshadowing

Design and Appearance Principle 9 seeks the design and location of buildings to enable direct winter sunlight onto adjacent dwellings and private open space and to minimise the overshadowing of habitable room windows and solar collectors. Additionally, Principle 10 outlines the extent to

which dwellings on the same and / or adjacent land should experience direct sunlight between the hours of 9am to 3pm on 21 June (winter solstice).

Given the south forms the street boundary, a majority of winter shadow will be cast within the front yard of the proposed dwellings and including to the west over the footpath (Winifred Avenue) in morning hours. Shadow cast into the eastern adjoining property will commence in the afternoon hours, although private open space and habitable windows will remain largely unaffected for the majority of the day.

Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties satisfies with Principle 9 and 10.

Visual Privacy

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 though the incorporation of 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 dwellings incorporate either fixed obscure glazing or a window sill height to 1.7 metres above the upper level internal finished floor level.

Upper storey windows on the front elevation and secondary street 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 therefore 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

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 face north for exposure to winter sun.

Dwellings 2, 3 and 4 are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around. Whilst Dwelling 1, features a north facing rear boundary, the main activity area is oriented west, which should nonetheless receive a sufficient amount of direct northern winter sunlight from midday onwards.

As identified in the Overshadowing section of this report, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.

Private Open space

Each dwelling is provided with appropriate area and dimensions of private open space. All private open space areas are directly accessible from the internal living rooms, located at ground level, to the side and or rear of the respective dwellings and not directly next to neighbouring bedrooms.

Given the flat nature of the site, standard fencing shall provide appropriate privacy from and between adjacent sites / buildings.

The proposed POS areas for the Dwelling 2, 3 and 4 maintain a northerly aspect to provide for comfortable year round use, whereas, the POS for Dwelling 1 which is located to the western side of the dwelling will benefit partially from the northern sun although from midday on thereby receiving sufficient sunlight though the afternoon. To this end, POS areas should not be significantly shaded during winter including by the associated dwelling or adjacent development.

All POS areas are capable of being shaded during the winter months and achieve the required area and dimensional shape to be functional, whereas, traffic, industry or other business activities should not affect the subject land.

Site coverage and Site Facilities and Storage

Whilst the individual Policy Area designates a desired maximum site coverage, regard should also be given to Residential Zone Principle 9 which permits site coverage to exceed that permitted within the Policy Area when it is demonstrated the excess will not impact on the relevant setback of POS provisions, the excess will not adversely affect the amenity of adjoining properties and does not conflict with over relevant Development Plan criteria (i.e. creates a shortfall in car parking etc).

The proposal partially satisfies the site coverage and floor area ratio requirements. Specifically, all dwellings satisfy the site coverage requirements apart for Dwelling 1, which is marginally above the 100m² if you include the upper level over-hang, and Dwelling 2, 3 and 4 exceed the 0.70 floor area ratio standard.

The departure in site coverage (dwelling 1) ,and floor area ratios (dwelling 2, 3 and 4), is not considered fatal to the overall development, considering the proposal satisfies the majority of applicable numerical standards in relation to front, side and rear setback requirements, provision of suitable private open space. Additionally, it is demonstrated that the dwellings shall not have a detrimental impact on the adjoining properties via overshadowing or visual bulk/scale impacts.

Each dwelling also provided sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage as sought by Residential Development Principle 14.

Landscaping

Given the site proposes the comprehensive redevelopment of an allotment and creates three additional dwellings, it is recommended a comprehensive landscape schedule be established to assist in providing an appropriate streetscape outcome. Such a landscape schedule should identify the location of planting species and distribution, and should ensure these appropriately complement the built form and enhance the appearance of the road frontage and parking areas. The provision of larger plantings forward of each dwelling will further aid in reducing and softening the visual bulk/scale posed by the two-storey nature of the dwellings. It is suggested that this could be applied as a reserve matter.

Conclusion

The preceding assessment has addressed the main shortfall in relation 'site areas' as well as the number of partial departures. Of note the proposed density albeit approximately 10% less than the policy area espouses is considered to be acceptable, particular given the departure in site area will not be evident when viewing the allotments from the street and the development achieves overall compliance with regard to, frontage widths, front, side and rear setbacks as well as private open space.

Furthermore, the proposal will not result in adverse amenity impacts on adjoining properties with respect to overshadowing, overlooking, bulk or scale, and provides a positive design contribution to the streetscape and sufficient on-site parking and ample on-street parking is achieved.

To this end, the proposed dwellings are not by themselves and overdevelopment of the site, and the built form is not considered detrimental to the existing and sought character of the locality.

Moreover, the proposal satisfies a majority of the applicable principles of development controls contained within the Marion Council Development Plan and consent is warranted.

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: 100/2019/1202 for Land Division Residential Torrens 1 into 4 allotments and subsequent construction of four (4) two storey row dwellings with associated landscaping) at 27 Winifred Avenue, Glandore be GRANTED Development Plan Consent and Land Division Consent, subject to the following Reserved Matter and conditions:

Reserved Matter

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

1. A landscaping plan shall be submitted to Council for consideration prior to Development Approval being issued, detailing a mix of native medium and low-level plantings throughout the site.

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

Conditions

Development Plan Consent

1. The land division shall be carried out and maintained in accordance with the plans and details submitted with and forming part of Development Application No: 100/1202/2019 (SCAP REF: 100/D116/19) except where 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. 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. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
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 the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to
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. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

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

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

5. Payment of \$22848 into the Planning and Development Fund (3 allotment(s) @ \$7616/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
6. 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.

Attachments

Attachment I: Certificate of Title
Attachment II: Proposal Plan and supporting documentation
Attachment III: SCAP & SA Water Comments

**REPORT REFERENCE: CAP040919 - 2.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 SEPTEMBER 2019**



Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Franco Natale Perrone
Development Description:	Land Division Residential Community Title - 1 into 5 allotments
Site Location:	19 Angus Avenue, Edwardstown
Zone:	Residential
Policy Area:	Marion Plains Policy Area 8
Application Type:	Category 1
Lodgement Date:	14/08/2019
Development Plan:	Consolidated – 15 August 2019
Referrals:	SA Water and State Commission Assessment Panel (SCAP)
Delegations Policy:	1.4.1.5 Any application for land division that proposes the creation of three or more additional allotments (excluding an allotment identified as common property or as a free an unrestricted right of way) where one or more of the proposed allotments is more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.
Categorisation	Category 1 as per Schedule 9 2(f) (f) the division of land which creates not more than 4 additional allotments.
Application No:	100/2019/1319
DAC Reference No:	100/C130/19
Recommendation:	Development Plan Consent, Land Division Consent and Development Approval (Granted)

BACKGROUND

Members are advised that the proposed community title land division application relates to a previously approved land use application, Development Application 100/2017/1958, which was granted Development Plan Consent by staff in accordance with the Council's instruments of delegation at that time. An assessment was undertaken with the proposal illustrating sufficient merit when assessed against the applicable Development Plan provisions to warrant the granting of Development Plan Consent. The application involved the demolition of existing buildings and structures on the land, as well as the construction of a single storey residential flat building, comprising five dwellings with associated car parking and landscaping.

It should also be acknowledged that as part of the most recent amendment to the Development Plan Consolidated 15 August 2019, the subject land has been placed in a new Policy Area (Marion Plains Policy Area 8), whereas the built form application was assessed against the applicable provisions of the Medium Density Policy Area 12. The Medium Density Policy Area 12 envisaged residential flat dwellings achieving a minimum site area of 250sqm per allotment.

SUBJECT LAND

The subject land is located on the northern side of Angus Avenue and comprises a rectangular shaped allotment, achieving a frontage width of 20.9 metres and a depth of 60.91 metres thereby providing a total site area of 1294 square metres.



LOCALITY

The locality is primarily residential in nature, containing a mix of detached dwellings on large allotments and group/residential flat dwellings in the form of hammerhead allotments, which are particularly prevalent in the immediate vicinity. A variety of commercial properties exist beyond the tramline to the east of Railway Terrace.

The subject land is currently developed with the approved dwellings in DA 100/2017/1958, including a single storey residential flat building, comprising 5 dwellings. The subject land is relatively flat and is devoid of any Regulated Trees.



A view of the locality can be obtain via this [google maps link](#).

