

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 4 December 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

27 November 2019

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

1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. APPLICATIONS

- 2.1 284-286 Sturt Road, Marion, 288 Sturt Road, Marion, 292-296 Sturt Road, Marion
876 Marion Road, Marion, 24 Tweed Avenue, Marion**
To undertake a staged development: Stage 1 - alterations and additions to an existing educational establishment including demolition of existing playing courts, outbuilding, fencing and single storey dwelling, relocation of outbuilding and construction of two playing courts, a single storey building for use as a pre-school, alterations to access, internal driveway and car parking, the removal of a Significant Tree (*Eucalyptus camaldulensis*) and associated site works and landscaping;
Stage 2 - The construction of a two storey educational building (Part 1);
Stage 3 - The construction of a two storey educational building (Part 2).
Report Reference: CAP041219 – 2.1.....1
- 2.2 1172-1174 South Road, Clovelly Park**
An integrated service station, operating over 24 hours, 7 days a week, comprising control building with retail display and sales areas (with gross leasable floor area exceeding 150 square metres), fuel canopies and pump stations, fuel storage tanks, freestanding illuminated signage, associated car parking, access and landscaping
Report Reference: CAP041219 – 2.225
- 2.3 2 King George Close, Seacliff Park**
Single storey dwelling incorporating a garage wall on the south-eastern boundary with associated earthworks and retaining walls
Report Reference: CAP041219 – 2.3.....47
- 2.4 4 Greenock Drive, Sturt**
To construct a single storey residential flat building comprising three dwellings with associated landscaping and car parking
Report Reference: CAP041219.4.....59

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| 2.5 | 355 Diagonal Road, Seacombe Gardens Land Division Residential Torrens Title - 1 into 3 allotments; and the subsequent construction of two single storey detached dwellings, and one two storey detached dwelling Report Reference: CAP041219 – 2.5 | 71 |
| 2.6 | 5 Cungen Avenue, Park Holme To undertake a staged development - Stage 1: Land Division Residential Torrens - 1 into 2 allotments; Stage 2: The construction of two single storey detached dwellings with associated landscaping Report Reference: CAP041219 – 2.6 | 90 |
| 2.7 | 11 Wooton Road, Edwardstown Residential land division (Torrens-title 1 into 3 allotments) and three single-storey row dwellings, one of which incorporates a wall on the western boundary, as well as associated garages and landscaping Report Reference: CAP041219 – 2.7 | 104 |
| 3. | OTHER BUSINESS | |
| 3.1 | APPEALS UPDATE | |
| 3.2 | POLICY OBSERVATIONS | |
| 4. | CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON 04 DECEMBER 2019 | |
| 5. | MEETING CLOSURE | |

**REPORT REFERENCE: CAP041219 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 DECEMBER 2019**



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|---------------------------------|---|
| Originating Officer: | Nicholas Timotheou Development Officer - Planning |
| Applicant: | Sunrise Christian School |
| Development Description: | To undertake a staged development: Stage 1 - alterations and additions to an existing educational establishment including demolition of existing playing courts, outbuilding, fencing and single storey dwelling, relocation of outbuilding and construction of two playing courts, a single storey building for use as a pre-school, alterations to access, internal driveway and car parking, the removal of a Significant Tree (Eucalyptus camaldulensis) and associated siteworks and landscaping; Stage 2 - The construction of a two storey educational building (Part 1); Stage 3 - The construction of a two storey educational building (Part 2). |
| Site Location: | 284-286 Sturt Road, Marion 288 Sturt Road, Marion 292-296 Sturt Road, Marion 876 Marion Road, Marion 24 Tweed Avenue, Marion |
| Zone: | Residential Zone; and Commercial Zone |
| Policy Area: | Northern Policy Area 13; and Sturt/Marion Road Corner Policy Area 3 |
| Application Type: | Non-Complying <i>Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying: Educational establishment</i> |
| Delegations Policy: | 1.4.1.1 <i>Non-complying applications – the Panel will decide to refuse the application or seek the concurrence of the State Commission Assessment Panel to approve the application, except for the following:</i> <ul style="list-style-type: none"><i>• the decision to proceed with an assessment of a non-complying application pursuant to Regulation 17 (3)(b) of the Development Regulations 2008).</i><i>• non-complying applications deemed to be minor in accordance with Regulation 17 and Schedule 9 Part 1 (3) of the Development Regulations 2008.</i> |
| Lodgement Date: | 14/05/2019 |

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|--------------------------|--|
| Development Plan: | Consolidated – 28 November 2018 |
| Referrals: | Department of Planning, Transport and Infrastructure (DPTI) |
| Application No: | 100/2019/816 |
| Recommendation: | That Development Plan Consent be GRANTED subject to concurrence of the State Commission Assessment Panel (SCAP) and a Reserved Matter and Conditions. |

Attachments

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

SUBJECT LAND

The subject land comprises the following properties:

284-286 Sturt Road, Marion

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

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

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

288 Sturt Road, Marion

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

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

292-296 Sturt Road, Marion

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

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

876 Marion Road, Marion

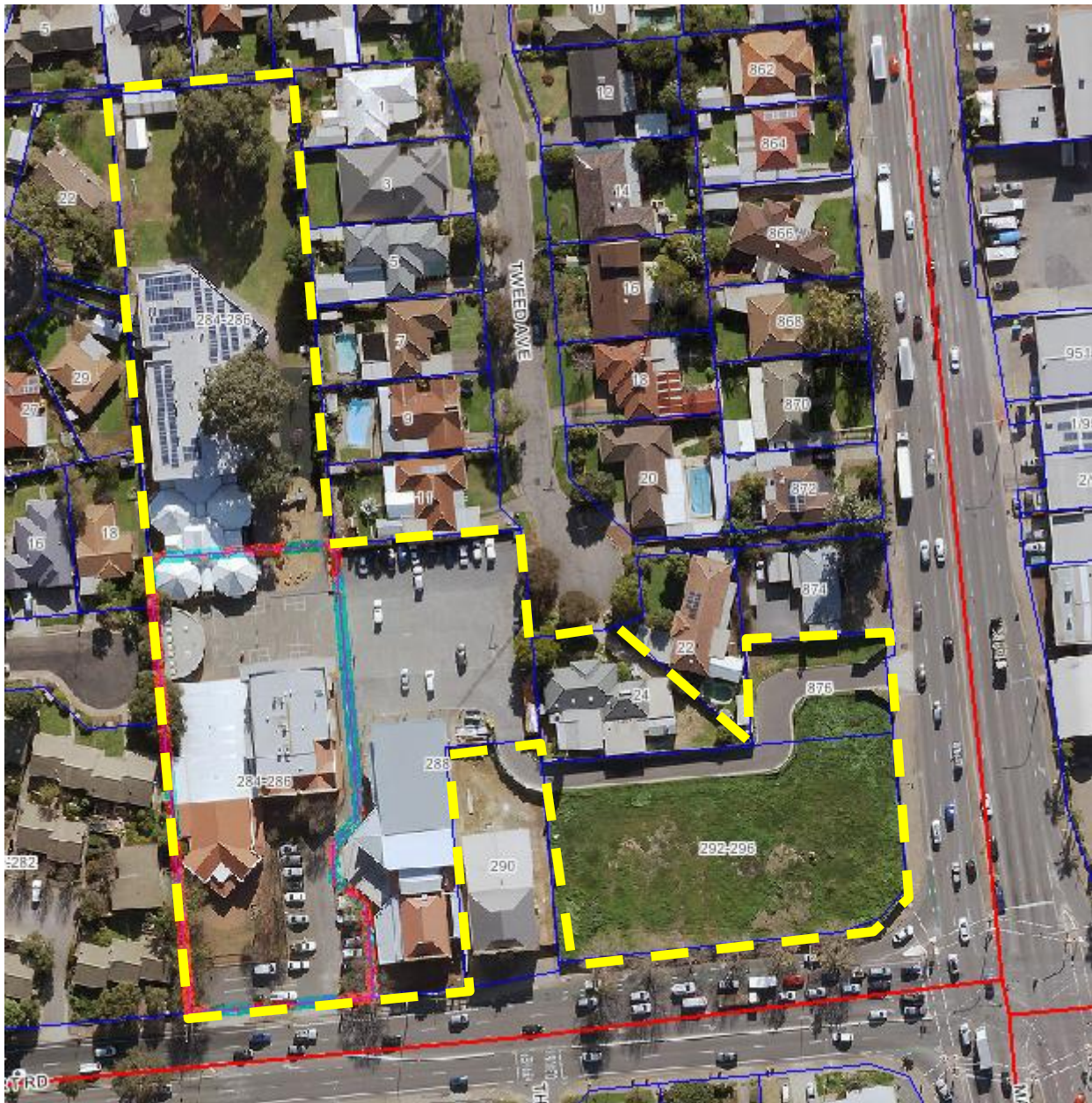
- allotment 18 in Filed Plan 147252, Certificate of Title 5547/491

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

24 Tweed Avenue, Marion

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

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



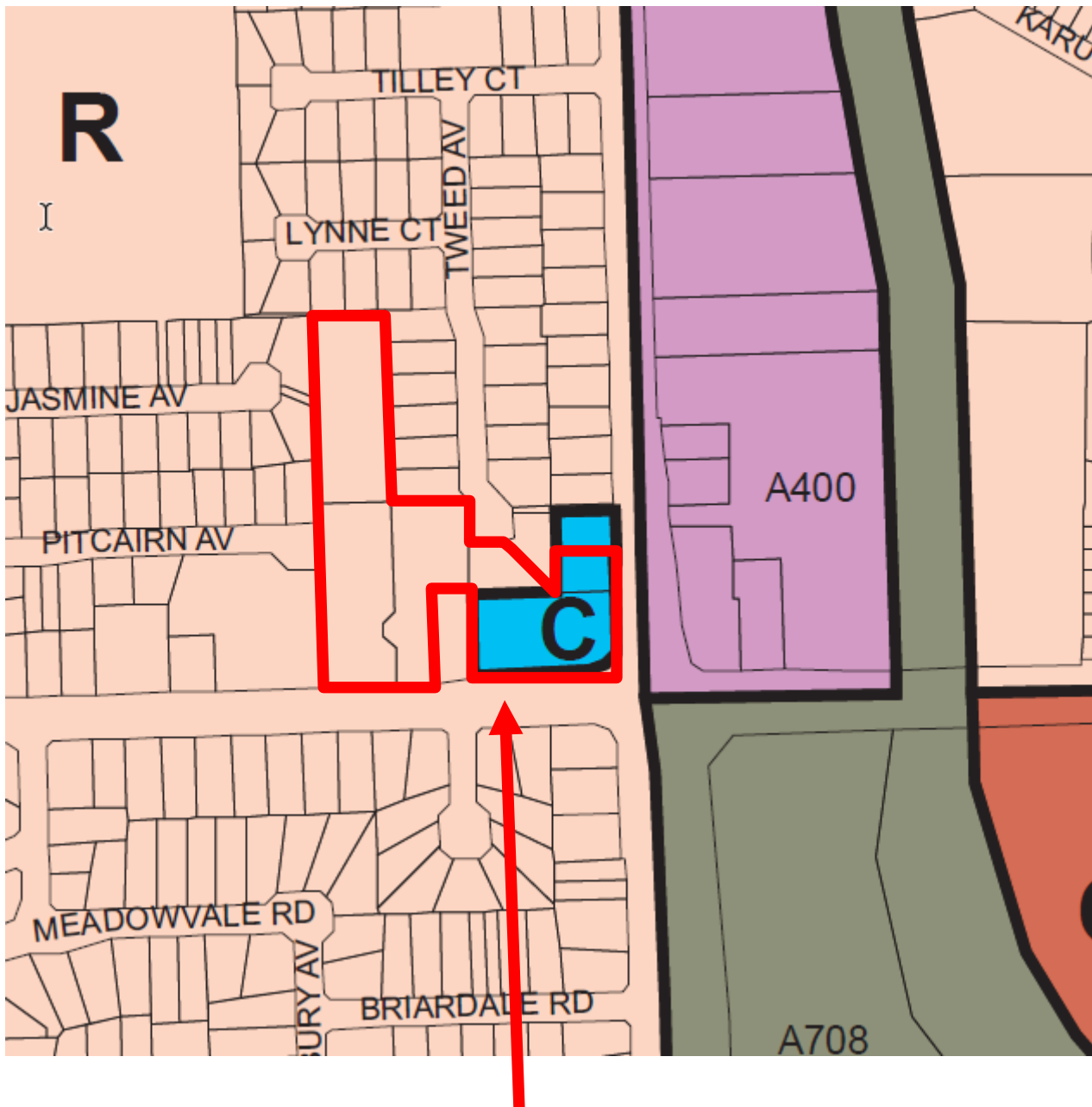
LOCALITY

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

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

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

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



Subject land



PROPOSAL

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

Stage 1

Alterations and additions to an existing educational establishment including demolition of existing playing courts, outbuilding, fencing and single storey dwelling, relocation of outbuilding and construction of two playing courts, a single storey building for use as a pre-school, alterations to access, internal driveway and car parking, the removal of a Significant Tree (Eucalyptus camaldulensis) and associated siteworks and landscaping.

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

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

In order to accommodate the relocated playing courts, the proposal involves the removal of a Significant Tree, which is identified as a Eucalyptus camaldulensis (River Red Gum). The tree is situated to the rear of Allotment 13 and adjacent the rear boundary. The tree achieves an approximate height of 18 metres and trunk circumference of 4.25 metres.

The proposal also includes the relocation of an outbuilding near the rear of Allotment 13, fencing up to 2.1m in height at various locations and associated siteworks, retaining walls and landscaping throughout the site.

Stage 2 and Stage 3

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

A two storey educational building is proposed in two stages and is to be sited at the intersection of Sturt and Marion Road. The building wraps around the corner of the allotment and incorporates a variety of colours and materials including fenestration, vertical timber/steel battens, exposed brick, render and steel cladding.

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

PROCEDURAL MATTERS

Classification

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

Categorisation

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

REFERRALS

External Department of Planning, Transport and Infrastructure (DPTI)
A copy of the DPTI referral can be found in Attachment V of this report.

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

Heritage Architect

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

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

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

The proposal raises no heritage concerns.

PUBLIC NOTIFICATION



Properties Notified

87

Representations

9 received

8 opposing the development and 1 in support

Representations received

1. Mr Rowan and Ms Sara Blake
2. Mr Brenton and Ms Samantha Foster
3. Mrs Elva Ambler
4. Mr Colin and Ms Ruth Denton
5. Mr Garth Heynan on behalf of Mr James Packham and Mr Ziggy Khoshkho
6. Mrs Angela Englar
7. Mr Zoran Kalkan
8. Mr Ray Radice

Applicant Response

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

ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Commercial 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.
- 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.

Commercial Zone

OBJECTIVES

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

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

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

2 Development listed as non-complying is generally inappropriate.

Sturt/Marion Road Policy Area 3

OBJECTIVES

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

DESIRED CHARACTER

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

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

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

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 The following forms of development are envisaged in the policy area:
- consulting room
 - office
 - shop in association with consulting room or office
 - residential in association with a non residential use.

Form and Character

- 3 Development should not be undertaken unless it is consistent with the desired character for the policy area.
- 4 Buildings should not exceed 2 storeys or 10 metres above natural ground level except where located within 15 metres of a residential zone in which case the building height should not exceed 8 metres and where undercroft parking is proposed, the ground floor level should not exceed 0.8 metres above natural ground level.
- 5 Development adjacent the residential zone should incorporate all of the following:
- (a) a minimum 6 metre setback for buildings from the zone boundary
 - (b) visual and acoustic buffer features
 - (c) landscaped areas having a minimum width of 2 metres
 - (d) 2 metre high fencing
 - (e) screened or obscured building openings.
- 6 Development should provide landscaped areas comprising at least 10 per cent of the site area and having a minimum width of 1 metre.

ZONE AND POLICY AREA CONSIDERATIONS

Residential Zone

The Northern Policy Area 13 remains silent on non-residential development. This notwithstanding, the Residential Zone identifies Primary Schools as envisaged land use, provided they are of a small scale, serve the needs of the local community, be consistent with the character of the locality and do

not detrimentally impact on the amenity of nearby residents. As the land use of the subject land (school within the Residential Zone) shall not change as part of the subject application, it is my opinion that the main considerations of the proposal relate to whether the development will detrimentally impact on the amenity of nearby residents. In this regard, the proposal includes the relocation of playing courts to the northern portion of Allotment 13 and reconfiguration of the car park area. The alterations to the car park area are considered an improvement to the existing arrangements and are discussed throughout this report.

It is my opinion that the main impacts attributed to the relocation of the playing courts relate to additional noise being generated from this area of the subject land. In this regard, I do not consider the additional noise generated to be of such a degree where it would detrimentally impact the amenity of nearby residents. Consideration has been had to the existing layout of the site and how the proposal intends to alter these arrangements.

The site currently operates with an open grassed playing area to the rear of Allotment 13, which is linked with playground equipment (albeit further south of that area). It is acknowledged the use of this area as playing courts could have the potential to intensify noise generated from the site and impact nearby residents, it is also of value to acknowledge the layout of the site is in existence.

It is considered that when this open area is being used at capacity, similar noise could be generated to that of the proposed playing courts. Further, it is acknowledged the applicant has submitted an Environmental Noise Assessment which identifies the recommended acoustic treatments for the subject land in order to assist in minimising amenity impacts upon adjacent properties. This assessment did not consider any additional noise being generated from the playing courts; however, it is acknowledged the applicant has included 2100mm high fencing surrounding the courts (along the allotment boundary), to be constructed of sheet steel, sealed air tight at all junctions including at the ground, between sheets and at the junction with existing fencing. The inclusion of fencing is considered to assist in minimising any additional noise generated from the site upon the nearby residents.

The above considerations demonstrate the location of the playing courts are appropriate from an amenity perspective. When the development contained within the Residential Zone is assessed against the applicable Objectives and Principles of Development Control, the proposal finds support with the applicable Development Plan guidelines.

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

The separation achieved between nearby residential properties on Sturt Road and those sited in the cul-de-sac of Tweed Avenue is considered adequate to minimise any amenity impacts experienced by occupants of those properties. The access arrangement will utilise the existing points along Sturt and Marion Road, whereas the number of vehicle movements adjacent the residential properties are considered to be of a similar volume to that currently experienced. It is acknowledged 2.1 metre high fencing will be installed along various boundaries throughout the site and adjacent all parking/manoeuvring areas. This fencing has been assessed by an Independent who has prepared an environmental noise assessment report. This report concluded that the upgrade works to fencing around the site has been deemed sufficient to minimise any noise extending beyond the site.

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

Commercial Zone

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

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

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

The Policy Area also makes reference to land uses which generate low volumes of traffic and provides guidelines for development in order to assist in minimising amenity impacts upon the use and enjoyment of residential properties at the rear of the site. The Policy Area also identifies a desire for car parking to be located behind the building frontage and design guidelines when located adjacent a Residential Zone. Whilst the proposal may not collectively generate low volumes of traffic, it is acknowledged that this will be appropriately managed through the provision of adequate on-site parking and traffic circulation to/from the arterial road network.

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

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

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

The proposal includes a variety of landscaping species throughout the site, including areas street side of the ELC and two storey building. The areas street side of each of the buildings are of an appropriate dimension to provide plantings species which are considered to complement the built form proposed. The total site area of the subject land is equal to approximately 15 000sqm, whereas approximately 3200sqm will comprise pervious area. This notwithstanding, it is acknowledged that the majority of sealed areas are in existence. The main built form is proposed on vacant land which is anticipated to eventually be developed and subsequently, the additional roofed area is considered appropriate for the subject land. When the development occurring in the Commercial Zone is considered in isolation, it is acknowledged the proposal far exceeds the minimum amount of pervious area sought by PDC 6 of the Policy Area, measuring to approximately 25% and therefore, satisfying the guidelines.

Beyond the main desire of the Policy Area to achieve a built form outcome of a high standard, the proposal and land use is considered appropriate when regard is had to the existing development within the locality. The site is situated adjacent an arterial road and commercial properties (east side of Marion Road), while the proposal includes the expansion of the educational use into the Commercial Zone. The siting of the built form provides a coordinated approach to the development of the vacant land and is considered compatible with the adjoining residential land uses. Although the use of the buildings are not commercial in nature, an educational building is considered an appropriate outcome for the corner allotment. Given the desire for development of a high architectural standard, combined with reasonable development which will not impact the amenity of nearby residential properties, the site has remained vacant for some time. The expansion of the Sunrise Christian School is not considered to jeopardise the intent of the Zone, rather the proposal is considered an appropriate outcome and opportunity to better enhance the use of the land, whilst ensuring a coordinated master plan for the school can be achieved.

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

HERITAGE PLACES AND DESIGN AND APPEARANCE

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

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

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

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

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

The proposal finds compliance with a majority of applicable Heritage Places Development Plan provisions. The proposal is considered to be compatible with the heritage value of the Local Heritage Places and has minimal impacts on their setting. The setting of 290 Sturt Road is impacted but not diminished by the proposal through the provision of sufficient separation and height relationships to the building. Design elements have been included which share similarities with the Local Heritage Place, including similar window dimensions and the use of brick plinths which match the height of the Local Heritage Place.

