

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 6 November 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

30 October 2019

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 06 NOVEMBER 2019
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATING PROCEDURES

3. APPLICATIONS

- 3.1** 211 Sturt Road Seacombe Gardens
Change in land use from dwelling to consulting room with associated car parking, landscaping
and freestanding advertisement sign
Report Reference: CAP061119 - 3.11
- 3.2** 5 Ranger Street, Hallett Cove
Torrens Title Land Division - 1 into 2 Allotments
Report Reference: CAP061119 - 3.211
- 3.3** 65 to 67 Woodend Road Sheidow Park
Torrens Title Land Division - 2 into 28 allotments with associated earthworks, retaining walls,
public road and pump station
Report Reference: CAP061119 - 3.324

4. OTHER BUSINESS

5.1 APPEALS UPDATE

5.2 POLICY OBSERVATIONS

**6. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 06 NOVEMBER 2019**

7. MEETING CLOSURE

**REPORT REFERENCE: CAP061119 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 November 2019**



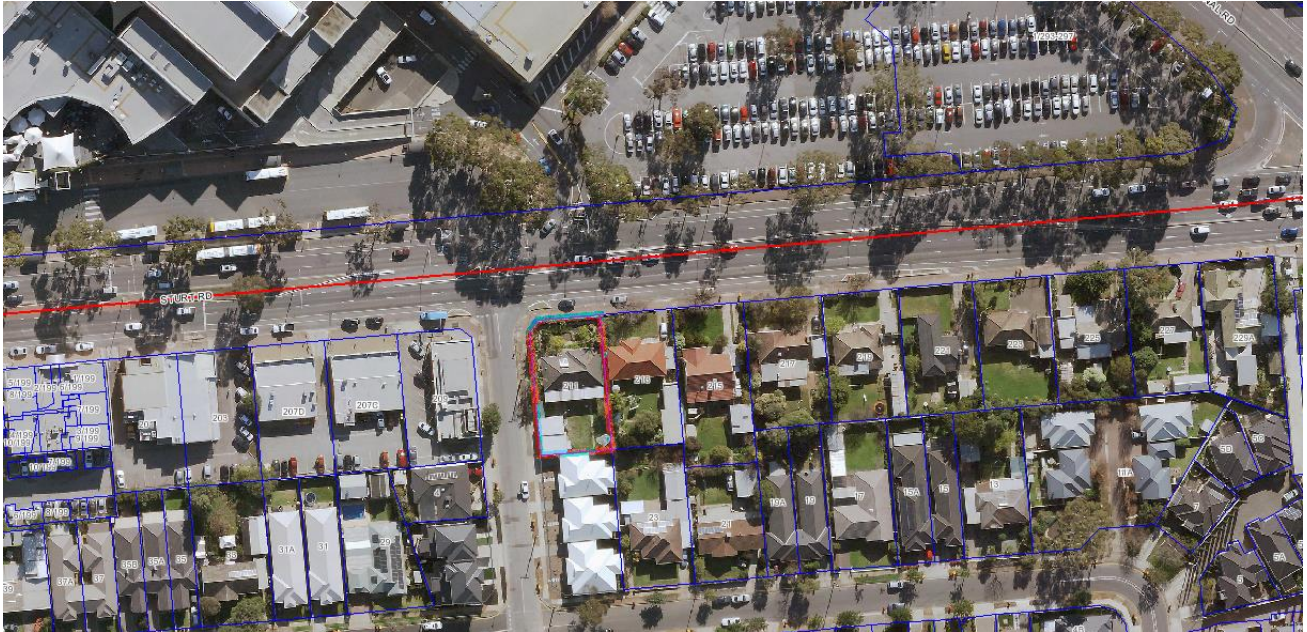
Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Panel Line Constructions
Development Description:	Change in land use from dwelling to consulting room with associated car parking, landscaping and freestanding advertisement sign
Site Location:	211 Sturt Road, Seacombe Gardens
Zone:	Commercial Zone
Policy Area:	Regeneration Policy Area 16
Lodgement Date:	15/10/2018
Development Application Number:	100/2018/1941
Development Plan:	Consolidated – 20 February 2018
Referrals:	Nil
Delegations Policy:	4.1.2 Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.
Categorisation:	Category 3 Not defined by the Development Plan or the <i>Development Regulations 2008</i> , and not considered minor in nature pursuant to Schedule 9, Part 1 – 2(g).
Recommendation:	That Development Plan Consent be GRANTED subject to a Reserved Matter and 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>

