

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 20 MAY 2015**

1. OPENING OF MEETING

2. APOLOGIES

3. APPLICATIONS:

- 3.1 293-297 DIAGONAL ROAD, OAKLANDS PARK**
Variation to Development Application 100/2007/48 (as subsequently varied by 100/2387/2010, 100/1297/2012 and 100/2014/1536) - To undertake development in four stages: Stage 1A: Fresh Food Precinct and to undertake modifications to the loading facility for the proposed mini-major tenancy in the Fresh Food Precinct and amendment to the refuse storage area; Stage 1B: Dining Precinct, Duplicate Mall (ground floor - eastern end), Freestanding Tenancy, Pedestrian Boulevard and Car Parking; Stage 1C: Relocation of Tenancy, Completion of Duplicate Mall (ground floor) and Car Parking; Stage 2: Level 2 Duplicate Mall and Car Parking
DAP200515 – 3.1.....1
- 3.2. 2 SELGAR AVENUE, CLOVELLY PARK**
A building for the purposes of a warehouse and light manufacturing (exceeding 10m in height) with associated office component, showroom, car parking and landscaping
DAP200515 – 3.2.....89
- 3.3 30 PORTLAND AVENUE, STURT**
One two-storey dwelling incorporating a garage wall on the western boundary (Lot 1) and two single storey dwellings to the rear (Lots 2 and 3)
DAP200515 – 3.3.....147
- 3.4 22 GREENASCHE GROVE, SEACOMBE GARDENS**
Land Division Residential Community 1 into 5 allotments
DAP200515 – 3.4.....214
- 3.5 22 GREENASCHE GROVE, SEACOMBE GARDENS**
To construct five (5) dwellings, including a two storey dwelling to the front of the site and four single storey dwellings to the rear in a hammer head configuration with an associated driveway, on-site parking and landscaping.
DAP200515 – 3.5.....227

4. OTHER BUSINESS:

4.1 APPEALS UPDATE

4.2 POLICY OBSERVATIONS

**5. CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL
HELD ON 20 MAY 2015**

6. CLOSURE

DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 May 2015

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| Agenda Ref No: | DAP200515 – 3.1 |
| Originating Officer: | Rhiannon Hardy Development Officer - Planning |
| Applicant: | Scentre Group |
| Development Description: | Variation to Development Application 100/2007/48 (as subsequently varied by 100/2387/2010, 100/1297/2012 and 100/2014/1536) - To undertake development in four stages: Stage 1A: Fresh Food Precinct and to undertake modifications to the loading facility for the proposed mini-major tenancy in the Fresh Food Precinct and amendment to the refuse storage area; Stage 1B: Dining Precinct, Duplicate Mall (ground floor - eastern end), Freestanding Tenancy, Pedestrian Boulevard and Car Parking; Stage 1C: Relocation of Tenancy, Completion of Duplicate Mall (ground floor) and Car Parking; Stage 2: Level 2 Duplicate Mall and Car Parking |
| Site Location: | 293-297 Diagonal Road, Oaklands Park |
| Zone: | Regional Centre Zone |
| Precinct: | Precinct 10 Retail Core Marion and Precinct 11 Retail Support Marion |
| Application Type: | Category 2 / Consent |
| Lodgement Date: | 12/03/2015 |
| Development Plan: | Consolidated – 13 March 2014 |
| Application No: | 100/2015/417 |
| Recommendation: | Development Plan Consent (Granted) |

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 Part 2 18(c) of the Development Regulations 2008, which assigns any development in a Centre Zone as Category 2 development where the site of the proposed development is adjacent to land in a different zone.

Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel (DAP).

The application also requires determination by the DAP given that it seeks a variation to an application previously determined by the DAP. Although the physical form of the proposed development will not be altered by the proposed variation, it is the opinion of administration staff that the variation may compromise or undermine the DAP's decision given that the proposed staging will result in a shortfall in on-site car parking at Stage 1A. The purpose of staging is to enable each stage to be acted upon independently of one another and without reliance upon a subsequent stage commencing. As such, it cannot be guaranteed that car parking proposed in a subsequent stage will be constructed to compensate for additional retail floor area constructed in a preceding stage. Given that the DAP have not previously considered a shortfall in car parking in any of the preceding development applications for the shopping centre additions, it is administration's view that the subject variation application should be considered and determined by the DAP.

BACKGROUND

The original development application 100/48/2007 was lodged with Council in January 2007, which sought for *"Alterations and additions to the Westfield Marion Shopping Centre including approximately 18,275 square meters of additional retail floor space, additional decked car parking to the north of the Centre and adjacent to diagonal road and removal of three significant trees"*. The application was subject to Category 2 notification and four representations were received. Development Plan Consent was granted on 15 August 2008 subject to 27 conditions of consent and two Reserved Matters.

The original development application was subsequently varied by development application 100/2387/2010, which proposed reconfiguration of the additions and alterations, new free standing "Bowland" and the staging of the development in two stages. This variation was granted Development Plan Consent on 6 April 2011.

A further variation application 100/1297/2012 proposed *"... an increase in floor area from 18,152 square metres to 19,213 square metres, creation of new dining precinct fronting Diagonal Road, amendments to the internal layout of the centre, enlargement and amendments to decked car parking areas and undertaking of the development in two stages"*. This application was granted Development Plan Consent by the DAP on 3 October 2012.

In September 2014 a further variation application 100/2014/1536 sought *"Amendments to Stage 1 outdoor dining precinct, fresh food precinct and amendments to tenancies and car parking"* and was subsequently approved by Council's DAP on 10 December 2014. The consent included validity for a period of five years from the date of Development Plan Consent, being 10 December 2014, lapsing on 10 December 2019.

The subject application was lodged on 12 March 2015, which effectively seeks to separate the previously approved Stage 1 into three separate stages. The applicant has advised that the Scentre Group (formerly Westfield Limited) have committed with specific anchor tenants to open a tenancy located within the fresh food precinct proposed in Stage 1A in February 2016. In order for the development to be completed by this scheduled opening date, the applicant has advised that they wish to commence construction by the end of May 2015.

In order expedite the assessment process, the applicant has lodged a second "Option 2" variation application (100/2015/576) on 2 April 2015. This application includes the Level 1 mezzanine car park within Stage 1A. This means that sufficient additional on-site car parking is proposed within each stage of the development to cater for the increase in floor area, in accordance with the ratios recommended in Table Mar/2 of the Marion Council Development Plan. This application was granted Development Plan Consent on 28 April 2015 under delegated authority, as it was not considered to undermine or compromise the previous decision of the DAP.

However, the subject application remains the applicant's preferred "Option 1" approach, with Stage 1A comprising the fresh food precinct retail expansion only, with no additional car parking.

SUBJECT LAND & LOCALITY

The subject land comprises Westfield Marion Shopping Centre, which is the largest shopping centre outside the Adelaide Central Business District and the retail and recreational focus for the southern suburbs of Adelaide.

The subject land comprises the largest focal point within the 'Domain', a triangular area of land bound by three arterial roads, namely Diagonal Road to the east, Sturt Road to the south and Morphett Road to the west.

The shopping centre currently comprises 132,222 square metres of gross leasable floor area, including two full-line department stores, four discount department stores, two supermarkets, nine 'mini major' stores, 270 speciality shops, an office tower, food court and restaurants, 26-cinema complex and other entertainment facilities surrounded by at-grade and decked car-parking. A bus interchange, partly on the subject site is located to the immediate south of the centre.

Adjoining the subject site and contained within the 'Domain' are other retail uses such as fast food restaurants, stand-alone retail facilities such as a paint centre and a liquor outlet, a large Bunnings Warehouse outlet, the Domain Medical Centre, Council's Cultural Centre, the State Aquatic Centre, GP Plus and various government agencies.

The wider locality, namely land fronting the above-mentioned arterial roads contains a mixture of commercial land uses (including a small office/shopping precinct fronting Sturt Road opposite the existing bus interchange), together with residential land uses including older, primarily single storey dwellings interspersed with more recent, predominantly two storey medium density residential developments.

Refer Attachment I

PROPOSED DEVELOPMENT

The nature of this application relates to the staging of the previously approved development which comprises splitting the previously approved Stage 1 into three further stages, namely Stages 1A, 1B and 1C.

Proposed Stage 1A Works:

Stage 1A will result in an incremental retail floor area increase of 3,080 square metres and a net reduction of 168 on-site parking spaces, which results in an overall car parking rate of 3.9 spaces per 100 square metres of total shopping centre floor space (or 4.2 spaces per 100 square metres excluding cinemas).

The Stage 1A works comprise the redevelopment of the fresh food precinct at the western end of the shopping centre on the ground floor. The application also includes amendment to the loading facility adjacent the mini-major tenancy in this area and amendment to the refuse storage area, in order to facilitate more efficient vehicle movements. This amendment has been discussed in further detail in the traffic report by MFY dated March 2015 (enclosed in Attachment II of this report).

Proposed Stage 1B Works:

Stage 1B will result in an incremental retail floor area increase of an additional 5,960 square metres and an incremental increase of an additional 618 on-site parking spaces at a rate of 10.37

spaces per 100 square metres of the proposed additional floor area (equalling 4.1 spaces per 100 square metres of total shopping centre floor space, or 4.5 spaces per 100 square metres excluding cinemas).

The Stage 1B works comprise:

- the development of the new dining precinct adjacent to Diagonal Road;
- construction of the first section of the ground level duplicate mall at the eastern end of the shopping centre;
- construction of the new freestanding tenancy adjacent the boulevard;
- construction of the pedestrian boulevard; and
- construction of parking spaces on Level 1 Mezzanine 1 car park, Mezzanine 2 car park.

Proposed Stage 1C Works:

Stage 1C will result in an incremental retail floor area increase of an additional 3,411 square metres and an incremental increase of an additional 355 on-site parking spaces at a rate of 10.41 spaces per 100 square metres of proposed additional floor area (equalling 4.3 spaces per 100 square metres of total shopping centre floor space, or 4.65 spaces per 100 square metres excluding cinemas).

The Stage 1C works comprise:

- relocation of Big W;
- completion of the ground level duplicate mall linking through to the fresh food precinct; and
- construction of parking spaces on Level 2.

Stage 2 – Balance of Works:

Stage 2 will comprise of the balance of works resulting in the retention of the existing north western car park ramp and associated reconfiguration of the car parking and the Level 2 pedestrian link above the café court. This stage remains consistent with that previously approved by the DAP.