The design and appearance of the new ELC building will provide a modern finish, without impacting the heritage value of the Local Heritage Place. The proposed design find support with both the desired outcome of the Sturt/Marion Road Policy Area 3 while maintaining the heritage setting of the Local Heritage Places. Similar front setbacks have been incorporated in order to ensure the prominence of the Local Heritage Places is not impacted. The use of similar materials, separation and building height have paid respect to the Local Heritage Place and I am satisfied the proposal is appropriate in this regard.

AMENITY CONSIDERATIONS

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

NOISE

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

WASTE COLLECTION AND STORAGE

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

TRAFFIC AND VEHICLE PARKING

The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and the reuse of existing access/egress arrangements from the site. Additional traffic movements generated by the proposed development are not expected to compromise the safety or function of the surrounding road network.

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

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

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

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

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

Whilst additional traffic will be generated by the proposed development and create additional traffic impacts on the adjacent road network above what is already experienced, the increase is not anticipated to compromise the safety or function of the surrounding road network. Furthermore, it is important to note, the majority of traffic impacts associated with the proposed use will be concentrated to between 8am to 9am and 3pm to 4pm – the time before and after the school commences and finishes, acknowledging typical drop-off/pick-up times are likely to vary between the ELC and the school.

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

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

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

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

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

LANDSCAPING, FENCES AND WALLS

The realignment of the car park and proposed additions will also require the removal of some vegetation; however, it is appropriately replaced throughout the site. The use of a variety of planting species is considered to assist in softening the appearance of the car park area and overall built form.

Landscaping is also provided along the street frontage of the ELC and two storey building presenting to Sturt/Marion Road. The landscaped area adjacent the ELC building achieves a 3 metre depth which will be planted with a variety of planting species, thereby enhancing the appearance of the building. At the Sturt Road boundary of the ELC building, vertical timber fencing is proposed which maintains visibility of the building and landscaped area.

The design of the two storey educational building features a landscaping bed presenting to the street. Due to the shape of the allotment and design of the building, the landscaped area increases in width towards the corner of the building. As identified above, the design of the building is considered to be of a high standard and the proposed landscaping adjacent the street will assist in achieving an attractive presentation when viewed from the arterial road network.

ENERGY EFFICIENCY AND STORMWATER

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

Catchment 1

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

Catchment 2

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

Catchment 3

The play courts will fall towards a spoon drain to the western side of the courts. Beneath the spoon drain a 450mm diameter RCP pipe will be placed to provide detention of 4,700L of detention. An orifice will be placed on the outlet of the final grated inlet pit of the spoon drain to restrict flows to 17L/s.

These features have been reviewed by Council's Development Engineer who has raised no objections against Council's requirements in relation to stormwater discharge. It is also acknowledged the buildings will need to be designed in accordance with all energy requirements under the National Construction Code and will be considered as part of the Building Rules assessment of the proposal.

SIGNIFICANT TREES

Objectives

1 The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.

2 The conservation of significant trees in balance with achieving appropriate development.

Principles of Development Control

- 1 *Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:*
- (a) makes an important contribution to the character or amenity of the local area; or*
 - (b) is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species*
 - (c) represents an important habitat for native fauna*
 - (d) is part of a wildlife corridor of a remnant area of native vegetation*
 - (e) is important to the maintenance of biodiversity in the local environment*
 - (f) forms a notable visual element to the landscape of the local area.*

The proposal includes the removal of a Significant tree in order to relocate the existing playing courts (which are currently function as a parking area as well) to the rear of Allotment 13. The subject tree is a *Eucalyptus camaldulensis* (River Red Gum) and incorporates a trunk circumference of 4.25 metres and height of 18 metres. The tree is situated in an open grassed area of the subject land which features a variety of other landscaping and semi-mature plantings.

It has been a long-established planning approach that when considering the merits of an application to remove a regulated/significant tree, the 'planning merits' of the tree must first be examined.

In this regard, the tree must adequately satisfy Objectives 1 and 2 and Principles of Development Control 1 (although, not necessarily all) to warrant proceeding to the second step of assessment, an arboriculture investigation, considering the health and stability of the tree and risk to persons and whether it has been demonstrated that all reasonable alternative development options have been considered for the site (PDC 3(a)(vi)).

As the 'planning merits' assessment criteria of the Development Plan require the assessor to consider the tree's contribution to character, amenity and the environment, the ERD Court has recognised that Landscape Architects are the professionals best placed to consider these matters.

The above notwithstanding, in my opinion, the tree is an attractive specimen, with a healthy canopy spread and good vigour. The tree's presence in the locality is notable and provides contribution to the amenity of nearby residents as well as when viewed from within the school grounds. The tree is of reasonable size, and being visible for some distance in the locality (discussed further below), it is considered the tree provides an important aesthetic benefit.

The subject tree is a *Eucalyptus camaldulensis* (River Red Gum), indigenous to the Adelaide Plains of South Australia. The tree is endemic to the local area; however, is not listed as a rare or endangered species under the National Parks and Wildlife Act 1972 and is not part of a wildlife corridor of a remnant area of native vegetation. The tree nonetheless provides important habitat values and contributes to local biodiversity options.

Although the tree is situated adjacent the rear boundary of Allotment 13, due to its overall height and canopy spread, it can be viewed from various areas of the locality. When viewed from Sturt and Marion Road, the canopy of the tree can be seen from various vantage points. The tree forms a notable visual element to the landscape of the local area, particularly when viewed in context of the immediate locality, acknowledging it holds strong presence when viewed from both residential properties and the streets of Lynne Court, Tweed Avenue, Jasmine Avenue and Pitcairn Avenue.

Being one of the larger trees in the locality, the tree contributes significantly to that character due to its height, canopy spread and prominence within the local area. In this regard, it is considered that the removal of the tree offends Principle 1.

Principles of Development Control

3 Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:

(a) in the case of tree removal:

- (i) the tree is diseased and its life expectancy is short
- (ii) the tree represents an unacceptable risk to public or private safety
- (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area
- (iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value
- (v) all other reasonable remedial treatments and measures have been determined to be ineffective
- (vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

The applicant has engaged an independent arborist to assess the health of the Significant Tree. This assessment identified that the tree does not have a short life expectancy, does not represent a material risk to public or private safety and is not causing damage to a building.

For these reasons, the proposal does not satisfy Principle 3(a)(i) – (iv). Principle 3(a)(v) is not of relevance in this instance.

The applicant has sought for the removal of Significant Tree on the grounds that *“it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring”* – Principle 3(a)(vi). Objective 2 also forms part of the considerations seeking for *“The conservation of significant trees in balance with achieving appropriate development”*.

It is my opinion that considerations for this particular matter should take into account the longstanding use of the subject land and the anticipated development which would occur for an educational establishment.

The land is situated in the Northern Policy Area of the Residential Zone which anticipates non-residential land uses, including primary schools. This notwithstanding, the Sunrise Christian School has operated from the subject land for some time and has formed the longstanding use of the land. It is also worthy to acknowledge that at present, the current car parking area also functions as playing courts for the school.

It is evident the site is somewhat constrained in its dimensions and shape in order to accommodate the standard level of facilities for a school and subsequently, the acquisition of additional land has led to a reasonable expansion of the school which finds reasonable support with each Zone (as discussed earlier in this report). The alterations and additions throughout the subject land also provide various improvements to traffic circulation, on-site parking and pedestrian safety.

Whilst retention of the tree would prevent the opportunity to provide the facilities anticipated by a school, it does not prevent it from being developed for a purpose anticipated in the Zone. In the event the Zone specifically did not envisage the proposed land use, greater weighting may be placed on the tree's retention.

The applicant has demonstrated the design and layout of the site has considered some alternate options in order to retain the tree, with no alternative options considered viable. These potential outcomes which would see the retention of the tree resulted in severe encroachments into the structural root zone and require impervious surfaces which would not be appropriate for the playing courts and potentially cause uneven surfaces. Further earthworks would be required to provide a levelled surface and likely disrupt the root area around the tree.

As identified earlier, the ability of the site to function appropriately, including (but not limited to), the provision of on-site parking, outdoor areas and school buildings displays difficulties on a site which is somewhat restricted. Further, the land acquired on the corner of Sturt/Marion Road has been landmarked as a site which should accommodate attractive buildings presenting to the intersection, indicating that playing courts would not be warranted in this space.

The above considerations demonstrate the use of the subject land is an appropriate outcome given the longstanding lawful operations. Due to the limitations and constraints of the site, the current layout provides a shared car park and playing area and does not entirely meet the needs of the school. The alterations and additions are an acceptable outcome for the Residential and Commercial Zone and in order to accommodate an appropriate level of on-site parking, the existing playing courts require relocation, acknowledging the existing configuration is not an ideal outcome for students and a traffic safety point of view.

To this end, the removal of the tree is considered reasonable. Whilst providing contributions to the character/amenity of the local area and forming a notable visual element in the locality, the tree prevents a balance in achieving appropriate development and has taken into account alternate design options and consideration of alternate design outcomes have identified no solution. The Development Plan guidelines identifies these matters as being relevant factors, having regard to the intent of the Residential Zone, Commercial Zone and the wording of Objective 2 and Principle 3(a)(vi).

ANALYSIS/CONCLUSION

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

The fundamental matter relates to the suitability of an educational establishment within the Sturt/Marion Road Policy Area 3 and Commercial Zone. Further, the proposal requires the removal of a Significant Tree in order to accommodate the development and meet the needs of the school.

The proposed built form and use is not of a small scale, but is considered represent a reasonable expansion of an existing, long standing, non-residential use. The subject school will continue to serve the needs of the local community as a well-established land use in the locality.

Although listed as a non-complying form of development, the proposal includes an expansion of the Sunrise Christian School (and therefore educational use) into the Commercial Zone. Despite not being an envisaged for the Zone, the built form outcome finds some support with the Sturt/Marion Road Corner Policy Area 3 development of a high architectural standard, presenting as a key landmark entrance site for the City of Marion.

The height, bulk and scale of the proposed two storey and single storey built form is acceptable, and each proposed building is considered to incorporate sufficient design elements, materials, fenestration and articulation to provide attractive and positive façades. Adverse visual or amenity impacts are not anticipated due to the extent of separation afforded between the proposed built form and the nearby residential properties.

The proposed development will result in an overall student increase of approximately 300 and an approximate staff increase by 18 (including both the ELC and two storey educational building). Based on the current provision of 59 formal spaces currently accommodated on site, the overall development will provide a total of 85 marked spaces, resulting in a net increase of 26 spaces. This exceeds Council's Development Plan requirements by 4 spaces. The alteration of the existing in/out access point at Sturt and Marion Road is considered to improve traffic circulation and increase the overall safety of road users.

Whilst the amount of spaces provides accords with the applicable Development Plan criteria, given the increase in staff and student numbers, it is anticipated adjacent road network will experience additional traffic movements above what is already experienced. The increase is not however anticipated to compromise the safety or function of the surrounding road network. Furthermore, it is important to note, the majority of traffic impacts associated with the proposed use will be concentrated to between 8am to 9am and 3pm to 4pm – the time before/after the school commences and finishes, and therefore traffic impacts will not be as apparent outside of these times. Additionally, the applicant's independent traffic engineer, Council's Development Engineer and The Department of Planning, Transport and Infrastructure are satisfied that the site provides safe and convenient access, and advised the proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and access/egress arrangements from the site.

A Significant Tree exists on the subject land and whilst its appearance provides amenity benefits upon the locality and is in good health, the wording of the Development Plan identifies a desire for the retention of trees, while having due regard to the anticipated development of a site. Various matters have been taken into account in this regard, acknowledging the constraints of the site dimensions, the outcomes envisaged for the Sturt/Marion Policy Area 3, which calls for development of a high standard that provides strong presentation to the intersection and current layout of the shared car park and playing courts. The applicant has identified alternate design options and solutions in order to retain the Significant Tree; however, these outcomes have not been deemed viable for the operation of the site, nor the health of the tree. When the overall development of the subject land is taken into account, the Objectives and Principles of Development Control provide direction for these instances. The previous assessment has taken into account the merits of the development when considered as a whole and resolved that in this instance, removal of the Significant Tree is warranted as it prevents the development and expansion of a long standing use in the locality.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993.

Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to the concurrence of the State Commission Assessment Panel and 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: 100/2103/2018 for To undertake a staged development: Stage 1 - alterations and additions to an existing educational establishment including demolition of existing playing courts, outbuilding, fencing and single storey dwelling, relocation of outbuilding and construction of two playing courts, a single storey building for use as a pre-school, alterations to access, internal driveway and car parking, the removal of a Significant Tree (*Eucalyptus camaldulensis*) and associated siteworks and landscaping; Stage 2 - The construction of a two storey educational building (Part 1); Stage 3 - The construction of a two storey educational building (Part 2) at 284-286 Sturt Road, Marion, 288 Sturt Road, Marion, 292-296 Sturt Road, Marion, 876 Marion Road, Marion and 24 Tweed Avenue, Marion be GRANTED subject to the concurrence of the State Commission Assessment Panel (SCAP), and with the following Reserved 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 fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees, to the reasonable satisfaction of the Manager of Development and Regulatory Services.

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

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2019/816, being:
 - a. Existing Site Plan, Sheet DD01, prepared by Thomas Rossi;
 - b. Demolition Site Plan, Sheet DD02, prepared by Thomas Rossi;
 - c. Proposed Site Plan, Sheet DD03, prepared by Thomas Rossi;
 - d. ELC Site Plan, Sheet DD04, prepared by Thomas Rossi;
 - e. Roof Plan, Sheet DD05, prepared by Thomas Rossi;
 - f. Elevations, Sheet DD06, prepared by Thomas Rossi;
 - g. 3D Axonometric, Sheet DD07; prepared by Thomas Rossi;
 - h. Perspectives, Sheet DD08, DD08a, DD09, prepared by Thomas Rossi;

- i. Stage 2 Plans, Sheet DD10, prepared by Thomas Rossi;
 - j. Stage 2 Elevations, Sheet DD11, prepared by Thomas Rossi;
 - k. Stage 3 Plans, Sheet DD 12, prepared by Thomas Rossi;
 - l. Stage 3 Elevations, Sheet DD 13, prepared by Thomas Rossi;
 - m. Future Stages, Axonometric, Sheet DD14, prepared by Thomas Rossi;
 - n. Future Stages, Perspectives, Sheet DD15, prepared by Thomas Rossi;
 - o. RFI Clarifications, Sheet DD 16, prepared by Thomas Rossi;
 - p. Stormwater Management Plan Sheet 1, Sheet 2 and Sheet 3, Rev A, prepared by Coombe Pearson Reynolds Consulting Engineers; and
 - q. Page 7 & 8 of the Environmental Noise Assessment, prepared by Sonus.
2. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
 3. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
 4. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
 5. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment and shall be screened from public view to the reasonable satisfaction of Council.
 6. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
 7. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
 8. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
 9. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.

Department of Planning, Transport and Infrastructure Conditions

10. All access to Sturt Road and Marion Road shall be consistent with Frank Siow turn paths and Thomson Rossi Site Plan, Project 3141, Drawing No. DD03, dated 10 May 2019.
11. A channelised left turn lane shall be provided at the Marion Road access point prior to the operation of Stage 2. Sufficient land to accommodate the upgrade shall be set aside from the subject site.
12. All road works on Marion Road to facilitate safe access to/from the development (ie. a channelised left turn lane) shall be designed and constructed in accordance with Austroads 'Guide to Road Design', any relevant Australian Standards and any DPTI requirements. All costs associated with the design and construction of the road and access upgrades required to facilitate the development (including, but not limited to,

project management and any necessary road drainage, lighting upgrades) shall be borne by the applicant. The applicant shall enter into a Developer Agreement with DPTI regarding these works and shall contact DPTI Traffic Services, Network Planning Engineer, Ms Teresa Xavier on (08) 8226 8389 or via email at teresa.xavier@sa.gov.au to obtain approval and discuss any technical issues regarding the required works.

13. The western access on Sturt Road shall cater for entry only movements and the eastern Sturt Road access shall cater for simultaneous two-way vehicle movements of a 25 seater bus and B99 vehicle. The Sturt Road access points shall be clearly signed and line marked with sufficient flaring to accommodate the vehicles requiring access at each access point.
14. All vehicles shall enter and exit the site in a forward direction.
15. All off-street parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
16. The internal manoeuvring areas for commercial vehicles shall be designed in accordance with *AS2890.2:2018*.
17. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

**REPORT REFERENCE: CAP041219 – 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 DECEMBER 2019**



| | |
|---------------------------------|--|
| Originating Officer: | Joanne Reid Development Officer - Planning |
| Applicant: | PC Infrastructure Pty Ltd |
| Development Description: | An integrated service station, operating over 24 hours, 7 days a week, comprising control building with retail display and sales areas (with gross leasable floor area exceeding 150 square metres), fuel canopies and pump stations, fuel storage tanks, freestanding illuminated signage, associated car parking, access and landscaping |
| Site Location: | 1172-1174 South Road, Clovelly Park |
| Zone: | Commercial Zone |
| Policy Area: | South Road Policy Area 2 |
| Application Type: | Category 3 / Non-Complying |
| Lodgement Date: | 03/06/2019 |
| Development Plan: | Consolidated – 29 November 2018 |
| Referrals: | Department of Planning, Transport and Infrastructure EPA Development Engineer Coordinator Traffic and Parking |
| Delegations Policy: | 1.4.1.1 <i>Non-complying applications – the Panel will decide to refuse the application or seek the concurrence of the State Commission Assessment Panel to approve the application, except for the following:</i> <ul style="list-style-type: none"> <i>the decision to proceed with an assessment of a non-complying application pursuant to Regulation 17 (3)(b) of the Development Regulations 2008).</i> <i>non-complying applications deemed to be minor in accordance with Regulation 17 and Schedule 9 Part 1 (3) of the Development Regulations 2008.</i> |
| Categorisation | 3 <i>Not defined by the Development Plan or the Development Regulations 2008, and not considered minor in nature pursuant to Schedule 9, Part 1 – 2(g).</i> |
| Application No: | 100/2019/907 |
| Recommendation: | That Development Plan Consent be GRANTED subject to concurrence of the State Commission |

Assessment Panel (SCAP) and appropriate conditions.

Attachments

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

SUBJECT LAND

The subject land is located at 1172-1174 South Road, Clovelly Park and comprises allotments 227, 228 and 229 in Filed Plan 12391, Certificate of Title 5090/710 on the western side of South Road. The site is located on the corner of South Road and English Avenue and is currently operating as a caravan sales showroom. The site has a total frontage on South Road of 42.95m and a depth along English Avenue of 34.44 (including the corner cut-off). The site is generally rectangular in shape with a total site area of 1469.8m².

The site has four existing vehicle crossovers, two to South Road and two to English Avenue. The land does not feature any landscaping.



LOCALITY

The locality is made up of two parts, the commercial portion along South Road and the residential portion approximately 50m in from South Road along the side streets of Norrie, English, Scottish and York Avenue.

Along South Road, to the north of English Avenue, are a range of commercial uses including shops, retail showrooms and bulky goods outlets. It is much the same to the south with the exception of a dwelling which has been used for office and commercial purposes. On the opposite side of South Road within the City of Mitcham, includes a cemetery, warehouses and an integrated petrol station and shop.

The residential area to the west is zoned Residential Marion Plains Policy Area 8. The densities range from single storey detached dwellings on large allotments, to smaller redeveloped sites of semi-detached and detached on medium sized allotments and group dwellings.

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



PROPOSAL

The proposal is for a service station which comprises 18 fuel pumps, fuel storage tanks, fuel canopies a control building of 283m² which includes:

- retail display and sales area;
- cool rooms, store rooms, offices, preparation area and staff amenities;
- A drive-through facility

The site will provide 8 car parking spaces, including one disabled space and a drive-through area which can accommodate up to 7 vehicles.

Two new access points are proposed, an entry and exit off English Avenue and an entry and exit off South Road.

Landscaping is proposed within and around the edges of the site.

The proposed hours of operation is for 24 hours a day, over seven days a week.

A pylon sign up to 8m high with internally illuminated advertising will be located on the south-eastern corner of the site.

Development will only occur over the two allotments directly adjacent South Road. It is proposed that the allotment with a frontage to English Avenue frontage will remain vacant.

PROCEDURAL MATTERS

Classification

The proposed development has been classified as a non-complying development by virtue of shops or groups of shops with a gross leasable area greater than 150 square metres within South Road Policy Area 2.

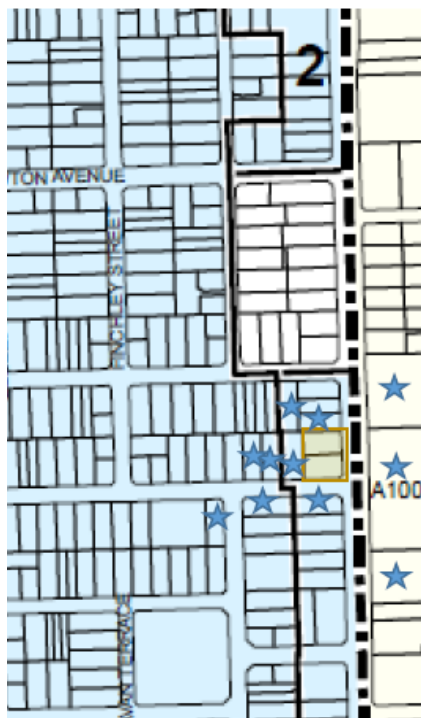
Council sought legal advice with regards to the processing of the application in this manner and it was considered that despite the control room being associated with the petrol filling component, the shop is not 'inextricably linked' such that you can't have one without the other and each component can be served independently of each other.