SUBJECT LAND

The subject land is 211 Sturt Road, Seacombe Gardens, which comprises a site area of 677 square metres, a frontage width of 16.25 metres and site depth of 36 metres. The subject land contains an existing dwelling in good condition, landscaping within the front yard and garage off the side street (Glamis Avenue). The subject land is flat with no discernible slope there are no Regulated Trees present. Access is presently obtained from Glamis Avenue via a double width crossover.

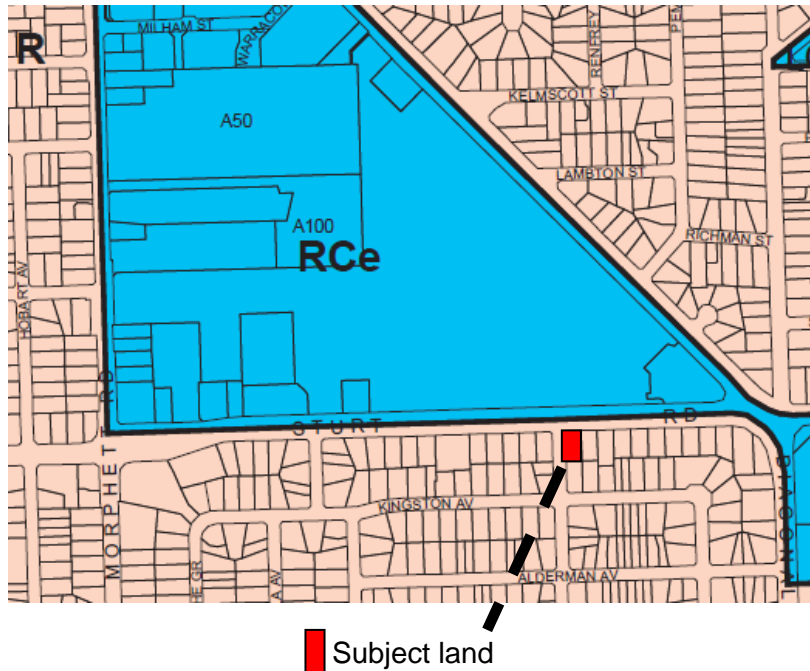


LOCALITY

The locality features a mixture of commercial and residential properties, including Westfield Marion Shopping Centre (situated in a Regional Centre Zone) and mixture of consulting rooms, shops and a bank (each of which are situated in a Residential Zone) to the west of the subject land.

Residential properties are present east to south-west of the subject land and feature detached, row and semi-detached dwellings at low densities which are representative of the original dwelling stock, with infill development having occurred in numerous areas.

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



THE PROPOSAL

The application proposes to change the existing use of the land from a dwelling into a consulting room, and to construct an associated car park area, including landscaping, sliding gate and freestanding advertisement sign. Nine car parking space are proposed at the rear of the site which require alterations to the existing access point.

Procedural Matters

Classification

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

Categorisation

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

Public Notification



Properties Notified	12
Representations	1 representation received opposing the development
Persons wishing to be heard	Mr D Alcorn
Applicant Response	No written response to the representation was received; however, amended plans were submitted to Council comprising the inclusion of a sliding gate across the car park area. The representor has been made aware of these amendments and advised they remain opposed to the development.

Referrals

Development Engineer (Internal):

Referred to the Development Engineer to review the traffic/parking assessment supplied by the applicant. Engineer advised that they are satisfied with the proposal, including parking space widths and manoeuvring areas.