Refer Attachment II

PUBLIC NOTIFICATION

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| Properties notified: | Approximately 180 owners and occupiers of adjoining land were notified of the proposed development. |
| Representations: | <p>Two valid representations were received during the public consultation process: 1 in favour, and 1 primarily in favour.</p> <p>Two invalid representations were also received from parties whom did not represent “adjacent land” pursuant to the definition in Part 1 – 4(1) of the Development Act 1993, and therefore were not directly notified by Council through the Category 2 notification process.</p> |
| Persons wishing to be heard: | Neither of the valid representors wish to be heard. |
| Summary of representations: | <p>Valid representations</p> <ul style="list-style-type: none">• Not supportive of the Stage 1 development which results in a shortfall in car parking, however supportive of the Stage 1 development if Stage 2 is completed. |

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| | <ul style="list-style-type: none"> It is preferable that there is integration between the adjacent Council owned land and the Westfield land for pedestrian, cycle and vehicular traffic. <p style="text-align: right;"><i>Refer Attachment III</i></p> <p><i>Note: For the DAP members' information, the invalid representations were received from the South Australian Aquatic and Leisure Centre (SAALC) and GP Plus. These representations raised concerns regarding:</i></p> <ul style="list-style-type: none"> <i>The timeline/schedule for all proposed works</i> <i>Question the intent to introduce paid car parking</i> <i>LMA dictates that the SAALC and GP Plus must provide overrun car parking and must not charge for parking</i> <i>Westfield Marion customers will use the SAALC and GP Plus car parking areas to avoid paying for parking elsewhere</i> <i>SAALC have events scheduled for 2015-2016 which plan to use the nested area within Westfield, at cost, to implement the traffic management plan intended by the LMA. The proposed development may interfere with the provision of car parking for these events.</i> |
| <p>Applicant's response:</p> | <p>Valid representations:</p> <p>Stage 1A proposes the construction of 3,080 square metres of additional floor space without the construction of any additional parking. Whilst Stage 1A would not provide car parking at the rate of 5 spaces per 100 square metres of net additional floor space (in accordance with the Development Plan guidelines), the application was submitted with clear evidence that the additional floor space could be accommodated without resulting in a practical shortfall of car parking, in that the existing provision of car parking can accommodate the resultant demand generated by the additional floor space. Accordingly we submit that there is no shortfall in car parking associated with Stage 1A based on the projected demand for car parking identified by MFY traffic engineers.</p> <p>The nature of this application does not change any of the previously approved connections between Westfield and Council's land. The previous applications (as varied) maintain both pedestrian, vehicular and cyclist connections between the shopping centre and Warracowie Way, albeit should be noted that the Council land does not currently afford rights of way in favour of the shopping centre land. Accordingly we submit that the Scentre Group in the design of the previously approved development maintains the opportunities for such connections and that it is the Council land which has the potential to restrict such access.</p> <p>Invalid representations:</p> <p>The matters raised in the invalid representations do not</p> |

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| | <p>relate to the nature of the development application currently before Council which is expressly for the variation to the staging of the proposed development and do not impact on any ongoing Land Management Agreements (if relevant), nor the introduction of automated parking structures which are the subject of a separate Development Plan Consent.</p> <p>It should be further noted that the existing approval for the automated parking structures associated with controlled parking, the subject of the separate Development Plan Consent, includes the SA Aquatic Centre and GP Plus land as co-applicants.</p> <p style="text-align: right;"><i>Refer Attachment IV</i></p> |
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GOVERNMENT AGENCY REFERRAL

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| Department of Planning, Transport and Infrastructure (DPTI): | The proposed staging of the development is not considered to alter the nature of movement through vehicle access points on arterial roads. The car park layout remains essentially the same as that previously considered by DPTI in the previously approved application, and therefore referral to the Commissioner of Highways has not been undertaken in accordance with Schedule 8 of the Development Regulations 2008. |
| Development Assessment Commission (DAC): | The proposed variation application does not propose an increase in the retail floor area, only that which was previously approved. As such, referral to DAC is not required by Schedule 8 of the Development Regulations 2008. |

INTERNAL DEPARTMENT COMMENTS

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| Engineering: Con Theodoroulakes | I am of the view that the methodology used by MFY for the selection of Stage 1A [floor area] based on existing car park capacity, when factoring in reduced (albeit more frequent) peak parking demands, is reasonable. Ultimate car parking provision will result in substantial increase in level of car park service and unchanged for existing Development Application. |
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DEVELOPMENT ASSESSMENT

The proposal's compliance with the objectives, desired character and principles of development control of the Regional Centre Zone remains essentially the same as the previous proposal (Development Application 100/2014/1536). The subject variation application proposes staging of the previously approved works, and therefore built form remains consistent with that previously approved (with exception to minor amendments to the loading dock adjacent the proposed mini-major tenancy). As such, the proposal's merits in relation to economic development and land use, built form and appearance, amenity, environment and access and movement remain the same as that previously considered by the DAP. For more information regarding these aspects of the proposal, members can refer to the DAP agenda for the meeting of 10 December 2014.

The primary focus of the current assessment is to consider whether each proposed stage (namely Stage 1A, 1B and 1C) adequately comply with the Development Plan individually. Given that the built form of each stage remains the same, the key issue is whether sufficient car parking is provided at each stage of the development to compensate for the proposed increase in floor area. As such, the below assessment will focus on whether the proposed development stages adequately comply with the Development Plan in relation to car parking.

The relevant principles of development control of the Marion Council Development Plan are listed and assessed below:

General Section: Transportation and Access: PDC 34

Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.

Table Mar/2: Shop = 5 per 100 square metres (where located within a centre).

The following table summarises the total floor area and total number of car parks provided at each proposed stage of the development.

| Stage | Total floor area (square metres) | Total car parking spaces | Ratio (car parking spaces divided by floor area) | Ratio (excluding cinema floor area) |
|----------|----------------------------------|--------------------------|--|-------------------------------------|
| Existing | 132,222 | 5,438 | 4.11 spaces per 100 m ² | 4.49 spaces per 100 m ² |
| 1A | 135,302 | 5270 | 3.89 spaces per 100 m ² | 4.24 spaces per 100 m ² |
| 1B | 141,262 | 5888 | 4.17 spaces per 100 m ² | 4.52 spaces per 100 m ² |
| 1C | 144,673 | 6243 | 4.32 spaces per 100 m ² | 4.67 spaces per 100 m ² |
| 2 | 151,435 | 6482 | 4.28 spaces per 100 m ² | 4.62 spaces per 100 m ² |

For clarity, the additional retail floor area and car parking proposed at each development stage is outlined in the table below:

| Stage | Additional floor area (square metres) | Additional car parking spaces | Ratio (car parking spaces divided by additional floor area) |
|--------------|---------------------------------------|-------------------------------|---|
| 1A | 3080 | - 168 | - 5.45 spaces per 100 m ² |
| 1B | 5960 | + 618 | 10.37 spaces per 100 m ² |
| 1C | 3411 | + 355 | 10.41 spaces per 100 m ² |
| 2 | 6762 | + 239 | 7.97 spaces per 100 m ² |
| Total | 19,213 | + 1044 | 5.43 spaces per 100 m² |

It is evident that Stages 1B, 1C and 2 of the proposed development each incorporate additional car parking at a rate equivalent to or exceeding 5 spaces per 100 square metres of additional floor area (including lost spaces and increased demand), and therefore not only comply with the relevant provisions of the Development Plan, but also improve the current car parking provision on the subject land from what currently exists.

Stage 1A, however, will result in a loss of 168 car parks, with no additional car parking provided. Given that 3080 square metres of additional retail floor area is proposed in Stage 1A, Table Mar/2 would suggest that an additional 154 on-site car parking spaces should be provided to cater for increased demand from these additions. When combined with the actual loss of car parking spaces from the additional floor area, this results in a deficit of 322 car parking spaces at Stage 1A. As such, there is a distinct shortfall in on-site car parking when Stage 1A is assessed independently.

It is important to note that the existing shopping centre currently provides car parking at a rate of 4.1 spaces per 100 square metres (or 4.49 spaces per 100 square metres excluding cinemas). Given that Council's Development Plan recommends a car parking rate of 5 spaces per 100 square metres of floor area, the existing situation at the centre fails to meet the recommended car parking ratio. The additional deficit in car parking at Stage 1A will provide a car parking rate of 3.89 spaces per 100 square metres (4.24 spaces per 100 square metres excluding cinemas).

The applicant has provided a traffic and parking report by MFY which discusses the reduced car parking rate at Stage 1A of the development. MFY suggests that the current ratio of 5 spaces per 100 square metres prescribed by the Development Plan is higher than the anticipated demand. The following observations and conclusions are offered in the report:

- There is evidence that larger shopping centres generate a lower demand per square metre than smaller centres (the rate for a centre greater than 30,000 m² is 30% lower than the rate applied to a smaller centre).
- The existing shopping centre does not have a provision of 5.0 spaces per 100 m². The current provision is 4.1 spaces per 100 m². The extension of an existing centre will not result in an increased demand for that expansion.
- Typical peak parking demand periods have varied since the deregulation of trading hours. This has resulted in the demand being distributed over more peak periods with lower ultimate peaks being realised.
- On-line trading has had a significant impact on shopping centre traders, and as such, parking demand.
- It is not appropriate to provide parking to cater for the absolute (Christmas) trading peak, but should cater for the typical peak trading period in November. Detailed parking surveys completed at Westfield Tea Tree Plaza Shopping Centre in 2012 estimated a typical peak parking demand of 3.9 spaces per 100 m². Surveys taken at West Lakes Shopping Centre also identified a peak parking demand equal to 3.9 spaces per 100 m².
- Taking into consideration the impact of the car park by Stage 1A and applying the rates identified during the Tea Tree Plaza and West Lakes surveys, it is estimated that 3,100 square metres of gross leasable floor area could be developed at Stage 1A, while still maintaining adequate on-site car parking to satisfy the typical peak demand for the shopping centre.

Council's Development Engineer has reviewed this report by MFY and finds the methodology employed by MFY to assess the car parking demand at Stage 1A as reasonable.

As such, while the car parking scenario at Stage 1A clearly does not comply with the Marion Council Development Plan, expert evidence suggests that a dispensation ought to be permitted to Development Plan criteria.

General Section: Transportation and Access: PDC 36

Vehicle parking areas should be sited and designed to:

- (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development*
- (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network*
- (c) not inhibit safe and convenient traffic circulation*
- (d) result in minimal conflict between customer and service vehicles*
- (e) avoid the necessity to use public roads when moving from one part of a parking area to another*
- (f) minimise the number of vehicle access points onto public roads*
- (g) avoid the need for vehicles to reverse onto public roads*
- (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points*
- (i) not dominate the character and appearance of a site when viewed from public roads and spaces*
- (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas*
- (k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.*

The proposed variation remains consistent with the previous consent in relation to pedestrian/bicycle links, traffic circulation, access points and landscaping. The proposed changes to the loading facility and refuse storage area are considered appropriate. MFY have deemed the amendments compliant with the relevant Australian Standards, as the amendments have been designed to have less impact on the adjacent parking area and to enable access for the refuse collection vehicle.

Part (h) of PDC 36 encourages shared use of car parking to reduce the total extent of vehicle parking areas.