The applicant has continued with the assessment of the application on a 'without prejudice' basis, however has lodged an appeal with the ERD court contesting the classification.

Categorisation

Council administration were of the view that the proposal was not of a minor nature, on the basis of it involving a non-residential use, in close proximity to a Residential Zone. As such, it was Council administration's view that the proposal could not be deemed to be 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

11

Representations

3 received

Persons wishing to be heard

3

Applicant Response

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

REFERRALS

External *Department of Planning, Transport and Infrastructure (DPTI)*

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

Environment Protection Agency (EPA)

A copy of the EPA referral can be found in *Attachment V* of the report

Internal *Development Engineer*

Council Development engineer reviewed the application plans and advised he is satisfied with the stormwater management and to advise applicant that they must reinstate inverts fronting the development and make good footpaths.

Coordinator Traffic and Parking

Advised there was no concerns to raise.

ASSESSMENT

The proposed use is a commercial use and to this end, the nature of the proposed use can be contemplated. In saying this, there are a number of elements are pertinent in reaching a recommendation for the proposal. Some elements are discussed in this section and some will be addressed in the other sections below:

1. Whether the adverse impacts upon the amenity of the locality within zone are minimised.
2. That retail development does not hinder the development or function of any centre zone.
3. Whether the traffic generating characteristics compromise the arterial road function of South Road.
4. Whether the Development enhances the streetscape appearance of the South Road corridor.
5. Whether the proposal poses an unreasonable impact on the amenity of the residential area.

The relevant objectives, desired character and principles of development control of the Commercial Zone and South Road Policy Area 2 are listed in the following table and discussed in further detail below:

Commercial Zone

Objectives

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

Principals of Development Control

1. The following forms of development are envisaged in the zone:
 - bulky goods outlet
 - consulting room
 - motor vehicle related business other than wrecking yard
 - office
 - petrol filling station
 - service trade premises
 - shop with a gross leasable area of 250 square metres or less
 - store
 - warehouse.
2. Development listed as non-complying is generally inappropriate
3. Retail development in the zone should not hinder the development or function of any centre zone.

South Road Policy Area 2

Objectives

1. Development having traffic generating characteristics and design so as to not compromise the arterial road function of South Road.
2. Development comprising lower impact uses or activities to provide a transition between development fronting South Road and residential use in adjoining residential zones.
3. Development that enhances the appearance of the policy area, particularly the streetscape of the South Road corridor.
4. Development that contributes to the desired character of the policy area.

Principle of Development Control

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

- bulky goods outlet
- indoor recreation and leisure facilities
- light industry
- motor vehicle related activities
- service industry
- service trade premises
- small-scale office
- storage uses
- transport related activities
- wholesale uses.

2. The gross leasable floor area of the following forms of development should be limited to that shown in the table below:

| Form of development | Maximum gross leasable floor area (square metres) |
|---|--|
| Shop (excluding restaurant, bulky goods outlet) | 150 |

3. Development should not be undertaken unless it is consistent with the desired character for the policy area.
4. Buildings should not exceed 2 storeys or 10 metres in height above natural ground surface level, except where located within 20 metres of a residential zone in which case the building height should not exceed one storey or 6 metres.
5. Development adjacent residential zones should incorporate all of the following:
- (a) a minimum 6 metre setback for buildings from the zone boundary
 - (b) visual and acoustic buffer features
 - (c) landscaped areas having a minimum width of 2 metres
 - (d) 2 metre high fencing
 - (e) screened or obscured building openings.
6. Development should provide landscaped areas comprising at least 10 per cent of the site area and having a minimum width of 1 metre.

ZONE AND POLICY AREA CONSIDERATIONS

There are examples of developments maintaining similar characteristics as the one proposed on South Road. Petrol filling stations with shop components are common along the strip including one located to the south-east of the subject land on the eastern side of South Road. Petrol filling stations are an envisaged use within the zone and shop developments are also contemplated providing they do not hinder the retail function of any centre zone. It should be noted that a 'petrol filling station' as described in the Development Regulations 2008 is a somewhat antiquated description and is not really reflective of the type of service station/shop uses presently proposed.

It is noted that shops exceeding 150 square metres within the Policy Area are non-complying and that development listed as non-complying is generally inappropriate. However, administration staff resolved to proceed with the assessment as, in my view, further consideration as to whether the retail element will hinder the development function of a nearby centre zone was an important element as to whether the shop is appropriate, despite the building's floor area.

The applicant has stated that the shop will offer groceries and prepared food which contain the branding of the operations. A Neighbourhood Centre is located approximately 60m north of the subject land. I am satisfied that the proposed shop is if a 'small scale' and will not hinder the retail function of that Centre Zone (noting there is currently small variety shops, a small supermarket and Chemist, and further, there is a Development Approval by the SCAP for an ALDI and chemist within this location). The range of products on offer are limited and of a different nature to products stocked to, for example, a supermarket or chemist. In support of this consideration, His honour Judge Costello, Commissioner Green and Commissioner Hamnet in the case of *Shahin Enterprises P/L V Development Assessment commission & Ors* (2018) SAERDC 31 considered this very matter in relation to the offerings of a development similar to that proposed. The case summary states:

There is a sense, as Mr Hayter properly conceded, in which any new retail/commercial facility will compete with the retail function of the balance of an existing nearby centre.

However, as we have said, Mr Hayter's view was that any increased competition generated by the proposal will be limited by reason of both the relatively small size of the proposed retail area and of the comparatively narrow range of goods to be stocked, which, he said, will not allow it to meaningfully compete with the range of goods supplied by either Woolworths or the specialty outlets in the Woolworths shopping centre. He also said that the proposal has a 'different offering' from that provided by the surrounding restaurants and cafés and that there are no other shops or services within the NCZ which would be likely to suffer the effects of direct competition from the proposal.

As we indicated earlier, we accept the evidence of Mr Hayter. We are therefore satisfied that the proposal is unlikely to compete with the retail function of the main body of the NCZ.

The retail element within the control building is considered to be of a small scale. The building is predominantly made up of a combination of storage, sales areas, amenities and food preparation areas. Whilst further considerations will be made on whether the size of the building results in amenity impacts on adjacent properties, or the functioning of the site itself, the floor area of the shop will not, in my view, result in impacts that will adversely affect the economic viability of the nearby Neighbourhood Centre Zone.

With regards to the numerical requirements of the Policy Area, the following table is a snapshot for the proposal:

| Requirement | | Proposed | |
|------------------------|---|--|----------------------------|
| <i>Setback</i> | A minimum 6m setback from the zone boundary | The canopies are located approximately 20m away from the zone boundary | Satisfies |
| <i>Building Height</i> | Does not exceed 2 storeys or 10m (building not located within 20m of zone boundary) | Building is one storey with a height of maximum height of 7.1m | Satisfies |
| <i>Landscaping</i> | Landscaping strips having a minimum width of 2m (adjacent residential zones) | There are two sections that have landscaping over 2m in width. | Partially satisfies |
| | Have a minimum width of 1m and make up 10% of the site | The landscaped area represents 10% of the site. Applicant's response – it is not possible to provide a uniform 1m wide landscape width to all edges of the site because of the constraints associated with crossovers and vehicle movement paths. | Partially satisfies |
| <i>Fencing</i> | 2m high fencing | 2.1m high fences will be provided along the western and part of the northern boundaries of the proposed development. | Satisfies |

The proposal, generally complies with the majority of numerical design requirements for the siting and height of the building. Where possible, the applicant has applied the landscaping requirements however, as stated, this has been slightly compromised by the need to provide adequate manoeuvring areas for vehicles.

DESIGN AND APPEARANCE

The proposed control building incorporates a variety of colours, materials and finishes as well as articulated built form as sought within the Design and Appearance section of the Development Plan. The building contains a significant amount of glazing to the façade, face brickwork and painted fibre cement and results in an appropriate visual presentation to both English Avenue and South Road.

The building maintains a generous setback from the site boundaries and being single storey, is not an intrusive visual element when viewed from the nearby residential properties. Furthermore, the setbacks will ensure that any illuminated signage on the building will not result in glare to motorists, cyclist or nearby residential properties.

The canopies, although large in size, are open structures, have some design features in the skillion roof presentation and are will not be finished in bright obtrusive colours. In my view, the different built form and structured proposed are anticipated for these forms of development and are setback a sufficient distance from the residential zone in accordance with the South Road Policy Area 2 requirements.

In my opinion, the proposed building will be an improvement to what currently exists at present. The proposal will include landscaping where there currently is none and the built form has greater architectural merit when compared to the existing buildings.

Accordingly, from a design and appearance perspective the proposal is considered to improve the appearance of South Road through the provision of a building with acceptable design elements. The setbacks from residential areas satisfy the requirements and will not result in visual impacts, overshadowing, or glare to residents, drivers and cyclists.

AMENITY CONSIDERATIONS

The Development Plan seeks development that does not detrimentally affect the amenity of the locality, cause unreasonable interference and should be sited and designed to minimise negative impacts on existing and future uses. The following discusses the merits of the proposal in this regard.

Noise and hours of operation

The applicant has sought for the proposed business to operate over 24 hours, 7 days a week. The noise generating activities that this has the potential to invoke has been assessed by an acoustic engineer who has provided a report which concludes that, with measures in place, the noise impacts would comply with the EPA's noise policy.

The assessment considers noise impacts from the following sources

- On-site vehicle movements;
- General car park activity;
- Fuel deliveries
- Drive-through activity;
- Rubbish collection and.
- Mechanical plant serving the facility.

The report recommends following acoustic treatments:

- Restriction of fuel deliveries to between 7am and 10pm;
- Amplified music set at an inaudible level from beyond the property boundary;
- Reduce noise from any alarms produced by site equipment as far as practicable;

- Correctly fix inspection points, grated trenches to remove potential for noise when being driven over;
- Construct fence which are 2.1m high, airtight seals at junctions and constructed from a minimum 0.42 BMT sheet steel.
- Restrict rubbish deliveries to between 7am and 7pm on weekdays 9am and 7pm on Sundays and public holidays.
- Provide attenuation treatment and screens as specified on all mechanical equipment.

The report states that the inclusion of the above treatments described and the assumed level of activity at the site, the predicted average of noise levels from the site will be no more than the 46dB(A) during the day, and 45dB(A) during the night, in line with the EPA's standards for noise emissions.

The recommendation will incorporate proposed conditions which will limit deliveries, rubbish collections and for the applicant to apply the recommended noise attenuation treatments as suggested by the acoustic engineer.

Additionally, the site is located on South Road with traffic numbers along these roads in the vicinity of approximately 44,700 vehicles in a 24 hour day (*Source: DPTI*). As such, there is likely to be some existing intermittent traffic noise throughout the evenings and therefore, it is probable that an existing level of noise intrusion is experienced by occupants within 100m of South Road.

Separation between the residential zone and the development site has also been provided by leaving the site between 3 English Avenue and the development vacant which will create a buffer from the two closest residential properties and minimising the potential impacts for those properties.

Accordingly, with the measures proposed to be put in place to minimise noise being emitted from the building and with advice from a qualified acoustic engineer that the external noise generated will not exceed the limits set by the *Environment Protection (Noise) Policy*, I am satisfied that the noise impacts will not cause unreasonable interference and conflict between the subject site and the adjacent residential land uses.

Odours

The proposed development will offer groceries and prepared food but will not contain a fast food outlet. The food preparation and service elements are not expected to produce any unreasonable impacts in this regard.

The applicant will apply all measures as required by the EPA to ensure that odour from fuel is not emitted. The EPA has provided a response and has advised that the Stage 1 and 2 vapour recovery systems are considered adequate to mitigate potential air quality impacts.

Light spill

It is proposed that site lighting will include some flood lighting. All external lighting is designed with the use of spill guards to direct light within the site away from any adjacent residential development.

Lighting on the site can be regulated by way of a condition restricting luminance levels and given the level of separation from the nearest residential property, it is not anticipated that the lighting levels will be any greater than the adjacent street lighting. Should Members feel the provision of a LUX plan is necessary, this could be incorporated as a Reserved Matter.

Pollution and environmental impacts

The proposal incorporates the necessary requirements to ensure no adverse impacts relating to fuel storage and emissions from petrol vapours.

Measures include installing fuel tanks to comply with the Australian Standards, monitoring signs of leakages and fitting the tanks with vapour recovery systems.

The proposed measures to minimise the potential for contamination and to maintain air quality have been forward to the EPA for their assessment and a response has subsequently been supplied advising that the proposal would not cause unacceptable air quality, water quality or site contamination impacts and recommends conditions to be included with the Planning Consent.

To this end, I am satisfied that all practical measures have been applied to ensure that any environmental impacts will be mitigated.

Waste

Waste generated by the proposed development is collected by accredited waste management contractors and assurance is sought that all products are separated for Recycling and all liquid waste is disposed of in accordance with the regulatory requirements.

The development includes a refuse area along the western boundary which is enclosed in slatted timber to ensure that it is out of view and does not diminish the appearance of the site.

As recommended on the acoustic report provided, a condition restricting waste collection to between 7am and 7pm on weekdays and 9am and 7pm on weekends and public holidays is recommended on the Planning Consent to minimise noise impacts of collections.

TRAFFIC, CAR PARKING AND ACCESS

The proposal's impact on the arterial function of South Road is a major consideration in determining its appropriateness on the site.

The applicant has engaged a traffic consultant to determine the impacts of the development on the adjacent road network.

In summary the consultant provides the following opinion:

- Due to the location of the proposed development, it is expected that a high proportion of the traffic generated will be passing trade already present in the area, particularly as this does not include a fast food restaurant.
- Given the high proportion of passing trade, the proposed development is not anticipated to have an adverse impact on the safety or operation of the adjacent road network.
- Using the parking demand rates of existing OTR brand outlets, the consultant applies a car parking rate of 2.5 parks per 100m², which requires 7 car parking spaces and 8 have been provided.
- For a site with a drive-through facility, the parking provision is considered appropriate.
- A minimum of 6.2m from the closest bowser to south Road allows sufficient space for vehicles to pass to queue behind other bowsers.
- The two existing access points will close and the new access points will support two-way traffic flow in accordance with AS/NZS2890.1:2004.
- Heavy vehicles are able to traverse the site and vehicle swept paths have been provided.

The applicant's consultant has applied a parking rate on a 'needs basis' as opposed to using the Development Plan. I consider there is merit in the rate applied to the proposal. The proposal plans

show that there are several areas for vehicles to park or remain idle on the site including 6 fuel bowzers, 8 car parks and the drive-through which caters for 7 vehicles. Given that the premise of the business operations is for customers to be in and out of the site quickly, it is anticipated that there will be a high turnover of vehicles and even during periods of high trade, car parks are likely to become available in a reasonable time such there is unlikely to be any overflow parking on the adjacent street network. In my view the applicant's modelling is likely to be accurate as it is fundamental to the operations of the business that vehicles remain on site for the customer's convenience.

I have also asked the applicant to provide an opinion on the impact that the development may have on the local road network with respect to traffic distribution. The traffic consultant provided the following response:

- Most trips will be in the form of passing trade already travelling on South Road;
- No more than 10% of traffic associated with the development will use the local road network;
- Typically that 10% originates from surrounding residential areas.
- The 10% figure for use of local streets has been accepted by the ERD Court in considering other metropolitan petrol station sites.
- Using the 10% figure, no more than 15 vehicles per hour would use the local network during the peak period. In reality the volume is likely to be far lower since many of those vehicles originating from the surrounding area would already be present on the network.

Council's Development Engineer and Co-ordinator traffic and parking have reviewed the proposed development and raised no issues relating to traffic movements, parking or impacts on the adjacent road network.

DPTI have also responded and are satisfied with the number of car parks provided, vehicle movements on the site and raised no concerns regarding any implications to South Road.

Accordingly, I am satisfied that the proposed development will not compromise the arterial function of South Road and agree that the parking, anticipated visitors to the site, vehicle movements and impacts on the adjacent street networks are acceptable such that there will be no adverse impacts.

LANDSCAPING

Landscaping is to be provided mostly around the perimeter of the site and a small area to the west of the building with a variety of species to be planted. As mentioned above, the Development Plan seeks for landscaping to be at least 1m wide, however the applicant has advised that this could not be provided in all areas to ensure that vehicle movements were adequately catered for.

However, there are sections where over 2m has been provided and this is adjacent South Road where, for the most part, it is generally dominated by buildings and hard stand areas and this, in my view will go some way in softening the hardstanding areas of the driveway.

The proposal also meets the provision of providing 10% of the site as landscaping.

Despite the shortfall in the landscaping widths, I am of the view that the landscaping provided will enhance the appearance of the site, particularly when compared to the fact that there is no landscaping in place at present and as such will be an improvement to the South Road streetscape.

ADVERTISING

The Development Plan does not provide a guide with respect to height within the Commercial Zone in the Advertisements section of the Development Plan, however, the Procedural Matters section within the Commercial Zone lists freestanding advertisements greater than 8m as non-complying which therefore implies that an 8m high sign is an appropriate form of Development.

The design of the freestanding sign is consistent with similar sites owned and run by the applicants. The sign incorporates the branding image of the business and sign boxes for pricing information as is usually seen on service station sites. The information relates wholly to the business operations.

The colours and finishes of the freestanding sign are consistent with the building and canopy and will not result in the sign being out of character within the context of the locality. The location is within the landscaping area and will not interfere with vehicle movements on the site.

The fascia signage does not exceed the height of the parapet and is tied in appropriately with the built form. In my view, the amount of signage provided is acceptable and does not exceed what is common on sites with similar uses.

The illumination of the signs has been assessed by DPTI and the safety of road users considered. DPTI has recommended conditions to be applied to the approval to minimise the impacts of the sign upon drivers using South Road.

The signage proposed is considered reasonable and acceptable in association with the proposed development as is considered to meet the relevant provisions of the Development Plan.

REPRESENTOR'S CONCERNS

The concerns raised by the representor(s) in relation to traffic, environmental impacts and noise have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor(s) have also raised concerns over the presence of a number of similar uses in the area. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

CONCLUSION

A petrol filling station is an envisaged use within the Zone and Policy Area. However, the basis on whether it is considered to be reasonable and acceptable relies heavily on whether the impacts on the amenity of the nearby residential properties can be managed, whether the commercial nature of the business will hinder the economic viability of the Centre Zone and whether the development will compromise the arterial function of South Road.

With regards to the impacts on the amenity, the building has been sufficiently setback from the residential zone to minimise the impacts relating to the activities within the building. It is noted however, that the fuel bowsers and drive-through are closer to the peripheries of the site and therefore may produce unacceptable impacts.

The applicant however has provided supporting documentation to suggest that the impacts will, as far as possible be minimised such that they will not be unreasonable to neighbouring properties. Measures will be put in place to minimise noise, light overspill, pollution and odours and it was determined that any additional traffic through local roads will be able to be absorbed by the road network. Accordingly, I am satisfied that the measures put in place combined with the separation between the proposed development and the closest residential properties will ensure that impacts are minimised.

I consider that the size of the shop, despite it exceeding 150 square metres will not produce impacts that will hinder the economic function of the nearby Centre Zone as the retail element of the shop is small and products are specialised. Further, the size does not result in a bulk and scale that will have impacts on the streetscape or neighbouring properties nor is it a size that is out of character with the existing scale of development in the locality. Accordingly, whilst this aspect of the development renders the proposal 'Non-complying', I am satisfied that the size of the building is appropriate and will not result in detrimental impacts on the surrounding area.

The traffic, car parking and access has been reviewed by several experts and all have considered that the access and car parking has been designed appropriately and considers user demand. Given that the likely users will be drivers using the road network it is not considered that there will compromise the arterial function of South Road.

In my opinion, the proposed use will be an improvement to what currently exists through the provision of a new building with a variety of finishes that will replace the existing building and there will be landscaping where there currently is none.

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: 100/907/2019 for an integrated service station, operating over 24 hours, 7 days a week, comprising control building with retail display and sales areas (with gross leasable floor area exceeding 150 square metres), fuel canopies and pump stations, fuel storage tanks, freestanding illuminated signage, associated car parking, access and landscaping at 1172-1174 South Road, Clovelly Park be GRANTED subject to concurrence of the State Commission Assessment Panel (SCAP) and the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/907/2019, being the following site plans drawn by ADS Architects:
 - Site plan dated 09.08.19 with drawing no. 19JN1359sk01d
 - Elevations dated 27.05.19 with drawing no. 19Jun1359sk02c
 - Elevations dated 27.05.19 with drawing no. 19JN1359sk03c
2. All measures identified in the Environmental Noise Assessment report by Sonus dated July 2019 and with no. S6030C2, to limit noise emissions from the building and the site shall be implemented prior to commencement of the development herein approved and maintained for the life of the development.
3. All deliveries to and from the site (including waste collection) shall be restricted to the following times:
 - Monday to Friday (excluding public holidays) – 7am to 7pm
 - Weekends and Public Holidays – 9am to 7pm
4. Fuel Delivery shall be restricted to the hours of 7am to 10pm.
5. Noise generated from the site shall not exceed the maximum noise levels stipulated within the Environment Protection (Noise) Policy 2007, or subsequent legislation.

