

**NOTICE OF  
COUNCIL ASSESSMENT PANEL MEETING**

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

**Wednesday 06 October 2021**

**Commencing at 6.30 p.m.**

**Council Chamber**

**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**

29 September 2021

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**CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 6 OCTOBER 2021  
COMMENCING AT 6.30PM**

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**1. MEETING PROCEDURES**

**1.1 OPEN MEETING**

**1.2 PRESENT**

**1.3 APOLOGIES**

**1.4 IN ATTENDANCE**

**2. GENERAL OPERATIONS**

No items listed for discussions

**3. DEVELOPMENT ACT 1993 APPLICATIONS**

**3.1 DEVELOPMENT NO 100/2020/0153**

**2 GEORGE COURT MARINO – CONFIDENTIAL ITEM**

To construct a two storey detached dwelling with double garage, swimming pool and deck with associated earthworks and retaining walls

Report Reference: CAP061021 - 3.1.....2

**3.2 DEVELOPMENT NO 100/2021/0579**

**301 STURT ROAD STURT**

Three storey residential flat building comprising eight dwellings with associated car parking and landscaping

Report Reference: CAP061021 - 3.2.....3

**4. PDI ACT APPLICATIONS**

No items listed for discussion

**5. APPEALS UPDATE**

- Verbal Update to Provided

**5.1 APPEALS AGAINST PANEL DECISIONS**

- Verbal Update to Provided

## **5.2 APPEALS AGAINST DELEGATED APPLICATIONS**

- Verbal Update to Provided

## **6. POLICY OBSERVATIONS**

- No Items Listed for Discussion

## **7. OTHER BUSINESS**

## **8. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON 06 OCTOBER 2021**

## **9. MEETING CLOSURE**

**2. GENERAL OPERATING PROCEDURES  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 06 OCTOBER 2021**

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Verbal update to be provided

**REPORT REFERENCE: CAP061021 – 3.1  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 06 OCTOBER 2021**

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**CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES**

**Reason for confidentiality**

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

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

**Recommendation**

1. The Council Assessment Panel orders pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, that the public, with the exception of the Manager of Development and Regulatory Services, Team Leader - Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager of the Council Assessment Panel.
2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 3.1 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session, the meeting be re-opened to the public.

**REPORT REFERENCE: CAP061021 – 3.2  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 06 OCTOBER 2021**



<b>Originating Officer:</b>	<b>Nicholas Timotheou Senior Development Officer - Planning</b>
<b>Applicant:</b>	<b>Diamanti Design Development</b>
<b>Development Description:</b>	<b>Three storey residential flat building comprising eight dwellings with associated car parking and landscaping</b>
<b>Site Location:</b>	<b>301 Sturt Road, Sturt</b>
<b>Zone:</b>	<b>Suburban Activity Node Zone</b>
<b>Lodgement Date:</b>	<b>18/03/2021</b>
<b>Development Plan:</b>	<b>Consolidated – 14 January 2021</b>
<b>Internal Referrals:</b>	<b>Development Engineer Co-Ordinator Streetscape Design</b>
<b>External Referrals:</b>	<b>Department of Infrastructure and Transport</b>
<b>Delegations Policy:</b>	<b>Development Delegations Policy 4.1.9</b> <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>
<b>Categorisation</b>	<b>Category 1</b> <i>The Procedural Matters section of the Suburban Activity Node Zone within the Marion Council Development Plan assigns residential flat buildings as Category 1 development.</i>
<b>Application No:</b>	<b>100/2021/0579</b>
<b>SCAP No.</b>	<b>n/a</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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**Attachments**

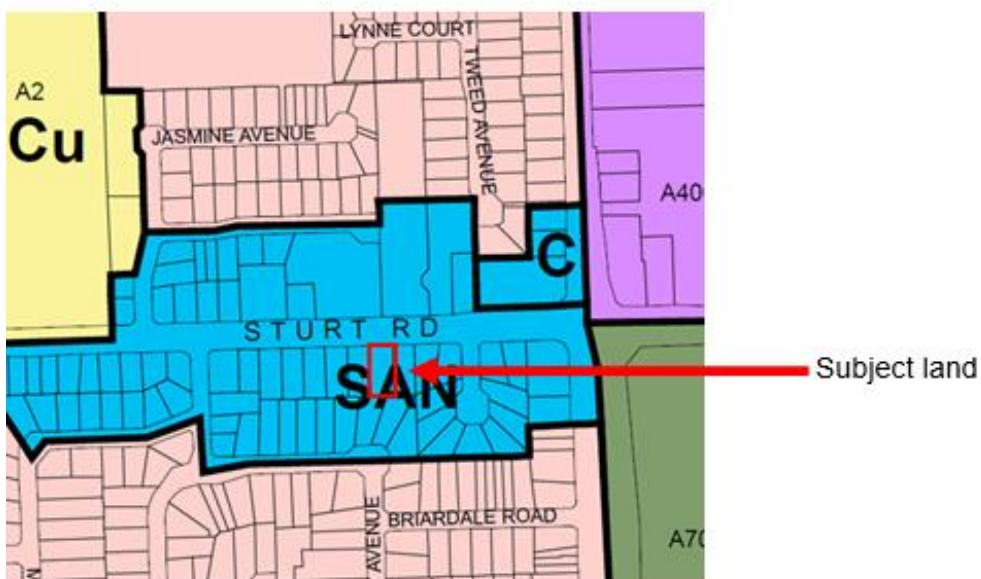
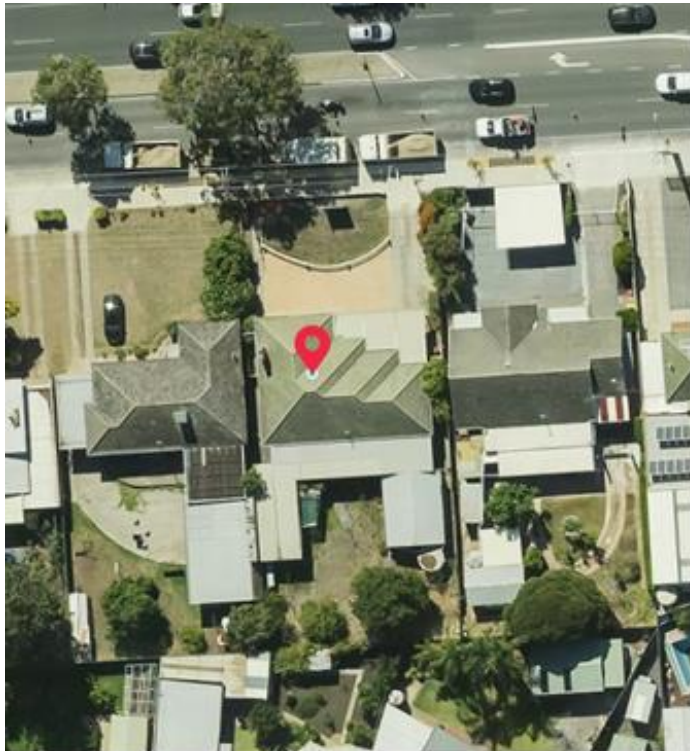
*Attachment I: Certificate of Title  
Attachment II: Proposal Plans  
Attachment III: External Agency Referral Comments*

## SUBJECT LAND

The subject land is located at 301 Sturt Road, Sturt and comprises a frontage width of 19.30 metres, a site depth of 43.59 metres and a total site area of 841.29 square metres. The land is located on the southern side of Sturt Road, which is classified as an arterial road.