The shortfall in car parking identified in the preceding section of this report nominates two different figures; including and excluding the floor area of the cinema complex.

It is reasonable to assume that the cinema's peak times of operation would occur when most retail shops within the shopping centre are closed (i.e. Friday and Saturday nights, public holidays). PDC 36 would therefore suggest that car parking should not necessarily be applied for both the cinema and shopping centre floor area at the same time. Consequently, a car parking ratio somewhere in between the two quoted ratios is considered to provide a reasonable and practical estimate of likely car parking demand.

General Section: Interface Between Land Uses: PDC 1

Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
- (b) noise*
- (c) vibration*
- (d) electrical interference*
- (e) light spill*
- (f) glare*
- (g) hours of operation*
- (h) traffic impacts.*

The shortfall in on-site car parking may detrimentally affect the amenity of the locality as a result of traffic impacts from car parking and traffic overspill from the subject land. It is common knowledge that vehicle parking results in overspill and parking on nearby land and residential streets in the Christmas holiday period. It is likely that the additional deficit of 322 car parking spaces arising from the proposed Stage 1A will result in increased traffic impacts being experienced within the locality. The question to consider is whether this results in "unreasonable interference" with respect to PDC 1.

MFY have suggested that it is inappropriate for shopping centres to cater for the anticipated peak car parking demand during the Christmas period, and that the car parking maintained at Stage 1A will adequately cater for the typical peak demand in November. This rationale suggests that demand will exceed supply at other times of the year including the Christmas period, school holidays, hot weather, etc.

The Development Plan does not suggest that the typical peak November period should be applied in the provision of off-street car parking, but rather that development should provide off-street vehicle parking *“to meet anticipated demand”* (PDC 34 Transportation and Access). This wording suggests that the absolute Christmas holiday peak should be catered for.

This being said, it is also acknowledged that the centre would have a surplus of car parks for a majority of the year if the development catered for the maximum likely number of anticipated vehicles. The over-provision of car parking would encourage the uptake of private vehicle transportation to the centre instead of more sustainable transport options. This outcome would be contradictory to some of the core objectives of the Regional Centre Zone and General Section: Transportation and Access, which encourage the use of sustainable transport options such as walking, cycling and public transport. The following objectives are worthy of note (emphasis underlined):

General Section: Transportation and Access

Objective 1: A comprehensive, integrated, affordable and efficient air, rail, sea, road, cycle and pedestrian transport system that will:

(a) provide equitable access to a range of public, community and private transport services for all people

(b) ensure a high level of safety

(c) effectively support the economic development of the State

(d) have minimal negative environmental and social impacts

(e) maintain options for the introduction of suitable new transport technologies.

Regional Centre Zone

Objective 2: A centre providing a focus for public transport interchanges and networks.

The Regional Centre is strategically located near the Oaklands Train Station and contains a major bus transfer station. Given that the site is accessible from major public transport routes, it is appropriate to allow a dispensation for on-site car parking. However, given that the current car parking situation already fails to meet the ratio recommended by the Development Plan, it is questionable whether a further dispensation is warranted.

It is pertinent to note that the further dispensation applies to Stage 1A only. If the proposed development is enacted in full, the shopping centre will provide additional on-site car parking which exceeds the current car parking provision, and therefore will enhance compliance with the Development Plan's car parking ratios beyond the current situation. The risk presented with the proposed staging application relates only to whether Stage 1A should be permitted to exist with a net shortfall of 322 car parking spaces for an indefinite period, and whether this risk is balanced by the knowledge that car parking provision will be improved if the centre expands any further.

These considerations demonstrate that the argument is finely balanced. However, ultimately, the rationale of expert advice of Traffic Engineers regarding traffic and car parking is accepted. While the proposal may result in traffic impacts on adjacent land, this level of interference is not considered to be of such a severe nature to be deemed unreasonable. On balance, the shortfall in car parking at Stage 1A of the development is not considered to warrant refusal of the application.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to the shortfall in car parking at Stage 1A has been considered in the body of this report.

The representor has also raised concerns over pedestrian, cycle and vehicular links within the development. Given that these aspects of the proposal have not been altered as part of the proposed variation, a planning assessment under the Development Act 1993 does not allow consideration of these matters for the subject variation application, and hence are outside the scope of this assessment.

It is noted that two invalid representations were received from parties who were not classified as "adjacent land" pursuant to the Development Act 1993 (GP Plus and SAALC). The concerns raised in these representations cannot be formally considered as part of the assessment of the subject application. Nonetheless, the concerns raised do not relate to the relevant assessment considerations for the subject staging application, for the following reasons:

- The concerns raised in relation to paid car parking relate to a different development application (100/2011/1687), for which the Development Assessment Commission was the relevant authority. This application has no bearing on the assessment of the subject application.
 - The nested area referred to in the invalid representation from SAALC was considered by DAC in application 100/2011/1687 for paid car parking. If this nested area cannot be delivered, a variation to this previous application must be sought. As such, the nested area has no bearing on the assessment of the subject staging application.
 - The Land Management Agreement (LMA) cited in the representations relates to agreement between the Minister for Recreation, Sport and Racing and the City of Marion, which relates to the construction and operation of the SAALC and GP Plus building. The LMA car parking obligations require the provision of 106 spaces for use by the City of Marion within the GP Plus and SAALC land (although the location of these spaces was not defined). The LMA does not relate to car parking within the Westfield Shopping Centre, and therefore has no bearing on the subject application.
 - The provision of overrun car parking for events at the SAALC is not specified within the LMA, and therefore the subject application does not specifically contravene any obligations of the LMA.
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ANALYSIS/CONCLUSION

The proposed staging application fails to satisfy the Marion Council Development Plan due to the total shortfall of 322 car parking spaces at Stage 1A of the proposed development (including actual spaces lost and increased demand). However, all subsequent stages of the development not only satisfy, but exceed the on-site car parking rate of 5 spaces per 100 square metres prescribed by Table Mar/2.

This shortfall at Stage 1A has been considered by Traffic Consultant MFY, who have advised that the shopping centre will still provide sufficient on-site car parking to meet the typical peak demand (in November) at Stage 1A. This conclusion has been based on surveys of Tea Tree Plaza and West Lakes shopping centres, as well as interstate studies which suggest that larger shopping centres have a reduced demand for car parking. It was also noted that online shopping and deregulation of shopping hours have further reduced the demand for on-site car parking.

The shortfall in car parking at Stage 1A will result in traffic impacts on the locality, particularly in the absolute peak period surrounding Christmas. However, MFY suggests that this extent of impact is reasonable, and that the subject land should not provide on-site car parking to cater for the absolute peak demand. Ultimately, the expert evidence of the Traffic Engineer MFY is accepted.

It is also acknowledged that the subject land is well serviced by public transport, and therefore the expansion of the centre should evolve in a manner which promotes uptake of sustainable transport options, and discourage private vehicle usage. By this logic, an excess of car parking on the land for a majority of the year would jeopardise some of the key objectives of the Development Plan (and the Planning Strategy for Metropolitan Adelaide).

Although the assessment is finely balanced, it is my view that the proposed staging of the development adequately accords with the relevant provisions of the Development Plan.

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.

Note: The reserved matters and conditions of consent recommended below have been modified to take into consideration the proposed staging of the application.

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;
- (c) Development Plan Consent, for Stages 1A, 1B, 1C and 2, is valid for a period of 5 years from the date of Development Plan Consent; and
- (d) That Development Plan Consent for Development Application No: 100/2015/417 for Variation to Development Application 100/2007/48 (as subsequently varied by 100/2387/2010, 100/1297/2012 and 100/2014/1536) - To undertake Development in Four Stages: Stage 1A: Fresh Food Precinct and to undertake modifications to the loading facility for the proposed mini-major tenancy in the Fresh Food Precinct and amendment to the refuse storage area; Stage 1B: Dining Precinct, Duplicate Mall (ground floor - eastern end), Freestanding Tenancy, Pedestrian Boulevard and Car Parking; Stage 1C: Relocation of Tenancy, Completion of Duplicate Mall (ground floor) and Car Parking; Stage 2: Level 2 Duplicate Mall and Car Parking, at 293-297 Diagonal Road, Oaklands Park be GRANTED subject to the following Reserved Matters and conditions of consent:

Reserved Matters:

- (1) A Design Road Safety Audit shall be undertaken of the whole of the site, including assessment of the internal car park, pedestrian movements, lighting and access arrangements, prior to the issue of Development Approval to Stage 2. Any amendments that are proposed will require the further consent of Council.
- (2) An additional acoustic report shall be provided, for consideration and approval, prior to Development Approval being issued for Stage 2, assessing the effect of the construction of the deck car park and extension to the food court upon noise emanating from the outdoor dining precinct and any treatments required to reduce such impacts to acceptable levels.

Conditions of Consent:

- (1) The development shall proceed in accordance with the amended plans and details submitted with and forming part of Development Application No. 100/2015/576, including;
 - i. Drawings Numbered DA-01 to DA-29 (inclusive), Revision 6 and dated as received by Council on 2 April 2015;
 - ii. Landscape Concept Plan prepared by oxigen, being Drawing Number 14.043.101 dated 29.09.14;
 - iii. Landscape Master Plan (drawing no. 210.172.01 Revision A, received 15 November 2010) and Pedestrian Boulevards – Detailed Plan (drawing no. 210.172.02 Revision A, received by Council 15 November 2010) prepared by Herkes Landscape Architects, together with supporting documentation including Crime Prevention Strategy dated 26 July 2007 prepared by Westfield Limited and the car parking analysis; and
 - iv. Traffic and Parking report by MFY report dated March 2015 and received by Council on 12 March 2015.

- v. Report by Greg Vincent of MasterPlan dated 29 April 2015 and received by Council on 30 April 2015.
- (2) The outdoor dining precinct shall be limited to the following operating hours, and shall not incorporate any amplified music;
12:00pm, Sunday to Thursday; and
1:00am (the following day), Friday and Saturday
 - (3) The proposal shall satisfy relevant EPA noise criteria through the adoption of all acoustic treatment measures as recommended in the report prepared by 'Sonus Pty Ltd', dated 14 December 2006. All acoustic treatment required as per the abovementioned report shall be installed prior to each stage of the development becoming operational.
 - (4) A detailed design shall be provided prior to full Development Approval being issued for Stage 2 that demonstrates to Council's satisfaction that the new parking for people with disabilities standard, detailed column locations and other suggested modifications recommended in Murray F. Young & Associates' Report, dated November 2010, and received by Council 15 November 2010, will be achieved.
 - (5) The 'wombat'/'zebra' crossing, provided adjacent the plaza space of the outdoor dining precinct, shall be constructed at the same level and of materials (but contrasting colour) with the plaza.
 - (6) A revised Landscape Master Plan for the whole of the site shall be provided to Council, for consideration and approval, prior to Development Approval being issued for Stage 1B, in general accordance with the oxygen Landscape Concept Plans 14.043.101 and the Landscape Master Plan, dated 10 November 2010, and which shall detail a covered focal point midway along the north-south pedestrian link, which shall include opportunities for public art and covered seating, such as that which would be provided by a gazebo or similar.
 - (7) The proposed Diagonal Road Traffic Control Layout dated 19 April 2007 (i.e. additional right turn in lane) shall be designed and constructed to the satisfaction of DPTI with all costs (design, construction and project management) being borne by the applicant. Prior to undertaking the detailed design, the applicant must discuss this matter with Ms Catherine Magraith, Senior Consultant Traffic Engineer, Metropolitan Region, telephone (08) 8226 8325.
 - (8) All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
 - (9) Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
 - (10) All landscaping areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon.
 - (11) That Tree Protection Zones (TPZ) be established around the trees to be retained prior to the construction of the proposed development, and all works in the vicinity of the trees be carried out in accordance with the report and recommendations contained within the report prepared by Arbortech Tree Services Pty Ltd, dated 20 December 2005.