Construction Environmental Management Plan (CEMP)

6. A Construction Environmental Management Plan (CEMP) prepared by a site contamination consultant in accordance with the EPA publication *Guidelines for the Assessment and Remediation of Site Contamination (2018)*. The CEMP should incorporate, without being limited to, the following matters:
 - details as to how groundwater at the site would be managed during construction, including when the underground storage tanks are installed
 - surface water, including erosion and sediment control
 - soils, including fill importation, stockpile management and prevention of soil contamination

- occupational health and safety, management measures to mitigate the potential risk to on-site workers and the environment associated with site contamination
- air quality controls, outlining dust prevention
- the engagement of a suitably qualified and experienced site contamination consultant to implement the CEMP and to:
- manage and dispose of contaminated material in accordance with EPA and other relevant guidelines
- validate underground storage systems excavations in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASCNEPM)* and other EPA guidelines prior to backfilling or replacement of Underground Storage Systems (which includes the preparation of a validation report).

Stormwater

7. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details drawn by Sagero with ref no. SA190006, prior to the occupation of the premises to the reasonable satisfaction of the Council.
8. A trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order to the reasonable satisfaction of the Council.
9. 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.

Landscaping

10. Landscaping as identified on the approved plan by Oxigen, titled Landscape Plan with drawing no. 15.047.053, draft A shall be planted prior to the occupation 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.
11. 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).
12. 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.

Vehicle Movements and Car parking

13. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
14. 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.

15. 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.
16. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
17. 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.
18. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
19. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
20. Bicycle parking facilities be provided that are designed and constructed in accordance with Australian Standard, or subsequent standards. The facilities shall be located to ensure ease of access to users.

Lighting

21. 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.
22. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of the Council.
23. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 "Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines". Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.

Signage

24. The advertisement(s) and supporting structure(s) shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
25. The proposed sign(s) shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.

Department of Planning, Transport and Infrastructure Conditions

26. All access to the site shall be constructed in general accordance with ADS Architects Site Plan 19JN1359sk01c, dated 27 May 2019.

27. The South Road access shall cater for left turn in and left turn out movements only. Chevron line-marking shall also be incorporated in the design to reduce the width of the access for passenger vehicles while still permitting access for delivery vehicles.
28. The South Road and English Avenue access points shall be suitably signed and line-marked to reinforce the desired traffic flow.
29. The largest vehicle permitted on-site shall be restricted to a 16.4-metre semi-trailer.
30. All off-street parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
31. The internal manoeuvring areas for commercial vehicles shall be designed in accordance with *AS2890.2:2018*.
32. Any obsolete crossover/s (or any portion thereof) on South Road and English Avenue shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.
33. Signage shall not contain any element of LED or LCD display, except for the fuel prices on the pylon sign. The fuel prices shall be white characters on a black background.
34. Signage shall not flash, scroll, move or change, with the exception of the LED fuel price signs, which may change on an as-needs basis.
35. Signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Accordingly, all illuminated signs visible from the arterial road network shall be limited to a low level of illumination (i.e. $< 150\text{Cd/m}^2$), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

| Ambient Conditions | Sign Illuminance Vertical Component (Lux) | Sign Luminance (Cd/m ²) Max |
|--------------------|---|---|
| Sunny Day | 40000 | 6300 |
| Cloudy Day | 4000 | 1100 |
| Twilight | 400 | 300 |
| Dusk | 40 | 200 |
| Night | <4 | 150 |

36. Signage shall, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
37. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Environment Protection Authority Conditions

38. Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes

being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.

39. Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that directs vapours back into the tank during vehicle refueling.
40. All runoff from hardstand areas (including the refuelling and fuel delivery areas) of the site (refer to *Stormwater Plan* prepared by Sagero, Project No. SA190006, Drawing No. C01 B, dated July 2019, provided via email by Tim Beazley on 6 November 2019) must be directed via grates and grade changes to a forecourt full retention oil/water separator (no bypass function) that:
 - a. has as a minimum spill capture capacity of 10,000 litres
 - b. reduces oil content in the outlet to less than 5 mg/L (as confirmed by independent third party scientific testing)
 - c. operates effectively in the event of a power failure.
 - d. has an alarm connected by telemetry to appropriate maintenance personnel.
41. Any sludge or residues collected within the forecourt full retention oil/water separator is considered waste and must be removed by an EPA licensed waste transporter.
42. All underground fuel storage tanks must be double-walled and fitted with Automatic Tank Gauging (ATG) as a leak detection and monitoring system.
43. Prior to use, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a mechanical pressure leak detection system.

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. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
5. 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.
6. 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.

7. The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be access on the following website: <http://www.epa.sa.gov.au>.
8. Both the State and Federal Governments have indicated clear commitments to progress a non-stop North-South Corridor for Adelaide. Construction is currently underway on the Northern Connector, Torrens Road to River Torrens and Darlington sections of the corridor, with funding committed towards the delivery of the Regency Road to Pym Street section of South Road. The nature and timing of potential improvements to the section of South Road, in the vicinity of the subject property, have yet to be determined and any potential future land requirements are unknown.
Information about the 10 Year Delivery Strategy for the North-South Corridor can be found in the Scoping Report released on 18 May 2015 and is available at www.infrastructure.sa.gov.au/nsc/10yds.

Further information on the North-South Corridor can be obtained at www.infrastructure.sa.gov.au/nsc or if you would like to speak to a member of the North-South Corridor team, please email northsouthcorridor@sa.gov.au or call 1300 951 145.

**REPORT REFERENCE: CAP041219 – 2.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 DECEMBER 2019**



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|---------------------------------|---|
| Originating Officer: | Nicholas Timotheou Development Officer - Planning |
| Applicant: | Regent Homes SA Pty Ltd |
| Development Description: | Single storey dwelling incorporating a garage wall on the south-eastern boundary with associated earthworks and retaining walls |
| Site Location: | 2 King George Close, Seacliff Park |
| Zone: | Residential Zone |
| Policy Area: | Cement Hill PA 10 |
| Lodgement Date: | 19/02/2019 |
| Development Plan: | Consolidated – 28 November 2017 |
| Referrals: | Nil |
| Delegations Policy: | 1.4.1.2 <i>Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i> |
| Categorisation: | Category 2 <i>Residential Zone, Public Notification section prescribes: Wall (excluding retaining wall) for residential development which exceeds a length of 8 metres and/or exceeds a height of 3 metres when measured from natural ground level where abutting a side or rear boundary (other than a common wall of semi-detached dwellings, row dwellings or residential flat buildings).</i> |
| Application No: | 100/2019/270 |
| Recommendation: | That Development Plan Consent be GRANTED subject to conditions |

Attachments

| | |
|------------------------|---|
| <i>Attachment I:</i> | <i>Certificate of Title</i> |
| <i>Attachment II:</i> | <i>Proposal Plan and supporting documentation</i> |
| <i>Attachment III:</i> | <i>Statement of Representations</i> |
| <i>Attachment IV:</i> | <i>Response to representations</i> |

SUBJECT LAND

The subject land is situated at 2 King George Close, Seacliff Park, which comprises a site area of 1089 square metres, a frontage width of 7.46 metres and site depth of 39.73 metres. The subject land contains an existing dwelling in good condition, pool and deck. The subject land falls in a north-westerly direction and there are no Regulated Trees present. Access is presently obtained from King George Close via a double width crossover.

LOCALITY

The locality is typical of the original housing stock, featuring a mixture of single and two storey detached dwellings on large allotments. Various properties are designed to take advantage of views directed to the coast and city and subsequently, it is common for some form of overlooking to occur.

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



THE PROPOSAL

The application proposes the construction of a single storey dwelling with associated earthworks and retaining walls. The dwelling features 2 bedrooms, master bedroom including ensuite/WIR, study, open plan kitchen/meals/living, theatre room and bathroom/laundry. A double width garage is proposed which seeks to gain access via Clubhouse Road. Various earthworks and retaining walls are proposed throughout the site in order to accommodate the dwelling.

Procedural Matters

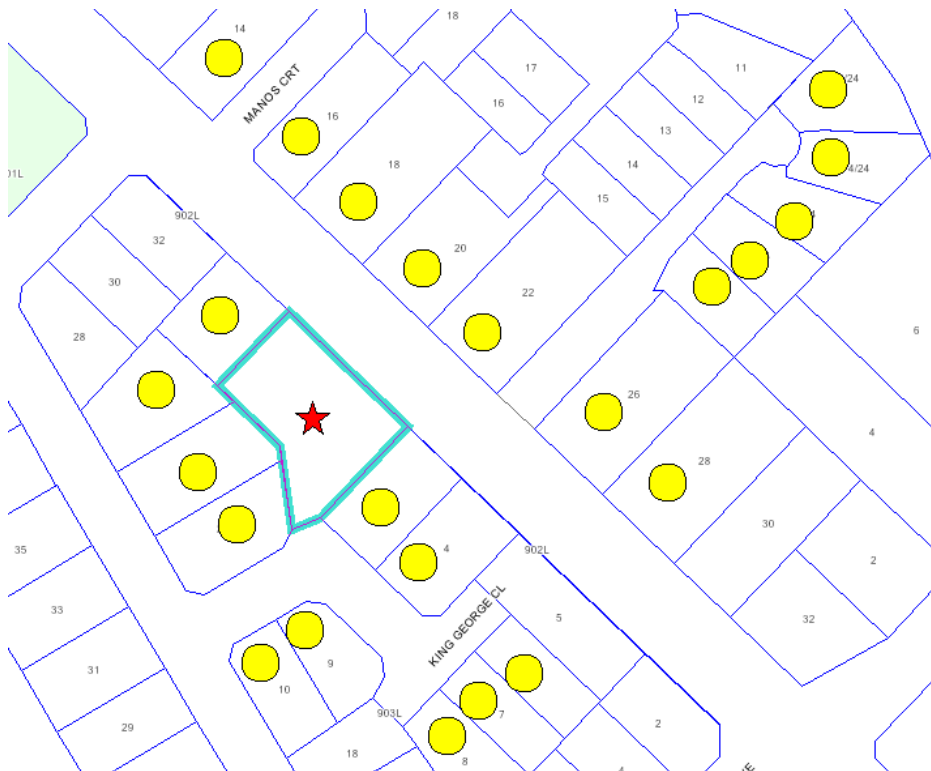
Classification

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

Categorisation

The proposal includes a wall which exceeds a length a height of 3 metres when measured from natural ground level and as such, comprises a Category 2 form of development as stipulated by the Public Notification Section of the Residential Zone.

Public notification



| | |
|------------------------------------|--|
| Properties Notified | 23 |
| Representations | 1 representation received opposing the development |
| Persons wishing to be heard | Mr and Mrs Fatchen – 13 Clubhouse Road. |
| Applicant Response | Refer report attachments |

Referrals

Coordinator Arboriculture

The gum tree (red arrow) is remnant vegetation in this area. It is important to retain and protect this tree and any of the other old gum trees on this road reserve. A set back from any disturbance of the road reserve equal to its canopy extension is required.

To the left of this picture is a Chinese elm tree (yellow arrow) that is suitable to remove to facilitate access. Some native pines behind this tree would also need to be removed. Their removal would increase the protection to the aforementioned gum by opening up room on the southern side for access. This would be a requirement of any built form application for a new allotment, ie vehicle access from the southern side of the new allotment.



Civil Services

Council's Civil Services Department have confirmed an approved Section 221 crossover permit exists for the subject land and reflects the latest plans. This approval has had regard to comments received from Council's Coordinator Arboriculture and Development Engineer. This assessment has also included vehicle swept paths which have demonstrated access and egress from the site will preserve the safety of pedestrians and vehicles travelling through Clubhouse Road, while allowing occupants to conveniently access the property.

Development Engineer (Internal):

Referred to the Development Engineer who has advised they are satisfied with the proposed driveway gradients, finished floor levels/external paving levels to mitigate risk of a 1-in-100 year flood event.

ASSESSMENT

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.

Proposal consider to adequately satisfy the intent of applicable Objectives.

Cement Hill Policy Area 10

Objectives

1 A policy area primarily comprising detached dwellings at low densities on individual allotments.

Proposal consider to adequately satisfy the intent of the Objectives

Principles of Development Control

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

- detached dwelling

2 Dwellings should be designed within the following parameters:

| Dwelling Type | Minimum Site Area (square metres) | Minimum Frontage Width (metres) | Minimum Site Depth (metres) |
|---------------|-----------------------------------|---------------------------------|-----------------------------|
| Detached | 420 | 15 | 20 |

Assessment

The application proposes to construct a single storey dwelling on an allotment which currently features a two storey detached dwelling, thereby increasing the density of the land by one. It is acknowledged that the dwelling proposed does not hold “site exclusivity” in that the land is yet to be formally divided. This notwithstanding, I am satisfied the density proposed is in-keeping with the desired outcomes for the Policy Area. Despite the dwelling being undefined by the Development Act, it is my opinion that regard can be had to the minimum guidelines prescribed for a detached dwelling in the Southern Policy Area 18 (noting this type of dwelling calls for the largest site area for a dwelling in this Policy Area).

In this regard, the total site achieves an area of 1089 square metres, whereby the plans indicate each dwelling will achieve a site area exceeding 420sqm and 14 metre frontage width (proposed dwelling only). When regard is had to PDC 2, the following quantitative measurements are attributed to the proposal, while having regard to the indicative future boundaries:

| | Existing dwelling | Proposed dwelling |
|----------------|-------------------|-------------------|
| Site area | 589sqm | 505sqm |
| Frontage width | 7.46m (Existing) | 20.73m |

The proposal includes the construction of a single storey dwelling and is considered to assist in contributing to the existing streetscape and locality through the provision of an attractive design,

appropriate separation from the allotment boundaries (discussed further throughout this report) and by minimising earthworks and retaining walls where appropriate.

The dwelling is not considered to impact the privacy of adjacent properties (discussed further in this report) and on balance, the proposal is considered to adequately comply with the Objectives and Principles of Development Control of the Cement Hill Policy Area 10.

Quantitative Snapshot

| Requirement | | Proposed | |
|---------------------------|---|---------------------|--|
| Setbacks | | | |
| <i>Front</i> | Average of adjoining dwelling: | Partially Satisfies | 5m and 5.86m (adjacent dwelling setback at 5.5m and 6) |
| <i>Side</i> | Ground: 0.9m | Satisfies | 2.5m (internal) and 1.56m |
| <i>Rear</i> | Ground: 6m | Does Not Satisfy | 4m and 7.3m |
| Building Footprint | | | |
| <i>Site Coverage</i> | 40% | Satisfies | 254.49 (50.3%) – proposed dwelling |
| | | | 191.45 (32.5%) – existing dwelling |
| | | | Total site coverage 346.35 (31.8%) |
| Wall on Boundary | 3m height, 8m length | Partially Satisfies | Length: 7.55m Height: 3.9m (3.3m wall height + 628mm fill) |
| Building Height | Maximum 9m | Satisfies | 7.18m (measured from natural ground level) |
| Private Open Space | | | |
| <i>Area</i> | 20% of allotment (side or rear) | Does Not Satisfy | 94.55sqm (19%) – Proposed dwelling 270qsm (45.8%) – Existing dwelling |
| <i>Dimensions</i> | 5m by 5m (part accessible from living area) | Satisfies | 5 x 5 metre area achieved for each dwelling |
| Car parking | 3 spaces, 1 of which covered | Satisfies | 4 spaces, two of which covered. |

Assessment

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

- Wall on Boundary Height
- Design and Appearance
- Overshadowing
- Private Open Space
- Earthworks and retaining walls
- Rear setbacks
- Site Coverage
- Overlooking from existing dwelling
- Biodiversity and Native Vegetation

Wall on Boundary

Residential Zone Principle of Development Control 6 seeks for dwellings incorporating walls on the boundary to achieve a maximum length of 8 metres and a maximum height of 3 metres.

The application proposes a wall 7.55 metres in length and 3.9 metres in height along the western boundary. It is noted this height has been determined through a 3.3m wall in addition to 628mm fill (the difference between existing ground level and the proposed finished floor level).

Whilst the proposed height would ordinarily be inappropriate when sited along the boundary, in this instance a majority of the wall is to abut the adjacent dwelling's side path, with only a 1.3 metres length visible (forward of the adjacent dwellings façade). Further, it is acknowledged the subject land has been identified as being prone to flooding in a 1-in-100 year flood event. In this regard the proposal has been referred to Council's Development Engineer who has advised the FFL and external paving levels are appropriate in this regard.

Given the limited visual and amenity impacts, the excess in wall height is not considered unreasonable.

Design and Appearance

The proposed dwelling reflects the desired character of the locality, through the incorporation of an attractive, modern and unique presentation to the streetscape.

The dwelling provides a front door facing the primary street frontage habitable room windows. The facades are further enhanced through the inclusion of:

- A mixture of brick and render;
- Varying setbacks; and
- Fenestration.

Furthermore, the dwelling will incorporate a 25-degree Colorbond roof whilst the garage features a Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

Appropriate articulation is provided through the stepping of the dwelling and variety in materials. The level of articulation afforded through these differing setbacks, and the use of different materials is considered to appropriately aid in reducing the potential visual bulk and scale impacts associated with the dwelling.

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

Overshadowing

It is noted the dwelling is orientated north-east to present to Clubhouse Road and consequently results in the associated POS being predominately located to the south-west of the dwelling.

Given the orientation of the dwelling and compliant side/rear setbacks, it is acknowledged that little shadow will cast upon adjacent properties and will generally be contained within the subject land. Considering the single storey nature of the dwelling combined with the compliance in setbacks from boundaries, the proposal will remain in accordance with the Development Plan Guidelines relating to overshadowing.

Private Open Space

The 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.

Despite the total area failing to meet the minimum 20% guideline as stipulated by the Development Plan, it is my opinion that the 94.5sqm is appropriate to meet the likely needs of occupants. Whilst a majority of POS is located to the rear of the dwelling, and therefore incorporates a southern orientation, POS areas to the south-western and east of the dwelling are provided and will receive sufficient sunlight.

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.

Earthworks and retaining walls

The overall allotment incorporates a cross-fall grade of approximately 2.5 metres, and in order to minimise considerable alteration of the existing authorised land form, whilst providing some transition to existing dwellings on adjoining land, the land is proposed to be slightly altered to accommodate the dwelling. The built form proposes approximately 1.2m of cut and fill to accommodate the dwelling.

Whilst the proposed development will alter the original/natural topography of the land in terms of cutting and filling, considerations have been had regarding the characteristics of the locality, anticipated development and existing development. The dwelling has been designed to include a balance in earthworks and is evident as a result of the similar retaining heights. A significant portion of cut proposed as part of the development is concealed and therefore not visible from surrounding properties. Although retaining walls up to 1.2 metres will present to the properties situated at 24 and 26 Mariner Avenue and 13 Clubhouse Road it should be acknowledged the extent of earthworks are not out of character with that within the locality, with numerous properties presenting similar outcomes. This is due to the natural slope in the land which falls in a north-westerly direction, such that it is not uncommon for dwellings on higher land to include retaining walls in fill, providing transition/stepping to those properties on the lower side of the road. Further, the Development Plan anticipates the density of dwellings proposed, such that an approach which incorporates a balance in earthworks is considered an acceptable outcome for the subject land and locality.

The above notwithstanding, I am satisfied the extent of earthworks and retaining proposed is acceptable, will not compromise the integrity of the Policy Area, nor have a detrimental impact upon the amenity of the subject or adjoining land to the extent where refusal is warranted.

Rear Setback

Although the rear setback does not satisfy the quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed in this report).

It is acknowledged that only 49% of the building width will encroach the minimum rear setback guideline, while the remaining portion will step to 7.3 metres. Through the provision of an alfresco and stepping of the dwelling, it is my opinion that these design elements will assist in reducing the overall bulk of the building presenting to the adjoining land to the west.

As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Site Coverage

It should be acknowledged that as the subject land is yet to be formally divided, considerations relating to site coverage should be had in relation to the whole site, rather than future allotment boundaries. When the entire site is considered, the total site coverage is equal to 31.8%, below the maximum prescribed for the Cement Hill Policy Area 10. This notwithstanding, the following points remain applicable to the proposal.

Whilst the 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 proposed site coverage is considered to be acceptable in this instance, considering the proposal satisfies all other applicable numerical standards in relation to front, side (bar rear setbacks and boundary wall height) and, 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.

The dwelling also provides 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.

Overlooking from existing dwelling

The applicant has provided details of the existing floor plan of the dwelling to be retained on the subject land. Administration has also undertaken a site inspection of the site, including from within the dwelling and balcony area.

It is firstly acknowledged that various properties within the locality have been designed in order to take advantage of views of either the coastline or city and subsequently, it is not uncommon for overlooking to occur. As a result of the natural topography of the land, the subject site sits higher than adjoining land to the north and north-west. The existing dwelling includes an upper level balcony, which achieves views of both the ocean and city; however, also overlooks the private

entertaining areas of 24 Mariner Avenue. Views into the main area of private open space associated with 13 Clubhouse Road are currently screened by existing vegetation; however, previous case law has identified that vegetation should not be relied upon for the screening purposes.