The site has recently been made vacant with the existing dwelling now demolished. Vehicular access to the site is available via a single width crossover sited adjacent the eastern side property boundary. The contour of the land is flat and devoid of any Regulated Trees.

The land is located entirely within a Suburban Activity Node Zone.



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## LOCALITY

The locality features a mixture of commercial and residential properties, including the Old Council Chambers and Sunrise Christian School (located to the north-east of the subject site).

The site, to the east, south and west, is bound by single-storey residential properties (detached dwellings) at a low densities, and representative of the original dwelling stock. Limited infill development has occurred with only a minor presence of recently built detached dwellings. A group of South Australia Housing Authority (SAHA) units are situated on the opposite side of Sturt Road.

The subject site abuts Sturt Road, an arterial road under the care, control and management of the Commissioner of Highways. At this location Sturt Road carries approximately 39,000 vehicles per day (3% commercial vehicles) and has a posted speed limit of 60 km/h.

The Marion City Streetscapes program is nearing completion along Sturt Road and is a characteristic of the locality. These streetscape upgrades will help green the area and improve the pedestrian experience. The program involves (but not limited to) footpath paving, verge and median treatment and street tree planting.

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



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## **PROPOSED DEVELOPMENT**

The proposal is best described as the construction of a three storey residential flat building comprising eight dwellings with associated car parking and landscaping.

Dwellings 1 - 7 include a single-width garage with tandem visitor parking space, laundry as well as an outdoor courtyard on the ground level, an open plan kitchen/dining/living area and balcony to the first floor, and two bedrooms (master with ensuite) and bathroom to the second floor.

Dwelling 8 is constructed over two building levels and includes a single-width garage with tandem visitor parking space, study, laundry as well as an outdoor courtyard on the ground level. The first floor features an open plan kitchen/dining/living area with direct access to a balcony to the first floor, single bedroom and bathroom.

Each dwelling provides dedicated waste storage areas adjacent the visitor car parking spaces for up to 3 waste receptacles.

A variety of landscaping is provided at the front of the site and along the eastern side boundary of the land as well as along the rear boundary. The proposed driveway is also comprised of 'grasscrete' at regular intervals and permeable paving. A pergola is featured over a majority of the common driveway and is to be planted with decorative climbers.

The building is three storeys in nature and includes a mixture of colours and materials including render, cladding, glass balustrade, timber slats and fenestration. A protruding pergola adjacent to Dwelling 1 is featured at the front of the site, finished in a render material.

## **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 Procedural Matters section of the Suburban Activity Node Zone within the Marion Council Development Plan assigns residential flat buildings as Category 1 development.

### **Referrals**

#### Internal

##### **Development Engineer**

Council's Development Engineer has confirmed that the proposed finished floor levels and external paving levels are appropriate to mitigate potential flooding impacts, that the proposed stormwater collection satisfies Council's requirements and that the car parking dimensions and manoeuvring areas are compliant with Australian Standards.

##### **Coordinator Streetscape and Design**

Council's Coordinator Streetscape and Design has reviewed the proposal and in light of the Sturt Road Streetscape project, the recently planted street tree closest to the proposed driveway is suitable for removal and is to be replaced with garden bed in order to accommodate an area for bin collection.

#### External

##### **Department of Infrastructure and Transport**

The Department of Infrastructure and Transport supports the proposed development and has advised the planning authority to attach various conditions and a note to any approval, which can be found in *Attachment III* of this report.

## 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

### Suburban Activity Node Zone

Relevant Objectives	Satisfies
1. A zone that includes a range of medium and high density residential development supported by a mix of compatible land uses.	The proposed development is considered reflective of the medium-high density sought by the Zone.
3. The design and layout of development to encourage walking and cycling and promote public transport use.	Although dedicated bicycle storage is not provided, the proximity to Westfield Marion Shopping Centre and nearby public transport options along Sturt Road is considered to encourage walking, cycling and public transport use.
6. Development that contributes to the desired character of the zone.	The proposal is considered to be consistent with the Desired Character of the Policy Area (as discussed further within the assessment below).

### Desired Character

*The zone will be developed predominantly for medium to high density housing and accommodation with integrated mixed use activities at an appropriate scale.*

*Residential development will be primarily in the form of residential flat buildings, row dwellings, semi-detached dwellings, serviced apartments and other forms of accommodation that meet the needs of students and aged persons. The location of high density housing and other forms of targeted accommodation will take into account its proximity to education and employment facilities, and public transit services.*

*The form, scale and mix of development will be at its greatest intensity in 'Core Areas' as shown on Concept Plan Map Mar/7 - Laffer's Triangle. Non-residential activities in 'Core Areas' may include shops, community services, offices, consulting rooms, cafes and restaurants that provide for day-to-day needs of residents and workers and reduce the need for multiple trips. Features and activities that attract people and add vitality to the street, such as display windows, retail shopfronts and outdoor dining areas are encouraged.*

*Outside of 'Core Areas', smaller scale non-residential uses will be encouraged at street level, with residential units and / or other forms of accommodation located on upper floors.*

*The height of buildings will transition down from 'Core Areas'. Buildings on land adjacent to a residential zone accommodating low rise development will create an appropriate transition of development scale, massing and land use intensity.*

*Development in the zone will create an appropriate interface between residential development in the zone and established incompatible uses outside the zone such as industrial activities. Additional scope in the use of land at the interface of such areas will be provided to encourage a pattern of development that achieves a suitable level of amenity for residents and will enhance residential areas located further away from the interface.*

*Buildings will contribute to the provision of a coherent public realm by framing the street space and adjoining private and public open space. To promote pedestrian oriented development, building entrances will be oriented to the street and on-site parking areas will be located beneath or behind buildings.*