- (12) All trees to be retained shall be protected from damage during construction in accordance with the 'Tree Management Report', prepared by Herkes & Associates, dated November 2006 and recommendations contained on page 9 of the above-mentioned report, to the satisfaction of Council and until such time as the construction work in the vicinity of each tree has been completed.
- (13) Prior to the issue of the Development Approval for car parking associated with Stage 1A, a "way finding" plan shall be furnished to Council which details how the decked car-parking areas, the subject of the respective stages of the development, will be colour and number coded to assist motorists.
- (14) The rock seating proposed on the north-south pedestrian link shall be spaced at minimum distance of 60 metres excepting where the pedestrian link is under the proposed and existing decks.
- (15) All car parking spaces shall be line-marked or delineated in a distinctive fashion prior to occupation of the premises, with marking maintained in a clear and visible condition at all times.
- (16) Entry to and exit from the subject site and direction of traffic flow within the site shall be clearly identified so as to ensure safe and convenient traffic movement at all times.
- (17) 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.
- (18) Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
- (19) Onsite parking shall be designed in accordance with the Australian/New Zealand Standard 2890.2:2004 and the facilities for commercial vehicles shall conform to AS 2890.2 – 2002.
- (20) Internal road network intersections shall be signposted with 'give way' and 'stop' signs so as to minimise vehicle conflicts.
- (21) New bicycle racks shall be positioned in accordance with the applicant's (MasterPlan) correspondence to Council dated 24 April 2007 and shall be respectively installed prior to the opening of each stage of the Centre additions. On-site bicycle parking facilities shall be designed in accordance with AS 2890.3-1993 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles (1999). Details of the bicycle racks location shall be shown on the building plans to Council's satisfaction, prior to the issue of Development Approval for each stage.
- (22) Any pedestrian links into the site shall be safe and convenient.
- (23) All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
- (24) All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.
- (25) All external lighting of the site, including car-parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as to not cause loss of amenity to any person beyond the site to a reasonable satisfaction of Council.

- (26) Pedestrian walkways on the subject site shall be adequately lit and such lighting shall be maintained at all times, to the reasonable satisfaction of Council.**
- (27) The glazing to the food court shall comprise low reflectivity glass with a reflectance figure not exceeding 8%.**
- (28) Designated trolley bays shall be secured at night-times to prevent theft and/or vandalism.**
- (29) Details of the proposed rainwater retention tanks (including a report outlining where the rainwater will be utilised) shall be furnished to Council prior to the issue of Development Approval to Stage 2 and shall be installed prior to the opening of the Centre additions.**
- (30) All waste and other rubbish shall be screened from public view to the reasonable satisfaction of the Council.**

NOTES:

- (1) The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act for any new building works located within 6.0 metres of the requirements outlined in DTEI's correspondence dated 24 January 2011.**
- (2) No hoardings, flags, flashing lights, bunting or other advertising devices or signs are to be erected or displayed on the site unless Development Approval is obtained from the Council pursuant to the Development Act 1993.**
- (3) Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.**
- (4) Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.**
- (5) All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**
- (6) Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development, to the reasonable satisfaction of the Council. (A suggested measure is to install a gravelled construction exit with wash down facilities).**
- (7) Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

- (8) Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- (9) Approval from DPTI is to be obtained for any stormwater connection to an existing Side Entry Pit in a Main Road.**

Attachments

Attachment I: Aerial photograph and Site Locality Plan
Attachment II: Plans and Supporting Documentation
Attachment III: Statement of Representations
Attachment IV: Applicant's Response to Representations

DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 May 2015

| | |
|---------------------------------|---|
| Agenda Ref No: | DAP200515 – 3.2 |
| Originating Officer: | Joanne Reid Development Officer - Planning |
| Applicant: | Mr Scott Suter |
| Development Description: | A building for the purposes of a warehouse and light manufacturing (exceeding 10m in height) with associated office component, showroom, car parking and landscaping |
| Site Location: | 2 Selgar Avenue Clovelly Park |
| Zone: | Commercial Zone |
| Policy Area: | South Road Policy Area 2 |
| Application Type: | Category 3 / Non-complying |
| Lodgement Date: | 03/02/2015 |
| Development Plan: | Consolidated – 13 March 2014 |
| Application No: | 100/2015/181 |
| Recommendation: | Development Plan Consent (Granted) subject to concurrence from the Development Assessment Commission |

CATEGORISATION & DELEGATION

The subject application is a Non Complying form of development by virtue of the *Procedural Matters* section of the Development Plan which lists buildings greater than 2 storeys or 10 metres in height within the South Road Policy Area 2 as Non-complying. Decisions for Non-complying developments are delegated to the Development Assessment Panel for a decision.

As the nature of the development does not comprise a development listed under Schedule 9, Part 3 as a Non-complying development that could be classified as a minor form of development and therefore Category 1, the application was subject to Category 3 notification.

BACKGROUND

During the assessment process, Council staff requested the following information to further consider the merits of the proposal:

| Information Requested | Amendments Made |
|---|---|
| An explanation to why the height of the warehouse needed to be the height proposed (i.e. exceeding 10m). | Response received identifying that the height is based on the storage requirements of the tenant and the need to relocate shelving from another site. |
| Explanation of the suitability of the access in its proposed location given that a new access will be created and will result in the removal of a healthy non-regulated tree on the site. | Response received specifying that the proposed access was determined by the nature of the truck movements into and out of the site. |
| Provide a landscaping schedule which provides range of species, including eucalypts, to off-set the removal of the Lemon Scented Gum. | Landscaping schedule provided which incorporates a variety of trees, sedges and groundcovers including Eucalyptus Leucoxylon (SA Blue Gum). |

SUBJECT LAND & LOCALITY

The subject site is located at 2 Selgar Avenue in Clovelly Park. The site is a rectangular allotment with a frontage of 38m and a depth of 205.4m, culminating in a total site area of 4005 square metres.

The site currently contains an industrial building which has remained unused for a number of years. The site maintains a gentle fall towards Selgar Avenue and there are two trees located directly adjacent the front boundary, a Regulated River Red Gum in the centre and a Lemon Scented Gum which is slightly to the east of the River Red Gum.

There is an existing access point on the western side of the site and parking is restricted directly in front of the site on both sides of Selgar Avenue.

The site is located directly to the north of the former Mitsubishi site which is now under redevelopment and home to educational institutions, industrial and research uses. Part of the building directly behind the subject site is a doctor's surgery.

Selgar Avenue supports a variety of land uses. Fronting South Road is a car dealership on the southern side of Selgar Avenue and the Tonsley Hotel on the northern side with associated accommodation and car parking. The west of the subject site consists of predominantly industrial uses in the form of warehousing and manufacturing. Approximately 60m to the west of the subject side on the northern side of Selgar Avenue is a State Heritage Item known as 'Wattiparinga' and comprises a dwelling and vineyard.

Public transport to the site is limited to bus services on South Road. Whilst the Clovelly Park train station is approximately 700m 'as the crow flies', access can only be gained via the Tonsley Precinct and is currently inaccessible.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of a new building comprising three components, two 1000 square metre industrial-scale buildings, one for the purposes of light manufacturing and one warehouse and the third component being an office building for the administrative arm of the operations.

The industrial buildings are to be constructed of pre-cast concrete panels with a wall height of 12m and a total building height of 13.3m.

The ancillary office is a two storey building which incorporates a lobby, reception area and display space on the ground floor and open plan offices, meeting rooms and staff rooms on the upper floor. It comprises a total floor area of 602 square metres. There is a terrace area accessible from the staff room on the western side of the building.

A new access is proposed to be created on the eastern side of the site which will also result in the removal of a non-regulated tree. There are 39 car parking spaces proposed to the front and eastern side of the building.

The carpark will be paved and landscaped with a variety of species consisting of trees, shrubs and ground covers predominantly around the edge of the carpark.

Refer Attachment III

PUBLIC NOTIFICATION

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|-------------------------------------|---|
| Properties notified: | 6 properties were directly notified during the Category 3 public notification process and a notice placed in the 'Guardian Messenger'. |
| Representations: | 1 representation was received by Council. |
| Persons wishing to be heard: | The representor has indicated a desire to be heard personally. |
| Summary of representations: | <ul style="list-style-type: none">• Jarvis Totota has noticed a significant increase in traffic using Selgar Avenue.• The traffic increase has contributed to dangerous and congested traffic conditions and increased delays for traffic using the intersection with South Road.• Accidents have been a frequent occurrence.• The report addresses traffic using the proposed development but does not address the current traffic issues, nor do they deal with the impact this additional traffic will have on the intersection.• Jarvis is concerned that the additional traffic will add further to the dangerous and congested traffic conditions currently being experienced and impact our customers accessing the existing site. <p><i>Refer Attachment IV</i></p> |
| Applicant's response: | <ul style="list-style-type: none">• A letter in response to the above representation was provided by Frank Siow, Traffic and Parking Consultant.• Crash data from DPTI for the 5-year period between |

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| | <p>2010 and 2014 report 1 crash in Selgar Avenue, that being a vehicle leaving a parking space on the street.</p> <ul style="list-style-type: none"> • At the junction of South Road/Selgar Avenue, there have been 5 reported crashes over the 5-year period. • There is no evidence to suggest that accidents are a frequent occurrence or that dangerous conditions are present in Selgar Avenue. • The proposed use is a low traffic generating use. • The proposed development would generate 20 vehicle trips per hour during peak hour, which is considered to be a low traffic flow and as a consequence, the traffic impact on Selgar Avenue is considered to be minimal. • It should be noted that the subject site currently has an authorised land use similar to the proposal. • The traffic generated by this existing use would use Selgar Avenue and notwithstanding that the estimated increase in peak hour traffic flow was stated as 20 vph, the net increase in traffic flow is estimated to be much lower than 20 vph, having regard to the existing authorised use on the subject land. • A traffic survey undertaken in Selgar Avenue identified that during afternoon peak hour, queues in Selgar Avenue exiting to South Road were infrequent and up to a 3-vehicle queue was observed on 3 occasions only over the entire hour. • The delays to exiting vehicles were also noted to be of short durations with gaps created by the downstream traffic signals which provide opportunities for vehicles to exit Selgar Avenue. • Frank Siow does not agree that 'congested traffic conditions' exist at the Selgar Avenue junction. • Occasional delays experienced for exiting traffic during peak hour is not an uncommon experience in Adelaide due to the high traffic flows on the major road. <p style="text-align: right;"><i>Refer Attachment V</i></p> |
|--|---|