THE PROPOSAL

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

Procedural Matters

Classification

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

Referrals

External

State Commission Assessment Panel (SCAP):

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

SA Water:

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

Zone and Policy Area Considerations

The relevant objectives, desired character and principles of development control of the Residential and Marion Plains Policy Area 8 are listed in the following table and discussed in further detail below:

Residential Zone

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

Proposal consider to adequately satisfy the intent of applicable provisions.

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

Marion Plains Policy Area 8

Objectives

1 A policy area primarily comprising low scale, low to medium density housing.

Proposal consider to adequately satisfy the intent of applicable provisions.

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.

Desired Character

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

Proposal consider to adequately satisfy the intent of Desired Character by facilitating an attractive residential environment.

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.

Principles of Development Control

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

- affordable housing
- **dwelling**
- supported accommodation.

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

3 Residential development in a battle-axe configuration should not be developed unless all of the following can be satisfied:

- (a) a "handle" of at least 4.6 metres width is provided that gives access to the rear of the site, comprising a driveway of 3.0 metres minimum width and landscaping strips of 0.8 metres minimum width along both sides of the driveway
- (b) all dwellings are sited to ensure that they are at least partially visible from the street frontage
- (c) fencing along the battle-axe driveway between the primary road frontage and the main face of the dwelling closest to the street is avoided or minimised in height and constructed of a suitable material to maintain an open landscaped character
- (d) dwellings are set back an appropriate distance from the battle-axe driveway.

Partially Satisfies

The dwellings approved in DA 100/2017/1958 comprise a single storey residential flat building comprising 5 dwellings.

It is acknowledged the subject land division seeks to formalise allotments for the existing built form on the site. The dwellings were assessed under a different Development Plan, whereby minimum site areas and built form demonstrated an appropriate level of compliance with the intent of the Policy Area and guidelines at that time.

Does Not Satisfy

The proposal provides a driveway width of 3.6 metres, with an 800mm landscaping strip along the eastern side of the common area. The western side of the common driveway incorporates landscaping areas between 500mm and 1m (adjacent the existing dwellings and at the front of the site).

Beyond Lot 1, 2 and 3, the allotments and existing dwellings maintain limited visibility from the street.

No fencing is proposed as part of the subject application.

The existing dwellings maintain limited separation from the common driveway.

The above notwithstanding, the subject land division reflect the approved built form for the subject land which has already been constructed.

Quantitative Snapshot

Requirement		Proposed	
Group dwellings			
Allotment Dimensions			
Area	350 square metres (excluding the driveway/common property)	Does Not Satisfy	Lot 1 – 250sqm Lot 2 – 162sqm Lot 3 – 167sqm Lot 4 – 162sqm Lot 5 – 246sqm Average site area = 197.4sqm Total site area – 1294 Average site area including common property = 258.8sqm
Frontage	20	Satisfies	20.9m
Depth	45 metres	Satisfies	48m

Assessment

The application seeks approval to create five community title allotments and one common property allotment, thereby increasing the density of the subject land. As set out above, all proposed site areas are less than the minimum 350 square metres prescribed for residential flat dwellings within the Marion Plains Policy Area 8. The subject land (including common property) provides a total site area of 1294 square metres which equates to an average of 258.8 square metres per allotment, which previously met the guidelines for residential flat dwellings, prior to the most recent amendments to the Development Plan.

As previously mentioned, a separate land use application (DA 100/2017/1958) for the construction of a single storey residential flat building comprising 5 dwellings has already been granted Development Approval and have subsequently been constructed.

The original built form was assessed against the active Development Plan at that time (Consolidated 21 November 2017), whereby the subject land was situated within the Medium Density Policy Area 12. It is acknowledged the Medium Density Policy Area 12 envisages residential flat dwellings, with an average site area of 250sqm.

Members of the Panel are advised the original application was a land use only proposal (whereby Land Division principles cannot be considered as part of the assessment). In relation to the proposed site areas, the assessment had regard to Principle 3 of the Medium Density Policy Area 12 which stated residential flat dwellings should have an average site area per dwelling not less than 250 square metres per allotment.

As no land division component was involved with the previous application, the minimum site areas are averaged over the entire site, which in this instance equated to an average site area of 258.8 square metres per allotment – an average which exceeds the minimum 250 square metres under the applicable Development Plan at the time.

It is important to note that in the scenario of the dwelling application, the driveway is included within the average as it can only be excluded when forming part of land division as per Land Division Principle 8 which states allotments in the form of a battleaxe configuration should have an area, that

meet the minimum allotment sizes for the proposed form of dwelling (excluding the area of the 'handle' of such an allotment).

The subject land division is to be assessed under the Council's most recent Development Plan (Consolidated 15 August 2019), whereby the subject land now lies within the Marion Plains Policy Area 8. Recent changes to the Development Plan have result in the minimum site area for residential flat dwellings increasing to a minimum 350sqm. Despite the large non-compliance in average site area across the site, regard should be had to both the fact that an existing approval and built form are present for the subject land. The subject land division seeks to formalise allotments for the existing residential flat dwellings, and in my opinion, will be of no consequence upon the pattern of development within the locality.

As such, despite the non-compliance in site areas for each allotment, given the subject land division relates to an application previously supported by administration staff and an existing built form, it is my view that it has been demonstrated that the site can accommodate the increase in density.

Land Division

Objectives

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

Satisfies

The proposed division of land is considered to be orderly and in keeping with the existing built form on the subject land. The proposed land division will formalise allotments on the site and is of no consequence upon the locality.

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

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

Satisfies

The proposed land division reflects the existing built form approved for the subject land.

Principles of Development Control

1 When land is divided:

(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner

(b) a sufficient water supply should be made available for each allotment

(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health

(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.

Satisfies

An engineered site works and drainage plan was assessed by Council's Engineering Department during the assessment of the land use application 100/2017/1958. This plan was considered acceptable and was approved as part of the corresponding land use application.

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

(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use
(b) any allotment will not have a frontage to one of the following:

- (i) an existing road
- (ii) a proposed public road
- (iii) access to a public road via an internal roadway in

a plan of community division

(c) the intended use of the land is likely to require excessive cut and/or fill

(d) it is likely to lead to undue erosion of the subject land or land within the locality

(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development

(f) the intended use of the land would be contrary to the zone objectives

(g) any allotments will straddle more than one zone, policy area or precinct.

Satisfies

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

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

Satisfies

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

(a) have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment)

(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction

(c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape

(d) be avoided where their creation would be incompatible with the prevailing pattern of development.

Does Not Satisfy

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

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

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

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

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

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

Partially Satisfies

The width of the driveway at the entrance to the subject land measures 4.9 metres for a distance of 6.7 metres and then narrows in width to 3m. A 6m width is provided adjacent the visitor parking spaces of Lot 2/3.

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

Partially Satisfies

Due to the existing built form on the subject land, Lot 1 – 4 achieve west facing areas of private open space, whereas Lot 5 achieves a north facing area.

21 *The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:*
(a) the size of proposed allotments and sites and opportunities for on-site parking
(b) the availability and frequency of public and community transport
(c) on-street parking demand likely to be generated by nearby uses.

Partially Satisfies

On-site car parking provision and the internal movement of vehicles within the confines of the subject land was assessed by Council's Development Engineer.

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).*

Partially Satisfies

Each of the dwellings approved on the land provide at two on-site parks. 2 on-street park remain available adjacent the subject land.

Conclusion

A land use application for the construction of a single storey residential flat building comprising 5 dwellings has been granted Development Plan Consent by staff under delegated authority. Subsequently, following the issue of Development Approval to the land use application, the dwellings were built and exist on the subject land. The built form application was considered to sufficiently accord with the applicable Objectives and Principles of Development Control to, on balance, warrant support. It is acknowledged the built form application was assessed at a time where the subject land was situated in the Medium Density Policy Area 12, which requires a lesser site area for residential flat dwellings, compared to the Marion Plains Policy Area 8.

The proposed land division reflects the approved dwelling application 100/2017/1958 and built form on the site. It is acknowledged the proposal results in a density which is not entirely envisaged by the current Development Plan. As part of the built form assessment, the site area on average satisfied the minimum 250sqm sought for residential flat dwellings, demonstrated these sites are suitable for their intended purpose, and can accommodate residential flat dwellings in accordance with Development Plan criteria. Despite the proposal failing to satisfy the minimum site areas sought for residential flat dwellings within the Marion Plains Policy Area 8, the land division reflects the approved and built form on the subject land. As such, the application is considered to be orderly development and will not result in any adverse or fundamental impacts on the wider location.