ASSESSMENT

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

1. Whether the proposed use of an office is considered appropriate within a Residential Zone.
2. Whether the proposal poses an unreasonable impact on the amenity of the area.
3. Whether there are sufficient on-site car parking spaces for the proposed use.

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

Residential Zone

Objectives

- 1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.
- 2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.

Principles of Development Control

Land Use

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

ZONE AND POLICY AREA CONSIDERATIONS

The Regeneration Policy Area 16 remains silent on non-residential development. This notwithstanding, the Residential Zone identifies consulting rooms as an envisaged land use, provided they 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.

The main considerations of the suitability of the use surround the question as to whether it is of a small scale, including the intensity of the proposal and the built form outcomes. It is worthy to acknowledge the total floor area of the building does not exceed the maximum 150sqm cap, which would result in the application forming a non-complying development. This notwithstanding, it is important to have regard to the locality and what consequences come as a result of the proposal

When regard is had to the locality, it is acknowledged the site is situated adjacent an arterial road and non-residential land uses, including Westfield Marion Shopping Centre and a variety of commercial properties directly to the west of the subject land.

The locality is not considered to be of a typical residential setting. The proposal assists in providing transition from the existing commercial buildings to the traditional residential setting to the east / south-west. It is also acknowledged the built form exists and the proposal does not result in additional floor area. It is clear the characteristics of the locality in this instance differ. As such, it is my opinion that this aspect of the proposal can be considered small in scale.

The proposed use as a consulting room, will assist in serving the needs of the community and is consistent with the character of the locality. Despite the subject land being sited adjacent a Residential Zone (east to west in a clockwise direction), the character of the locality does not provide a traditional residential setting. Given the Zone anticipates the form of development proposed, combined with characteristics of the locality, it is my opinion that the development can be considered small scale and will not unreasonably impact on the amenity of nearby residents.

AMENITY CONSIDERATIONS

While the site has some interface with residential properties along Sturt Road and Glamis 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 AND HOURS OF OPERATION

The proposal is considered to remain in accordance with the desired outcomes of the Development Plan by limiting the hours of operation from 8:00am until 6:00pm each day of the week. The hours of operations are outside of normal sleeping hours and the use of the building as a consulting room will not create unreasonable noise impacts, particularly when regard is had to that generated by traffic along the arterial road network. The level of separation from nearby residential properties is considered appropriate to minimise any amenity impacts attributed to noise and hours of operation.

The proposal also incorporates 2.1 metre high fencing adjacent the new car park area, which is considered to assist in minimising vehicle related noise upon the adjacent residential properties. This notwithstanding, given the hours of operation, I do not believe any noise generated from the car park will unreasonably impact the amenity of nearby sensitive land uses.

WASTE COLLECTION AND STORAGE

The anticipated waste generated from the site does not extend beyond standard office/dental materials and equipment. Council's collection services will be sufficient for the removal of waste from the site along with an EPA licensed waste transporter. The method of waste disposal is to be carried out in accordance with the noise limits referenced in the Environment Protection (Noise) Policy 2007.

TRAFFIC

The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and the modification 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 proposal aims to utilise a modified access point off Glamis Avenue, which is considered to reduce traffic overflow to the adjacent arterial road networks.

The proposal will see an increase in vehicle movements at the rear of the site; however, it is my opinion that any noise generated from the location of the parking area will not cause unreasonable impacts upon nearby residential properties. The hours of operation are limited to day time hours, such that any vehicle movements or 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 adjacent land uses.

The car parks meet the relevant Australian Standards, which has been reviewed buy by Council's Development Engineer, who has formed the opinion that from a traffic safety point of view, the proposal is satisfactory.

VEHICLE PARKING

Based on the total floor area of the building, the Development Plan calls for a minimum 11 parking spaces (based on a rate of 10 spaces per 100sqm). The proposal provides 9 spaces in total, failing to satisfy the minimum by 2 spaces.