INTERNAL DEPARTMENT COMMENTS

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|---|---|
| Planning Officer - Arboriculture | <p>The River Red Gum is significant as it has co-dominant trunks totalling more than 3m.</p> <p>The tree is in poor condition. It has included bark in the union, borers and one third is dead. The tree should be removed as it presents a risk of sudden branch failure and has a short life expectancy.</p> <p>A 6m tree protection zone is required if it is to be retained.</p> <p>The Lemon Scented Gum is in 'OK' health but has an unbalanced structure. It is not regulated.</p> |
| Engineering: | <p>Satisfied with car park numbers, layout and traffic report in general.</p> <p>Stormwater disposal method and supporting calculations comply with requirements for stormwater infrastructure.</p> |

ZONE & POLICY AREA ASSESSMENT

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

| Commercial Zone | | |
|---|---|-----------------|
| <i>Objective 1</i> | <i>A zone accommodating a range of commercial and business land uses.</i> | Complies |
| <i>Objective 2</i> | <i>Development that minimises any adverse impacts upon the amenity of the locality within the zone.</i> | Complies |
| <i>PDC 1</i> | <i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> ▪ bulky goods outlet ▪ consulting room ▪ motor vehicle related business other than wrecking yard ▪ office ▪ petrol filling station ▪ service trade premises ▪ shop with a gross leasable area of 250 square metres or less ▪ store ▪ warehouse. | Complies |
| South Road Policy Area 2 | | |
| Objectives <ol style="list-style-type: none"> 1 <i>Development having traffic generating characteristics and design so as to not compromise the arterial road function of South Road.</i> 2 <i>Development comprising lower impact uses or activities to provide a transition between development fronting South Road and residential use in adjoining residential zones.</i> 3 <i>Development that enhances the appearance of the policy area, particularly the streetscape of the South Road corridor.</i> 4 <i>Development that contributes to the desired character of the policy area.</i> | | Complies |
| Desired Character <p><i>Development along South Road is highly commercialised and provides an important servicing role to local, neighbourhood and significant district and metropolitan wide population. It contains a major concentration of motor vehicle related uses, service trade premises and bulky goods outlets. Due of the importance of South Road as a major arterial road, new development must be consistent with its arterial road function.</i></p> <p><i>The intensity, floor size, scale and height of development needs to provide for an appropriate transition to residential uses, with medium levels away from residential zoning and low levels in near proximity to residential zones.</i></p> <p><i>The architectural style and finishes of building development will be varied and display high aesthetic qualities to enhance the visual character of the locality.</i></p> | | Complies |
| <i>PDC 1</i> | <i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ bulky goods outlet ▪ indoor recreation and leisure facilities ▪ light industry ▪ motor vehicle related activities ▪ service industry ▪ service trade premises ▪ small-scale office ▪ storage uses ▪ transport related activities ▪ wholesale uses. | Complies |

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|-------|--|--|---|
| PDC 2 | The gross leasable floor area of the following forms of development should be limited to that shown in the table below: | | Does Not Comply The office and administration component maintains a gross leasable floor area of 386m ² . |
| | Form of development | Maximum gross leasable floor area (square metres) | |
| | Consulting room | 250 | |
| | Office - north of Cross Road | 450 | |
| | Office - south of Cross Road | 250 | |
| | Restaurant | 300 | |
| | Shop (excluding restaurant, bulk goods outlet) | 150 | |
| PDC 4 | Buildings should not exceed 2 storeys or 10 metres in height above natural ground surface level, except where located within 20 metres of a residential zone in which case the building height should not exceed one storey or 6 metres. | | Does Not Comply The warehouse and industry component has a height of 13.3m. |
| PDC 5 | Development adjacent residential zones should incorporate all of the following: (a) a minimum 6 metre setback for buildings from the zone boundary (b) visual and acoustic buffer features (c) landscaped areas having a minimum width of 2 metres (d) 2 metre high fencing (e) screened or obscured building openings. | | Complies The land is not located adjacent a residential zone. |
| PDC 6 | Development should provide landscaped areas comprising at least 10 per cent of the site area and having a minimum width of 1 metre. | | Partially Complies Approximately 282m ² (7% of the total site) which comprises areas with a width of no less than 1m |
| PDC 7 | Development at Clovelly Park should be carried out in accordance with Concept Plan Map Mar/1 - Clovelly Park Centre and Commercial. | | The Concept Plan Map Mar/1 - Clovelly Park Centre and Commercial does not encompass Selgar Avenue. |
| PDC 8 | Development on sites fronting Janet Street should be orientated either to South Road or Janet Street, but not to York Avenue, with access points being carefully positioned to minimise the potential for traffic movement through the adjoining residential zones. | | The site does not front Janet Street, or York Avenue. |

The proposed development is considered to comprise several uses that are envisaged forms of development within the South Road Policy Area 2.

The primary function of the development is warehousing and storage of goods for a company which specialises in the design of healthcare related products that are distributed on a wholesale basis. The operations will also incorporate some light industry which will mainly involve manufacturing such as assembling of the goods and some minor fabrication work.

The site is adjacent commercial and industrial land and the nearest residential zone is located some 150m away, with the Tonsley Hotel land providing a buffer to the site. The land directly to the south, known as the 'Tonsley Precinct' is an Urban Employment Zone and whilst it is expected that there will be some residential development within the precinct, the Masterplan indicates that industry and manufacturing will be located behind the subject site whilst residential uses are expected to be located further west adjacent the train line. Accordingly, I anticipate that there will be negligible impacts on existing and future residential areas.

The nature of the use will bring with it vehicle and truck movements, however, I am of the view that it will not compromise the arterial function of South Road. Whilst it is noted that the only access to Selgar Avenue is from South Road, the traffic generated by the development will not be so excessive that the extent of additional traffic movements will not be able to be absorbed by South Road. Whilst this aspect will be further discussed in the 'Transportation and Access' section of this report, the applicant has supplied a report from a qualified traffic consultant

(Frank Siow) who has identified that the vehicle movements would have minimal impacts on Selgar Avenue and the adjacent South Road junction.

In addition to the industrial components of the development, the administrative arm of the business will also operate from the site with the construction of a purpose-built office building. The gross leasable floor area of 386m² is in excess of the 250m² minimum prescribed in the Development Plan for office uses that are located to the south of Cross Road.

However, despite the large size of the office space, it should be noted that the office functions are ancillary to the primary use of the business, that being manufacturing and storage. The office building is still considered to dwarf in comparison to the remaining two buildings which maintain a total floor area of 2000 square metres between them.

The 250 square metre limit, in my view, may be appropriate for a stand-alone office on a smaller site which has a South Road frontage, which may assist in restricting staff numbers and activities to limit vehicle movements on the site. However, in this circumstance, the site is over 4000 square metres, does not have access directly on to South Road and therefore the larger floor area is commensurate with the size of the land.

Notwithstanding this, the Industrial zoned land, two properties to the west of the site does not set limits on office space where it is ancillary to the industrial use. Subsequently, the ancillary office recently granted consent at 10 Selgar Avenue comprises a gross leasable floor area of three floors of 1037 square metres and 'Global Pumps', located at 12 Selgar Avenue has office space of 915 square metres.

To this end, the office space which is in excess of 250 square metres does not impact on the proposal's ability to meet the Objectives and Desired Character of the Policy Area, will not result in a dominant appearance on the site, particularly when compared to the scale of office buildings in the immediate locality, nor will it result in greater pressure on South Road with respect to traffic movements. Therefore, the proposed office building is considered acceptable.

The height of the industry and warehouse component notably exceeds the 10m Policy Area limit by some 3.3m (12m wall height plus gable pitch of 1.325m), this also being the trigger for a non-complying development. Similarly to the office floor area requirements, whilst a building of this size would appear out of kilter with many developments along South Road, there are several reasons why the size is considered to be acceptable in this instance, these being:

- The nearby industrial zone does not impose any height limits and a building on 10 Selgar Avenue, 4 sites west of the subject site, has been granted consent with a height of 12m. Therefore, the building will not be of a scale that will be dominant when compared to other buildings in the immediate locality.
- The heights of existing and proposed buildings within the Tonsley Precinct exceed 12m including the first of three planned buildings for Flinders University, the 'Siemens' building and the Drill Core Library and Research facility.
- The building is setback 41.2m from the primary street and located behind the administration building where it is displayed only slightly above. The section of the manufacturing building that can be seen on the eastern side of the site is setback some 80m from the street. The building's setback is considered to be at a distance which will minimise its intrusion on the street and landscaping around the perimeter of the site will soften the impact of the building form.
- The site is not located in close proximity to residential development and will therefore not result in any visual impacts, overshadowing or dominate the landscape.
- The Urban Employment Zone directly behind the subject site seeks for development within the zone to comprise buildings of various heights and in particular, low or medium-rise commercial/office buildings along the zone's frontage to South Road, with a *minimum* height of 2-storeys. As such, a building with a height in the vicinity of 12m could also be contemplated within the adjacent area directly to the south of the site.

From the applicant's perspective, the structure's height is based on the storage requirements of the tenant. The tenant's existing shelving would be relocated to this facility and the proposed height is based on the stackable height of the units and the estimated storage requirements of their operations now and in the future. A height of 10m would severely hamper the viability of the building for the proposed use.

Accordingly, despite the building height resulting in the proposal being non-complying, I am satisfied that the building height will not produce any unreasonable impacts upon adjacent properties or on the character of the locality and as such, the remaining merits of the proposal should continue to be assessed.

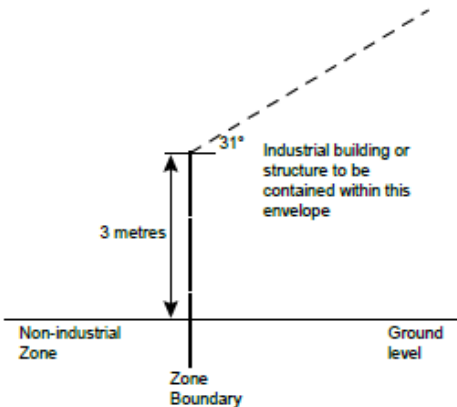
Landscaping will be provided on the site, calculated at approximately 7% of the site area. Although less than the 10% sought for the Policy Area, I still concede that the site is generously landscaped with no less than 1m wide landscape strips provided and wider areas provided at the front of the site and the retention of the regulated tree to complement the site and provide an attractive entrance. Further discussion will take place in the 'Landscaping, Fences and Walls' section of this report.