The above characteristics of the locality demonstrate that overlooking is not uncommon. As a result of the proposal, it is acknowledged the balcony of the existing dwelling may overlook portions of the private open space of the proposed dwelling. This notwithstanding, it is acknowledged the main entertaining area will be partially screened by the roofline and alfresco, such that views will not be direct. It is also acknowledged that occupants of the proposed dwelling will be aware of the existing two storey dwelling and balcony, such that any overlooking will be known, prior to occupation.

Given the natural slope in the land, it is my opinion that the extent of overlooking upon the proposed dwelling is not unreasonable when regard is had to the locality.

Biodiversity and Native Vegetation

Council's Development Plan seeks for the retention of native vegetation and development that minimises the loss and disturbance of native fauna. In this regard, the proposal has been referred to Council's Coordinator Arboriculture who has identified remnant vegetation within the verge (gum tree). In order to ensure the protection and preservation of this vegetation, specific guidelines have been adhered to with respect to the construction proposed within the verge, which has also been considered through the Section 221 crossover permit. As such, I am satisfied that the separation distances and the extent of earthworks within the verge are appropriate in order to preserve and minimise any impacts upon the remnant vegetation. It should also be acknowledged that this aspect of the development is outside the bounds of the subject land and will be appropriately managed during the construction phase.

Conclusion

The preceding assessment has demonstrated the proposed development generally satisfies the applicable quantitative and qualitative provisions of the Development Plan and Objectives and Desired Character of the Cement Hill Policy Area 10.

The proposal fails to accord with Council's Development Plan in respect to the rear setback, site coverage, private open space and boundary wall height. Each area of non-compliance has been identified throughout this report and demonstrated that they result in acceptable outcomes and are not fatal to the overall merits of the proposal.

The main façade features a variety of complementary colours and materials and design elements, stepping and glazing. The presentation to the street is articulated and is considered to provide visual interest, while minimising garage dominance. The use of exposed brick, render and a panel lift garage door is complementary to dwellings in the locality.

The dwelling has been designed in a way which aims to complement the existing topography of the land. A balance in earthworks and retaining walls are proposed and are generally consistent with that which has occurred in the locality. Whilst the earthworks and retaining walls proposed present to some adjacent properties, it is acknowledged their location assists in minimising amenity impacts.

Due to the topography of the land, it is acknowledged overlooking is common, with various properties seeking to take advantage of views of the coast and city. The proposed dwelling will be partially overlooked by the existing dwelling's balcony; however, it is acknowledged the main entertaining area will remain a private area.

The excess in boundary wall height is considered acceptable given it abuts the adjacent dwelling's side path, with only a minor portion of wall visible to the adjacent allotment and wider locality. The excess in wall height will not result in adverse amenity impacts on adjoining properties with respect to overshadowing or bulk or scale.

The proposed dwelling is considered to provide a positive design contribution to the streetscape and reflects the outcomes sought by the Residential Zone and Cement Hill Policy Area 10 Objectives and Principles of Development Control.

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: 100/270/2019 for Single storey dwelling incorporating a garage wall on the south-eastern boundary with associated earthworks and retaining walls at 2 King George Close SEACLIFF PARK 5049 be GRANTED subject to the following conditions:

Conditions

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/270/2019, being the following:
 - a. Site plan dated 28.08.19, Drawing No. WD01;
 - b. Floor Plan dated 28.08.19, Drawing No. WD03;
 - c. Elevation plans dated 28.08.19, Drawing No WD05 and WD05;
 - d. Siteworks Plan, Job No. C26040, prepared by RCI Consulting Engineers.
- 2. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
- 3. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
- 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.

**REPORT REFERENCE: CAP041219 – 2.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 DECEMBER 2019**



| | |
|---------------------------------|---|
| Originating Officer: | Nicholas Timotheou Development Officer - Planning |
| Applicant: | Konstantinos Barkoukis |
| Development Description: | To construct a single storey residential flat building comprising three dwellings with associated landscaping and car parking |
| Site Location: | 4 Greenock Drive, Sturt |
| Zone: | Residential Zone |
| Policy Area: | Northern Policy Area 13 |
| Lodgement Date: | 18/11/2016 |
| Development Plan: | Consolidated – 28 April 2016 |
| Referrals: | nil |
| Delegations Policy: | 1.4.1.6 <i>Any application for four or more dwellings (including detached, semi-detached, row and residential flat) where one or more dwelling sites are more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.</i> |
| Categorisation: | 1 Schedule 9 Part 1 (2)(a)(ii) <i>Except where the development is classified as non-complying under the relevant Development Plan, any development which comprises—</i> <i>(a) the construction of any of the following (or of any combination of any of the following):</i> <i>(ii) 1 or more single storey dwellings;</i> |
| Application No: | 100/2016/2159 |
| Recommendation: | That Development Plan Consent be GRANTED subject to conditions |

Attachments

Attachment I: Certificate of Title
Attachment II: Proposal Plan and supporting documentation

BACKGROUND

Members of the Panel are advised that at the time of lodgement, the application was described as three single storey row dwellings, with the plans indicating future indicative boundaries along with party wall details. This approach was considered the correct approach by various Council's across metropolitan Adelaide. Since the time of lodgement, case law has identified this approach was incorrect as each dwelling failed to hold site exclusivity and as such, the proposal is correctly defined as a single storey residential flat building comprising 3 dwellings.

Despite the nature of the proposed development being described as a residential flat building, through the lodgement of an associated land division application (100/2019/1661), the applicant has indicated their initial intention was for the application to be considered as row dwellings, as Council initially described the proposal. A copy of the associated land division plan will be made available for Members on the night of the Panel meeting.

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

row dwelling means a dwelling—

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

SUBJECT LAND

The subject land is located to the southern side of Greenock Drive, which achieves a frontage of 25 metres, a depth of 36 metres and an overall allotment area of approximately 730 square metres.

The subject land features a single storey detached dwelling in good condition. Access is currently available adjacent the eastern side of the allotment which leads to a carport. The land is relatively flat and includes a Significant Tree (Willow Myrtle) in the front yard, which has previously been issued Development Approval for its removal.



LOCALITY

The locality is typically defined by a mixture of single storey detached dwellings on large allotments and recently sub-divided allotments incorporating a variety of modern style single and double storey dwellings at a range of densities. The subject allotment is within 50 metres of the Hawkesbury Avenue Reserve and a short distance to Westfield Marion Shopping Centre, which is located within a Regional Centre Zone.

A link to google maps is contained – [here](#).



THE PROPOSAL

The application proposes the construction of a single storey residential flat building comprising three dwellings.

Each dwelling contains 3 bedrooms (master room with ensuite), bathroom and laundry and open plan kitchen/meals/living leading to the main area of private open space.

Dwelling 1 and 3 are afforded a single width carport, whereas Dwelling 2 includes an enclosed garage, each of which require new access points off Greenock Drive.

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

It should be acknowledged fencing does not form part of the subject development application and although indicative landscaping areas are nominated on the plans, a Reserved Matter has been included as part of the recommendation, requiring the applicant to submit a full landscaping plan for Council's considerations.

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.

Proposal considered to adequately satisfy the intent of applicable Objectives.

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.

Proposal considered to partially satisfy the intent of applicable Provisions.

Desired Character

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

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

The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.

Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Principles of Development Control

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

Satisfies

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

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

Assessment

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

Principles of Development Control 3 states:

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

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

In this regard, the total site achieves an area of 730 square metres. When regard is had to PDC 3, the following quantitative measurements are attributed to the proposal, while having regard to the indicative future boundaries:

| | Dwelling 1 | Dwelling 2 | Dwelling 3 |
|----------------------|------------|------------|------------|
| Site area | 242sqm | 244sqm | 244sqm |
| Average site area | 243.33sqm | | |
| Frontage | 8.2m | 7.87m | 8.93m |
| Total frontage width | 25m | | |

When the proposal is strictly considered as a residential flat building, the proposal fails to meet the minimum average site area per dwelling by 56.67sqm.

Notwithstanding the above, it is also considered appropriate to have regard to the locality and determine whether the proposed site areas significantly out of character with the prevailing density. Immediately east of the subject land are examples of site areas ranging between approximately 200sqm and 230sqm, whereas the developments at 15 Grandview Grove (south-west) and 9 Greenock Drive (south-east) includes site areas as low as 234sqm and 255sqm. It is also acknowledged however, outside of these sites, the original housing stock generally remains.

Although the average site area of the dwellings fail to satisfy the minimum sought under the Development Plan, it is acknowledged the total frontage width exceeds the 20m identified in PDC 3. As such, the undersized nature of the allotment will not be apparent when viewed from the street and wider areas of landscaping are available for the overall streetscape.

In addition to the above, it is acknowledged that the Residential Zone and Northern Policy Area 13 encourage an increase in densities adjacent to public transport and within close proximity to centre zones and areas of public open space. The subject site is located within walking distance to the Hawkesbury Avenue reserve and a short distance from Westfield Marion Shopping Centre which is located within the Regional Centre Zone.

The dwellings are considered to be low to medium density in that the overall site can accommodate three 'row' dwellings. The proposal is considered to satisfy objective 3 in that, single width garaging is proposed for each dwelling and the overall built form is provided with sufficient design elements and fenestration, thereby minimising the extent of sealed surfaces forward of the built form. "Good residential design principles" are achieved as sought by Objective 5, through the provision of a number of the typical contemporary design elements such as a main entrance facing the street, fenestration and panel lift garage doors presenting to the street. The roof design includes a hip end as well as finials over the habitable room windows and the front facade includes, setback variation between the garage and main facade. The proposal does not require the removal of Council owned infrastructure, while the front yard landscaping will contribute positively to the landscape character of the locality.

As such, I am of the view that three, dwellings can be accommodated on the subject land in the form proposed and that the density of the site is not significantly out of character with the applicable Objectives, Desired Character and Provisions of the Northern PA 13. On balance, the proposal is considered to adequately comply with the Objectives and Desired Character of the Northern Policy Area 13.

Quantitative Snapshot

| Existing Allotment Dimensions | | | |
|-------------------------------|---|----------------------------------|---|
| Area | 730m ² | | |
| Frontage | 25m | | |
| Depth | 36m | | |
| Requirement | | Proposed | |
| Setbacks | | | |
| Front | Average of adjoining dwelling: 6.25m | Does Not Satisfy | 4.5m (adjacent dwelling setback at 8m and 4.5) |
| Side | Ground: 0.9 Carport: 0.6m | Satisfies Partially Satisfies | 0.9 D1: on boundary increasing to 0.66m D3: 0.6m at closest point |
| Rear | Ground: 6m/3m (50% allotment width) | Satisfies | 6.2m at closest point. |
| Building Footprint | | | |
| Site Coverage | 40% | Does Not Satisfy | D1: 136.92 (56.5%) D2: 137.65 (56.4%) D3: 130.1 (53.3%) Total site coverage: 404.6 (55.4%) |
| Pervious surfaces | 20% | Does Not Satisfy | 210.2 (28.7%) |
| Building Height | Maximum 9m | Satisfies | 4m |
| Private Open Space | | | |
| Area | 20% of allotment (side or rear) | Satisfies | D1: 48.5sqm (20%) D2: 53.46sqm (21.9%) D3: 49.6sqm (20.3%) |
| Dimensions | 5m by 5m (part accessible from living area) | Satisfies | Area of 5 x 5 metres achieved for each dwelling |
| Car parking | 3 spaces, 1 of which covered | Satisfies | 2 (one covered) |

Assessment

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

- Site Coverage
- Front Setback
- Design and Appearance
- Landscaping

Site Coverage

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 setbacks and POS provisions, the excess will not adversely affect the amenity of adjoining properties and does not conflict with over relevant Development Plan criteria (i.e. creates a shortfall in car parking etc).

The departure in site coverage is considered acceptable, considering the proposal satisfies all other applicable numerical standards in relation to 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.

Front Setback

The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 4.5 metres is considered to contribute positively to the function, appearance and desired character of the locality.

When consideration is had to the existing development on adjoining land (Dwellings set back 4.5 and 8 metres), it is my opinion that the proposal will not impact the streetscape to any significant degree. PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area “where a new character is desired”. The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks. It is acknowledged the Development Plan anticipates the redevelopment of the original housing stock to occur and is evident in the immediate locality. As such, the overall character is expected to change overtime, along with reduced setbacks to the street.

Notwithstanding the above, the proposed front setback of 4.5 metres is considered to provide an appropriate level of transition to buildings on adjacent land. Further, the level of articulation provided to the front façade combined with the landscaping throughout the site shall assist in reducing the overall bulk of the building and assist in achieving a cohesive streetscape.

Design and Appearance

The proposed dwelling reflects the desired character of the locality, through the incorporation of an attractive, modern and unique presentation to the streetscape.

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

- A mixture of brick, and render
- Fenestration with featured finial
- Panel lift garage door
- Colorbond roof.

The dwellings incorporate a 25-degree Colorbond roof whilst the garaging of each dwelling features Colorbond Panel lift doors. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The level of articulation afforded through the stepping of the dwelling, and the use of different materials is considered to appropriately aid in reducing the potential visual bulk and scale. The design and appearance of the dwellings are further enhanced through the provision of landscaping areas street side.

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

Landscaping

Although the plans indicate landscaping, no further information has been provided. To ensure the proposal results in a development that contributes to the desired character of the policy area it is recommended the CAP attach a reserve matter requesting the provision of a substantial landscape plan for areas forward of the building line. The provision of landscaping will assist in enhancing the amenity and appearance of the land as viewed from the immediate locality and complement the built form. A range of medium to high level plantings is sought.

Conclusion

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it achieves an increase in dwelling densities in close proximity to centres and areas of public open space.

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

The most significant numerical shortfall maintained by the proposal involves site areas. It is acknowledged that the proposal is finely balanced in this regard, with an 18.9% discrepancy for the total site area noted. Considerations within this report have demonstrated that the shortfall in site area is substantial, but that the proposed density is not necessarily inconsistent with that envisaged for the Policy Area, nor that which has occurred on nearby land. I am of the opinion that the design of the dwellings has demonstrated that the site is able to accommodate three dwellings in the form proposed and has appropriately addressed Council's Development Plan guidelines.

The allotment exceeds the minimum frontage width sought for residential flat buildings within the Northern Policy Area 13 and the proposal provides adequate setbacks from boundaries, a cohesive streetscape elevation and appropriate landscaping opportunities.

Ultimately, I am of the view that the discrepancies with Development Plan criteria are considered to be outweighed by the level of compliance with other criteria, and therefore are not considered to warrant refusal of the application.

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 and Land Division 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: 100/2016/2159 for a single storey residential flat building comprising three dwellings with associated landscaping and car parking at 4 Greenock Drive, Sturt be GRANTED subject to the following Reserved Matters and Conditions:

RESERVED MATTERS

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

1. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.

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>

2. 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 forward of the main façade.

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, to the reasonable satisfaction of the Manager of Development and Regulatory Services.

Conditions

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/2159, being the following drawings prepared by Inspire Design Studio:
 - a. Proposed Site Plan, Revision K;
 - b. Proposed Floor Plan, Revision K;
 - c. Front and Rear Elevations, Revision K;
 - d. Elevation a, b and c, Revision K;

e. Elevation d, e and f Revision K; and

f. Party Wall Detail;

except when varied by the following conditions of consent.

- 2. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.**
- 3. 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.**
- 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.**
- 5. 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.**

**REPORT REFERENCE: CAP041219 – 2.5
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 DECEMBER 2019**



| | |
|---------------------------------|--|
| Originating Officer: | Kai Wardle Development Officer - Planning |
| Applicant: | Five 02 Development Pty Ltd |
| Development Description: | Land Division Residential Torrens Title - 1 into 3 allotments; and the subsequent construction of two single storey detached dwellings, and one two storey detached dwelling |
| Site Location: | 355 Diagonal Road, Seacombe Gardens |
| Zone & Policy Area: | Residential Zone / Medium Density Policy Area 12 |
| Lodgement Date: | 27/02/2019 |
| Development Plan: | Consolidated – 29 November 2018 |
| Referrals: | Commissioner of Highways (DPTI) SA Water; SCAP (Standard Comments) Coordinator Arboriculture (Internal) Development Engineer (Internal) |
| Delegations Policy: | 4.1.6 <i>Any application for three or more dwellings (including detached, semi-detached, row and residential flat) where one or more dwelling sites are more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.</i> |
| Categorisation | Category 2 <i>Development Plan, Zone Section, Residential Zone, Public Notification Table: Wall (excluding retaining wall) for residential development which [...] exceeds a height of 3 metres when measured from natural ground level where abutting a side or rear boundary (other than a common wall of semi-detached dwellings, row dwellings or residential flat buildings).</i> |
| Application No. | 100/2019/403 |
| SCAP No. | 100/D034/19 |
| Recommendation: | That Development Plan Consent and Land Division Consent be GRANTED subject to conditions |

Attachments

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

SUBJECT LAND

The subject land is 355 Diagonal Road, Seacombe Gardens (Lot 441) comprising a site area of 841 square metres. It is a corner allotment achieving a frontage width of 18.9 metres to Sutton Avenue, and 27.43 metres to Diagonal Road, with a 3 by 3 metre corner cut-off between.

The land contains an existing dwelling constructed in the 1950's, an outbuilding and an attached carport adjacent to the northern boundary. All structures appear to be in a visually deteriorating condition.

The land maintains a slight gradient of around 1-in-30 upwards to the south-east. A mature tree is located near the north-eastern corner of the land but is not regulated or significant, nor are any other trees on the subject land or adjoining property. Vehicular access is presently obtained to the land from Diagonal Road via a crossover at the northern side of that frontage. Three street trees are located within the Council verge: two on Sutton Avenue, and one on Diagonal Road.



Existing Sutton Avenue elevation.

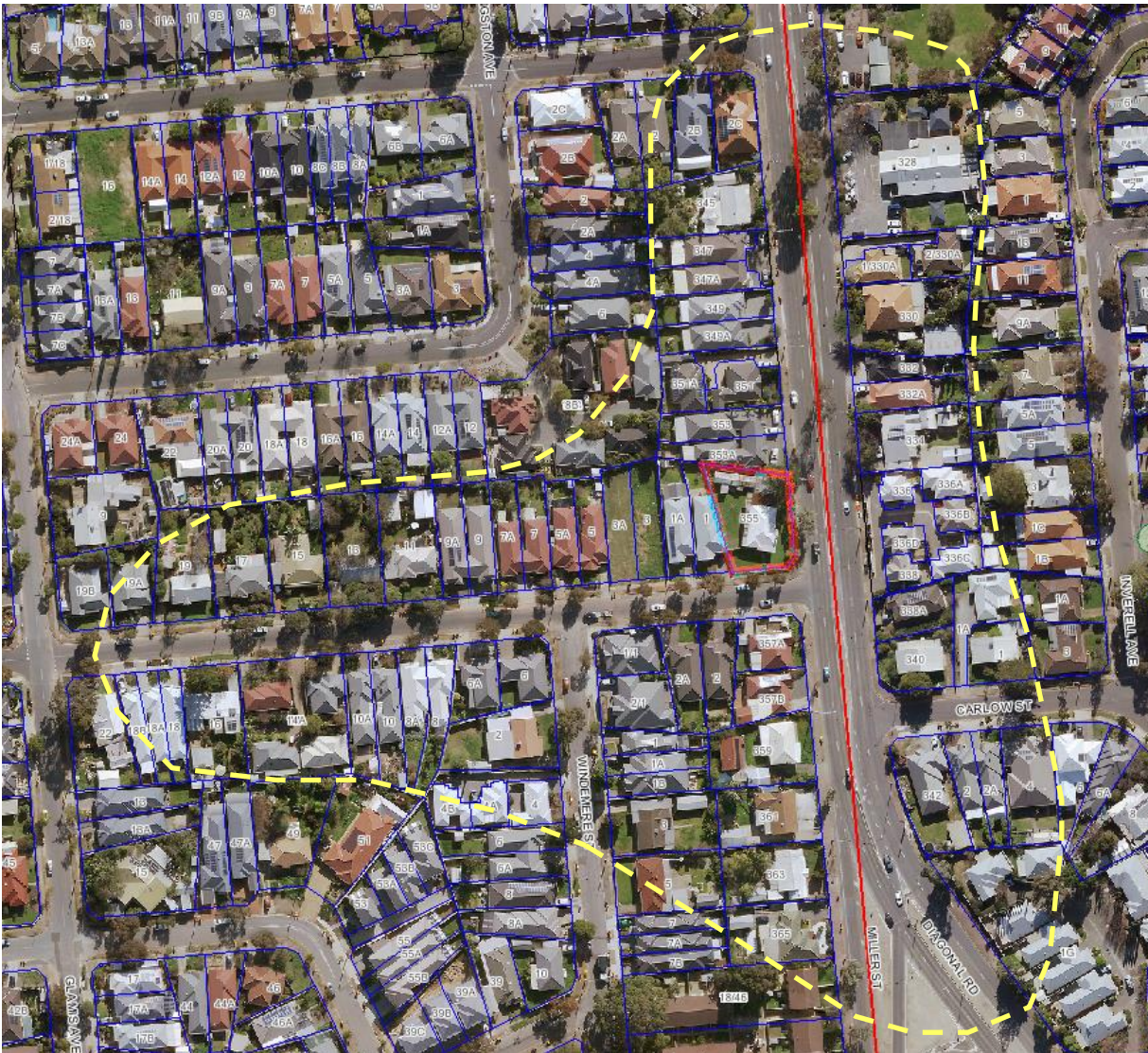


Existing Diagonal Road elevation.