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

Recommendation

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent, Land Division Consent and Development Approval for Development Application No: 100/1319/2019 for Land Division Residential Community - 1 into 5 allotments at 19 Angus Avenue, Edwardstown be GRANTED subject to the following conditions:

Conditions

Development Plan Consent

1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No. 100/1319/2019, except when varied by the following conditions of consent.
2. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees. The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
2. Payment of \$30464 into the Planning and Development Fund (4 allotments @ \$7616/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Attachments

- Attachment I: Certificate of Title*
Attachment II: Proposal Plan
Attachment III: External Agency Referral Comments

**REPORT REFERENCE: CAP040919 – 2.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 SEPTEMBER 2019**



Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	Dara School
Development Description:	A change of use from a supported care facility to educational establishment including internal alterations to the Local Heritage Item of Cobham Hall, as well as construction of a transportable building for the purpose of toilet facilities, and associated on-site car-parking areas and driveways, signage, fencing, and landscaping
Site Location:	4 Gordon Terrace, Morphettville
Zone & Policy Area:	Residential Zone / Northern Policy Area 13
Application Type:	Category 3 / Merit
Development Plan:	Consolidated – 29 November 2018
External Referrals:	Flightpath Architects (Heritage Referral)
Internal Referrals:	Development Engineer Coordinator Traffic and Parking Acting Coordinator Arboriculture
Delegations Policy:	1.4.1.9 Any application where the Manager Development and Regulatory Services determines that the application warrants assessment by the Panel due to its significant, contentious or controversial nature.
Categorisation:	Category 3 Proposed development not listed within Council's Development Plan as a Category 1 or 2 form of development and not assigned as Category 1 or 2 within Schedule 9 of the Development Regulations 2008, and as such defaults to a Category 3 development.
Application No:	100/2019/0818
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

BACKGROUND/ HISTORY

The site is comprised of a Local Heritage Item of Cobham Hall as listed within Table Mar/3 of the Marion Council Development Plan. A brief history of the site is provided for member's reference;

Cobham Hall was built on the foundations of the original Cobham building, which was built on the property in 1841 by Joseph Bell. Bell was one of the Pioneers of South Australia after having arrived in the Colony from Tasmania in 1837. Cobham was built on two levels, including a semi-underground cellar, ownership of which was exchanged a number of times until the dwelling was virtually destroyed by fire in 1927. The new dwelling (Cobham Hall) built on its foundations shortly thereafter.

In 1948, the property passed to Homesdale C. Nitschke, who was a one-time opening batsman for South Australia and a racehorse owner. Thereafter, the SA Housing Trust acquired much of the original property in the 1950's, with the land associated with Cobham Hall reduced to approximately 4 acres by 1953 and 1 acre by 1965, it was during this time that the dwelling was modernised. By 1980, the property was owned by a nursing sister with the dwelling converted to and opened as Cobham Retirement Homes, with subsequent structures and buildings constructed on the site to facilitate this use.

The Subject Land was identified in both the 1990 and 1995 Heritage Surveys, described as 'a fine example of the Tudor style of residence in the grand manner'. The 1995 Heritage Survey (Donovan and Associates) observed the fulfillment of the following Section 23(4) Criteria, now incorporated in the Development Plan:

- a) the building displays historical, economical or social themes that are of importance to the local area, particularly the closer settlement of the district;
- d) the building displays aesthetic merit, design characteristics or construction techniques that are uncommon to the local area;
- e) the building is associated with a notable local personality, Homesdale C. Nitschke.

The dwelling and site continued to operate as supported care facility until approximately 2010/2011. Council is aware of the property having exchanged ownership several times over the past eight years, with numerous development applications lodged for land division of the site. Within these applications it has been identified that due to the financial implications associated with maintaining and upgrading the heritage listed building to comply with relevant codes and standards, finding an adaptive reuse for the building has not been viable.

As a result, the site has been left vacant for a number of years and fallen into neglect. Council has been notified for anti-social behaviour occurring on the site and within the vacated building, which combined with a lack of maintenance, has accelerated its decay and disrepair.

Development Application 100/2018/1174 was lodged in 2018 for the total demolition of the Local Heritage Item of Cobham Hall, with associated land division applications lodged to create 14 new allotments. Despite the considerable disrepair of the Local Heritage Item, due to the clear intent of the Development Plan with regard to the demolition of Heritage Items, Council staff were ultimately not in support of the demolition application with the applicant electing to withdraw the application (and associated land division applications) prior to it being presented to the Council Assessment Panel for determination with a recommendation of refusal.

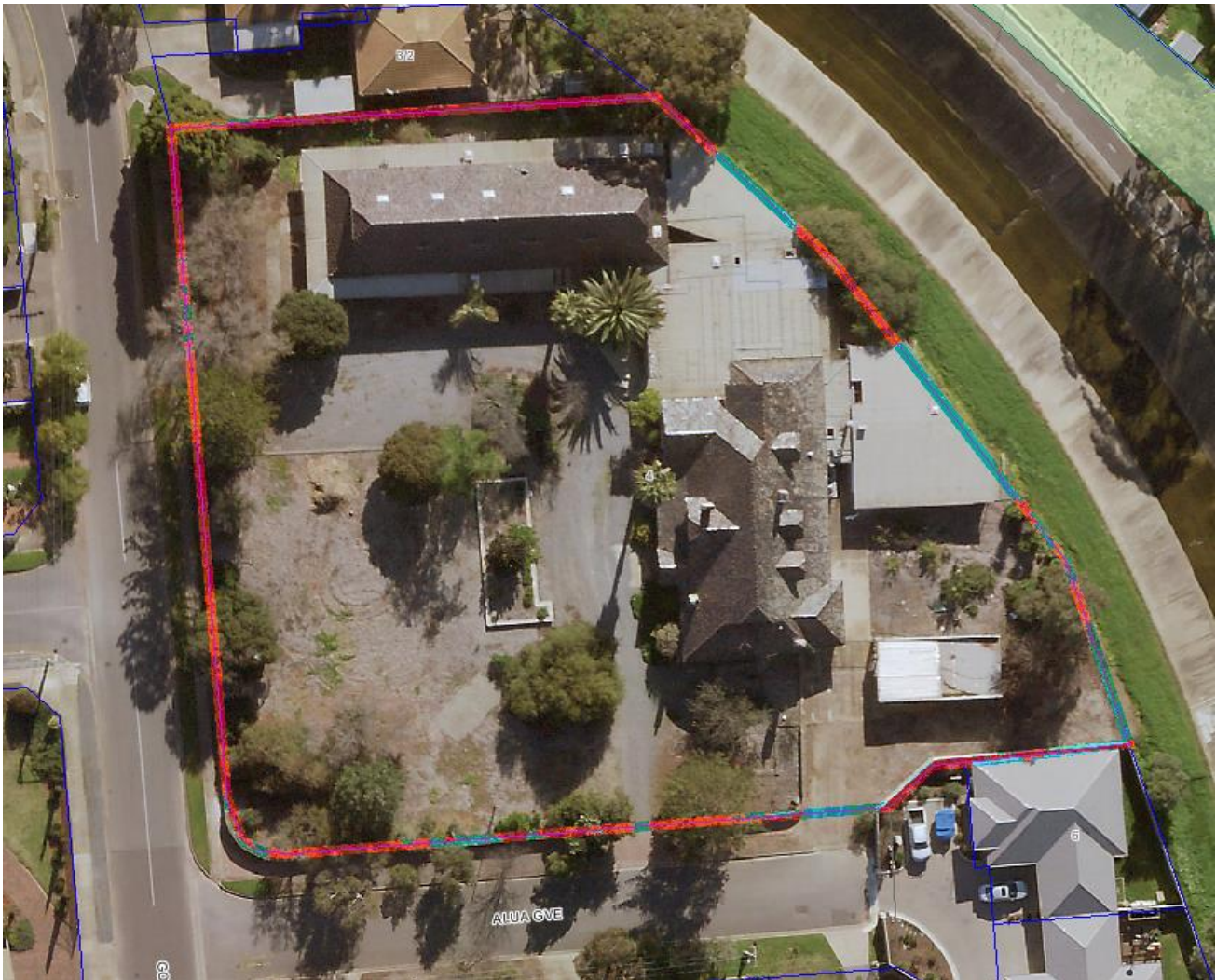
The same applicant has now lodged the subject application.