The proposal, in my view, is consistent with the majority of the Objectives and Principles and the Desired Character for South Road Policy Area 2. Whilst it is noted that the building exceeds 10m, I consider there to be sufficient merit to support this variation to the Development Plan.

DEVELOPMENT ASSESSMENT

The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

| Principles of Development Control | | Assessment |
|--|---|------------|
| Industrial Development | | |
| Objectives | <p><i>1 Industrial, warehouse, storage, commercial and transport distribution development on appropriately located land, integrated with transport networks and designed to minimise potential impact on these networks.</i></p> <p><i>2 Industrially zoned allotments and uses protected from encroachment by adjoining uses that would reduce industrial development or expansion.</i></p> <p><i>3 Industrial development occurring without adverse effects on the health and amenity of occupiers of land in adjoining zones.</i></p> <p><i>4 Compatibility between industrial uses within industrial zones.</i></p> <p><i>5 The improved amenity of industrial areas.</i></p> | Complies |
| <p>The proposed use is located in a zone where warehouse and light industry are deemed to be envisaged uses.</p> <p>The location near to a major road network will make distribution convenient, however the operations will not be of a nature where the traffic generated by the use will be to such an extent that it will significantly impair the function of South Road.</p> <p>The site is embedded between industrial uses, both next to existing and where future light industrial and manufacturing is desired within the Tonsley Precinct.</p> <p>The development will replace an existing warehouse which is in deteriorating condition and the building is a modern design which will enhance the amenity and appearance of the locality.</p> | | |

| | | |
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| PDC 1 | Offices and showrooms associated with industrial, warehouse, storage, commercial and transport development should be sited at the front of the building with direct and convenient pedestrian access from the main visitor parking area. | Complies The office and display area/showroom is in the building that is to be constructed in front of the industrial portion of the development. |
| PDC 2 | <p>Any building or structure on, or abutting the boundary of, a non-industrial zone (other than industrial development on or near the boundary between the Urban Employment Zone and Suburban Activity Node Zone) should be restricted to a height of 3 metres above ground level at the boundary and a plane projected at 31 degrees above the horizontal into the development site from that 3 metre height, as shown in the following diagram:</p>  <p>The diagram illustrates a height restriction at a 'Zone Boundary'. On the left is the 'Non-industrial Zone' and on the right is the 'Ground level'. A vertical line marks the 'Zone Boundary'. A horizontal line at 3 metres above ground level is labeled '3 metres'. From the top of this line, a dashed line extends at a 31-degree angle into the development site, labeled '31°'. A text box states: 'Industrial building or structure to be contained within this envelope'.</p> | <p>Does Not Comply</p> <p>The southern boundary adjoins the Urban Employment Zone and therefore this Principle does not apply to this boundary.</p> <p>In relation to the western boundary, the adjoining property is also of an industrial nature and the proposed building will be sited in a manner similar to development on that land, where the building maintains a consistent wall height for the entire development on the western boundary. Accordingly, I am of the view that the building is acceptable in the form proposed.</p> |
| PDC 3 | Industrial development should enable all vehicles to enter and exit the site in a forward direction, where practical. | Complies The car parking and access arrangements have been designed so that vehicles can enter and exit the site in a forward direction. |
| PDC 4 | Industrial development abutting an arterial road, a non-industrial zone boundary, or significant open space should be developed in a manner that does not create adverse visual impacts on the locality. | Complies The building has been designed with varying tones and finishes to provide relief along the adjoining zone boundaries of the Urban Employment Zone. |
| PDC 5 | <p>Building facades facing a non-industrial zone, public road, or public open space should:</p> <ul style="list-style-type: none"> (a) use a variety of building finishes (b) not consist solely of metal cladding (c) contain materials of low reflectivity (d) incorporate design elements to add visual interest (e) avoid large expanses of blank walls. | The walls will be constructed of precast concrete and will not be reflective or cause glare. |
| PDC 6 | Industrial development should occur in a manner that minimises significant adverse impact on adjoining uses due to hours of operation, traffic, noise, fumes, smell, dust, paint or other chemical over-spray, vibration, glare or light spill, electronic interference, ash or other harmful or nuisance-creating impacts. | Complies The building is located some 150m away from the nearest residential zone and are unlikely to be impacted by the proposed development. |

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| PDC 7 | <i>Landscaping should be incorporated as an integral element of industrial development along non-industrial zone boundaries.</i> | Complies The development incorporates landscaping to the boundaries of the car parking area. See discussion in the 'Landscaping, Fences and Walls' section. |
| PDC 8 | <i>Fencing (including colour-coated wire mesh fencing) adjacent to public roads should be setback in one of the following ways: (a) in line with the building façade (b) behind the building line (c) behind a landscaped area that softens its visual impact.</i> | There is no front fencing provided as part of the proposal. |

Design & Appearance

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| <p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p> | | <p>Complies</p> <p>The administration building is considered to be a modern, well-articulated building with good use of varying materials of different shapes, heights, colours and glazing to provide a visually interesting façade.</p> <p>The industrial buildings to the rear are to be constructed of precast concrete panels and painted in different tones with central banding and a steel framed canopy over the side access points. This relieves the monotony of a blank wall when viewed from the adjoining properties and public areas.</p> |
| <p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <ul style="list-style-type: none"> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i> <p><i>General Section: Design & Appearance: PDC 2</i></p> | | <p>Complies</p> <p>See below</p> |
| <p>The entire building is proposed to be located on the western boundary for a length of 76.6m. Boundary development is standard for industrial properties and the length and height is similar to other developments in the immediate locality.</p> <p>The visual impact is lessened by the varying tones and finishes of the boundary walls to the western side and the southern side which will both share boundaries with their respective side and rear neighbouring properties. In my view, this treatment provides adequate visual relief to minimise the visual impact from adjacent properties.</p> <p>In regards to overshadowing, whilst the building will create shadow, there are no windows on the building on the southern side (albeit, is likely to be removed as part of the Tonsley project) and the property to the west will receive shadow in the morning hours but will be free from shadow for the remaining hours of the day.</p> <p>Accordingly, I am of the view that the proposal satisfies Design and Appearance Principle 2.</p> | | |

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| <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p> | <p>Complies</p> <p>The construction of the building in predominantly painted pre-cast concrete is not a reflective material and will not result in glare to the neighbouring properties or distract drivers and cyclists.</p> |
| <p><i>Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.</i></p> <p><i>General Section: Design & Appearance: PDC 4</i></p> | <p>Complies</p> <p>Any plant equipment required would be roof mounted in a location to be determined and to minimise visibility from the street.</p> |
| <p>Overshadowing</p> <p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i> <p><i>General Section: Design & Appearance: PDC 9</i></p> | <p>Complies</p> <p>The proposal will have no overshadowing impacts on existing residential dwellings.</p> |
| <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i> <i>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i> <ul style="list-style-type: none"> <i>(i) half of the existing ground level open space</i> <i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</i> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i> <p><i>General Section: Design & Appearance: PDC 10</i></p> | |
| <p>Visual Privacy</p> <p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures: (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <ul style="list-style-type: none"> <i>(b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i> <i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i> <p><i>General Section: Design & Appearance: PDC 12</i></p> | <p>Complies</p> <p>The upper level of the administration building is located a substantial distance away from the nearest residential dwelling and views into habitable room windows or open space will be unlikely.</p> |

| <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p>General Section: Design & Appearance: PDC 16</p> | <p>Complies</p> <p>Landscaping and paved pedestrian zones will be designed in coordination with the car parking and will incorporate a range of trees, shrubs and grasses throughout the site to provide shade and enhance the visual attractiveness of the site.</p> | | | | | | | | | | | | | | | | |
|--|---|--|--|---------------------|---------------------------------|---------------------|--|-----------|-----------------------------|---------------------|--|---------------------|----------------------------------|---------------------|-----------------|----------|--|
| <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p>General Section: Design & Appearance: PDC 17</p> | <p>Complies</p> <p>The treatments provided to the western and southern elevations which incorporate two colour tones (a lighter and darker colour) separated by a central banding line is considered to eliminate the blankness in the wall and provide visual relief when viewed from adjoining properties.</p> | | | | | | | | | | | | | | | | |
| <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p>General Section: Design & Appearance: PDC 18</p> | <p>Complies</p> <p>The entrance of the administration building is clearly visible and pathways leading from the carpark to the entrance make it further apparent for visitors and staff.</p> | | | | | | | | | | | | | | | | |
| <p>Building Setbacks from Road Boundaries</p> <p><i>Except where specified in a particular zone, policy area or precinct, buildings and structures should be setback from road boundaries having regard to the requirements set out in <u>Table Mar/1 – Building Setbacks from Road Boundaries</u></i></p> <table border="1" data-bbox="204 1317 1125 1749"> <thead> <tr> <th data-bbox="204 1413 805 1473">Location of Road Boundary</th><th data-bbox="805 1413 1125 1473">Setback distance from road boundary (metres)</th></tr> </thead> <tbody> <tr> <td data-bbox="204 1473 805 1514">Within the Caravan and Tourist Park Zone</td><td data-bbox="805 1473 1125 1514">See zone provisions</td></tr> <tr> <td data-bbox="204 1514 805 1554">Within the Regional Centre Zone</td><td data-bbox="805 1514 1125 1554">See zone provisions</td></tr> <tr> <td data-bbox="204 1554 805 1594">Within Research Policy Area 7 located within the Industry Zone</td><td data-bbox="805 1554 1125 1594">10 metres</td></tr> <tr> <td data-bbox="204 1594 805 1635">Within the Residential Zone</td><td data-bbox="805 1594 1125 1635">See zone provisions</td></tr> <tr> <td data-bbox="204 1635 805 1675">Within the Suburban Activity Node Zone</td><td data-bbox="805 1635 1125 1675">See zone provisions</td></tr> <tr> <td data-bbox="204 1675 805 1715">Within the Urban Employment Zone</td><td data-bbox="805 1675 1125 1715">See zone provisions</td></tr> <tr> <td data-bbox="204 1715 805 1749">All other zones</td><td data-bbox="805 1715 1125 1749">8 metres</td></tr> </tbody> </table> | Location of Road Boundary | Setback distance from road boundary (metres) | Within the Caravan and Tourist Park Zone | See zone provisions | Within the Regional Centre Zone | See zone provisions | Within Research Policy Area 7 located within the Industry Zone | 10 metres | Within the Residential Zone | See zone provisions | Within the Suburban Activity Node Zone | See zone provisions | Within the Urban Employment Zone | See zone provisions | All other zones | 8 metres | <p>Complies</p> <p>The minimum setback required is 8m.</p> <p>The proposed setback is 28.8m and is therefore within the specified requirements.</p> |
| Location of Road Boundary | Setback distance from road boundary (metres) | | | | | | | | | | | | | | | | |
| Within the Caravan and Tourist Park Zone | See zone provisions | | | | | | | | | | | | | | | | |
| Within the Regional Centre Zone | See zone provisions | | | | | | | | | | | | | | | | |
| Within Research Policy Area 7 located within the Industry Zone | 10 metres | | | | | | | | | | | | | | | | |
| Within the Residential Zone | See zone provisions | | | | | | | | | | | | | | | | |
| Within the Suburban Activity Node Zone | See zone provisions | | | | | | | | | | | | | | | | |
| Within the Urban Employment Zone | See zone provisions | | | | | | | | | | | | | | | | |
| All other zones | 8 metres | | | | | | | | | | | | | | | | |

Interface Between Land Uses

Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
- (b) noise*
- (c) vibration*
- (d) electrical interference*
- (e) light spill*
- (f) glare*
- (g) hours of operation*
- (h) traffic impacts.*

General Section: Interface Between Land Uses: PDC 1

Complies

The proposed use, which is primarily storage with some light manufacturing, is not anticipated to generate unreasonable noise, pollution, vibration, electrical interference, light spill or glare.