*Amalgamation of adjacent allotments or sharing of facilities including communal open space, parking areas and access ways is encouraged.*

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*Streets will be highly connected to surrounding areas (acknowledging the physical constraints imposed by the Sturt River and Warriparinga Wetlands at Laffer's Triangle) and within the zone to maximise walkability and reduce local travel distances. Cycle paths and routes will be provided which are safe, accessible, well signed and connect and link key local destinations such as shops, public transport stops and local parks.*

*Development in the zone will achieve high quality urban design in both the public and private realm through building design, landscaping, surface treatments and street furniture. Footpaths will be wide and street trees will shade the footpath and soften the built form. Colonnades, courtyards, awnings and street furniture will create a pedestrian friendly environment. Streets will incorporate traffic calming measures. Front fences will be minimised to ensure visual permeability and avoid large blank walls to encourage passive surveillance, active streetscapes and a visually interesting public realm.*

*Residential buildings will sit within a landscaped public realm environment that provides high quality amenity for residents. A range of setbacks will be provided to achieve physical and/or visual activation to the streetscape, and provide sufficient space between individual buildings for landscaping, car parking areas, building entries, pedestrian entries and movement networks, and create a pleasant, short range visual outlook.*

*Water Sensitive Urban Design systems, including the harvest, treatment, storage and reuse of stormwater, will be integrated throughout the Zone at the neighbourhood, street, site and building level. Stormwater management will address potential water quality impacts from site contamination and other factors while improving the aesthetic and functional value of open spaces, including public access ways and greenways.*

### **Marion Regional Centre**

*The area surrounding Marion Regional Centre will be developed with mid-rise medium-to-high density residential development, with non-residential uses at street level to encourage active street frontages and a pedestrian-friendly environment.*

*The Zone also encompasses land surrounding "Oaklands Crossing". In this area, mid-rise high-density mixed use development is anticipated, with shops and cafes at street level framing the rail station. Where buildings will not adversely impact on nearby sensitive land uses, building heights may be increased to enhance population density around the rail station. Large land holdings in the area will be developed in an integrated manner, including the provision of appropriate open space, streetscaping and enhanced pedestrian and cycle links to the Regional Centre's facilities.*

<b>Relevant Principles of Development Control</b>	<b>Satisfies</b>
1. The following types of development, or combination thereof, are envisaged in the zone: <ul style="list-style-type: none"><li>▪ residential flat building</li></ul>	The proposed development includes the construction of a Residential Flat building.
2. Development listed as non-complying is generally inappropriate.	The proposal is not listed as a form of non-complying development within the Suburban Activity Node Zone.
7. Development should be consistent with the desired character for the zone.	See "Assessment Discussion" section of this report.
9. New dwellings adjacent arterial roads should be provided with appropriate adverse air quality mitigation and sound attenuation techniques such as insulation, double-glazed windows/doors and balcony screening, to protect residents from amenity impacts arising from nearby traffic.	Windows presenting to the arterial road have been limited where possible and for the most part are located adjacent the stairwell/hallway of Dwelling 1. Bedrooms are sited on the second floor and feature double glazing to assist enhancing the amenity afforded to future residents.

19. *Development facing streets, public reserves or public spaces should be designed to provide attractive, high quality and pedestrian friendly frontage(s) by:*  
*(b) designing building façades that are well articulated by creating contrasts between solid elements (such as walls) and voids (for example windows, doors and balcony openings) and use of different materials and finishes*  
*(c) positioning services, plant and mechanical equipment (such as substations, transformers, pumprooms and hydrant boosters, car park ventilation) in discreet locations, screened and or well integrated with the façade*  
*(d) ensuring ground, semi-basement and above ground parking do not detract from the streetscape*  
*(e) minimising the number and width of driveways and entrances to car parking areas to reduce the visual dominance of vehicle access points and negative impacts on pedestrian linkages.*

The design and appearance of the building includes a variety of colours and materials, including render which is contrasted with vertical/boxed cladding, fenestration, glass balustrade and horizontal timber screening.

Given the design of the building and location of mature landscaping, it is considered the location of the car parking areas will be screened from the street and are serviced by a single double width crossover from Sturt Road.

The landscaping forward of the building includes a grasscrete pathway to assist in separating pedestrian access to each dwelling, without the need to traverse vehicle manoeuvring areas.

The proposal is considered to adequately 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.

## Overlays

### Affordable Housing Overlay

#### Objectives

#### Generally Satisfies

- 1 *Affordable housing that is integrated into residential and mixed use development.*
- 2 *Development that comprises a range of affordable dwelling types that caters for a variety of household structures.*

The proposal is not specifically affordable housing, and as per PDC 1 is not required to be. Nevertheless the nature of development comprising one and two bedroom apartment-style dwellings provide an alternative and potentially more affordable housing option to the prevailing suburban character of three+ bedroom detached dwellings, and which caters to a variety of household structures.

#### Principles of Development Control

#### Not Applicable

- 1 *Development comprising 20 or more dwellings should include a minimum of 15 per cent affordable housing unless the development is to occur in stages and it can be demonstrated that any shortfall in affordable housing from any stage of development will be accommodated in another stage or stages.*

The proposal does not involve 20 or more dwellings and so is not required to incorporate affordable housing.

## Noise and Air Emissions Overlay

### Objectives

### Reserved Matter

- 1 *Protect community health and amenity from adverse impacts of noise and air emissions.*

This is to be addressed via reserved matter in order to ensure compliance with the Minister's Specification SA 78B in order for Building Rules Consent and Development Approval to be granted'.

### Principles of Development Control

- 1 *Noise and air quality sensitive development located adjacent to high noise and/or air pollution sources should:*
- (a) shield sensitive uses and areas through one or more of the following measures:*
    - (i) placing buildings containing less sensitive uses between the emission source and sensitive land uses and areas*
    - (ii) within individual buildings, place rooms more sensitive to air quality and noise impacts (e.g. bedrooms) further away from the emission source*
    - (iii) erecting noise attenuation barriers provided the requirements for safety, urban design and access can be met*
  - (b) use building design elements such as varying building heights, widths, articulation, setbacks and shapes to increase wind turbulence and the dispersion of air pollutants provided wind impacts on pedestrian amenity are acceptable*
  - (c) locate ground level private open space, communal open space and outdoor play areas within educational establishments (including childcare centres) away from the emission source.*

The specification includes sound attenuation measures and so compliance with the specification is expected to adequately satisfy this criteria.

The building is entirely residential. Only Dwelling 1's bedrooms present directly towards the arterial road: all other dwellings are situated behind Dwelling 1.