SUBJECT LAND

The subject land is located within the Residential Zone (Northern Policy Area 13) at 4 Gordon Terrace, Morphetville, on the eastern side of Gordon Terrace at the termination of Cobham Avenue. The whole of the site comprises approximately 5280 square metres of land with a western primary frontage to Gordon Terrace of 67.39 metres and a secondary frontage to Alua Grove of 58.52 metres. The Sturt River drain and Linear Park abut the site to the east.

The site contains a former two-storey grand Tudor style residence being the Local Heritage listed item of Cobham Hall, as well as a large building alongside the northern boundary of the land and several other additions and outbuildings to the immediate north and east of Cobham Hall which were constructed since the 1980's when the use of the land changed from Residential to that for the purposes of a Retirement Home.

The site comprises a Significant Irish Strawberry Tree (*Arbutus unedo*) adjacent the western Gordon Terrace boundary. There is a variety of other vegetation and trees located on the subject land, two of which are large Norfolk Island Pine Trees, however these are not considered Regulated pursuant to current legislation.



LOCALITY

The immediate locality is predominantly residential in nature, comprised of a mixture of single-storey detached dwellings at low densities which are representative of the original dwelling stock as well as redeveloped/sub-divided properties, which take the form of detached, semi-detached, group and row dwellings. Kellett Reserve Oval and McKellar Terrace Reserve, both of which are within the Community Zone are located 120 metres to the west, while the Open Space Zone comprised of the Sturt River drain and linear park abuts the site to the east. Further afield, a Neighbourhood Centre Zone is located adjacent the intersection of Denham Avenue and Morphett Road, 400 metres north-west of the site.

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



THE PROPOSAL

The proposal seeks for a change the use of the existing Local Heritage Place from a supported care facility to an educational establishment including internal alterations to the Local Heritage Item of Cobham Hall, as well as construction of a transportable building for the purpose of toilet facilities, and associated on-site car-parking areas and driveways, signage, fencing, and landscaping.

The adaptive re-use of the local heritage place 'Cobham Hall' is to accommodate a new school facility (Dara School) for intellectually gifted students. The application seeks to facilitate 33 students in its first year of operation, with an increase in capacity of up to 100 students over the next ten years. The proposed facility seeks to be conducted within conventional school hours from 8.45am to 3.15pm, Monday to Friday, with no use on weekends and public holidays other than for administration, cleaning or maintenance purposes.

The proposal assumes the demolition of later additions to the eastern side of Cobham Hall as well as other surrounding buildings not included within the heritage listing (and formally sought within a separate demolition application DA 100/2019/0654).

The use of the site is proposed to cater for a range of teaching and associated administrative activities, with internal works to the building to provide required facilities including various classrooms/learning spaces and a library, staff room and offices, storerooms and bathrooms.

A number of conservation works to the locally heritage listed item of Cobham Hall are sought within the proposal, including the replacement of missing/damaged roof tiles to match the existing, and regrouting where necessary, the removal of rotten timber and replacement to match existing, as well as sanding and repainting, the replacement of all broken glass and repair of existing leadlight where possible as well as masonry and render repair including the raking out of deteriorated and crumbling mortar, removal of damaged bricks, removal of salt damp and replacement/repainting to match existing.

The development and landscaping of the site seeks to provide an access road, car parking areas for up to 27 vehicles on-site and a play space, which results in the removal of several trees, however none of these are deemed Regulated pursuant to current legislation. The construction of a transportable building is also included within the proposal, and is to be located to the rear of the main building. Signage is proposed adjacent to the intersection of Gordon Terrace and Alua Grove. The proposal retains the existing low stone fence along these streets, with the addition of a 1.8 metre high open-style security fence behind and a galvanised corrugated acoustic fence to separate the school from the new residential allotments (as sought within DA 100/2018/2146- which is to be considered by the Panel at the same time as the subject application).

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.

Public Notification



Properties Notified	50 properties were notified during the Category 3 public notification process
Representations	39 representations in support of the application were received
Persons wishing to be heard	<ul style="list-style-type: none">A majority of representors wish to be heard by Mr Matt Woodward, Chairperson for the Dara Board of GovernorsMr and Mrs Mario & Giuseppina Tonani
Applicant Response	A response by the applicant is included within the Report attachments

Referrals

Manager- Development & Regulatory Services:	<p>Pursuant to 4.1.9 of the Development Delegations Policy, the application warrants assessment by the Council Assessment Panel due to its significant nature. In particular;</p> <ul style="list-style-type: none">• The application is a Category 3 Form of Development.• The subject land is comprised of a Local Heritage Item of public interest
Development Engineer:	<p>Satisfied with the proposed drainage plan and on-site car parking and vehicular manoeuvrability</p>
Coordinator Traffic and Parking:	<p>Satisfied with the proposed development</p>
Acting Coordinator Arboriculture:	<p>The street tree on Alua Grove within close proximity of the proposed crossover may be removed subject to payment of \$650 + GST to facilitate removal and replacement of the tree (<i>which the applicant has paid</i>). Any proposed excavation for a driveway/cross-over, stormwater discharge pipe, service (gas, water, sewer, electrical) shall maintain a minimum of 2.0 metres radius setback from the trunk face of any remaining trees.</p>

ASSESSMENT

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

1. Whether the proposed use of an educational establishment is considered appropriate within a Residential Zone.
2. Whether the adaptive re-use of the Local Heritage Item of 'Cobham Hall' satisfies the requirements for Heritage Places.
3. Whether the proposal poses an unreasonable impact on the amenity of the area.
4. Whether there are sufficient on-site car parking spaces for the proposed use.

The use of an educational establishment within a Residential Zone

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

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.*

Principles of Development Control

Land Use

- 1 *The following forms of development are envisaged in the zone:*
 - *affordable housing*
 - *outbuilding in association with a dwelling*
 - *domestic structure*
 - *dwelling including a residential flat building*
 - *dwelling addition*
 - *small scale non-residential uses that serve the local community, for example:*
 - *child care facilities*
 - *consulting rooms*
 - *health and welfare services*
 - *offices*
 - *open space*
 - *primary and secondary schools*
 - *recreation areas*
 - *shops*
 - *supported accommodation.*
- 2 *Development listed as non-complying is generally inappropriate.*
- 3 *Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.*
- 4 *Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:*
 - (a) *primarily serves the needs of the local community*
 - (b) *is consistent with the character of the locality*
 - (c) *does not detrimentally impact on the amenity of nearby residents.*

Whilst the Northern Policy Area remains silent regarding non-residential development, the Residential Zone envisages small scale non-residential uses which serve the local community, including primary and secondary schools. Principle of Development Control 4 of the Residential Zone goes on to specify that non-residential development in the Zone should (a) *“primarily [serve] the needs of the local community”*, (b) *“[be] consistent with the character of the locality”* and (c) *“not detrimentally impact on the amenity of nearby residents”*.

In determining the appropriateness of the proposed land use, both the physical attributes of, and the intensity of use should, be considered when assessing whether the proposed use is considered to be of a small scale, consistent with the character of the locality and not resulting in detrimental impacts on the amenity of nearby residents.

Built Form

The proposed building works are largely limited to within the existing Local Heritage Item of Cobham Hall, with a majority of other structures to be removed from the site, including a large two-storey building running alongside the northern boundary of the subject land. Whilst the proposal will utilise the site more intensely than the previous use, with various car parking areas, driveways and outdoor play spaces proposed, it is noted that the proposal in fact results in a reduction in the scale of built form on the site.

As previously noted, the proposal seeks for a number of conservation works to the locally heritage listed item of Cobham Hall, which is currently in a state of considerable disrepair as a result of vandalism. I am of the opinion that the proposal positively contributes to restore the character of the existing heritage item, improving the presentation of the currently somewhat dilapidated built form and its associated visual impacts upon adjacent land.

Intensity of use

The proposal seeks for capacity of up to 100 students, albeit the immediate needs of the school shall be considerably less, with 33 current enrolments- this figure is anticipated to increase to the sought capacity over the next 10 years.

The Development Plan considers the potential nature, scale and built form of a proposed use in determining its appropriateness, rather than a specific capacity. This notwithstanding, it is acknowledged that whilst the immediate capacity of 33 students may be considered ‘small scale’, the eventual capacity of 100 students may not. Nonetheless, it should be noted that a number of educational establishments within the Marion Council area, and indeed across Metropolitan Adelaide, are located within a Residential Zone and many of which would comprise considerably higher capacities than that sought of the subject application.