LOCALITY

The subject land is located within a predominantly residential area, at the corner of Sutton Avenue and Diagonal Road. The surrounding residential environment comprises some original dwelling stock, however most has been replaced, typically by two new single storey detached or semi-detached dwellings. Other dwelling types are also evident within the locality, including group dwellings, row dwellings and residential flat buildings of up to two storeys. Some non-residential uses are located at the northern and southern extremities of the locality, including a child care centre, restaurant, a shop and consulting rooms. The land is located 400 metres south of Westfield Marion and the broader Marion Regional Centre.

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



THE PROPOSAL

The application proposes to divide the existing allotment into three new Torrens-titled allotments, and to construct a detached dwelling on each. Dwelling 1 and 2 (situated on proposed Lot 2 and 3) are oriented towards Sutton Avenue, and are single storey detached dwellings. Dwelling 3 (situated on proposed Lot 1) is oriented towards Diagonal Road, and is a two storey detached dwelling. Proposed site areas are either 280 or 281 square metres, and proposed frontage widths are between 9 metres and 10.14 metres.

Each dwelling contains three bedrooms and two bathrooms, separate laundry and an open plan living/kitchen/dining area which opens to the rear yard. Each dwelling's main bedroom is provided with a walk-in-robe and ensuite. Dwelling 3 also contains a separate water closet on the ground floor. Dwelling 1 and 2 contain a single garage, whilst Dwelling 3 contains a double garage.

The application involves limited earthworks, comprising a mixture of cut and fill. The engineered site works plan specifies boundary fill retaining walls of generally 0.3 metres, up to a maximum of 0.6 metres. Proposed finished floor levels are similar to those of adjoining dwellings.

Landscaped areas including tree planting are proposed to the front of each dwelling, with pervious area also shown within the majority of each rear yard. The existing mature tree situated near the north-eastern corner of the land is indicated to be removed – as the tree is not regulated or significant, it can be removed at any time without requiring approval.

In order to reduce traffic noise impacts on future occupants, the application indicates selected 1.8 metre high noise attenuating fencing to the Diagonal Road boundary of Dwelling 2.

Dwelling 1 and 2 shall gain access from Sutton Avenue via proposed new single width crossovers, whilst Dwelling 3 shall gain access from Diagonal Road via the subject land's existing crossover. In accordance with requirements, Dwelling 3's two off-street vehicle parking spaces are capable of achieving forward egress onto Diagonal Road.

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: 17
Representations Received: 0

REFERRALS

External

Commissioner of Highways (DPTI):

Referred to DPTI as per Schedule 8 of the Regulations. DPTI supports the plan of division and recommended conditions which have been included within the Conditions section of this report. Refer *Attachment III*.

SA Water; SCAP:

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

Internal

Coordinator Arboriculture:

Referred to the Arborist to consider whether the proposed crossover clearances from street trees on Sutton Avenue are appropriate. Arborist confirmed that the proposed crossover clearances of 2 metres from the western tree and 1.4 metres from the eastern tree are acceptable.

Development Engineer:

Referred to the Development Engineer to confirm whether forward egress could be achieved by both garage spaces of Dwelling 3. Following amendments, the Development Engineer has confirmed that there is sufficient area for the required manoeuvring.

ASSESSMENT

The assessment is split into three main sections:

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

Zone and Policy Area Considerations

| Residential Zone | |
|--|--|
| Objectives | Satisfies |
| 1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i> | The proposal is considered to contribute towards an attractive residential zone. |
| 2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i> | The land is in close proximity to centres and public transport, which offer strong merit to the increased dwelling density proposed. |
| Relevant Principles of Development Control | Satisfies |
| 1 <i>The following forms of development are envisaged in the zone: [...] ▪ dwelling including a residential flat building</i> | Proposal is an envisaged form of development. |
| 3 <i>Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</i> | The proposal demonstrates a higher density which is compatible with adjoining residential development. |
| Medium Density Policy Area 12 | |
| Objectives | Generally Satisfies |
| 1 <i>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.</i> | Proposal demonstrates the medium density sought. |
| 2 <i>Development that minimises the potential impact of garaging of vehicles on the character of the area.</i> | In the case of Dwelling 3, the impact of garaging may not be 'minimised', but is considered acceptable. |
| 3 <i>Development that supports the viability of community services and infrastructure and reflects good residential design principles.</i> | Proposed development supports viability of community services and infrastructure. |
| 4 <i>Development that contributes to the desired character of the policy area.</i> | Proposal incorporates good residential design principles and contributes to the Desired Character – refer to discussion. |

Desired Character**Generally Satisfies**

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 proposal is considered to adequately satisfy the Desired Character – refer to discussion below this table.

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.

Relevant Principles of Development Control**Generally Satisfies**

- 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.

The proposal satisfies a majority of the relevant Zone and Policy Area considerations listed above, and on balance is considered to adequately comply. Quantitative Zone and Policy Area provisions which are not listed above are detailed within the following quantitative snapshot table and discussed further thereafter.

The proposal is an envisaged form of development within the Residential Zone, and demonstrates an increased dwelling density in close proximity to centres and public transport. Marion Regional

Centre is located 400 metres to the north, and a Neighbourhood Centre Zone 180 metres is located to the south, whilst a bus stop is located adjacent to the subject land which offers services between the Marion and the City, Flinders and Noarlunga.

The proposed density satisfies the medium, 'higher' density sought by the Policy Area, whilst maintaining compatibility with adjoining development. Despite Dwelling 3's garaging being prominent, the proposal is generally considered to contribute to an attractive residential environment by virtue of reflecting good residential design principles.

The impact of the Dwelling 3's two-storey nature is not considered to unreasonably impact on the amenity of adjacent land (detailed further within the Discussion section of this report).

The dwellings each contain three bedrooms, which is a typical dwelling size in the locality. Accordingly, the proposal does not increase the range of dwelling types in the locality to meet a variety of accommodation needs.

The proposal does not result in the removal of mature street trees in a road reserve.

Quantitative Snapshot

| Criteria | | Dwelling 1 (Lot 2) | Dwelling 2 (Lot 3) | Dwelling 3 (Lot 1) | |
|--|---|--|--|--|---------------------|
| | Requirement | | | | |
| Allotment Dimensions | | | | | |
| Site area | 300m ² | 280m ² | 281m ² | 280m ² | Does Not Satisfy |
| Frontage width | 10m 12m arterial | 9.9m | 9m | 10.14m | Does Not Satisfy |
| Depth | 20m | 23.83m-27.23m | 17.29m-23.83m | 27.48m-29.41m | Generally Satisfies |
| Built Form and Building Footprint | | | | | |
| Site coverage | 130m ² | 145.17m ² (51.8%) | 134.18m ² (47.8%) | 115.41m ² (41.2%) | Partially Satisfies |
| Floor area ratio | 0.6 | n/a | n/a | 0.40 (112.86m ²) | Satisfies |
| Pervious area | 20% | Total pervious area: 26.3% (221m ²) | | | Satisfies |
| Front setback | 5m 8m arterial | 4.8m-5.17m | 4.9m-5.23m; 5.7m | 6.6m-7.8m (upper); 7.6m-10.1m (lower) | Generally Satisfies |
| Carport/garage setback | 5.5m and behind or in-line with main face | 5.5m; behind | 5.5m; behind | 7.6m-9m, behind | Satisfies |
| Rear setback (ground) | 6m, may be reduced to 3m for <50% rear width | 4-5.7m; 3.2m-4.4m | 3.9m-5.9m; 2.2m-3.5m | 3.7m-6.9m | Partially Satisfies |
| Rear setback (upper) | 6m | n/a | n/a | 4.5m-6.5m | Partially Satisfies |
| Side setbacks (ground) | 0.9m | 0.9m-1.45m; 1m | 1m | 0.9-2m | Satisfies |
| Side setbacks (upper) | 2m / 3m southern | n/a | n/a | 2m / 3m southern | Satisfies |
| Secondary street setback | 2m | n/a | 1.55-2.15m; 2.05m-2.37m | - | Generally Satisfies |
| Wall on boundary | 8m length, 3m height, 1 side b'dry | 6.21m length; 3.035m height (2.72+0.315); 1 side boundary | - | 6.14m length; 3.125m height (2.72+0.405) plus parapet of +0.42m; 1 side boundary | Generally Satisfies |
| Building height | 2 storeys; 9m | 1 storey, ≈5m | 1 storey, ≈5m | 2 storeys, ≈7.7m | Satisfies |
| Private Open Space | | | | | |
| Private open space area | 20% | 20.5% (57.3m ²) | 20.1% (56.5m ²) | 20.4% (57m ²) | Satisfies |
| Private open space dimension | 5x5m | Depth of up to 6.7m, width of ≈12m. 5x5m almost achieved in north-western corner of rear yard. | Depth of up to 6.2m, width of ≈14m. 5x5m almost achieved in central part of rear yard. | 5x5m achieved. | Generally Satisfies |
| Parking & Access | | | | | |
| Garage width | 6m or 50% of dwelling façade width (the lesser) | 3.8m (41%) | 2.91m (26%) | 6.18m (69%) | Partially Satisfies |
| Off-street parking | 2 (1 covered) | 2 (1 covered) | 2 (1 covered) | 2 (2 covered) | Satisfies |
| On-street parking | 1 per 2 allotments | 1 space on Sutton Avenue between proposed crossovers. | | | Does Not Satisfy |

Assessment Discussion

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

- **Density**
- **Frontage width**
- **Setbacks and wall height on boundaries**
- **Private open space dimensions**
- **Site coverage**
- **Garage dominance**
- **Two storey impacts of Dwelling 3**
- **On-street parking**

Density

Policy Area Principle 6 states that detached dwellings should have a minimum site area of 300 square metres. The proposed site areas are either 280 or 281 square metres, which equates to an average shortfall of 6.6%. In considering whether this shortfall is acceptable, it is important to consider the other applicable Zone and Policy Area statements with regards to density, and also have regard to the context of the locality.

The proposed density achieves the higher 'low to medium' density sought by the Policy Area Objective 1 and the Desired Character, and does so in a manner which is sufficiently cohesive with the streetscape and compatible with adjoining development. Meanwhile, due to the close proximity of centres and public transport routes, an increased density is considered to be supported by the subject land's location by virtue of Zone Principle 2. Marion Regional Centre is located 400 metres to the north, a Neighbourhood Centre Zone 180 metres is located to the south, and a bus stop is located adjacent to the subject land which offers services between the Marion and the City, Flinders and Noarlunga.

It is also noted that the Policy Area outlines a minimum site area of 270 square metres for semi-detached dwellings. Whilst the proposal is not for semi-detached dwellings, it is located adjacent to a Residential Code-gazetted area where detached dwellings can be considered complying at the relevant lesser semi-detached provision.

Frontage width

Policy Area Principle 6 states that detached dwellings should have a minimum frontage width of 10 metres. Dwelling 1 (Lot 2) demonstrates a frontage width of 9.9 metres, whilst Dwelling 2 (Lot 3) demonstrates a frontage width of 9 metres if the corner cut-off is excluded.

The width of Dwelling 1 and 2's façades exceed the frontage width of their respective allotments due to the angled western side boundary and corner cut-off respectively. The façade of Dwelling 1 is 9.36 metres wide, and Dwelling 2's is 10.45 metres wide. By comparison, a regular allotment with a 10 metre frontage width could support a dwelling façade width of only 9.1 metres (requiring a 0.9 metre setback on one side). As such, Dwellings 1 and 2 effectively meet or exceed the minimum frontage width sought within the Policy Area, are compatible with those of other dwellings within the streetscape, and are considered appropriate.

Policy Area Principle 6 states that detached dwellings should have a minimum frontage width of 12 metres where the primary frontage is an arterial road. The frontage width of Dwelling 3 (Lot 1) onto Diagonal Road is only 10.14 metres wide. The frontage width of the proposed built form is not considered to be of concern, given that is consistent with those of other dwellings within the locality.

The intent of Principle 6 seeking additional frontage width for dwellings on an arterial road is to ensure that sufficient area is provided for manoeuvring to enable forward egress from off-street parking spaces. Dwelling 3 is provided with sufficient manoeuvring area to enable this to occur in a safe and convenient manner. Therefore Dwelling 3's frontage width shortfall is inconsequential from a functionality perspective.

It should be noted however the Dwelling 3 is provided with limited landscaping area compared to that of Dwellings 1 and 2. Due to the need for vehicles to undertake turning motions across the width of the site to exit the site in a forward direction, even a 12 metre frontage width would provide limited additional opportunity for landscaping depth. It should be noted that the proposed landscaping depth satisfies the minimum of 2 metres sought by Landscaping, Fences and Walls Principle 3. The surrounding Diagonal Road streetscape contains numerous examples of dwellings at similar frontage widths but with comparably lesser landscaping area than the amount proposed forwards of Dwelling 3.

Whilst the amount of landscaping provided forwards of Dwelling 3 is not ideal, it is considered to be tolerable within the existing streetscape context and is not a direct consequence of the proposed frontage width. As the proposed frontage width accommodates an appropriately functional site and a built form width that is reasonably consistent with those of other dwellings within the locality, the proposed frontage width is considered acceptable.

Setbacks and wall height on boundaries

Front setbacks

Zone Principle 6 specifies a minimum front setback of 5 metres which applies to Dwellings 1 and 2. Dwelling 1 and 2 generally meet or exceed this minimum, and only fall short for a small section. Front setback performance is illustrated on plans within the diagram on the next page.

A minimum front setback of 8 metres applies to Dwelling 3 due to fronting an arterial road. Dwelling 3 also generally meets or exceeds the minimum of 8 metres, only falling short on the ground floor for a small section, and on the upper floor which cantilevers over the driveway beneath. The intent of the increased front setback on arterial roads sought by Zone Principle 6 is generally to provide sufficient area for vehicular manoeuvring and landscaping. The shortfall in front setback is largely due to the upper floor, which has no bearing upon either matter. Furthermore, the proposed front setback of Dwelling 3 is compatible with that of the adjoining dwelling to the north, and shall contribute to a cohesive streetscape.

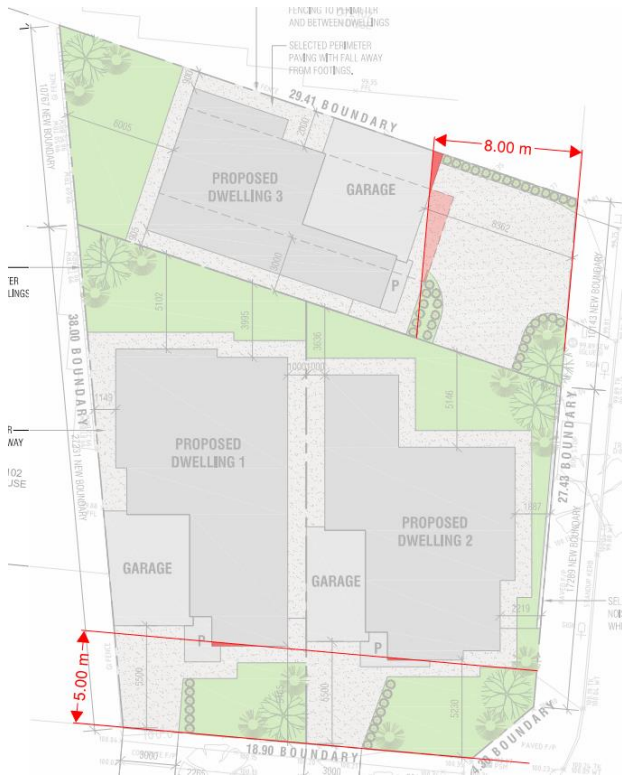
Rear setbacks

Zone Principle 6 seeks a minimum rear setback of 6 metres to the ground floor, which can be reduced to 3 metres for up to 50% of the rear boundary width. As highlighted on plans below, the proposed ground floor rear setbacks of Dwellings 1 and 2 generally vary at between 3 and 6 metres. A small section of Dwelling 2 demonstrates a rear setback of down to 2.2 metres where highlighted. Dwelling 3's rear setback partially achieves the minimum 6 metres sought, but reduces down to a minimum of 3.7 metres at the southern corner. In all cases, the proportion of rear setback less than 6 metres from the rear boundary is greater than 50% of the rear boundary width.

Nevertheless, in all cases the proposed ground floor rear setbacks are considered to satisfy Design and Appearance Principle 2 by virtue of sufficiently maintaining the amenity of adjoining properties in terms of noise, privacy and sunlight, providing sufficient separation to reasonably minimise the impact of bulk and scale, and maintaining the locality's character in regards to the patterns of space between buildings and opportunity for landscaping. The proposed rear setbacks are also considered to provide functional area and dimension of private open space to each dwelling.

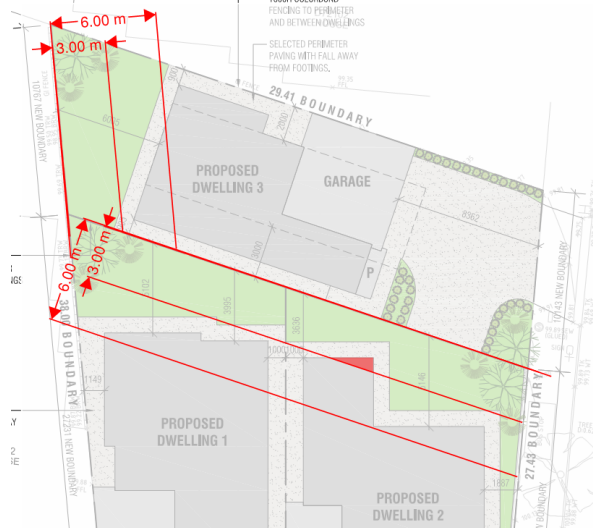
Zone Principle 6 seeks a minimum upper floor setback of 6 metres. The proposed upper floor of Dwelling 3 is between 4.5 and 6.5 metres from the rear boundary. As confirmed by provided shadow diagrams, the proposed rear setback does not contribute to unreasonable overshadowing of existing buildings or their private open spaces. The proposed setback is not considered to result in unreasonable visual impact upon adjoining property.

Front setbacks:

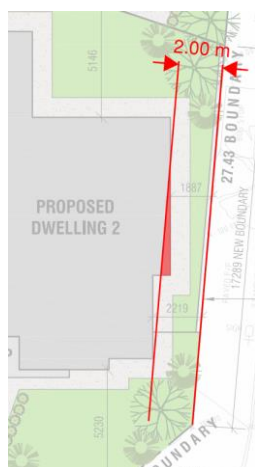


Rear setbacks:

Lower:



Upper:



Secondary street setback

Zone Principle 6 seeks for a minimum secondary street setback of 2 metres. Dwelling 2 is proposed with a secondary street setback of between 1.55 and 2.37 metres. The proposed setback is considered to achieve sufficient separation from the secondary street, whilst also achieving an acceptable appearance by virtue of stepping.

Amenity of future occupants shall not be adversely affected by proximity to the arterial road to any extent beyond that which would occur if situated wholly at the minimum of 2 metres. Selected 1.8 metre high noise attenuating fencing is indicated to the Diagonal Road boundary, and there are no habitable room windows on the relevant elevation.

Wall height on boundaries

Zone Principle 6 seeks for a maximum boundary wall height of 3 metres. Dwelling 1 and Dwelling 3 propose a wall on an existing boundary of the subject land. Dwelling 1's boundary wall measures at 3.04 metres in height from natural ground level, and Dwelling 3's boundary wall measures at 3.13 metres in height from natural ground level. Both walls measure at 2.72 metres in height from their proposed floor levels. In both cases, the proposed wall height above 3 metres from natural ground level is reasonably minor and not considered to adversely affect the amenity of adjoining property. Dwelling 1's boundary wall abuts an existing adjacent boundary wall for approximately half of its length, and its height from neighbouring ground level forwards of the adjacent wall is likely to be less than 3 metres. Dwelling 3's boundary wall is located adjacent the northern adjoining dwelling's side path and shall not affect access to sunlight or cause an unreasonable visual impact.

Private open space dimensions

Zone Principle 7 seeks for one part of a private open space area to achieve a minimum dimension of 5 metres. Compliance with this provision is commonly interpreted to warrant a 'square' of 5 by 5 metres being provided. Dwellings 1 and 2 marginally fail to provide such a square, as shown in the below diagram, but nevertheless are considered to achieve an appropriately functional dimension of private open space for future occupants, whilst meeting the minimum 20% private open space area also sought by the Principle.



Site coverage

Policy Area Principle 7 specifies a maximum site coverage of 130 square metres for dwellings on allotments of between 250 and 325 square metres. Dwellings 1 and 2 demonstrate a site coverage of 145.17 square metres and 134.18 square metres respectively, which equate to 51.8% and 47.8% of their associated site areas.

In accordance with Zone Principle 9, the proposed extent of site coverage shall not adversely affect the amenity of adjoining properties, and does not compromise the functionality of the relevant dwellings or their sites. The dwellings achieve acceptable setbacks, sufficient private open space, and the extent of their site coverage does not conflict with other relevant criteria of the Development

Plan, with it noted that pervious area across the development exceeds the minimum sought by Residential Development Principle 15.

As such, the proposed extent of site coverage is considered to be acceptable.