## Strategic Transport Routes Overlay

### Objectives

### Satisfies

- 1 *Development that recognises the importance of strategic transport routes and does not impede traffic flow or create hazardous conditions for pedestrians, cyclists or drivers of vehicles, including emergency services vehicles.*

The proposal has been reviewed by DIT and is supported subject to standard conditions. Two way simultaneous access can be achieved at the crossover and all vehicles can enter and exit the site in a forward direction. Therefore hazards or impediments to traffic flow are minimised.

### Relevant Qualitative Principles of Development Control

### Partially Satisfies

- 1 *Development adjacent to a strategic transport route should:*
- (a) avoid the provision of parking on the main carriageway*
  - (b) be accessible via service roads, where possible, that provide:*
    - (i) parking off the main carriageway*
    - (ii) a buffer from the main carriageway for pedestrian and cycle activity*
- 2 *Vehicular site access should not be provided along the main street frontage where an alternative access is available.*

The proposal demonstrates a shortfall in dedicated off-street visitor parking. This notwithstanding, it is acknowledged the development exceeds the number of on-site vehicle parking spaces by 2.

On-street car parking is also permitted available outside of clearway hours which may offer a more convenient option for visitors. As such, it is possible that visitors may be inclined to park on Sturt Road, which is undesirable.

No alternative site access is available.



## Medium and High Rise Development

The criteria contained within the Medium and High Rise Development section is of particular relevance to this proposal, being residential flat buildings of three storeys. The criteria is highly prescriptive and accordingly this section of the Development Plan has been selected for increased scrutiny as detailed below:

Medium and High Rise Development (3 or More Storeys)	
Objectives	Generally Satisfies
1 <i>Medium and high rise development that provides housing choice and employment opportunities.</i>	The proposal involves one and two bedroom dwellings, which provides housing choice for smaller households.
2 <i>Residential development that provides a high standard of amenity and adaptability for a variety of accommodation and living needs.</i>	The amenity for residents is of an average standard; however, the open plan kitchen/meals/living transitions to an outdoor balcony which may provide a larger entertaining area for occupants as a dual indoor/outdoor arrangement.
3 <i>Development that is contextual and responds to its surroundings, having regard to adjacent built form and character of the locality and the Desired Character for the Zone and Policy Area.</i>	<p>The proposed development is the first of its density, height and scale within the locality. Other residential flat buildings within the locality are lower density and are a maximum two storeys in height. Adjacent buildings are only single storey. The proposal is therefore contrary to its existing surroundings, however it should be noted the increased density, height and scale responds to the Zone which expects a new character and provides context for such an outcome.</p> <p>It is noted the Desired Character anticipates change and therefore the need for a contextual response to the locality in this instance is considered to hold less weight.</p> <p>Performance against the Zone's Desired Character statement is mixed.</p>
4 <i>Development that integrates built form within high quality landscapes to optimize amenity, security and personal safety for occupants and visitors.</i>	Landscaping areas are provided and elements to assist in providing a green environment as viewed from the street and from within the site. Deep soil areas and driveway landscaping dimensions fall short of some relevant quantitative criteria. Of note, is the failure for the driveway landscape strip to extent to the front property boundary.

5 *Development that enhances the public environment, provides activity and interest at street level and a high quality experience for residents, workers and visitors by:*

- (a) enlivening building edges*
- (b) creating attractive, welcoming, safe and vibrant spaces*
- (c) improving public safety through passive surveillance*
- (d) creating interesting and lively pedestrian environments*
- (e) integrating public art into the development where it fronts the street and public spaces*
- (f) incorporating generous areas of high quality fit for purpose landscaping, green walls and roofs.*

The ground floor front façade is generally passive in its presentation to the street and contributes a low level of activity or interest.

(a) The street level building edge as it relates to the public environment is relatively passive, forming the side wall of Dwelling 1's garage at ground level, with a front yard, common landscaping and services area between the building line and the street.

(b) A grasscrete pedestrian path is provided adjacent to the common driveway. The width of the path is similar to the side access path of a typical single dwelling and assists in avoiding conflict with vehicle manoeuvring areas. The area is partially covered by the pergola over the common driveway featuring creepers, providing a green canopy.

(c) Limited passive surveillance of the street is offered by Dwelling 1 via the front facing balcony and habitable room windows.

(d) Refer to (b). The pedestrian environment is provided via a dedicated path adjacent to the common driveway. A pergola featuring creepers is provided above a portion of the dedicated grasscrete path which should assist in providing a green environment and may create an interesting and likely pedestrian environment.

(e) Given the scale of the proposal the provision of public art on wholly private land is not considered necessary.

(f) Landscaping areas are provided however are not considered 'generous' as deep soil areas and driveway landscaping dimensions fall short of some relevant quantitative criteria. Green roof elements are proposed to a driveway pergola.

7 *Buildings designed and sited to be energy and water efficient.*

East-facing balconies will receive at least 3 hours of morning sunlight to private open spaces and internal living areas. 3000L plumbed-in retention tanks are proposed to capture and reuse stormwater.

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**Relevant Qualitative Principles of Development Control**

**Generally Satisfies**

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*Note: Some of the following Principles of Development Control (PDC) prescribe a measurable design solution as one way of achieving the intent of the PDC. Where this solution is met, it should be taken as meeting the intent of the principle. Alternative design solutions may also achieve the intent of the PDC and, when proposed should be assessed on their merits.*

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- 1 *Buildings should be designed to respond to key features of the prevailing local context within the same zone as the development. This may be achieved through design features such as vertical rhythm, proportions, composition, material use, parapet or balcony height, and use of solid and glass.*

The prevailing local context is a mixture of low scale detached dwellings and medium density development in the form of residential flat buildings of one or two storeys. Surrounding architectural presentation towards the street is mixed, featuring a combination of dwellings oriented towards Sturt Road with low or no fencing and generous front yards. Contrary to this, other properties offer minimal surveillance, incorporating privacy fences or blank walls presenting to the street.

Proportionately, the building is much larger than surrounding residential development. Materials are modern, whilst the inclusion of glazing to the front façade is similar to the extent of other developments within the locality.
- 2 *In repetitive building types, such as row housing, the appearance of building facades should provide some variation, but maintain an overall coherent expression such as by using a family of materials, repeated patterns, facade spacings and the like.*

The building is considered to provide an appropriate extent of through differing roof forms, protruding elements and colour, whilst maintaining an overall design theme and pattern.
- 3 *Windows and doors, awnings, eaves, verandas or other similar elements should be used to provide variation of light and shadow and contribute to a sense of depth in the building façade.*

Windows, balcony and protruding elements provide variation and senses of depth in the front façade.
- 4 *Buildings should:*

  - (a) achieve a comfortable human scale at ground level through the use of elements such as variation in materials and form, building projections and elements that provide shelter (for example awnings, verandas, and tree canopies)*
  - (b) be designed to reduce visual mass by breaking up the building façade into distinct elements*
  - (c) ensure walls on the boundary that are visible from public land include visually interesting treatments to break up large blank facades.*

(a) Ground level materials include a combination of timber slats and render with garage doors on the eastern elevation and front entry doors, porticos and windows on the eastern elevation. The driveway is partly sheltered by a section of the first floor and pergola.