As further discussed within the Amenity Impacts section of this report, the proposed hours of operation are considered acceptable and the proposal will likely achieve the requirements of the Environmental Protection (Noise) Policy as outlined within the Acoustic report prepared by WSP and included within the attachments of this report. The proposal is considered to provide safe and convenient vehicular access in addition to appropriate on-site car parking.

Whilst the anticipated future capacity of the school may fall outside the scope of a small scale non-residential development, I am of the view that the proposal nonetheless serves the needs of the community and is consistent with the character of the locality in proposing the adaptive reuse of a longstanding Local Heritage Item of the area with the overall built form scale on site set to reduce.

Adaptive reuse of a Heritage Item

The subject land was identified within both the 1990 and 1995 Heritage Surveys, described as 'a fine example of the Tudor style of residence in the grand manner', with Cobham Hall subsequently listed as a Local Heritage Item within Table Mar/3 of the Marion Council Development Plan.

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

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

As part of the assessment process Council sought independent heritage advice from Flightpath Architects. Flightpath Architects are of the opinion that the proposal will retain, conserve and adaptively reuse the described portion of the structure that fulfils the Heritage Values identified as well as conserve the setting of the Local Heritage place.

The proposal finds compliance with a majority of applicable Heritage Places Development Plan provisions as listed below;

- Principle of Development Control 1 of Heritage Places is accepting of the removal of the northern additions that are excluded from the listing and the internal alterations that facilitate safe, adaptive reuse.
- The driveway to the school will form part of the setting, retaining principal elevations and important vistas and views to and from the place, satisfying Heritage Places PDC 2.
- The proposal is considered to be compatible with the Heritage Value of the Local Heritage Place, because the development will maintain the size and legibility of the large block in a bend of the Sturt River, with the removal of the excluded buildings and the opening up of the setting, contemplated in PDC 3.
- The transportable building and air conditioning units will be located to the rear of the building and not diminish its setting as sought by PDC 6.
- The proposed signage will not form a dominant element of the Place, satisfying PDC 7.
- While this application is not for the land division, it is considered the proposed allotments within the northern section of the subject land will retain sufficient area around the Local Heritage Place to have a curtilage of a size sufficient to protect its setting, as contemplated in Heritage Places PDC 8.

The proposal also included the construction of a 'transportable' building for the purposes of toilet facilities for students. This structure, whilst not particularly attractive, is not readily visible from outside of the subject land and does not impact upon the value or setting of the Heritage Place.

I am of the opinion that the proposed development appropriately incorporates the adaptive reuse of a Local Heritage Place, which will afford a viable economic capacity for the preservation and conservation of its heritage value into the future.

Amenity impacts

The proposed development is located within close proximity to existing residential allotments on Alua Grove and along the western side of Gordon Terrace, in addition to the dwelling to the north of the subject land as well as those allotments proposed within the associated land division application. Consideration is had regarding the likely amenity impacts upon the occupants of these surround residential allotments;

Noise, operating hours and capacity

It is acknowledged that the proposed use would generate noise, beyond what can be expected from a residential use, most likely from children playing and talking in the grass and nature play areas adjacent the intersection of Gordon Terrace and Alua Grove, as well as vehicular noise within the site and from staff and parents accessing their vehicles.

The proposed development generally accords with Principle 1(g) (Interface Between Land Uses), in that hours of operation have been identified being from 8.45am to 3.15pm, Monday to Friday-although acknowledging that the conditioned hours of operation shall extend past this from 8.00am to 5.00pm to allow for staff/teaching working hours that fall outside of the school day.

It is not unusual for schools to be located in proximity to, or adjacent residential properties. The noises emitted from these facilities, namely children playing, are generally not so offensive that they severely impact upon the amenity of surrounding residents. Further, the hours of operation of a school naturally align with normal working hours, such that noise impacts outside of those hours are minimal.

Nonetheless, an acoustic report from WSP (acoustic engineers) has been provided by the applicant to determine what noise impacts, if any, will arise from the proposed use and to provide suitable noise mitigation measures. It is noted that noise from a school, kindergarten, childcare centre or places of worship are excluded from the Environment Protection (Noise) Policy. In the document *'Guidelines for the Use of the Environment Protection (Noise) Policy 2007'*, it states that *"Child-care centres, schools, kindergartens, places of worships and playgrounds are often located immediately adjacent to residences, and their impacts are rarely of concern, even though the sound levels can often easily exceed environmental noise criteria such as those contained in the general provisions of the Noise Policy."* This notwithstanding, the acoustic report has adopted assessment criteria from the Association of Australasian Acoustical Consultants (AAAC) Guideline for Child Care Centre Acoustic Assessment.

The acoustic report identified that of the noise occurring on site the greatest impact may be from that of outdoor play. It was found that one nearby residence at 6 Gordon Terrace may experience a noise level arising from outdoor play of 56 Dba, marginally exceed the nominated criteria of 55 Dba. Whilst a barrier along the Alua Grove property boundary could be considered to reduce the noise impacts upon this dwelling, such a structure would also obstruct the views and vistas to and from of the Local Heritage Item and be at odds with that sought within Heritage Places within the Development Plan. It was concluded that this exceedance is not expected to have a significant adverse impact on the nearby residential receivers; as subjectively a 1 dBA difference in noise level is not noticeable to the human ear.

With regard to the likely noise impacts arising from vehicular use/access within the site, the acoustic report identified that the greatest impacts may be upon that of the future dwelling of proposed Lot 3 within the associated land division application (DA 100/2018/2146), with such a dwelling to experience a noise level of 52 dBA, exceeding the nominated criteria of 47 Dba. However, it was also identified that the construction of a noise barrier in the form of a Colorbond or similar fence alongside the southern boundary of Lot 3, would reduce such noise impacts to 47 dBA, in line with criterion at this location.

It is anticipated the occupants of 6 Alua Grove will experience the greatest noise impacts as a result of the proposed staff car parking being located to the south-eastern corner of the subject land.. The dwelling is sited within close proximity to the proposed staff car parking area, which when compared to the existing situation, represents a significant increase of activity within close proximity to the north facing habitable room windows. It is noted however, that noise impacts will generally be limited to during working, or at the very least, waking, hours. The acoustic report provided has nonetheless outlined that the likely noise to occur within the staff car parking area complies with the 47 dBA criterion at this location.

Based on the acoustic assessment, the following noise mitigation measures were recommended:

1. Construction of a 1.8m high noise barrier between the school property and the proposed residential allotments within the associated land division application (DA 100/2018/2146). The noise barrier should be constructed from a solid, airtight material, such as Colorbond.
2. Limiting of the number of children playing freely in the main play area to no more than 50.
3. Placement of playground structures and other items that will attract large numbers of children should be towards the northern end of the play area (away from Alua Grove).

It is considered that points 2 and 3 above, if included as a condition of consent, may not be readily enforceable. As outlined above, the noises emitted from schools are generally not considered so offensive that they severely impact upon the amenity of surrounding residents. Further, the hours of operation of a school naturally align with normal working hours, such that noise impacts outside of those hours are minimal. Accordingly this has not been recommended as a condition of consent. Should the panel feel strongly opposed to this view, they may wish to consider a condition of consent that restricts the capacity of this area, having regard to how this may be enforced.

Waste collection and location

During assessment of the application, the waste collection area was relocated from the staff car parking area to that proposed in order to reduce noise impacts upon the dwelling at 6 Alua Grove. For the waste collection area to be located adjacent the staff car parking area, waste collection then needed to occur outside of working hours to allow for appropriate turn paths. The subsequent noise impacts upon the dwelling at 6 Alua Grove were not supported. As such, the waste collection area was relocated to be adjacent the rear boundary of proposed Lot 3. It is acknowledged that depending on what waste is produced by the school and its students, there may result in some level of odour impact upon any future dwelling and its likely associated POS. However given the school does not propose a cafeteria or prepare food on site, it is expected that food waste which is most likely to cause odours would be fairly minimal.

The waste area is to be screened with horizontal timber slats and waste collection is to occur during school hours, but will be programmed to avoid drop off and pick up times and times when children would be utilizing the outdoor areas of the grounds.

Traffic

The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and access/egress arrangements from the site. The additional traffic generated by the proposed development is considered to be low, and is not expected to compromise the safety or function of the surrounding road network. The applicant's traffic engineer and Council's Development Engineer and Traffic & Parking Coordinator are satisfied that the site provides safe and convenient access, and advised the roads adjacent to 4 Gordon Terrace can absorb the predicted increase in traffic volume without causing significant delays to traffic. The total provision of on-site car parking is discussed below.