Garage dominance

Residential Development Principle 12 seeks for a maximum garage frontage width of 6 metres or 50% of the width of the associated dwelling façade (whichever is the lesser). In this case, 50% of the dwelling façade equates to 4.48 metres. The proposed garage width of 6.18 metres equates to 69% of the dwelling's façade.

Firstly, it should be noted that the subject dwelling is two storeys in nature, and as such presents to the street with an upper floor façade that provides relief from the garaging on the ground floor. The garage width equates to 45% of the overall façade if the width of the upper floor façade is added to that of the ground floor. The garage is also setback generously from the front boundary and shall have a limited presence within the streetscape.

The overall appearance and presentation of the dwelling demonstrates good residential design principles, as it presents towards the primary street with a window on each floor, a forward-facing front entry door beneath portico, and articulation and visual interest which is provided by virtue of the cantilevered upper floor and colour variety to different elements.

Two storey impacts of Dwelling 3

Overshadowing

Design and Appearance Principle 10 provides specific criteria for maximum acceptable overshadowing impact on existing dwellings on the winter solstice. With reference to the supplied shadow diagrams, the proposal has been determined to satisfy each of Principle 10's criteria. The only existing dwellings to be affected by the proposal between 9am and 3pm on the winter solstice shall be 1 Sutton Avenue, and to a minimal extent, 1A Sutton Avenue. Both of these dwellings are situated to the west of the subject land, and as such, all overshadowing impacts caused upon them by the proposal shall cease by midday. The extent of overshadowing upon adjacent property is also considered to satisfy Design and Appearance Principle 9.

As Principles 9 and 10 refer to 'adjacent' and 'existing' dwellings respectively, the Principles are not considered to be relevant to overshadowing impacts within the proposed development itself. The future amenity of Dwelling 1 and 2 do nevertheless warrant consideration. Each contain two north-facing habitable room windows which shall be subject to overshadowing by Dwelling 3 during the winter solstice. Nevertheless, as Dwelling 3's proposed southern upper floor side setback accords with the minimum of 3 metres specified by Zone Principle 6, the overshadowing impacts caused upon Dwelling 1 and 2 are considered to be appropriately minimised.

Overlooking

Design and Appearance Principle 11 seeks for upper level windows to minimise direct overlooking of habitable rooms and private open spaces. Each of Dwelling 3's upper floor side and rear windows are proposed with sill heights or obscure glazing to 1.8 metres from the upper floor level, which shall appropriately minimise direct overlooking of adjoining properties.

On-street parking

Land Division Principle 22 states that a minimum of 1 on-street parking space should be provided for every 2 allotments. The proposal shall result in 1 on-street parking space being available over the direct frontage of the 3 proposed allotments.

Land Division Principle 21 provides opportunity for other factors to be taken into account when determining an appropriate number of on-street visitor parking spaces. These factors include 'the availability and frequency of public and community transport', as per Principle 21(b). The subject land is located directly adjacent to a bus stop, and is in conveniently walkable proximity to the Marion Regional Centre which contains a bus interchange. The presence of these public transport options, in addition to other amenities offered within the Regional Centre, may reduce car dependency and subsequently the demand for residents or visitors to require on-street parking spaces. Principle 21(c) lists 'on-street parking demand likely to be generated by nearby uses' as another factor which can be taken into account. It should be noted that the subject land is a sufficient distance away from the Regional Centre that it is not affected by overflow on-street parking demand.

As a result of the availability of public transport and other amenities in close and convenient proximity to the subject land, the shortfall in on-street parking against Land Division Principle 22 is considered to be offered merit by Land Division Principle 21, and is considered acceptable.

CONCLUSION

On balance, the proposal is considered to adequately satisfy a majority of applicable Principles of Development Control. The shortfalls identified within the Quantitative Snapshot table and discussed in greater detail within the Assessment Discussion are each generally minor in nature and will not result in unreasonable impacts on the future occupants of the site or adjoining land. On balance the proposal adequately satisfies the relevant Objectives and Desired Character of the Zone and Policy Area, by virtue of demonstrating a density which is consistent with that sought despite being undersized for the proposed dwelling type. The proposed development is considered to make a positive contribution to the streetscape and provide a good level of amenity for future occupants.

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 and Land Division 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: 100/403/2019 for Land Division Residential Torrens Title - 1 into 3 allotments; and the subsequent construction of two single storey detached dwellings, and one two storey detached dwelling at 355 Diagonal Road, Seacombe Gardens be GRANTED subject to the following conditions:

CONDITIONS

- 1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be undertaken in strict accordance with the details and plans submitted in Development Application No.100/2019/403 (SCAP Reference: 100/D034/19) except where varied by the following conditions of consent.
- 2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 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. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 6. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
- 7. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.

8. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling, to the reasonable satisfaction of the Council.
9. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.
10. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
11. Any existing vegetation nominated to be retained and/or any new vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

DPTI Conditions

12. All access shall be in accordance with the Site Plan by Verrocci Building Design (Project No: VBD.345, Drawing No: 1, Rev E, dated 3 September 19).
13. Vehicles must enter and exit Allotment 1 in a forward direction.
14. All on-site manoeuvring areas of Allotment 1 shall remain clear of any impediments (including parked vehicles).
15. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Diagonal Road. Any alterations to the Diagonal Road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Land Division Consent

1. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0082928)

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.

Your development will be costed as non standard and will require a sewer main extension along Sutton Avenue.

2. Payment of \$14,506.00 into the Planning and Development Fund (2 allotment/s @ \$7,253.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure 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. The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issuance of a certificate pursuant to Section 51 of the Development Act.
2. The existing street trees are to be retained. Any future proposed crossover/access must be constructed clear of the existing street trees and setback the required distances from the trees in accordance with Council requirements.

**REPORT REFERENCE: CAP041219 – 2.6
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 DECEMBER 2019**



| | |
|---------------------------------|---|
| Originating Officer: | Kai Wardle Development Officer - Planning |
| Applicant: | Investigo |
| Development Description: | To undertake a staged development - Stage 1: Land Division Residential Torrens - 1 into 2 allotments; Stage 2: The construction of two single storey detached dwellings with associated landscaping |
| Site Location: | 5 Cungen Avenue, Park Holme |
| Zone & Policy Area: | Residential Zone / Marion Plains Policy Area 8 |
| Lodgement Date: | 09/08/2019 |
| Development Plan: | Consolidated – 15 August 2019 [gazetted 8 August 2019] |
| Referrals: | SA Water; SCAP (Standard Comments) Coordinator Arboriculture (Internal) |
| Delegations Policy: | 4.1.9 <i>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.</i> |
| Categorisation | Category 1 <i>Schedule 9, Part 1 – 2(f): the division of land which creates not more than 4 additional allotments.</i> <i>Schedule 9, Part 1 – 2(a): the construction of any of the following (or of any combination of any of the following):</i> <i>(i) 1 or more detached dwellings;</i> <i>(ii) 1 or more single storey dwellings.</i> |
| Application No: | 100/2019/1341 |
| SCAP No. | 100/D135/19 |
| Recommendation: | That Development Plan Consent, Land Division Consent and Development Approval be GRANTED to Stage 1; and Development Plan Consent be GRANTED to Stage 2, subject to conditions |

Attachments

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

SUBJECT LAND

The subject land is 5 Cungena Avenue, Park Holme (Lot 124). The land demonstrates a site area of 837 square metres, derived from a frontage width of 18.29 metres and a site depth of 45.72 metres.

The land presently comprises a 1950's era single storey detached dwelling, with a freestanding outbuilding and an in-ground swimming pool to the rear. No regulated or significant trees have been identified on the subject land or on adjoining properties.

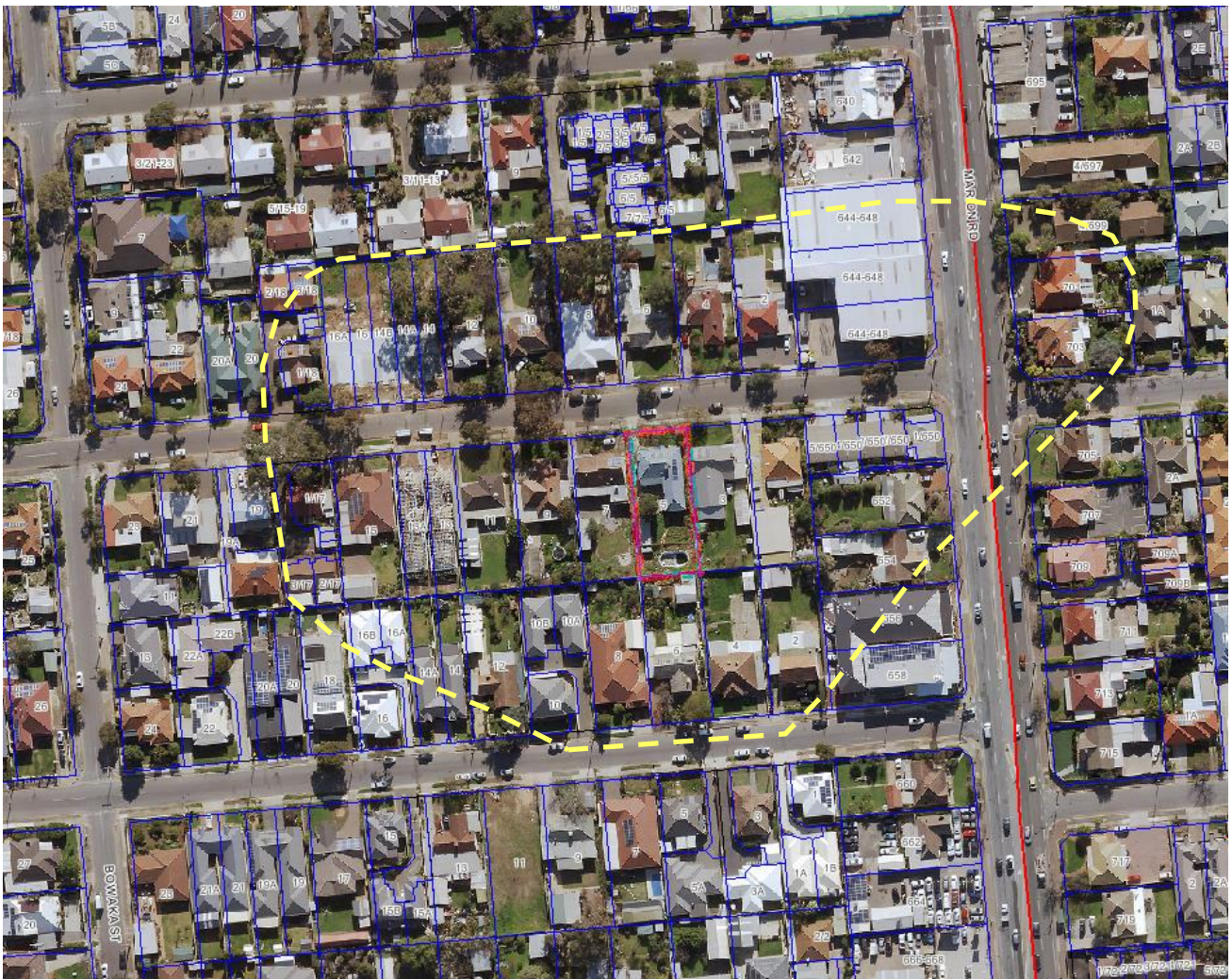
The land is generally flat with no discernible slope. Access to the subject land is presently obtained via a single width crossover on the western side of the frontage. There is a juvenile street tree on the eastern side of the property's frontage within the Council verge.



LOCALITY

The subject land is located in eastern Park Holme, near Marion Road. The immediate streetscape comprises mostly original dwelling stock, typified by single storey detached dwellings on generous allotments which are comparable in size to the subject land. The broader residential locality comprises a greater variety of dwellings, including semi-detached dwellings and residential flat buildings, including those in battle-axe style configurations. Two separate developments, one comprising five two storey row dwellings, and the other comprising a similar two detached dwelling development to that proposed, are both near completion four allotments to the west. The locality also comprises some non-residential uses which front Marion Road. These are varied in nature, form, bulk and scale.

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



PROPOSED DEVELOPMENT

Stage 1 of the application proposes to divide the existing allotment into two new Torrens-titled allotments. The proposed division is conventional in form, as both allotments present towards Cungenah Avenue evenly, demonstrating site areas of 418 square metres and frontage widths of 9.14 and 9.15 metres respectively. Each allotment achieves a depth of 45.72 metres.

Stage 2 proposes to construct two single storey detached dwellings: one on each proposed allotment. The dwellings are a mirror image of each other. Their floor plans follow a lineal pattern, with their three bedrooms, bathroom, laundry and separate open lounge gaining access from the central hallway. The master bedroom at the front of each dwelling is provided with an ensuite and walk-in-robe. The hallway also provides access to each dwelling's single carport and side courtyard. An open plan living/kitchen/dining area is located at the rear of the hallway, opening onto a rear alfresco. Each kitchen is provided with a walk-in pantry.

A landscape plan is provided which nominates an Ornamental Pear tree planting in each front yard, as well as across the rear boundary. Other smaller plantings of *Dietes grandiflora* are nominated to skirt boundaries and paved areas, including the driveway.

The application does not include an engineered site works plan (this is recommended as a reserved matter). Information previously provided for this site confirms that the land is generally flat with no discernible slope, and the allotment is not identified as flood prone. As such, minimal earthworks are anticipated to be required to accommodate the proposed development.

Dwelling 1 shall gain access from a proposed crossover on the eastern side of the property's frontage, whilst Dwelling 2 shall gain access from the existing crossover location at the western side. Council's Arborist has confirmed that an existing juvenile street tree can be removed to accommodate Dwelling 1's proposed crossover. No regulated or significant trees shall be affected by the proposal.

REFERRALS

SA Water; SCAP:

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

Coordinator Arboriculture (Internal):

Regarding a juvenile street tree at the front of the property: 'The tree is suitable to remove and replace and can be done once a fee of \$350 is paid by the applicant'.

ASSESSMENT

The assessment is split into three main sections:

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

Zone and Policy Area Considerations

| Residential Zone | |
|--|--|
| Objectives | Satisfies |
| 1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i> | The proposal is considered to contribute towards an attractive residential zone. |
| 2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i> | The land is in close proximity to public transport, which offers some merit to increased dwelling density. The land is also within 750 metres of two Neighbourhood Centre Zones. |
| Relevant Principles of Development Control | Satisfies |
| 1 <i>The following forms of development are envisaged in the zone:</i> [...] ▪ <i>dwelling including a residential flat building</i> | Proposal is an envisaged form of development. |
| 3 <i>Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</i> | The proposal demonstrates a higher density which is compatible with adjoining residential development. |
| Marion Plains Policy Area 8 | |
| Objectives | Satisfies |
| 1 <i>A policy area primarily comprising low scale, low to medium density housing.</i> | Proposal is the low scale, low density housing sought. |
| 2 <i>Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i> | The impact of garaging shall be minimal, with each dwelling having only a single garage which is situated behind the main face. |
| 3 <i>Development that minimises the impact of garaging of vehicles on the character of the locality.</i> | Proposed density shall support viability of community services and infrastructure. |
| 4 <i>Development densities that support the viability of community services and infrastructure.</i> | |
| 5 <i>Development that reflects good residential design principles.</i> | Proposal incorporates good residential design principles and contributes to the Desired Character – refer to discussion. |
| 6 <i>Development that contributes to the desired character of the policy area.</i> | |

| Desired Character | Satisfies |
|--|--|
| <p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i></p> <p><i>The desired character is an attractive residential environment containing low density dwellings, but at a higher density compared to that typical of the original dwelling stock in the area.</i></p> <p><i>The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p> <p><i>Development should seek to promote cohesive streetscapes 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.</i></p> <p><i>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.</i></p> <p><i>Buildings that present plain box-like built forms and limited detailing are generally inappropriate.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed low-to-medium density development.</i></p> <p><i>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p> | <p>The proposal is considered to entirely satisfy the Desired Character.</p> <p>The proposal achieves the desired density, and shall contribute to an attractive residential environment by virtue of its building design and landscaping being complementary of the existing streetscape character.</p> <p>Further discussion is located within the Assessment Discussion of this report.</p> |
| Relevant Principles of Development Control | Satisfies |
| <p>1 The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling ▪ supported accommodation. <p>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</p> | |

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

Quantitative Snapshot

| Criteria | | Dwelling 1 (Lot 202) | Dwelling 2 (Lot 201) | |
|------------------------------|---|--|--|------------------|
| Site area | 350m ² | 418m ² | 418m ² | Satisfies |
| Frontage width | 10m | 9.15m | 9.14m | Does Not Satisfy |
| Depth | 20m | 45.72m | 45.72m | Satisfies |
| Site coverage | 40% | 41% (171.3m ²) | 41% (171.3m ²) | Minor Departure |
| Pervious area | 20% | Total pervious area: 315m ² (37.6%) | | Satisfies |
| Front setback | Average of, or in-line with adjacent Adjoining: approx. 7.9m and 8.2m. | 7.5m | 7.5m | Does Not Satisfy |
| Carport/garage setback | 5.5m and behind or in-line with main face | 8m; behind main face | 8m; behind main face | Satisfies |
| Rear setback (ground) | 6m, may be reduced to 3m for <50% rear width | 12.385m; 16.68m | 12.385m; 16.68m | Satisfies |
| Side setbacks (ground) | 0.9m | 1.284m 1.03m; 3.19m | 1.284m 1.03m; 3.19m | Satisfies |
| Building height | 2 storeys; 9m | 1 storey; 4.3m from FFL | 1 storey; 4.3m from FFL | Satisfies |
| Private open space | 20% | 34% (142m ²) | 34% (142m ²) | Satisfies |
| Private open space dimension | 5x5m | Rear yard 12.385 x 9.14m plus 3.6 x 4.3m alfresco. Side courtyard 3.19 x 4.2m (portion not used for bin storage or clothesline). | Rear yard 12.385 x 9.14m plus 3.6 x 4.3m alfresco. Side courtyard 3.19 x 4.2m (portion not used for bin storage or clothesline). | Satisfies |
| Garage width | 6m or 50% of dwelling façade width (the lesser) | 2.99m (38%) | 2.99m (38%) | Satisfies |
| Off-street parking | 2 (1 covered) | 2 (1 covered) | 2 (1 covered) | Satisfies |
| On-street parking | 1 per 2 allotments | 1 space of approx. 11m | | Satisfies |

Assessment Discussion

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

- **Site coverage**
- **Front setback**

Site coverage

Policy Area Principle 5 seeks a maximum site coverage of 40% of the site area. For reference, 40% of the proposed site areas equates to 167.2 square metres. The proposed site coverage, measured at 171.3 square metres, is only 4.1 square metres or 1% in excess. This variation is extremely minor, and is justifiable in the context of Residential Development Principle 14 and Zone Principle 9, as it is not consequential upon the amenity of adjoining properties, nor the functionality of the sites, with sufficient setbacks, private open space and pervious area provided. The proposed site coverage is considered appropriate.

Front setback

Where the setback difference between adjoining buildings is less than 2 metres, Design and Appearance Principle 22 seeks for the main face of a building to have the same setback as one of the adjoining buildings. The adjoining buildings have a front setback of approximately 7.9 and 8.2 metres. The proposed front setback is 7.5 metres, therefore 0.4 metres short of the technical minimum. This shortfall is minor and inconsequential, as the proposed front setback maintains setback compatibility with the adjoining buildings and those of other buildings within the streetscape.

Further, Design and Appearance Principle 22 should not be viewed in isolation. The Policy Area's Desired Character envisages a lesser front setback where new buildings are built adjacent to original dwelling stock, provided that the new building complements existing streetscape character. As detailed further elsewhere within this report, the design features and landscaping of the proposal are considered to be sympathetic to the existing streetscape character, and as such, the proposed marginally lesser front setback is considered to have substantial merit.

Following justification of the minor shortfalls in site coverage and front setback, consideration and discussion of the following matters in particular are considered pertinent in reaching a recommendation for the proposal:

- **Desired Character**
- **Frontage width**

Desired Character

The proposal is an envisaged form of development within the Residential Zone, and accords with the low scale, low density housing sought by the Policy Area's Objectives and Desired Character. The proposal achieves the higher density than original dwelling stock sought by the Policy Area whilst also substantially exceeding the relevant minimum site area and preserving the existing streetscape character in terms of built form and landscaping.

The proposed dwellings shall contribute to an attractive residential environment by virtue of demonstrating good residential design principles which are consistent with those sought by the Desired Character, including detailing, pitched roofs, eaves, and front porches. Each dwelling presents towards the street with a large habitable room window and front entry door.

The proposed front setback provides ample room for landscaping between the main road frontage and the building line, including tree planting which is nominated on the provided landscape plan. The proposed landscaping and extent of landscaped area shall complement the existing streetscape's landscape character. It shall also enhance the appearance of the proposed buildings, soften built form, provide a transition, and reduce heat loads by virtue of providing shade. No fencing is proposed as part of this application.

Overall, the proposal's design features, front setback and landscaping are sympathetic to the existing streetscape character and seek to promote a cohesive streetscape. The proposed development is considered to entirely satisfy the Policy Area's Desired Character.