(b) The building design includes distinct elements which help to reduce visual mass. However, the limited setback variation for the length of the building (particularly the southern and western façade) contribute to visual bulk.

(c) No proposed boundary walls.
- 5 *Buildings should reinforce corners through changes in setback, materials or colour, roof form or height.*

The subject land does not relate to a street corner, however corners of the building include changes in materials, colour and setback.
- 6 *Materials and finishes should be selected to be durable and age well to minimise ongoing maintenance requirements. This may be achieved through the use of materials such as masonry, natural stone, prefinished materials that minimise staining.*

Materials include timber slats, render, cladding, glass balustrade and blueboard. Rendered hebel can be prone to staining.

*7 Balconies should be integrated into the overall architectural form and detail of the development and should:*

- (a) utilise sun screens, pergolas, louvres, green facades and openable walls to control sunlight and wind*
- (b) be designed and positioned to respond to daylight, wind, and acoustic conditions to maximise comfort and provide visual privacy*
- (c) allow views and casual surveillance of the street while providing for safety and visual privacy of nearby living spaces and private outdoor areas*
- (d) be of sufficient size, particularly depth, to accommodate outdoor seating.*

*8 Development facing the street should be designed to provide attractive, high quality and pedestrian friendly street frontage(s) by:*

- (a) incorporating active uses such as shops or offices, prominent entry areas for multi-storey buildings (where it is a common entry), habitable rooms of dwellings, and areas of communal public realm with public art or the like where consistent with the Zone and / or Policy Area provisions*
- (b) providing a well landscaped area that contains a deep soil zone space for a medium to large tree in front of the building (except in a High Street Policy Area or other similar location where a continuous ground floor façade aligned with the front property boundary is desired). One way of achieving this is to provide a 4 metre x 4 metre deep soil zone area in front of the building*
- (c) designing building façades that are well articulated by creating contrasts between solid elements (such as walls) and voids (for example windows, doors and balcony openings)*
- (d) positioning services, plant and mechanical equipment (such as substations, transformers, pumprooms and hydrant boosters, car park ventilation) in discreet locations, screened or integrated with the façade*
- (e) ensuring ground, semi-basement and above ground parking does not detract from the streetscape*
- (f) minimising the number and width of driveways and entrances to car parking areas to reduce the visual dominance of vehicle access points and impacts on street trees and pedestrian areas.*

*9 Common areas and entry points of the ground floor level of buildings should be designed to enable surveillance from public land to the inside of the building at night.*

*11 To contribute to direct pedestrian access and street level activation, the finished ground level of buildings should be no more than 1.2 metres above the level of the footpath, except for common entrances to apartment buildings which should be at ground level or universally accessible.*

*12 Dwellings located on the ground floor with street frontage should have individual direct pedestrian street access.*

Balconies are integrated into the form and design of the building.

- (a) Balconies are roofed and protected from wind by adjacent walls.
- (b) Generally east-facing and shaded by ceiling and landscaping.

(c) Only one balcony has views towards the street. Others face the common driveway and adjoining properties and incorporate 1.7m screening to reduce overlooking.

(d) Balconies are of sufficient size and depth (generally 3.3 x 4.3m) for outdoor seating.

The street frontage provides a modern finish and aims to enhance pedestrian access via the dedicated grasscrete path.

(a) Habitable rooms face the street from upper levels.

(b) Front landscaped area contains a deep soil zone space of approximately 3 x 9.9m, containing a medium tree and other supporting plantings including a small tree.

(c) The façades of the upper floors are well articulated, containing contrasts between walls and voids. The ground floor front façade is rendered and features protruding elements and timber slats.

(d) The communal services area including main switchboard is located to the front of the building adjacent the western boundary.

(e) Ground level garaging and driveway area dominates most of the ground level, however are generally screened from the public realm.

(f) The number and width of the driveway is minimised.

The length of the common driveway is viewable from the street. Pedestrian entry points to each dwelling are set in from the site path and will not be visible from public land.

Satisfies: floor levels are only approximately 0.3 metres above footpath level.

Each dwelling has a separate entry door. Dwelling 1 has a street frontage, however its pedestrian entry is directed towards the side path, the same as other dwellings.

HOME

- 13 *The visual privacy of ground floor dwellings within multi-storey buildings should be protected through the use of design features such as the elevation of ground floors above street level, setbacks from street and the location of verandas, windows, porticos or the like. One way of achieving this is for ground floor levels for multi storey residential developments to be raised by up to 1.2 metres (provided access is not compromised where relevant).*
- Ground level privacy of dwellings is not of concern. All dwellings' ground floors comprise entry with staircase, garage, and storage or laundry.
- 14 *Residential buildings (or the residential floors of mixed use buildings) should have habitable rooms, windows and balconies designed and positioned with adequate separation and screening from one another to provide visual and acoustic privacy and allow for natural ventilation and the infiltration of daylight into interior and outdoor spaces.*
- There is no direct line of sight between any of the proposed dwellings. Balconies contain walls between them which provides privacy. Ventilation and daylight is available from balconies' eastern orientation.
- One way of achieving this is to ensure any habitable room windows and/or balconies are separated by at least 6 metres from one another where there is a direct 'line of sight' between them and be at least 3 metres from a side or rear property boundary. Where a lesser separation is proposed, alternative design solutions may be applied (such as changes to orientation, staggering of windows or the provision of screens or blade walls, or locating facing balconies on alternating floors as part of double floor apartments), provided a similar level of occupant visual and acoustic privacy, as well as light access, can be demonstrated.*
- 15 *Living rooms should have a satisfactory short range visual outlook to public or private open space.*
- Each living room has a short range outlook onto the associated balcony.
- 17 *Dwellings located on the ground floor with street frontage should have habitable rooms with windows overlooking the street or public realm.*
- Dwelling 1's habitable room windows overlook the street from upper levels.
- 19 *Multi-storey buildings should include a variety of internal designs that will facilitate adaptive reuse, including the conversion of ground floor residential to future commercial use (i.e. by including floor to ceiling heights suitable for commercial use).*
- All dwellings have essentially the same internal design. Each ground floor is relied upon for vehicle parking and has a ceiling height of only 2.4 metres.
- 20 *Multi-storey buildings should:*
- (a) *minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow*
- (a) The proposed buildings shall cause overshadowing to adjoining land to the south (refer Overshadowing section of this report).
- The shadow shall result in temperature and daylight impacts during winter months.
- (b) *incorporate roof designs that enable the provision of photovoltaic cells and other features that enhance sustainability (including landscaping).*
- Overshadowing impacts shall be notably less severe around the equinoxes and non-existent around the summer solstice.
- (b) The proposed roof designs are flat. Photovoltaic cells situated on the roofs would be exposed to good levels of sunlight.