Lighting

The proposal incorporates bollard lighting along the internal driveway and within the proposed on-site car parking areas. The low level lighting is not considered to result in unreasonable impacts upon the adjacent dwellings, and will likely assist in creating a robust crime resistant environment.

Summary

In my view, the activities likely to occur and traffic subsequently generated by on-site activities will result in unreasonable impacts on adjacent properties and are therefore not of such severity as to warrant refusal of the application. To further assist in minimising noise impacts and control the overall use of the site, it is recommended a number of conditions be attached to the applications consent. The inclusion of these conditions will further protect the adjacent residential properties from unreasonable and undesirable noise and traffic impacts.

Provision of on-site car parking

The Development Plan identifies a parking requirement for educational institutions (both primary and secondary) of 1 space per full time employee plus 1 space for wheelchair users plus an additional 10 per cent of the total for visitors. The current enrolments and staffing levels result in a total of 14 on-site spaces required, or 25 spaces once the maximum capacity of 100 students is reached. The proposal incorporates the provision 27 on-site car parking spaces, including one disabled access space, thus satisfying the on-site car parking requirements of the proposal, both now and into the future.

Fencing and landscaping

The proposal plans incorporate indicative landscaping throughout the subject site of the proposed school. It is recommended a comprehensive landscape schedule be established to assist in providing an appropriate streetscape outcome. Such a landscape schedule should identify the location of planting species and distribution, and should ensure these appropriately complement the built form and enhance the appearance of the road frontage and parking areas. It is recommended that the requirement of a comprehensive landscaping plan and schedule be included as a reserved matter.

CONCLUSION

The proposal satisfies a majority of the applicable Principles of Development Control contained within the Marion Council Development Plan. Whilst the proposal at its full capacity may fall outside of the scope of what is considered 'small scale', the proposal nonetheless serves the needs of the community in providing a specialised school for intellectually gifted students and is consistent with the character of the locality in proposing the adaptive reuse and restoration of the existing building on the site.

The proposal finds a high level of compliance with the Heritage Places section of the Development Plan in that it appropriately incorporates the adaptive reuse of a Local Heritage Place, which will afford a viable economic capacity for the preservation and conservation of its heritage value into the future.

An assessment of the likely amenity impacts has outlined that some noise impact upon nearby residences may occur, however that it is not unusual for schools to be located next to residential properties. The noises emitted from these facilities, namely children playing, are generally not so offensive that they severely impact on the amenity of surrounding residents. The proposed hours of operation where children would be on site nonetheless remains within general business hours with the school remaining generally inactive on the days and times that the majority of people remain in their residences (i.e. early mornings, evenings and weekends).

The proposed use is considered to provide safe and convenient vehicular access, in addition to appropriate on-site parking. Furthermore, the additional trips generated solely by the proposed use is not considered to compromise the adjacent road network.

To this end, I am of the view that the proposal, whilst not 'small scale' the proposed intensity and physical scale is unlikely to adversely affect or jeopardise the adjoining land uses to the extent where refusal is warranted.

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: 100/818/2019 for A change of use from a supported care facility to educational establishment including internal alterations to the Local Heritage Item of Cobham Hall, as well as construction of a transportable building for the purpose of toilet facilities, and associated on-site car-parking areas and driveways, signage, fencing, and landscaping at 4 Gordon Terrace, Morphettville subject to the following Reserved Matter and conditions:

RESERVED MATTER

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

1. A landscaping plan shall be submitted to Council for consideration prior to Development Approval being issued, detailing a mix of native medium and low-level plantings throughout the site.

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

CONDITIONS

1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/2019/0818, being the following;
 - Drawing numbers 'DA01' dated 26/06/19, 'DA11', 'DA21' and 'DA31' dated May 2019 all prepared by Grieve Gillett Anderson, Drawing number '19333-1, Revision A' prepared by Magryn Engineering Consultants as well as the drawings titled '6x 3 Toilet' prepared by Ausco Modular Hire, 'School Sign' and 'Security Fence'.
 - 'Supporting letter' prepared by PBA, dated 14/05/2019, except where superseded by the subsequent 'supporting letter' also prepared by PBA, dated 28/06/2019.
 - 'Acoustic Assessment' prepared by WSP, dated 27/06/2019.

Hours of operation

2. The hours of operation of the premises shall be restricted to 8.00am until 5.00pm Monday to Friday (excluding public holidays).

Capacity

3. Student enrolment of the school shall be restricted to a total of 100 students at any one time.

Stormwater

4. 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.

Waste

5. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
6. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment to the reasonable satisfaction of the Council.
7. All waste and other rubbish shall be screened from public view to the reasonable satisfaction of Council.
8. 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.

Landscaping

9. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises and thereafter maintained to the reasonable satisfaction of the Council.
10. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.

Car park

11. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
12. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
13. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
14. 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.

15. All car parking spaces shall be line-marked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
16. Bicycle facilities shall be provided in accordance with Australian Standard AS 1742.9-2000 "Manual of uniform traffic control devices Part 9: Bicycle facilities".

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.

Attachments

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

**REPORT REFERENCE: CAP040919 – 2.5
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 SEPTEMBER 2019**



Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	Cross Company
Development Description:	Land Division (Torrens Title - 1 into 4 allotments)
Site Location:	4 Gordon Terrace, Morphetville
Zone & Policy Area:	Residential Zone / Northern Policy Area 13
Application Type:	Category 1 / Consent
Development Plan:	Consolidated – 20 February 2018
Referrals:	State Commission Assessment Panel SA Water
Delegations Policy:	1.4.1.5 Any application for land division that proposes the creation of three or more additional allotments (excluding an allotment identified as common property or as a free and unrestricted right of way) where one or more of the proposed allotments is more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan
Categorisation	Category 1 Development Regulations 2008, Schedule 9 2(f) (f) the division of land which creates not more than 4 additional allotments.
Application No:	100/2018/2146
DAC Reference No:	100/D279/18
Recommendation:	Development Plan Consent, Land Division Consent and Development Approval be GRANTED subject to conditions

BACKGROUND/ HISTORY

The site is comprised of a Local Heritage Item of Cobham Hall as listed within Table Mar/3 of the Marion Council Development Plan. A brief history of the site is provided for member's reference;

Cobham Hall was built on the foundations of the original Cobham building, which was built on the property in 1841 by Joseph Bell. Bell was one of the Pioneers of South Australia after having arrived in the Colony from Tasmania in 1837. Cobham was built on two levels, including a semi-underground cellar, ownership of which was exchanged a number of times until the dwelling was virtually destroyed by fire in 1927. The new dwelling (Cobham Hall) built on its foundations shortly thereafter.

In 1948, the property passed to Homesdale C. Nitschke, who was a one-time opening batsman for South Australia and a racehorse owner. Thereafter, the SA Housing Trust acquired much of the original property in the 1950's, with the land associated with Cobham Hall reduced to approximately 4 acres by 1953 and 1 acre by 1965, it was during this time that the dwelling was modernised. By 1980, the property was owned by a nursing sister with the dwelling converted to and opened as Cobham Retirement Homes, with subsequent structures and buildings constructed on the site to facilitate this use.

The Subject Land was identified in both the 1990 and 1995 Heritage Surveys, described as 'a fine example of the Tudor style of residence in the grand manner'. The 1995 Heritage Survey (Donovan and Associates) observed the fulfillment of the following Section 23(4) Criteria, now incorporated in the Development Plan:

- a) the building displays historical, economical or social themes that are of importance to the local area, particularly the closer settlement of the district;
- d) the building displays aesthetic merit, design characteristics or construction techniques that are uncommon to the local area;
- e) the building is associated with a notable local personality, Homesdale C. Nitschke.

The dwelling and site continued to operate as supported care facility until approximately 2010/2011. Council is aware of the property having exchanged ownership several times over the past eight years, with numerous development applications lodged for land division of the site. Within these applications it has been identified that due to the financial implications associated with maintaining and upgrading the heritage listed building to comply with relevant codes and standards, finding an adaptive reuse for the building has not been viable.

As a result, the site has been left vacant for a number of years and fallen into neglect. Council has been notified for anti-social behaviour occurring on the site and within the vacated building, which combined with a lack of maintenance, has accelerated its decay and disrepair.