Despite the deficiency in on-site parking, it is worthy having regard to the internal floor layout of the building, noting approximately 35sqm is allocated for toilet facilities and kitchen space, areas which do not generate a demand for car parking. Further, the subject land is situated a short distance from the Marion bus Interchange (north of the subject land), which will increase accessibility to the site. These characteristics of the building and locality indicate that some discount can be afforded to the provision of on-site parking for the proposal.

Notwithstanding the above, it is my opinion that the provision in on-site parking is not considered fatal to the ability of the site to function appropriately and that the spaces shall meet typical peak parking demands generated by the proposal. It is not anticipated that patrons visiting the site will need to rely on the adjacent road network for vehicle parking.

To this end, I am reasonably satisfied the availability of on-site parking 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

It is acknowledged the subject land features landscaping within the front yard of the building which can be retained by way of a recommended Condition. The plantings provided throughout the car park area are appropriately located to ensure vehicle turning areas are maintained. The provision of landscaping is an improvement to the appearance of the site and streetscape compared to that which exists and will assist in softening the appearance of car parking areas.

CRIME PREVENTION

It is acknowledged the proposal has been amended to include a sliding gate and 2.1m high fencing around the car park area. This is considered to assist with crime prevention and access to the car park area outside of business hours.

ADVERTISEMENT DISPLAY

The freestanding advertisement display is appropriately located and of dimensions which are not considered to jeopardise the safety of passing motorists. The sign assists in defining the use of the subject land and does not result in clutter when viewed from the streetscape.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to the suitability of the use and crime prevention have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

The proposal displays a number of areas in compliance with the Development Plan. Non-residential uses that serve the local community and are consistent with the character of the locality are envisioned by the Residential Zone. It is considered that the proposal assists in meeting these needs and has been demonstrated that it shall not detrimentally impact the amenity of nearby residents in terms of noise, traffic or hours of operation.

Interface between adjacent land uses have been appropriately addressed through limitations on hours of operation, built form outcomes and separation from nearby residential uses. Modifications to the access point are appropriately located and will see no disruption to traffic flows. Further, the number of on-site parking is considered to meet the likely peak demand of the facility, without the need to rely on adjacent land uses or the local road network.

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 a Reserved Matter 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. 100/2019/1941 for a change in land use from dwelling to consulting room with associated car parking, landscaping and freestanding advertisement sign at 211 Sturt Road, Seacombe Gardens be GRANTED subject to the following Reserved Matter and Conditions:

RESERVED MATTERS

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

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

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

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2019/1941, except when varied by the following conditions of consent,
2. The hours of operation of the premises shall be restricted to the following times:
 - 8:00 am to 6:00 pm of each day of the week.
3. 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.
4. 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.

5. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
6. 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.
7. 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.
8. 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.
9. 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.
10. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
11. 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.

**REPORT REFERENCE: CAP061119 – 3.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 November 2019**



Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	City of Marion
Development Description:	Torrens Title Land Division - 1 into 2 Allotments
Site Location:	5 Ranger Street, Hallett Cove
Zone:	Residential Zone
Policy Area:	Foothills and Seaside Policy Area 23
Application Type:	Category 1 / Merit
Lodgement Date:	30/08/2019
Development Plan:	Consolidated – 15 August 2019
Referrals:	State Commission Assessment Panel SA Water
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>
Application No: SCAP No.	100/2019/1438 100/D148/19
Recommendation:	That Development Plan Consent, Land Division Consent and Development Approval be GRANTED subject to conditions

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plan</i>
<i>Attachment III:</i>	<i>Map of nearby public open space</i>

SUBJECT LAND

The subject land is located to the western side of Ranger Street in Hallett Cove. The site maintains a frontage of 26.37 metres, a depth ranging from 22.01 metres on the southern side and 30.48 metres on the northern side and an overall allotment area of approximately 695 square metres.

The site maintains a slight fall descending down west to east with a grade of approximately 1-in-10.

The land contains several trees of varying species. A Holly Oak, located in the middle of the site is deemed to be regulated, however, a valid approval currently exists which allows the removal of the tree.