Frontage width

The proposal's only shortfall of note is its failure to meet the minimum frontage width of 10 metres sought by Policy Area Principle 4. The proposed development demonstrates frontage widths of 9.14 and 9.15 metres respectively, which equate to a percentage shortfall of 8.5% and 8.6% respectively.

The proposed frontage widths are a product of the original pattern of residential subdivision within the locality. The subject land's frontage width of 18.29 metres is similar to the majority of other original residential allotments within the locality. A number of these original allotments have already been subdivided into allotments with frontage widths of between 7 and 9.15 metres. As such, the proposed frontage widths of 9.14 and 9.15 metres shall be consistent with the newer pattern of development which is emerging within the streetscape and locality. Examples of subdivided allotments within the streetscape are pictured below.



20 and 20A Cungena



13 and 13A Cungena



14 to 16A Cungena.

Whilst hypothetically a battle-axe development could alternatively be proposed to resolve the matter of undersized frontage width, a battle-axe development would be a comparably less efficient use of land and may result in a decreased quality outcome for future occupants. Further, the wording of Policy Area Principle 3 suggests that battle-axe development is not a preferred development outcome within the Policy Area.

In any case, such an alternative is considered unnecessary as the proposed frontage widths are considered to be appropriate and acceptable.

It should firstly be noted that the proposed undersized frontage widths are not a consequence of an unreasonable density being proposed. The proposed site areas of 418 square metres are in notable excess of the minimum 350 square metres sought by the Policy Area, and accord with the low density that is higher than the density of original dwelling stock which is sought by the Policy Area's Objectives and Desired Character.

The streetscape and surrounding locality comprise a mixture of original dwelling stock and more recent developments on subdivided allotments at lesser frontage widths. Given that frontage widths similar to, or lesser than that proposed are reasonably common within the locality, the proposal is considered to be consistent with the emerging pattern of development within the streetscape.

It is acknowledged that all land directly adjoining and opposite the subject land are original residential allotments containing one detached dwelling each. Nevertheless, the proposal demonstrates that the proposed frontage widths can accommodate dwellings which accord with the Desired Character's call to promote cohesive streetscapes by incorporating a built form design and landscaping which are sympathetic and complementary to the existing streetscape character.

In summary, the proposal demonstrates that its shortfall in frontage widths do not affect its ability to overwhelmingly satisfy the relevant Objectives, Desired Character and Principles of Development Control. Policy Area Principle 4 is but one provision of the Development Plan that is relevant to the assessment of the development application, and the departure to this Principle, in my opinion, is not of a significant nature and will not manifest in a poor planning outcome.

CONCLUSION

On balance, the proposal achieves the majority of applicable Principles of Development Control contained within the Marion Council Development Plan. The only departure of note is the proposed frontage widths, which are considered appropriate as they have not consequence on the remainder of the proposal's performance, nor shall they adversely affect the setting of the streetscape. The density of the proposed development exceeds the minimum sought by the Policy Area, and its contribution to the streetscape character shall be consistent with the emerging pattern of development within the streetscape and locality, whilst being sympathetic and complementary to the original streetscape character.

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 (where relevant) 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 be GRANTED for Stage 1: Land Division Residential Torrens - 1 into 2 allotments; and that Development Plan Consent be GRANTED for Stage 2: The construction of two single storey detached dwellings with associated landscaping, of Development Application No: 100/1341/2019 at 5 Cungena Avenue, Park Holme, subject to the following conditions and Reserved Matter:

RESERVED MATTERS

Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matters. Development Approval to Stage 2 cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.

1. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued to Stage 2. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.

Stormwater from the structures approved herein shall be collected and directed into a retention tank (or tanks) which are sized in accordance with that required by Natural Resources Principle 17 of the Marion Council Development Plan.

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. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be undertaken in strict accordance with the details and plans submitted in Development Application No.100/2019/1341 (SCAP Reference: 100/D135/19) except where varied by the following conditions of consent.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

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. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
6. Any existing vegetation nominated to be retained and/or any new vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

Land Division Consent

1. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0088894)

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.

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.

2. Payment of \$7,616.00 into the Planning and Development Fund (1 allotment/s @ \$7,616.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure 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. The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issuance of a certificate pursuant to Section 51 of the Development Act.

2. **Payment of a fee of \$385.00 (including GST) shall be required for Council to undertake removal and replacement of the juvenile street tree affected by the proposed crossover on the eastern side of the property frontage.**

**REPORT REFERENCE: CAP041219 – 2.7
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 04 DECEMBER 2019**

| | |
|---------------------------------|--|
| Originating Officer: | Kristen Sheffield Development Officer - Planning |
| Applicant: | Nicklay Property P/L ATF Nicklay Property Trust |
| Development Description: | Residential land division (Torrens-title 1 into 3 allotments) and three single-storey row dwellings, one of which incorporates a wall on the western boundary, as well as associated garages and landscaping. |
| Site Location: | 11 Wooton Road, Edwardstown |
| Zone & Policy Area: | Residential Zone / Marion Plains Policy Area 8 |
| Lodgement Date: | 10/10/2019 |
| Development Plan: | Consolidated – 15 August 2019 |
| Referrals: | State Commission Assessment Panel SA Water Coordinator Arboriculture |
| Delegations Policy: | Development Delegations Policy 4.1.6 <i>Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel. The subject application is required to be determined by the Council Assessment Panel by virtue of the two of the three proposed new allotments/dwellings supporting site areas more than 5% below the minimum 300 square metres required for row dwellings within the Marion Plains Policy Area 8.</i> |
| Categorisation: | Category 1 <i>Schedule 9 (Part 1: 2(a)(iv)) of the Development Regulations 2008 assigns the construction of 3 or more row dwellings, provided that no such dwelling is more than 2 storeys high, as Category 1 development.</i> |
| Application No: | 100/2019/1659 |
| SCAP No. | 100/D168/19 |
| Recommendation: | That Development Plan Consent and Land Division Consent be GRANTED subject to conditions |

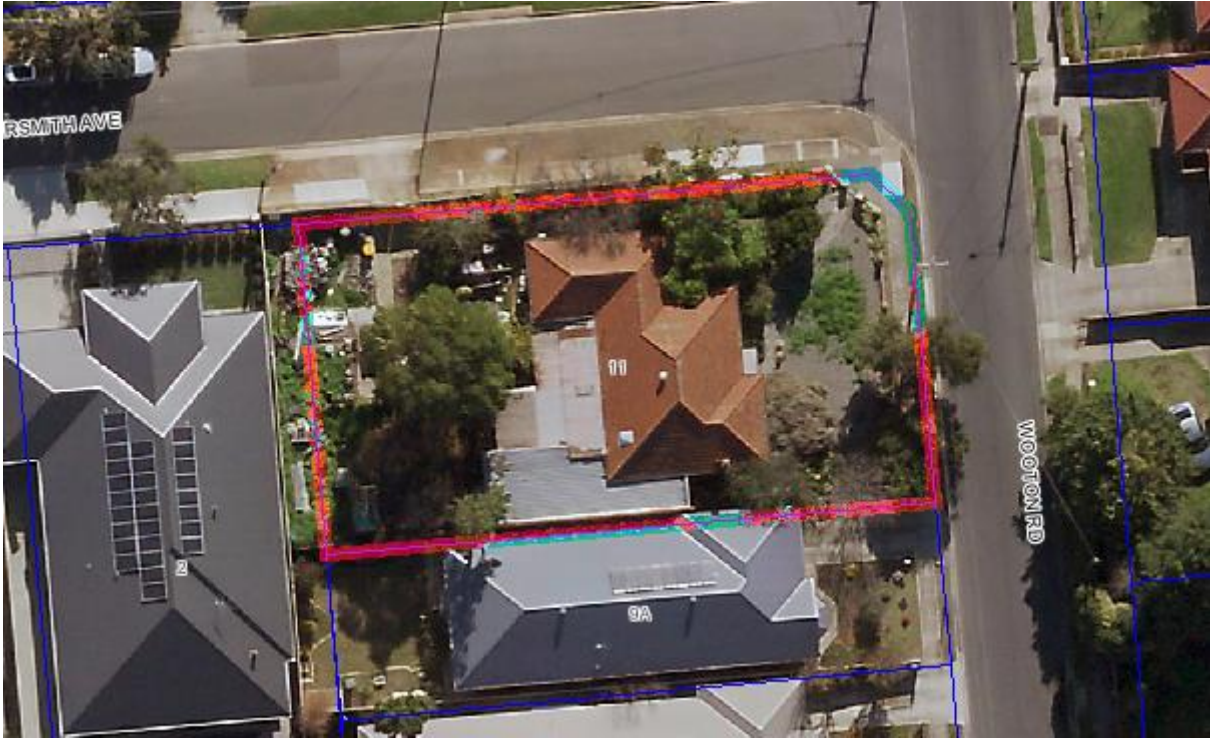
Attachments

| | |
|------------------------|-------------------------------------|
| <i>Attachment I:</i> | <i>Certificate of Title</i> |
| <i>Attachment II:</i> | <i>Proposal Plans</i> |
| <i>Attachment III:</i> | <i>SCAP & SA Water Comments</i> |

SUBJECT LAND

The subject land is located at 11 Wooton Avenue, Edwardstown. The allotment is rectangular with a primary frontage of 18.49 metres to Wooton Avenue, a secondary frontage of 36.58 metres to Hammersmith Avenue, and total site area of 849 square metres.

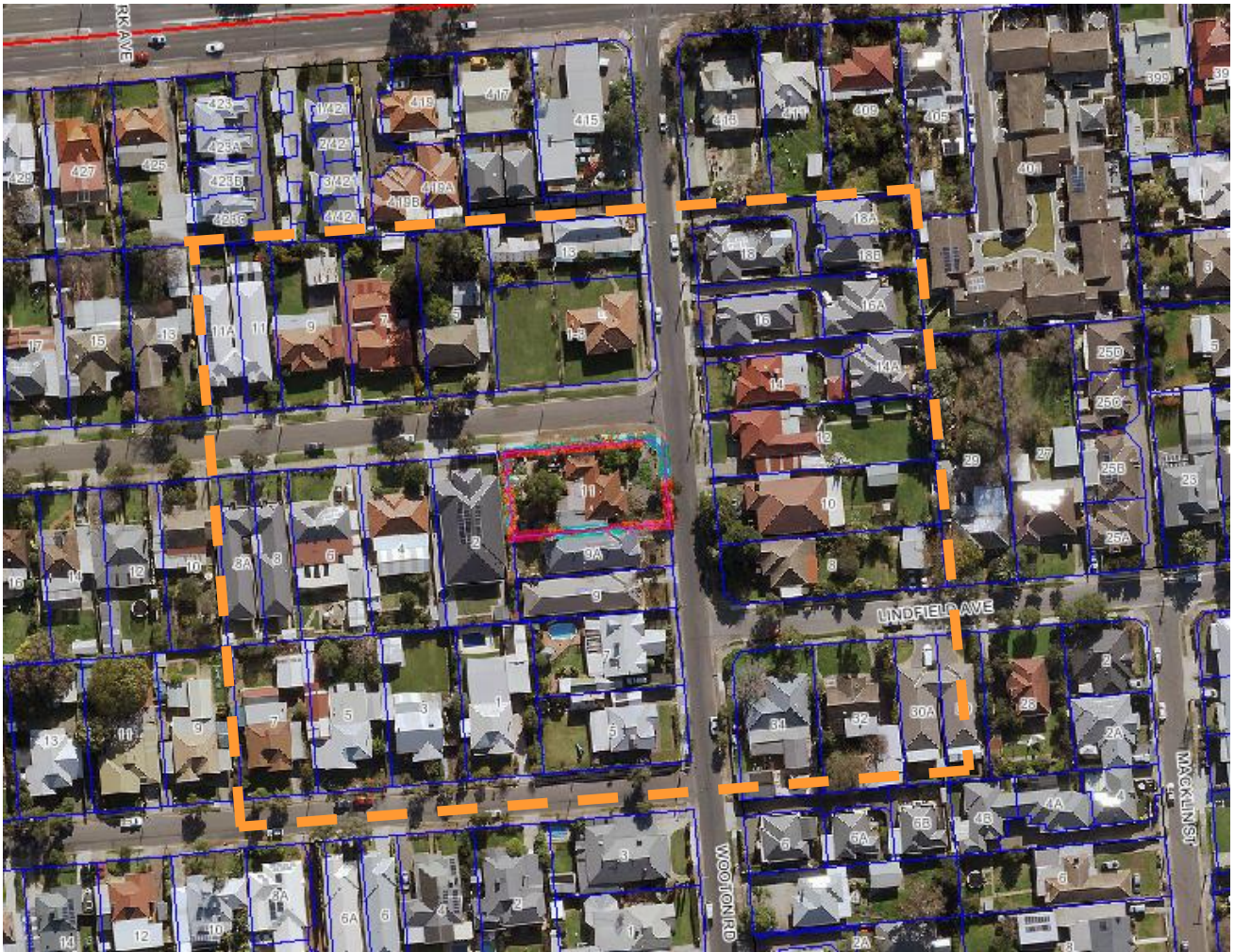
The subject land currently accommodates a single-storey detached dwelling and ancillary structures in poor/average condition with vehicular access via the secondary street of Hammersmith Avenue. The contour of the land is relatively flat, and while several trees are located on the subject land, none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



LOCALITY

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

Cross Road, and its associated public transport opportunities (as well as a Neighbourhood Centre Zone), is located 100 metres north of the subject site, while the Edwardstown Railway Station is also within reasonable walking distance, some 650 metres to the south-east. The subject land is sited 500 metres walking distance to the north of a small public open space reserve (The Crescent Reserve) which includes picnic tables and a children's playground, whilst the Glandore Community centre and its associated open space is located north of Cross Road, also 500 metres walking distance from the subject land.



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

THE PROPOSAL

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

The proposed dwellings each incorporate three bedrooms (main with ensuite), laundry, bathroom and separate WC as well as open plan kitchen/living/meals areas with direct access to the associated area of private open space. Each dwelling is provided with a double width garage and an associated visitor space within the driveway, which seek to gain access via two new crossovers on Hammersmith Avenue.

The dwellings will have a contemporary appearance and are to be well articulated. Materials and finishes include Hebel panel external walls with a range of rendered finishes as well as Matrix Panelling. The protruding front porch/verandah incorporates a Timber Batten infill and frames the habitable portion of each dwelling. The dwellings will each provide a hipped roof design to be clad with Colorbond sheeting in 'Monument' which is to be set at a 25 degree pitch. A selection of landscaping is also proposed throughout the site, including a semi-mature tree forward of each dwelling, with 1.8 metre high Colorbond Good Neighbour fencing proposed to the secondary street, rear, side and internal boundaries.

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

| | |
|---|--|
| <u>External</u> | |
| 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. |
| <u>Internal</u> | |
| Coordinator Arboriculture | The street tree on Hammersmith Avenue with may be removed subject to payment of \$450 + GST to facilitate removal and replacement of the tree. |

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.

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

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

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

Marion Plains Policy Area 8

Objectives

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

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

The proposed double garages are incorporated under the main roof of the associated dwelling, with the width of the habitable portions of the dwellings adequate to reduce potential garage dominance, and therefore have an appropriate impact on the character of the locality.

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

The proposed dwellings reflect the desired character of the locality, and incorporate an attractive and contemporary design.

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

Desired Character

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

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

The desired character is an attractive residential environment containing low 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 including a residential flat building**
- supported accommodation.

Satisfies

The proposal seeks for the construction of dwellings.

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

Satisfies

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

Quantitative Snapshot

| Requirement | | Proposed | | | |
|----------------------|---|--|----------------------------|---|------------------|
| | Row dwellings | Res 1 (Lot 101) | Res 2 (Lot 102) | Res 3 (Lot 103) | |
| Allotment Dimensions | | | | | |
| Area | 300m ² | 299m ² | 275m ² | 275m ² | Does not satisfy |
| Frontage | 9m | 11.04m | 12.77m | 12.77m | Satisfies |
| Depth | 20m | 21.54m | 21.54m | 21.54m | Satisfies |
| Setbacks | | | | | |
| Front | Average of adjoining dwelling: 5m | 5m | 5m | 5m | Satisfies |
| Garage | 5.5m | 5.5m | 5.5m | 5.5m | Satisfies |
| Side | 0.9m | n/a (secondary street setback) | n/a | n/a (wall on the boundary) | n/a |
| Rear | 6m/3m (50% allotment width) | 6m/3m (<50%) | 6m/3m (<50%) | 6m/3m (<50%) | Satisfies |
| Secondary | 2m | 1.345m-1.545m | n/a | n/a | Does not satisfy |
| Building Footprint | | | | | |
| Site Coverage | 40% | 51.8% (155m ²) | 57.1% (157m ²) | 57.1% (157m ²) | Does not satisfy |
| Pervious Surface | 20% | 25.8% (77m ²) | 23.6% (65m ²) | 23.6% (65m ²) | Satisfies |
| Wall on Boundary | 3m height, 8m length | n/a | n/a | Length: 6m Height: 2.72m (2.9 from natural ground level) | Satisfies |
| Building Height | Two storey < 9m | Single-storey < 9m | | | Satisfies |
| Private Open Space | | | | | |
| Area | 20% of allotment (side or rear) | 21.7% (65m ²) | 21.1% (58m ²) | 21.1% (58m ²) | Satisfies |
| Dimensions | 5m by 5m (part accessible from living area) | 6m x 7.7m | 6m x 6.4m | 6m x 6.4m | Satisfies |
| Car parking | | | | | |
| On-site | 2 spaces, 1 covered | 3 spaces, 2 covered | 3 spaces, 2 covered | 3 spaces, 2 covered | Satisfies |
| On-street | 1 space (6 metres) per 2 dwellings | At least 5 on-street car parking spaces remain available forward of the subject land | | | Satisfies |

Land Division Assessment

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

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

| | |
|---|--|
| <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 achieves 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> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p> | <p>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> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p> | <p>Satisfies</p> <p>The allotments / dwellings provide opportunities for adequate on-site car parking. Access to bus and train services is readily available within the wider locality and 5 on-street car parking spaces shall be available adjacent the subject land.</p> |
| <p>22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> | <p>Satisfies</p> |

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

- Desired Character
- Site Areas
- Secondary Street Setback
- Site Coverage

Desired Character

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

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

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

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

Site areas

A minimum site area of 300 square metres is prescribed for row dwellings in the Marion Plains Policy Area 8, which equates to a shortfall of 25 square metres (8.3%) for each Res 2 and 3 and 1 square metres (0.3%) for Res 1. This results in a 5.6% discrepancy for the total site area.

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

In my view, the shortfall in site areas is not necessarily fundamental to the merits of the application, in that it does not represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. The appropriateness of the proposal is reinforced by the ability of the application to maintain an adequate level of compliance with other applicable design criteria. Each proposed allotment maintains a generous frontage width, exceeding that sought of detached dwellings within the Policy Area, and complementing existing wider frontage widths in the locality. Accordingly, the slightly undersized nature of the development shall not be readily apparent within the streetscape. In addition, the proposal does not result in adverse amenity impacts on adjoining properties with respect to on-site and on-street parking, overshadowing, or bulk or scale, and the level of articulation and visual interest afforded to the dwellings results in an attractive residential development. Furthermore, the development is considered to provide a positive contribution to the streetscape by virtue of the modern design, appropriate colours and finishes and landscaping forward of the dwellings.

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

Secondary street setback

The Development Plan seeks for dwellings to maintain a minimum secondary street setback of 2 metres; whereas Res 1 incorporates a secondary street setback of 1.345 metres for a length of 3.13 metres before increasing to 1.545 metres for the remainder of the dwelling.

While this setback falls short of the quantitative requirement, in my view, the proposal nonetheless contributes positively to the secondary streetscape. Visual interest has been provided via a combination of 'Matrix' panelling and a high level 'wrap-around' window design to the portion of the dwelling closest to the secondary street boundary. Further, the proposal incorporates fencing to the secondary street boundary, which instead of extending to the main face of the dwelling, allows the front portion of the dwelling to present to the street. This fencing also incorporates a stepped section, with landscaping provided forward of the fence to soften the visual appearance of the dwelling.

Site coverage

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 and private open space provisions, the excess will not adversely affect the amenity of adjoining properties and does not conflict with over relevant Development Plan criteria.

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

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

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

Conclusion

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

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

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

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

Recommendation

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2019/1659 for Residential land division (Torrens-title 1 into 3 allotments) and three single-storey row dwellings, one of which incorporates a wall on the western boundary, as well as associated garages and landscaping at 11 Wooton Road, Edwardstown, be GRANTED, subject to the following Reserved Matter and Conditions:

Reserved Matter

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

1. An amended fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail on-site stormwater retention systems in accordance with PDC 17 (General Section: Natural Resources) of the Marion Council Development Plan.

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: 100/2019/1659 (SCAP REF: 100/D168/19) except where varied by the following conditions of consent.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from proposed Lots 1, 2 and 3 prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
7. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
8. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
9. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
10. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling, to the reasonable satisfaction of the Council.

Land Division Consent

1. The financial requirements of 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. A sewer extension will be required for lot 102 & 103.

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 \$15232 into the Planning and Development Fund (2 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.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

Notes

- 1. Demolition of the existing dwelling and/or other structures on the land cannot occur until a separate application has been lodged, assessed by and approved by the Council.**
- 2. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2004.**
- 3. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- 4. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**
- 5. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).**