Development Application 100/2018/1174 was lodged in 2018 for the total demolition of the Local Heritage Item of Cobham Hall, with associated land division applications lodged to create 14 new allotments. Despite the considerable disrepair of the Local Heritage Item, due to the clear intent of the Development Plan with regard to the demolition of Heritage Items, Council staff were ultimately not in support of the demolition application with the applicant electing to withdraw the application (and associated land division applications) prior to it being presented to the Council Assessment Panel for determination with a recommendation of refusal.

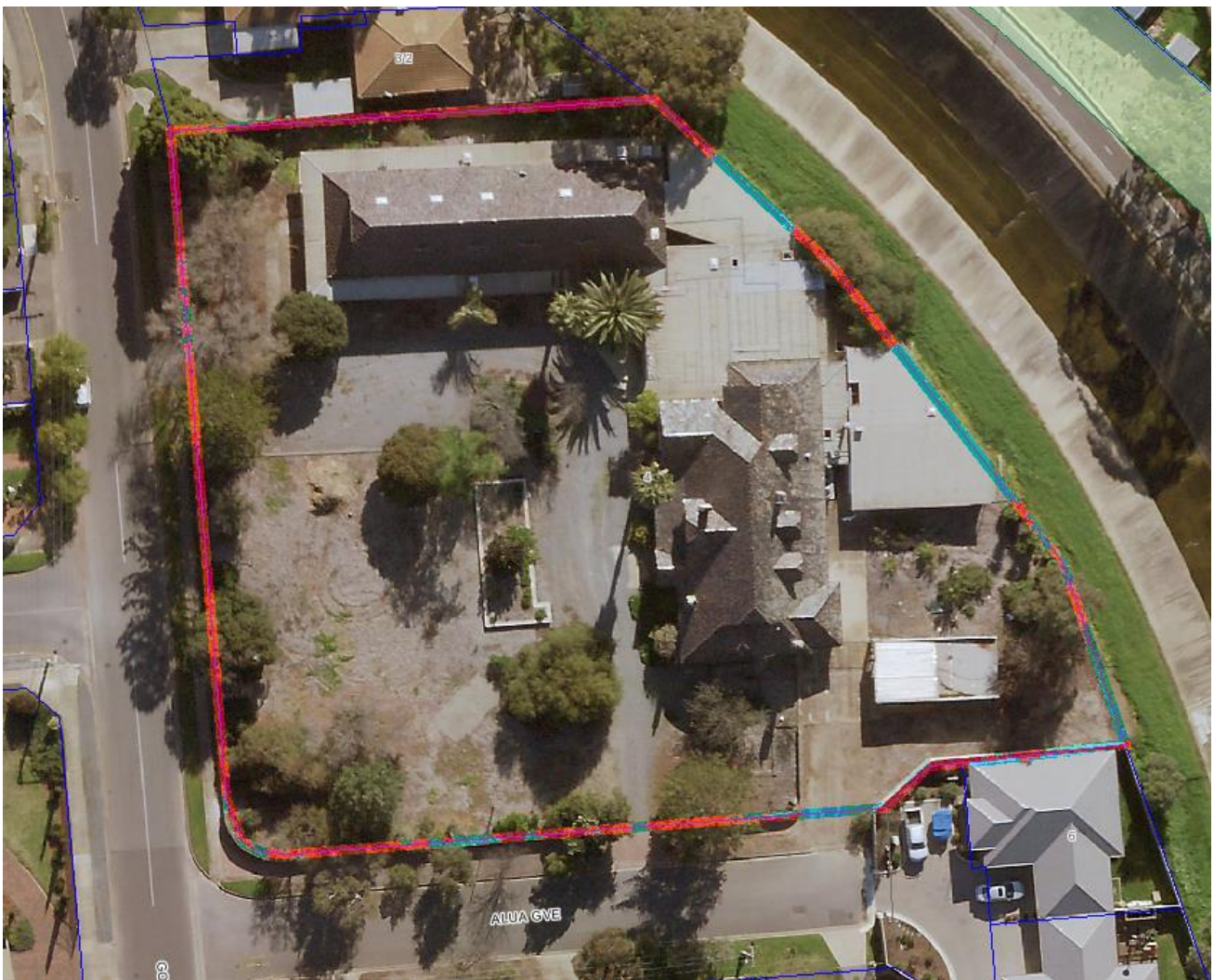
The same applicant has now lodged the subject application, which seeks to divide the land into four allotment. It is understood that the applicant intends to sell the three residential allotments in order to fund the proposed change of use application (as sought within DA 100/2018/2146- which is to be considered by the Panel at the same time as the subject application).

SUBJECT LAND

The subject land is located within the Residential Zone (Northern Policy Area 13) at 4 Gordon Terrace, Morphettville, on the eastern side of Gordon Terrace at the termination of Cobham Avenue. The whole of the site comprises approximately 5280 square metres of land with a western primary frontage to Gordon Terrace of 67.39 metres and a secondary frontage to Alua Grove of 58.52 metres. The Sturt River drain and Linear Park abut the site to the east.

The site contains a former two-storey grand Tudor style residence being the Local Heritage listed item of Cobham Hall, as well as a large building alongside the northern boundary of the land and several other additions and outbuildings to the immediate north and east of Cobham Hall which were constructed since the 1980's when the use of the land changed from Residential to that for the purposes of a Retirement Home.

The site comprises a Significant Irish Strawberry Tree (*Arbutus unedo*) adjacent the western Gordon Terrace boundary. There is a variety of other vegetation and trees located on the subject land, two of which are large Norfolk Island Pine Trees, however these are not considered Regulated pursuant to current legislation.



LOCALITY

The immediate locality is predominantly residential in nature, comprised of a mixture of single-storey detached dwellings at low densities which are representative of the original dwelling stock as well as redeveloped/sub-divided properties, which take the form of detached, semi-detached, group and row dwellings. Kellett Reserve Oval and McKellar Terrace Reserve, both of which are within the Community Zone are located 120 metres to the west, while the Open Space Zone comprised of the Sturt River drain and linear park abuts the site to the east. Further afield, a Neighbourhood Centre Zone is located adjacent the intersection of Denham Avenue and Morphett Road, 400 metres north-west of the site.

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



THE PROPOSAL

The application seeks to divide the subject land to create four Torrens Title allotments, three for residential purposes (Lots 1-3) and one (Lot 4) which seeks for a change of use of the existing Local Heritage Item of Cobham Hall for the purposes of an Educational Establishment. It is noted the change of use is sought within a separate Development Application (DA 100/2019/0818).

The proposal originally sought for the creation of four residential allotments in addition to the allotment for the educational establishment (ie. One into five Torrens Title allotments). Following Heritage advice, Council was not in support of the proposal, which resulted in one of the proposed allotments being situated largely in front of the Local Heritage Item. The application was subsequently amended as outlined above, reducing from five allotments to four.

A greater level of detail regarding the change of use application is detailed in Development Application 100/2019/0818 which is to be considered by the Panel at the same time as the subject application.

Procedural Matters

Classification

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

Referrals

State Commission Assessment Panel	SCAP raised no concerns in relation to the proposed division of land and have provided a list of standard conditions for inclusion should the application be approved.
SA Water:	Standard comments were received from SA Water and have been taken into considerations as part of the assessment of the application.

Assessment

The relevant objectives, desired character and principles of development control of the Residential Zone and Northern Policy Area 13 are listed in the following table and discussed in further detail below:

Residential Zone

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

Proposal consider to adequately satisfy the intent of applicable provisions.

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

Northern Policy Area 13

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

Desired Character

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

Satisfies

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:
 - affordable housing
 - dwelling
 - supported accommodation.

Satisfies

Three of the proposed allotments are to be utilised for residential dwellings

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

Quantitative Snapshot

Requirement		Proposed	
Allotment Dimensions (Northern Policy Area 13, PDC3)			
Detached dwellings			
Area	375m ²	Partially Satisfies	Lot 1: 335m ² (does not satisfy) Lot 2: 335m ² (does not satisfy) Lot 3: 335m ² (does not satisfy) Lot 4: 427m ² (satisfies)
Frontage	12 metres	Satisfies	Lot 1: 10m (does not satisfy) Lot 2: 10m (does not satisfy) Lot 3: 10m (does not satisfy) Lot 4: 37.42m (satisfies)
Depth	20 metres	Satisfies	Lot 1: 33.5m Lot 2: 33.5m Lot 3: 33.5m Lot 4: 89.1m (max)

Assessment

The application proposes to divide the subject land into four allotments, three of which are to be utilised for residential purposes, or more specifically, future detached dwellings, which is a form of development anticipated by PDC 1. The proposal complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock.