21 Green roofs (which can be a substitute for private or communal open space provided they can be accessed by occupants of the building) are encouraged for all new residential commercial or mixed use buildings.

No proposed accessible green roofs. A landscaped pergola proposed over the driveway provides some landscaping attached to built form.

23 Deep soil zones should be provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies.

3.6% of the site (29.7m<sup>2</sup>) are deep soil zones with a minimum dimension of 3 metres.

One way of achieving this is in accordance with the following table:

Site area	Minimum deep soil area	Minimum dimension	Tree/deep soil zones
<300m <sup>2</sup>	10m <sup>2</sup>	1.5 metres	1 small tree / 10m <sup>2</sup> deep soil
300-1500m <sup>2</sup>	7% site area	3 metres	1 medium tree / 30m <sup>2</sup> deep soil
>1500m <sup>2</sup>	7% site area	6 metres	1 large or medium tree / 60m <sup>2</sup> deep soil
Tree size and site area definitions			
Small tree	< 6 metres mature height and < less than 4 metres canopy spread		
Medium tree	6-12 metres mature height and 4-8 metres canopy spread		
Large tree	12 metres mature height and > 8 metres canopy spread		
Site area	The total area for development site, not average area per dwelling		

Total number of tree plantings are: 1 medium tree supported by 1 small tree. Various other small trees are provided throughout the site; however, are not located within deep soil zones.

24 Deep soil zones should be provided with access to natural light to assist in maintaining vegetation health.

Northern natural light is available to the front deep soil zone.

25 Dwellings should provide a covered storage area of not less than 8 cubic metres in one or more of the following areas:

- (a) in the dwelling (but not including a habitable room)
- (b) in a garage, carport, outbuilding or an on-site communal facility and be conveniently located and screened from view from streets and neighbouring properties.

Each dwelling fails to provide 8 cubic meters of storage; however, it is acknowledged each garage is larger than Australian Standards which may offer additional storage opportunities for occupants. It is acknowledged however the desired amount of dedicated storage is not provided.

Dwelling 1-7: 2.7 cubic metres

Dwelling 8: 5.6 cubic metres

27 Where the number of bins to be collected kerbside is 10 or more at any one time, provision should be made for on-site commercial collection.

The maximum number of bins to be collected kerbside at any one time is 16. As demonstrated application plans, the land's frontage can accommodate the required number of bins to be presented kerbside for collection. Given this, the provision of on-site commercial collection is not considered necessarily (nor normally supported by Council's contracts team).



Quantitative Snapshot

Criteria		Dwelling 1	Dwelling 2	Dwelling 3	Dwelling 4	Dwelling 5	Dwelling 6	Dwelling 7	Dwelling 8	
Site area	Minimum 50 dwellings per hectare (200m <sup>2</sup> ) <b>SANZ Zone PDC8</b>	103m <sup>2</sup> average (97 dwellings per hectare)								Satisfies
Frontage width	No minimum	18.90m								n/a
Depth	No minimum	43.6m								n/a
Site coverage	No maximum	531.4m <sup>2</sup> (64.5%)								n/a
Deep soil zone	7% of site area (min dimension of 3 metres). 1 Medium tree/30m <sup>2</sup> deep soil <b>Medium and High Rise Development (3 or More Storeys) PCDC 23</b>	3.6% (29.7m <sup>2</sup> ) deep soil areas with dimensions of 3m x 9.9m. 1 medium and 1 small tree provided, each within 30m <sup>2</sup> deep soil.								Departure
Front setback	Any area not located in Laffer's Triangle and Mitchell Park: 3 metres <b>SANZ Zone PDC 13</b>	3 metres to the main façade								Satisfies
Rear setbacks	Ground: 2m First floor: 4m Second floor: As per interface height provisions. <b>30 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of a residential allotment within a residential zone SANZ Zone PDC 15</b>	Ground floor: 4m First floor: 4m Second floor: 8.34m (Dwelling 7)								Satisfies Satisfies Satisfies
Side setbacks	Ground: 0m First floor: 0.9m Second floor: 1.8m <b>SANZ Zone PDC 14</b>	<u>Eastern side setbacks</u> 6m 6.2m / 5.4m 6.2m				<u>Western side setbacks</u> 1.2m 2m 2m				Satisfies Satisfies Satisfies
Building height	Min: 2 storeys Max: 3 storeys up to 12.5m <b>SANZ Zone PDC 10</b>	3 storeys: 9.3m								Satisfies
Private open space	15m <sup>2</sup> <b>SANZ Zone PDC 21</b>	14.2m <sup>2</sup>	14.2m <sup>2</sup>	14.2m <sup>2</sup>	14.2m <sup>2</sup>	14.2m <sup>2</sup>	14.2m <sup>2</sup>	14.2m <sup>2</sup>	37.55m <sup>2</sup>	Minor Departure

Private open space dimension	<b>2 metres</b> <b>SANZ Zone PDC 21</b>	Each area of private open space achieves a minimum dimension of 2 x 2 metres.	<b>Satisfies</b>
Off-street car parking	<b>1 per 1 bedroom dwelling (D8)</b> <b>1.5 per 2-bedroom dwelling (D1-7)</b> <b>+ 0.25 visitor parking spaces per dwelling:</b> <b>11.5 resident spaces plus 2 on-site visitor spaces</b> <b>Table Mar/2A - Table 3</b>	2 spaces provided per dwelling (16) with no dedicated visitor parking spaces.	<b>Partially satisfies</b>

## Assessment Discussion

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

- **Desired Character**
- **Amenity considerations**
  - *Visual impacts*
  - *Overshadowing*
  - *Overlooking*
  - *Traffic and vehicle parking*
- **Energy efficiency and stormwater**
- **Landscaping**
- **Private Open Space**

### Desired Character

The Desired Character of the Suburban Activity Node Zone seeks to accommodate medium to high density housing and accommodation at an appropriate scale. The Zone anticipates a range of dwelling types, including residential flat buildings, which take into account its proximity to education, employment facilities and public transit services. The zone places importance on the delivery of a high quality urban design including built form and landscaping, while providing appropriate interface between residential developments.