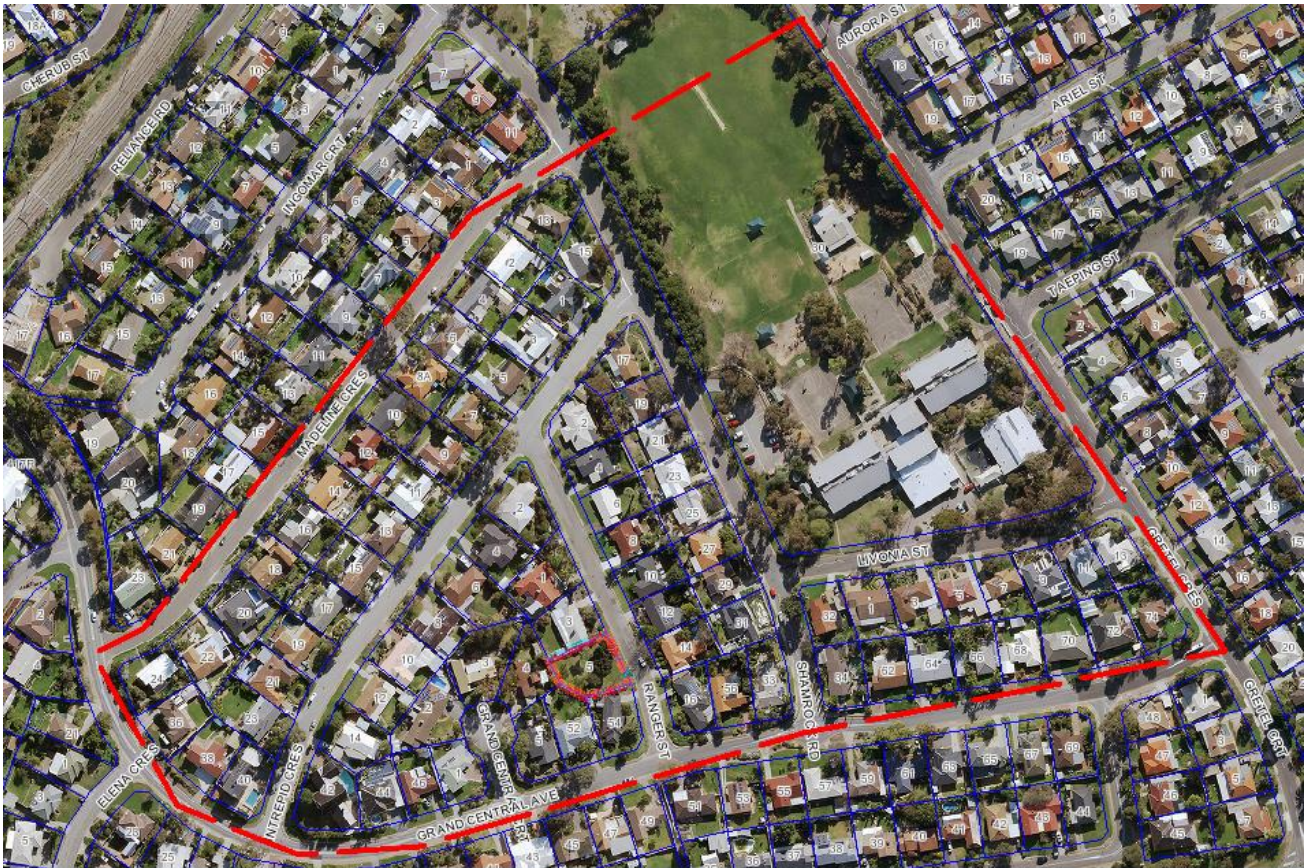
The land is currently owned by the City of Marion. At a General Council Meeting on 12 December 2017, Council passed a resolution to enable the revocation and disposal of the reserve.



LOCALITY

The locality is typically defined by single storey detached dwellings on large allotments. The gazettal of the Housing Diversity DPA has resulted in a change to the Policy Area from Southern Policy Area 18 to the new Foothills and Seaside Policy Area 23.