A minimum site area of 375 square metres is prescribed for detached dwellings in the Northern Policy Area 13, which equates to a shortfall of 45 square metres (12%) for each proposed residential allotment. Further, these allotments comprise a frontage width of 10 metres, where a minimum of 12 metres is prescribed for allotments of detached dwellings within this Policy Area, representing a 16.6% departure from the quantitative requirement.

In considering the individual shortfalls in site area and front width, it is acknowledged that the proposed allotments satisfy the requirements of Schedule 4-2B of the Development Regulations 2008 in this regard. Whilst not applicable in this instance due to the Local Heritage listing of the site, the proposed site dimensions are nonetheless in accordance with that which is generally accepted 'as of right'.

it must be also be acknowledged that the proposed 10 metre frontages remain reflective of the pattern of nearby residential development, both immediately to the north of the subject land and adjacent the subject land on the western side of Gordon Terrace. In addition, whilst the application is not to be assessed against the now existing Marion Plains Policy Area 8, it is nonetheless acknowledged that the desired character of that Policy Area is to ensure frontage widths of not less than 10 metres for detached and semi-detached dwellings. Accordingly, the proposed allotments will be in keeping with the future desired character of the streetscape and locality.

It is also important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. In this regard it is acknowledged that the whole of the site comprises a generous site area, which if not for the complexities that arise from the presence of the Local Heritage Item of Cobham Hall, could potentially accommodate between 14-20

dwellings based upon the site area requirements of various dwelling types of the Northern Policy Area 13 (being the applicable Policy Area at the time of lodgement, although acknowledging that since lodgement the subject land is now located within the Marion Plains Policy Area 8, the site area requirements of which would allow for a maximum of 15 dwellings). In any case, whilst the individual residential allotments proposed within the application are undersized, it cannot be said that the overall density is at odds with that envisaged for either the currently applicable or future Policy Area.

In my view, the shortfall in site areas and frontage width are not necessarily fundamental to the merits of the application, in that they do not represent a substantial disparity against the provisions which, in themselves, would warrant refusal of the application. This is reinforced by the ability of the application to maintain a high level of compliance with other applicable criteria, with a majority of identified shortfalls deemed to be minor departures from the Development Plan.

Land Division

Objectives

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

Satisfies

The proposed division of land is considered to be orderly and in keeping with the density of development that is envisaged within the Northern Policy Area 13.

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

Satisfies

In my view, the proposed residential allotments are suitable for detached dwellings, whilst Lot 4 is suitable for its intended purpose as an Educational Establishment (as considered within DA 100/2019/0818).

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.

Satisfies

The land division is likely to be supported by the necessary infrastructure, and is located within walking distance of bus routes.

Principles of Development Control

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

Satisfies

An engineered site works and drainage plan for the whole of the site has been considered within DA 100/2019/0818, with Council's Development Engineer not raising issue with the proposal in this regard.

<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"> (i) an existing road (ii) a proposed public road (iii) access to a public road via an internal roadway in a plan of community division <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>Satisfies</p> <p>The proposed division of land achieved compliance in relation to all the requirements listed opposite.</p>
<p>Design and Layout</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>Satisfies</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <ul style="list-style-type: none"> (a) minimises the need for earthworks and retaining walls (b) maintains natural drainage systems (c) faces abutting streets and open spaces (d) does not require the removal of existing native vegetation to facilitate that development (e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality. 	<p>Satisfies</p>
<p>Roads and Access</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> <ul style="list-style-type: none"> (a) the size of proposed allotments and sites and opportunities for on-site parking (b) the availability and frequency of public and community transport (c) on-street parking demand likely to be generated by nearby uses. 	<p>Satisfies</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>Satisfies</p>

HERITAGE PLACES

Objectives

- 1 The conservation of State and local heritage places.
- 3 Conservation of the setting of State and local heritage places.

Satisfies

Principles of Development Control

1 A heritage place spatially located on Overlay Maps - Heritage and more specifically identified in Table Mar/4 - State Heritage Places or in Table Mar/3 - Local Heritage Places should not be demolished, destroyed or removed, in total or in part, unless either of the following apply:

(a) that portion of the place to be demolished, destroyed or removed is excluded from the extent of the places identified in the Table(s)

(b) the structural condition of the place represents an unacceptable risk to public or private safety.

Satisfies

The proposal does not seek for the demolition of the Local Heritage Item

2 Development of a State or local heritage place should retain those elements contributing to its heritage value, which may include (but not be limited to):

- (a) principal elevations
- (b) important vistas and views to and from the place
- (c) setting and setbacks
- (d) building materials
- (e) outbuildings and walls
- (f) trees and other landscaping elements
- (g) access conditions (driveway form/width/material)
- (h) architectural treatments
- (i) the use of the place.

Satisfies

The amended proposal retains the principal elevation of the Local Heritage Item

5 New buildings should not be placed or erected between the front street boundary and the façade of existing State or local heritage places.

Satisfies

The amended proposal shall not result in the erection of a new building between the front boundary of the land and the façade of the existing Local Heritage Place.

8 The division of land adjacent to or containing a State or local heritage place should occur only where it will:

- (a) create an allotment pattern that maintains or reinforces the integrity of the heritage place and the character of the surrounding area
- (b) create an allotment or allotments of a size and dimension that can accommodate new development that will reinforce and complement the heritage place and the zone or policy area generally
- (c) be of a size and dimension that will enable the siting and setback of new buildings from allotment boundaries so that they do not overshadow, dominate, encroach on or otherwise impact on the setting of the heritage place
- (d) provide an area for landscaping of a size and dimension that complements the landscape setting of the heritage place and the landscape character of the locality
- (e) enable the State or local heritage place to have a curtilage of a size sufficient to protect its setting.

Satisfies

The proposed allotments within the northern section of the subject land creates an allotment pattern that maintains the integrity of the Heritage Place as well as retain sufficient area around the Local Heritage Place to have a curtilage of a size sufficient to protect its setting,

Conclusion

The subject proposal seeks land division, with three of the allotments to be for residential purposes and the remaining land (and existing building) to be utilized as an educational establishment. Given the site is situated within the Residential Zone, has access to sewer and potable water and will not result in substantial earthworks, the proposal finds support in Council's Development Plan.

Despite the shortfall in site areas and frontage width allocated to Lots 1, 2 and 3, these nonetheless remain reflective of the existing and desired character of the locality. The fact that the site dimensions are in accordance with what would be accepted as of right pursuant to Schedule 4-2B of the Development Regulations (noting that this clause is not applicable in this instance) demonstrates that this discrepancy does not make the land unsuitable for the intended use of detached dwellings.

To this end, the proposal is considered to satisfy the Desired Character for the Northern Policy Area 13, as the allotments will enable the construction of *"low-to-medium density dwellings of a variety of architectural styles"* as well as the redevelopment of property *"at greater densities than that of the original housing."*

The proposal finds a high level of compliance with the Heritage Places section of the Development Plan in that it protects the views and vistas to and from the Heritage Place as well as its setting. The intention for the subject land appropriately incorporates the adaptive reuse of a Local Heritage Place (albeit via a separate application), which will afford a viable economic capacity for the preservation and conservation of its heritage value into the future.

It is therefore my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent, Land Division Consent and Development Approval subject to conditions.

Recommendation

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent, Land Division Consent and Development Approval for Development Application No: 100/2146/2018 for Land Division (Torrens Title - 1 into 4 allotments) at 4 Gordon Terrace, Morphettville be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

- 1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No. 100/2146/2018 (100/D279/18), except when 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.

Land Division Consent

- 1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0079155)

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.

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries

- 2. Payment of \$21759.00 into the Planning and Development Fund (3 allotment/s @ \$7253.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.

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. Please be advised that the Council will be automatically notified by DAC when the final plan for the land division is uploaded to EDALA. Upon receiving this notification from DAC, Council will assume that all conditions of consent have been met, that Section 51 clearance is being requested and will arrange inspection of the property if necessary. In this instance, no further notification to Council is required. However, should the applicant wish to contact the Council directly in relation to Section 51 clearance, please email Development Services at council@marion.sa.gov.au with the address, development application number and/or DAC reference number in the subject line of the email.

Attachments

Attachment I: Certificate of Title
Attachment II: Proposal Plan and supporting documentation
Attachment III: External Agency Referral Comments