In this regard, the proposal is considered to satisfy the medium to high density sought within the Suburban Activity Node Zone, with the proposed built form an appropriate scale when considering the quantitative setback and building height requirements.

The design of the building includes a mixture of exposed brick, cladding, render, fenestration, and framing elements. The proposed development presents a well-articulated high quality design, particularly when approaching the site from the east, with the eastern façade somewhat visible from the streetscape due to greater setbacks on this side of the building. The front façade of the building replicates some of the design elements seen on the eastern elevation and includes a consistent theme to the overall design of the building. 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. Varying setbacks are provided from Sturt Road as a result of the protruding elements of the building and assist in minimising the overall bulk and scale of the building. The balcony area assists in providing visual separation from the eastern boundary and overall development when viewed as a whole.

While the design and appearance is considered to reflect that sought by the Desired Character of the zone, it is acknowledged the building represents some areas of bulk and visual massing when viewed from the southern and western adjoining land. The Development Plan seeks the design of buildings to reflect the desired character of the locality while incorporating contemporary designs that have regard to:

- (a) building height, mass and proportion
- (b) external materials, patterns, colours and decorative elements
- (c) roof form and pitch
- (d) façade articulation and detailing
- (e) verandas, eaves, parapets and window screens.

Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view. Further, buildings should be sited with respect to side and rear property boundaries so as to minimise the impact of bulk and scale of development on adjoining properties.

The eastern façade of the proposed development incorporates various design elements and quality materials, resulting in an appropriately articulated built form. It is considered that the eastern presentation of the proposal minimises potential bulk and scale impacts upon the adjoining property through a combination of adequate setbacks, an articulated built form and visual interest. The northern (front) façade replicates some of the design elements seen on the eastern elevation and avoids large areas of uninterrupted walling facing the public realm. The main facade is considered to provide positive contribution to the streetscape as sought by the Zone.

The largest visual impact attributed to the proposal involves the western elevation and its presentation to adjoining land. The western façade of the building effectively forms the 'back' of the dwellings. The development includes variations in setback between the ground and first/second level which provides some articulation and shadowing. Although there is no variation in setback from dwelling to dwelling, each "pair" is separated or defined via timber infills at the second floor while generous fenestration is achieved at the first floor. These design element assist in minimising long horizontal planes of render or cladding and the overall bulk of the building. It is acknowledged the proposal nonetheless maintains side setbacks from western boundary as desired by the zone and residential flat buildings up to 3 storeys are contemplated at a height greater than that proposed.

The southern (rear) elevation of the proposal is comprised of a limited range of materials, with extensive areas of uninterrupted walling resulting in little visual interest or articulation. In my view, the bulk and scale impact of the proposal upon adjoining properties to the south is somewhat exacerbated by a lack of design elements provided to the southern façade. This notwithstanding, it is noted this portion of the building has been amended to comprise two storeys only which is considered to assist in minimising the overall bulk and scale of the development upon adjoining land.

It is acknowledged the proposed building will be sited closer to Sturt Road compared to the other dwellings in the locality, which are of a smaller scale and achieve generous separation from all boundaries. The proposal is one of the first of its kind in the zone and locality and will change the streetscape outcome.

It is further acknowledged, as a result of the design of the building, the building entrances are not oriented to the street. This notwithstanding, given the individual dwelling configurations, it is acknowledged that this cannot be achieved and that the orientation of entrance points are typical for residential flat buildings. Further, given the location of car parking spaces, the entrance point for each dwelling provides a convenient outcome for occupants and will assist visitors in determining individual dwellings from one another.

It should also be acknowledged the front entry point to each dwelling could be considered undesirable given their location adjacent to a bin storage area. Some relief is provided between these spaces via a small landscaped area, inclusive of a "callistemon little john" planting. Entry points are also accessed through the carport of each dwelling; however, it is acknowledged a pedestrian path adjacent to a parked vehicle remains available. Each entry point is also accessed via a dedicated grasscrete path for visitors which avoids conflict with vehicle turning areas.

The proposal is considered to appropriately address interface matters with existing residential development on adjoining land by maintaining setbacks from boundaries as desired by the zone.

The above considerations demonstrate the proposal finds support with the intent of the Suburban Activity Node Zone.

HOME

## **Amenity considerations**

The proposed development is the first incursion of a three-storey residential building within the locality. Accordingly, whilst it is acknowledged that the adjacent properties are also located within the Suburban Activity Node Zone, which contemplates similar forms of development to that proposed. The proposal may nonetheless result in visual and general amenity impacts on the existing adjacent development, which is currently exclusively comprised of single-storey dwellings at low densities.

### *Overshadowing:*

Given that south forms the rear boundary, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours, however the majority of shadows cast will fall within the adjacent land to the south.

The proposal satisfies rear setback guidelines, and as such overshadowing impacts to the south may be anticipated by Development Plan. However, it must also be acknowledged that the proposed building comprises an overall height of 9.3 metres, where the Development Plan anticipates three storey buildings of up to 12.5 metres within this area of the Suburban Activity Node Zone.

The applicant has provided shadow diagrams demonstrating the extent of shadow cast between 9:00am and 3:00pm on the 21<sup>st</sup> of June. These diagrams nonetheless demonstrate:

- a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9am and 3pm on the 21<sup>st</sup> of June; and
- b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9am and 3pm on the 21<sup>st</sup> of June to at least 35 square metres of the existing ground level private open space.

Consequently, I am satisfied that the extent of overshadowing cast from the proposed development complies with PDC 9 and 10, and is appropriate, particularly when regard is had to the form of development anticipated by the Zone.

### *Overlooking:*

Each dwelling incorporates high window sills, screening or fixed and obscured glazing to 1.7 metres above floor level for windows on the eastern and western side and southern rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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

### *Traffic and vehicle parking:*

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

The proposal will see an increase in vehicle movements; however, it is my opinion that any noise generated from the location of the parking area will not cause unreasonable impacts upon nearby properties. Vehicle movements and traffic generated from the site can be catered for by the

HOME

surrounding road network and any noise generated by vehicles will unlikely exceed that currently experienced by the arterial road.

Table Mar/2a of the Development Plan seeks for residential development in the form of residential flat buildings within the Suburban Activity Node Zone to provide 1 on-site car parking space per 1 bedroom dwelling (D8) and 1.5 spaces per 2 bedroom dwelling (D1-7), plus an additional 0.25 visitor parking spaces per dwelling. The proposed dwellings each incorporate 2 bedrooms and a study. To this end, the development generates a parking demand of 13.5 spaces (14 rounded up) where 16 are provided.