The subject allotment is approximately 1km from Hallett Cove Beach Train Station (which provides direct access to the Adelaide CBD) and is within 350m away from Shamrock Road Reserve and Hallett Cove South Primary School. The Hallett Cove Shopping Centre is approximately 2km away.



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

THE PROPOSAL

The application proposes to divide the land into two allotments for the purposes of maintaining two detached dwellings in future.

Allotment 1 is a rectangular shaped allotment with a frontage width of 11.48m and a depth of 30.48m.

Allotment 2 maintains a frontage width of 14.89. The northern and southern boundaries are not equal in length with the northern boundary displaying a length of 30.48m then reducing in length to 22.01m on the southern boundary.

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.

The application has been delegated to the CAP as the Manager – Development and Regulatory Services has determined that due to the application's significant or controversial nature (i.e. land owned by the City of Marion), the application warrants assessment by the Panel.

Referrals

State Commission Assessment Panel (SCAP)

The SCAP did not raise any 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

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

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

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

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.

Hills and Seaside Policy Area 23

Objectives

- 1 A policy area primarily comprising low scale, low density housing.
- 2 Development which is sensitive to the particular topography of the locality
- 3 Development that reflects good residential design principles.
- 4 Development that contributes to the desired character of the policy area.

Proposal consider to adequately satisfy the intent of applicable Provisions.

Desired Character

This policy area encompasses the residential area at Hallett Cove. Land is typically undulating with some areas of steeper terrain. The existing character of streetscapes is largely derived from single-storey detached dwellings built since the 1960s, which incorporate generous front and rear setbacks. Two storey dwellings of a larger scale have become more predominant in areas closer to the coast with sea views and occasionally on elevated sites with views of the Adelaide metropolitan area.

The desired character of the policy area is an attractive residential area comprising predominantly low density dwellings exhibiting a variety of architectural styles. Future development of land within the policy area will contribute to a mix of housing densities and housing types to improve housing diversity when compared to the existing housing stock. In particular, higher densities are anticipated to occur in close proximity to centres, public transport routes and public open spaces and on land with minimal gradient.

Natural features within the policy area warrant protection from inappropriate development and earthworks, and include the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including the Hills Face Zone and coastal land.

The allotments are proposed to accommodate the construction of detached dwellings.

The smaller allotments, although not typically seen within the locality, will contribute to increasing the mix of housing types and densities within the Hallett Cove area.

The smaller site areas are considered to be appropriate as the land is within 2km of the Hallett Cove Shopping Centre, public transport and public open space.

When taking into consideration the site area, the slope of the land and site configuration and locality attributes, it is considered that dwellings which meet the relevant provisions of the Development Plan can be accommodated should a land use application be lodged and its merits assessed.

Principles of Development Control

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

- affordable housing
- domestic outbuilding in association with a dwelling
- domestic structure
- dwelling including a residential flat building
- dwelling addition
- small scale non-residential use that serves the local community, for example:
 - child care facility
 - health and welfare service
 - office
 - open space
 - primary and secondary school
 - recreation area
 - shop
- supported accommodation.

Satisfies

The allotments proposed will accommodate detached dwellings which are an envisaged form of development in the locality.

Quantitative Snapshot

Requirement			Proposed		
	Detached dwellings				
Allotment Dimensions					
Area	Site Gradient	Min site area	Standard value	Allotment 1	Allotment 2
	Less than 1-8	350m ²	350m ²	Satisfies 350m ²	Does not satisfy 345m ²
	More than 1-in-8	400m ²			
Frontage	Less than 1-in-8	10	10	Satisfies 11.48m	Satisfies 14.89m
	More than 1-in-8	12			
Depth	20		20	Satisfies 30.48m	Satisfies 22.01 (minimum)

Assessment

The requirements for allotment 1 have been satisfied.