Notwithstanding this, the site is surrounded by existing commercial and industrial activities as well as busy South Road and as such, the amenity impacts that may occur as a result of activities on the site are unlikely to directly impact on the adjacent properties and are also unlikely to be felt by the nearest residential area located approximately 150m away.

This includes the proposed operating hours where the manufacturing and warehouse component is sought to operate 24 hours per day, seven days per week.

In my view, noise will not only be restricted by the concrete cladding of the industrial component, there are also several other buildings between the residential area and the subject site which will buffer the noise generated from activities occurring on the subject site. Therefore, I am satisfied that the interface issues identified in Principle 1 will not further diminish the amenity upon the immediate locality or the nearby residential area.

With regards to traffic, there will be further discussion in the 'Transportation and Access' section of this report.

Transportation and Access

Land Use

Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.

General Section: Transportation and Access: PDC 1

Complies

The proposed development is located adjacent South Road, a major transport route, which will assist in the efficient distribution of goods to both north and south of Metropolitan Adelaide.

Movement Systems

Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport network.

General Section: Transportation and Access: PDC 2

Complies

The proposed development is situated on existing land near to a major road and is a use that will not generate vehicle movements that will detrimentally impact on the performance of South Road.

Development should provide safe and convenient access for all anticipated modes of transport.

General Section: Transportation and Access: PDC 8

Complies

The applicant's traffic consultant has reviewed the proposal and identified that the parking layout and access has been designed to enable both vehicles and a 19m semi-trailer to enter and exit the site in a forward direction.

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| <p><i>Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</i></p> <p><i>General Section: Transportation and Access: PDC 11</i></p> | <p>Does Not Comply</p> <p>Despite there only being one access point, on-street car parking is currently unavailable in front of the site. However, I am of the view that there will be sufficient off-street car parking to offset the lack of on-street car parking.</p> |
| <p><i>Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.</i></p> <p><i>General Section: Transportation and Access: PDC 12</i></p> | <p>Complies</p> <p>Selgar Avenue is a cul-de-sac that is only able to be entered via South Road, Therefore there is no access to the street via residential streets.</p> |
| <p><i>Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.</i></p> <p><i>General Section: Transportation and Access: PDC 13</i></p> | <p>Partially Complies</p> <p>See below</p> |
| <p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p> | |
| <p>All loading and unloading of trucks will be capable of being undertaken on-site.</p> <p>The majority of deliveries will be undertaken by rigid trucks that will be able to move about the site with ease similar to a motor vehicle.</p> <p>However, occasionally, a 19m semi-trailer may be utilised that will have to enter the site in a forward direction, manoeuvre within the space set aside for this purpose, reverse into the warehouse area, then enter the site in a forward direction.</p> <p>The traffic consultant has indicated however, that it would be staff vehicles parked in the eastern aisleway of the site and the movements would not impact or inconvenience staff parking due to the low turnover which is restricted to people arriving in the morning and leaving at the end of the business day.</p> <p>Furthermore, as the reversing of the truck will not be undertaken directly within the parking area and a separate bay has been allocated, I do not anticipate that the vehicles using the northern car park area will be substantially inconvenienced, particularly given that larger trucks of this nature will not be a frequent occurrence.</p> <p>To this end, I agree with the applicant's traffic consultant who is of the opinion that adequate servicing has been provided for the development.</p> | |
| <p>Cycling and Walking</p> <p><i>Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:</i></p> <p><i>(a) showers, changing facilities and secure lockers</i></p> <p><i>(b) signage indicating the location of bicycle facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 19</i></p> | <p>Partially Complies</p> <p>The development does not provide secure lockers for bike storage but instead provides two bicycle racks at the entrance.</p> <p>Whilst it is noted that there are no shower facilities in the administration building, should staff demand for cycling increase in future, I am of the view that the building is of a size that could potentially accommodate both bike storage and shower facilities.</p> |

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| <p><i>On-site secure bicycle parking facilities should be:</i></p> <ul style="list-style-type: none"> <i>(a) located in a prominent place</i> <i>(b) located at ground floor level</i> <i>(c) located undercover</i> <i>(d) located where surveillance is possible</i> <i>(e) well lit and well signed</i> <i>(f) close to well used entrances</i> <i>(g) accessible by cycling along a safe, well lit route.</i> <p><i>General Section: Transportation and Access: PDC 20</i></p> | <p>Partially complies</p> <p>The bike racks are located adjacent the staff car park on the eastern side. It is situated in a small 'nook' next to the building and although not signed, is still likely to easily be seen by staff.</p> <p>The racks may not be easily seen by the public, however this provides some level of security. Given that there is likely to be activities occurring in and outside of the warehouse building, casual surveillance of the area can be achieved. Although, ideally, undercover bike parking would be provided, the bike parking provided achieves some of the desired criteria identified in Transportation and Access Principle 20.</p> |
| <p>Access</p> <p><i>Development should have direct access from an all-weather public road.</i></p> <p><i>General Section: Transportation and Access: PDC 22</i></p> | <p>Complies</p> <p>Selgar Avenue is an all-weather public road.</p> |
| <p><i>Development should be provided with safe and convenient access which:</i></p> <ul style="list-style-type: none"> <i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i> <i>(b) provides appropriate separation distances from existing roads or level crossings</i> <i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i> <i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i> <p><i>General Section: Transportation and Access: PDC 23</i></p> | <p>Complies</p> <p>See below</p> |
| <p>The traffic generated by the proposed development has been considered by the applicant's traffic engineer who has undertaken a traffic count during the afternoon peak hour. The street currently has low traffic volumes and the queues on Selgar Avenue exiting to South Road were infrequent with no more than 3 vehicles queued. They were able to exit after relatively short duration.</p> <p>Based on the <i>Guide to Traffic Generating Development RMS NSW</i> and the recent DPTI guide, it was estimated that the proposed development would generate 20 vehicle trips per hour during the peak hour. In the traffic consultant's view, this is considered to be a low traffic flow and as such, the impact on Selgar Avenue and the adjacent South Road junction would be minimal.</p> | |
| <p><i>Development should not restrict access to publicly owned land such as recreation areas.</i></p> <p><i>General Section: Transportation and Access: PDC 24</i></p> | <p>Complies</p> <p>The development does not impact on access to publicly owned land.</p> |
| <p><i>The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised and, where possible, access points should be:</i></p> <ul style="list-style-type: none"> <i>(a) limited to local roads (including rear lane access)</i> <i>(b) shared between developments.</i> <p><i>General Section: Transportation and Access: PDC 25</i></p> | <p>Partially Complies</p> <p>The development will reinstate the existing access point and place a new access point on the opposite side, therefore whilst the development will not share an access point with the neighbouring property, the number of access points on this site will remain the same.</p> |

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| <p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p> | <p>Complies Only one access point has been provided.</p> |
| <p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i></p> <ul style="list-style-type: none"> <i>(a) follow the natural contours of the land</i> <i>(b) minimise excavation and/or fill</i> <i>(c) minimise the potential for erosion from surface runoff</i> <i>(d) avoid the removal of existing vegetation</i> <i>(e) be consistent with Australian Standard AS: 2890 - Parking facilities.</i> <p><i>General Section: Transportation and Access: PDC 30</i></p> | <p>Partially Complies There will be minimal earthworks required for the construction of the carpark.</p> <p>A non-regulated Lemon Scented Gum requires removal to relocate the access point. Whilst the retention of the existing access was sought to retain the tree, it was advised that larger trucks would not be able to drive into the site in a forward direction if the development and access were mirror reversed.</p> <p>All car parking complies with the relevant Australian Standards.</p> |
| <p><i>The length of driveways should be minimised and together with manoeuvring areas be only sufficient to allow the proper functioning of the parking areas and their access.</i></p> <p><i>General Section: Transportation and Access: PDC 31</i></p> | <p>Complies The length of driveways and manoeuvring areas are considered adequate to enable the proper functioning of vehicles into and out of the parking and loading areas.</p> |
| <p>Access for People with Disabilities</p> <p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p> | <p>Complies Disabled car parking and access into the building has been provided in accordance with the Disability Discrimination Act.</p> |
| <p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p> | <p>Does Not Comply See below</p> |
| <p><i>Table Mar/2 - Off-street Vehicle Parking Requirements</i> specifies the following car parking rate:</p> <p>Industry - 2 per 100m² for the first 200m² = 4 car parks Industry – 1.33 per per 100m² between 201m² and 2000m² (1800m²) = 24 car parks Office component – 3.3 per 100m² (386m²) = 13 car parks Retail showroom – 2 per 100m² (180m²) = 4 car parks</p> <p>The table does not specify a rate for retail showroom, however the <i>Planning Bulletin Parking Provision for selected land uses</i> specifies a rate of 2 to 4 spaces per 100m². As the showroom is a secondary use, the lesser rate has been applied.</p> <p>The total number of car parks required as desired by the Development Plan is 45 and the proposal provides a total of 39, a shortfall of 6 car parks.</p> <p>Both the applicant's traffic consultant and Council's Development Engineer agree that the number of car parks provided is satisfactory.</p> <p>Frank Siow suggests that the proximity of the site to South Road which has multiple bus routes and bicycle lanes, and the provision of bicycle parking, would assist in reducing parking demand. He also notes that the Concept Map for Tonsley Park in Council's Development Plan includes the potential for pedestrian and cyclist connections from Selgar Avenue to the Clovelly Park train station and Greenway Corridor.</p> | |