As a result of the above, the proposal exceeds the number of parking spaces sought; however, does not provide dedicated visitor parking spaces. It is also acknowledged that outside of parking restrictions along Sturt Road (bicycle land 7:30am - 9am and 4:30pm – 6pm), an additional 2 on-street parks are maintained. Although on-street car parking is not required to be relied upon in this instance, it is acknowledged this opportunity which may offer a more convenient option for visitors. As such, it is possible that visitors may be inclined to park on Sturt Road, which is undesirable and discouraged by the Strategic Transport Route Overlay.

Notwithstanding the above, 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.

### **Energy efficiency and stormwater**

Each proposed dwelling comprises an east-facing balcony and POS, which shall nonetheless benefit from morning hours of sunlight during winter months. West facing windows feature lightweight canopies to provide appropriate shadowing of living room windows during summer months, enhancing the energy efficiency of the dwellings.

Council's Development Engineer has confirmed that the proposed finished floor levels and external paving levels are appropriate to mitigate potential flooding impacts, and that the proposed stormwater collection satisfies Council's requirements.

### **Landscaping**

Landscaping is provided along the street frontage of the building presenting to Sturt Road. The landscaped area adjacent the road frontage achieves a 3 metre depth which will be planted with a variety of planting species, including a small and medium tree, which will be complimentary to the three storey nature of the building. Various other low-medium height plantings are provided forward of the front fence which will promote an attractive landscaped area forward of the building.

Driveways serving eight or more dwellings should comprise landscaping strips on both sides of the driveway comprising a minimum width of 1 metre (PDC 41 General Section: Residential Development). The proposal comprises one landscaping strip along the eastern side boundary incorporating a width of 1 metre whereas a 0.9m grasscrete path is provided along the western side of the common driveway. Each of these strips do not extend to the front boundary of the land.

A lightweight pergola runs the length of the residential flat building above the common driveway and includes creepers. This element will assist in providing an attractive green environment when viewed from the streetscape and for the enjoyment of residents.

The proposed 3.6% extent of deep soil areas with a dimension of greater than 3 metres falls short of the minimum 7% sought by Medium and High Rise Development Principle 23. It should be noted, however, that the quantitative criteria referenced in Principle 23 is detailed as 'only one way of



achieving' the principle, which reads, 'Deep soil zones should be provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies'. The proposed deep soil areas and dimensions are sufficient to accommodate the recommended tree planting of 1 medium tree, plus an additional small tree.

Additional landscaping area would provide greater area for taller and/or denser vegetation to assist in softening the built form and view of the driveway area. The non-compliance in landscaping width is noted and considered accordingly with the overall merit of the proposal.

### **Private Open Space**

Dwelling 1 – 7 fail to provide 15sqm of private open space by 0.8sqm. This departure is considered minor in nature and unlikely to impact on the amenity of occupants, particularly as rainwater tanks, waste receptacles and clothesline facilities are all located outside of the main entertaining area. Balconies are accessed via the open plan kitchen/meals/living area and as such, has the opportunity to act as a transition area, thereby increasing the usability of these spaces.

## CONCLUSION

The preceding assessment has demonstrated the proposed development satisfies a number of applicable quantitative and qualitative provisions of the Development Plan and Objectives and Desired Character of the Suburban Activity Node Zone.

The proposed development is generally considered to provide a positive design contribution to the streetscape, particularly when approaching the site from the east, and reflects the outcomes sought by the Desired Character of the Suburban Activity Node Zone. The main façade incorporates a mixture of modern materials and protruding elements which assist in minimising the visual mass of the building. This is generally replicated on the eastern and western side of the building to avoid long horizontal massing presenting to adjoining land and the street. The southern (rear) elevation of the building is comprised of a limited range of materials, with extensive areas of uninterrupted walling resulting in little visual interest or articulation. It is acknowledged this portion of the building is two storeys in nature and accord with quantitative setbacks for the zone. This aspect of the development is noted and considered in the overall merits of the proposal.

The proposal is not considered to result in unreasonable amenity consequences upon the locality in terms of overshadowing, overlooking or traffic and vehicle parking. The energy efficiency and stormwater requirements of the proposal are adequately satisfied, whilst landscaping proposed forward of the building is considered to enhance the streetscape appearance of the development.

The proposal fails to provide an adequate dimension of landscaping adjacent the length of the driveway. Additional landscaping area would provide greater area for taller and/or denser vegetation to assist in softening the built form and view of the driveway area. The proposal instead incorporates 'grasscrete' at regular intervals along the driveway together with a lightweight pergola with creepers in order to reduce impervious surfaces and provide the appearance of a green environment.

The proposal fails to provide dedicated visitor parking spaces; however, this is alleviated by the provision of an excess in on-site parking spaces per dwelling and the availability of on-street parking. Given a combination of 1 and 2 bedroom dwellings are proposed, the availability of car parking opportunities is considered to appropriately meet the demand generated by the residential flat building.

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: 100/2021/579 for a three storey residential flat building comprising eight dwellings with associated car parking and landscaping at 301 Sturt Road, Sturt, 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. The proposal is to be updated to specify proposed sound attenuation measures to reasonably satisfy Suburban Activity Node Zone Principle 9, such as insulation, double-glazed windows and doors, and the selected measures are to be clearly specified on proposed plans.

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 granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
4. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
5. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.

**HOME**

6. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
7. 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.
8. 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.

***DIT CONDITIONS***

9. The access shall be designed and constructed in accordance with the site plan produced by Building Design and Project Management, Job No. 031.20, Rev. F, dated 27 July 2021.
10. All vehicles shall enter and exit Sturt Road in a forward direction.
11. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
12. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Sturt Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

**5. APPEALS UPDATE  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 06 OCTOBER 2021**



**5.1 APPEALS AGAINST PANEL DECISIONS**

***New Appeals***

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
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***On-going Appeals***

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
100/2020/ 2362	411 Morphett Rd, Oaklands Park	9/6/2021	APPROVE	REFUSE	Hearing scheduled for 19/10/2021: Preliminary argument on whether compromise proposal has changed the essential nature of development
100/2020/534	341 Diagonal Road, Seacombe Gardens	22/3/2021	REFUSE	REFUSE	Conference scheduled for Friday, 12 November 2021 at 9:15am

**5.2 APPEALS AGAINST DELEGATED APPLICATIONS**

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
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**6. POLICY OBSERVATIONS  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 06 OCTOBER 2021**

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Verbal Update to be Provided

[HOME](#)