Allotment 2, falls 5 square metres (1.4%) short of the minimum site area requirements. Notwithstanding that this is a minor shortfall, the allotment satisfies the requirements for frontage width and depth and as such, in my view, this minor shortfall would not be apparent when viewed on the street once a dwelling was sited on the land.

In my opinion, the disparity is not so large that it would affect the ability to design a dwelling which satisfies the numerical requirements for detached dwellings.

Land Division

Objectives

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

Satisfies

The 'Revocation and Disposal of Community Land' report identified that the subject land was under-utilised as a reserve and served no useful purpose to the community. There are three other reserves within 500 metres of the site with a greater range of amenities (see attachment III).

The proposed land division will make optimum use of the land by creating residential allotments for the construction of detached dwellings on the land and contribute to a mix of dwelling types and densities within the locality.

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

Satisfies

The allotments are of a size which are considered to be appropriate for detached dwellings.

3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure

Satisfies

The land division integrates with the existing residential land uses on the subject land and in the locality, utilises existing road linkages and has the potential to share existing and proposed stormwater and road infrastructure.

Principles of Development Control

1 When land is divided:

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

Satisfies

SA Water has not raised any concerns regarding the supply of water or the ability to dispose of wastewater and sewerage.

Stormwater management can be determined at land use stage however, it is considered that this should be effective disposal is able to be achieved.

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

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

Satisfies

The proposed allotments are considered to have a frontage width and depth which can support the development of detached dwellings.

The allotments have frontage to a public road, the sewer requirements can be met and the allotments do not straddle more than one policy area or precinct.

The site maintains a gentle slope, however, it is not considered that any earthworks on the site would be excessive, particularly if the proposed dwellings were to be designed incorporating a split in the built form.

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

Satisfies

10 Allotments should have an orientation, size and configuration to encourage development that:

- (a) minimises the need for earthworks and retaining walls
- (b) maintains natural drainage systems
- (c) faces abutting streets and open spaces
- (d) does not require the removal of existing native vegetation to facilitate that development
- (e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.

Satisfies

The sites have an orientation and configuration that will not result in excessive earthworks and retaining walls, will be able to maintain natural drainage, is street facing, does not require removal of native vegetation and will not detrimentally affect the setting of the surrounding locality.

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

Satisfies

Both allotments have widths in excess of the 10m minimum which will assist in achieving the minimum setback requirements from southern side boundaries.

Conclusion

The proposed allotments maintain a size, frontage width and depth that, in my opinion, would be able to accommodate detached dwellings that could achieve reasonable compliance with the Development Plan criteria applicable to residential Development.

Despite the allotments being smaller than what currently exists in the locality, the proposed allotments still represent low scale, low density development.

Whilst it is noted that the site areas and frontage widths are not typical in the locality, a recent Policy Area change in the Development has seen detached dwelling allotment sizes decrease from 420m² down to 350m² and frontage widths decrease from 14m down to 10m. As such, subdivision from one allotment into two allotments has been limited until recently.

It is my opinion that the allotments could support the development of two smaller detached dwellings within the locality and increase the dwelling types available within the area. Despite one of the allotments falling 5m² short of the minimum, I am of the view that this will not inhibit the ability for the allotment to contain a dwelling that satisfies the requirements of the Development Plan.

Accordingly, the proposal is considered to display consistency with the Desired Character, Objectives and Principles of the Development and worthy of support.

Recommendation

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent, Land Division Consent and Development Approval for Development Application No: 100/1438/2019 (SCAP REF 100/D148/19) for a Torrens Title Land Division - 1 into 2 Allotments at 5 Ranger Street Hallett Cove be Granted subject to the following conditions:**

Conditions

DEVELOPMENT PLAN CONSENT

- 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.100/2019/1438 (100/D148/19) except where varied by the following conditions of consent.**
- 2. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**

LAND DIVISION CONSENT

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

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

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 \$7616 into the Planning and Development Fund (1 allotments @ \$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. 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.**

**REPORT REFERENCE: CAP061119 – 3.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 06 NOVEMBER 2019**



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 3.3 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.