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| <p>The current staff numbers of the proposed tenant stand at 12 full time members. Whilst there may be an increase in staff numbers in future, the car parking will more than adequately cater for the current staff numbers with 27 car parks available for visitors to the site. Future staff increases may coincide with the increased availability of public transport and cycling routes derived from the Tonsley redevelopment.</p> <p>Frank Siow recommends 'discounting' the parking requirement by at least 10%, with access to transport and cycling routes a commonly accepted justification for less car parking. On this basis, he would estimate the car parking required to be approximately 40 spaces and as the proposed parking provision would be 39 spaces, the potential parking shortfall would be minimal.</p> <p>Accordingly, I am satisfied that the number of car parks provided is sufficient and will adequately cater for the likely demand of staff and visitors to the site.</p> | |
| <p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 35</i></p> | <p>Complies</p> <p>The car park dimensions and aisleway widths adequately comply with Australian Standards AS: 2890 – parking facilities.</p> |
| <p><i>Vehicle parking areas should be sited and designed to:</i></p> <p><i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i></p> <p><i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i></p> <p><i>(c) not inhibit safe and convenient traffic circulation</i></p> <p><i>(d) result in minimal conflict between customer and service vehicles</i></p> <p><i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i></p> <p><i>(f) minimise the number of vehicle access points onto public roads</i></p> <p><i>(g) avoid the need for vehicles to reverse onto public roads</i></p> <p><i>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</i></p> <p><i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i></p> <p><i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i></p> <p><i>General Section: Transportation and Access: PDC 36</i></p> | <p>(a), (b) – are not relevant to the proposal</p> <p>Complies</p> <p>(c), (d), (e), (f), (g), (i)</p> <p>The above aspects have been discussed in the body of this report.</p> <p>Does not comply</p> <p>(h) – shared parking is not practical in this instance as the development has not been established as part of an integrated development with other sites.</p> <p>(k) – it is unlikely that the development will incorporate underground cabling that will enable the recharging of vehicles.</p> |
| <p><i>Where vehicle parking areas are not obviously visible or navigated, signs indicating the location and availability of vehicle parking spaces associated with businesses should be displayed at locations readily visible to users.</i></p> <p><i>General Section: Transportation and Access: PDC 37</i></p> | <p>Complies</p> <p>Vehicle parking areas are considered readily visible to people accessing the site.</p> |
| <p><i>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</i></p> <p><i>General Section: Transportation and Access: PDC 38</i></p> | <p>Complies</p> <p>Lighting will be provided, particularly next to the staff car parking area given that the manufacturing component will run for 24 hours. The design has not been determined as of yet, however, a condition has been recommended to provide the location and details prior to Development Approval.</p> |
| <p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p><i>General Section: Transportation and Access: PDC 39</i></p> | <p>Complies</p> <p>The vehicle parking areas will be paved and sealed to minimise mud and dust nuisance.</p> |

| | |
|---|--|
| <p><i>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</i></p> <p><i>General Section: Transportation and Access: PDC 40</i></p> | <p>Complies</p> <p>The outdoor car parking areas include landscaping.</p> |
| <p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p> | <p>Complies</p> <p>The vehicle parking areas will be line-marked to delineate car parking bays and movement within the site.</p> |
| <p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i> <p><i>General Section: Transportation and Access: PDC 42</i></p> | <p>Complies</p> <p>The visitor car parks are easily visible, accessible during business hours and will be softened by landscaping so as to not dominate the landscape.</p> |
| <h2>Waste</h2> | |
| <p><i>Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:</i></p> <ul style="list-style-type: none"> <i>(a) avoiding the production of waste</i> <i>(b) minimising waste production</i> <i>(c) reusing waste</i> <i>(d) recycling waste</i> <i>(e) recovering part of the waste for re-use</i> <i>(f) treating waste to reduce the potentially degrading impacts</i> <i>(g) disposing of waste in an environmentally sound manner.</i> <p><i>General Section: Waste: PDC 1</i></p> | <p>Complies</p> <p>All waste will be deposited into large bins that will be stored within the confines of the warehouse.</p> <p>The bins will be collected bi-weekly by a private contractor.</p> |
| <p><i>The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.</i></p> <p><i>General Section: Waste: PDC 2</i></p> | |
| <p><i>Development should avoid as far as practical, the discharge or deposit of waste (including wastewater) onto land or into any waters (including processes such as seepage, infiltration or carriage by wind, rain, sea spray, stormwater or by the rising of the water table).</i></p> <p><i>General Section: Waste: PDC 3</i></p> | |
| <p><i>Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are:</i></p> <ul style="list-style-type: none"> <i>(a) screened and separated from adjoining areas</i> <i>(b) located to avoid impacting on adjoining sensitive environments or land uses</i> <i>(c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system</i> <i>(d) located on an impervious sealed area graded to a collection point in order to minimise the movement of any solids or contamination of water</i> <i>(e) protected from wind and stormwater and sealed to prevent leakage and minimise the emission of odours</i> <i>(f) stored in such a manner that ensures that all waste is contained within the boundaries of the site until disposed of in an appropriate manner.</i> <p><i>General Section: Waste: PDC 7</i></p> | |

| Energy Efficiency | |
|--|---|
| <p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p> <p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p> | <p>Complies</p> <p>The administration building has a northerly aspect with a 'Low-e' glazing applied which minimises the amount of ultraviolet and infrared light entering the building without compromising the amount of visible light transmitted.</p> <p>Solar panels could be facilitated, although framing is likely to be required to be pitched at the preferred angle in a northerly direction.</p> |
| Landscaping, Fences and Walls | |
| <p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> | <p>Complies</p> <p>The development incorporates approximately 280m² of landscaping of varying native and non-native species including trees, sedges and ground covers. The specified trees have a mature height between 6-8m, complementing the height of the built form. The trees will be placed within the car parking areas to provide shade as well as at the entrance of the site for visual appeal. The existing significant tree will be retained and nursed to good health. In my view, the landscaping proposed will enhance the aesthetic appeal of the development, soften and complement the built form as sought by the Development Plan.</p> |
| <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> | |

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to traffic and car parking 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 proposed development and its use is considered to suitably reflect the envisaged uses within the Commercial Zone, South Road Policy Area 2.

The proposed use is appropriately located in close proximity to major transport routes for convenient distribution of goods, away from residential areas and adjacent the Tonsley Precinct which will also be home to buildings consisting of light manufacturing, commercial uses and innovation and research.

The building is considered to be attractively designed with generous landscaping and the car parking and access are considered to function adequately whilst meeting the likely demand for the site.

The proposal's main non-compliance in its building height is not considered to be fatal to the proposal. The building's height is commensurate with similar buildings existing and envisaged in the immediate locality and in my view, will not produce unreasonable visual or overshadowing impacts upon existing neighbours.

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 and the seeking of concurrence from the Development Assessment Commission.

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: 100/2015/181 for a building for the purposes of a warehouse and light manufacturing (exceeding 10m in height) with associated office component, showroom, car parking and landscaping at 2 Selgar Avenue Clovelly Park be GRANTED subject to concurrence from the Development Assessment Commission and the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/181, being drawing numbers 13159_PD01, 13159_PD02 and 13159_PD03 prepared by Cheesman Architects, and documentation 'HIGHGATE HEALTHCARE Selgar Avenue, Clovelly Park' except when varied by the following conditions of consent.
2. Lighting shall be provided adjacent the staff car parking area. Amended plans shall be provided which details the location and type of lighting to be provided prior to Development Approval being issued.
3. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
2. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 "Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines". Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.
3. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
4. A trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

6. The existing River Red Gum located in the adjacent the northern boundary of the property shall be retained. The area beneath the tree's canopy shall be retained at its existing level at all times with no excavation or fill occurring. (Please note that at any time in the future, if a property owner wishes to remove this tree, an approval from the Council must be obtained).
7. Prior to commencement of any site works, a "Tree Protection Area", consisting of a 2.0m high solid, chainmesh, steel or similar material fence with posts at 3m intervals, shall be erected at a distance of 6 metres from the outside of the trunk of the significant tree to be retained. A sign displaying the words "Tree Protection Area" shall be placed on the fence and no persons, vehicles or machinery shall enter the Area and no goods, materials or waste shall be stored within the Area until after construction is complete. A layer of organic mulch (woodchips) to a depth of 100mm shall be placed over all root systems within the Area to assist with moisture retention and to reduce impact of compaction and supplementary watering shall be provided through any dry periods during the construction process.
8. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
9. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
10. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
11. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
12. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
13. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.
14. 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.
15. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS/NZS 2890.1-2004 and AS/NZS 2890.1-2004.
16. 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.
17. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.

18. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
19. 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.
20. Bicycle facilities shall be provided in accordance with Australian Standard AS 1742.9-2000 "Manual of uniform traffic control devices Part 9: Bicycle facilities".
21. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.

NOTES

1. For the removal of Council infrastructure, including street signs that interfere with the proposed access point, contact Ian Evans, Traffic and Parking Investigations Officer on (08) 7420 6420 for costs and scheduling of works.
2. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
3. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
4. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
5. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
6. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
7. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
8. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 May 2015

Agenda Ref No: DAP200515 – 3.3

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Mr Jayce Richardson

Development Description: One two-storey dwelling incorporating a garage wall on the western boundary (Lot 1) and two single storey dwellings to the rear (Lots 2 and 3)

Site Location: 30 Portland Avenue, Sturt

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 28/08/2014

Development Plan: Consolidated – 13 March 2014

Application No: 100/2014/1506

Recommendation: Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns development whereby there are two or more dwellings on the same site, and one of which is two storey, as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

In addition, the subject application is required to be determined by the Development Assessment Panel by virtue of the proposed Dwelling 1 supporting an allotment area less than the minimum of 375 square metres required for detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

During the assessment process, Council staff requested modifications to the proposal plans to address the following concerns:

| Amendments Requested | Amendments Made |
|--|---|
| Increase in front setback (Dwelling 1) | Setback increased from 4.5 metres to 6.0 metres |

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| Increase in rear setback (Dwellings 2 and 3) | Rear setback increased from 5.2 metres to 8.95 metres |
| Private open space (POS) dimensions (Dwelling 1) and area (Dwellings 2 and 3) to be increased | POS dimensions to Dwelling 1 increased from 4.3 metres to 6.0m x 5.6m POS area for Dwellings 2 and 3 increased from 44.2 square metres to 76 square metres |
| Site coverage of all three dwellings to be reduced | Site coverage of Dwelling 1 decreased from 54% to 37.1% (dwelling amended from single to double storey). Site coverage of Dwellings 2 and 3 decreased from 64.6% to 47.9% |
| Landscape provision along the common driveway to be increased | Landscaping of 500mm in width provided to both sides of common driveway |
| Vehicle manoeuvring areas of Dwellings 2 and 3 to be improved to enable safe and convenient movements | Adequate area now provided for all vehicles to exit the site, in a forward manner, in no more than two turning movements |

SUBJECT LAND & LOCALITY

The subject land is situated at 30 (lot 49) Portland Avenue, Sturt, incorporating a frontage width of 17.07 metres, a depth of 52.12 metres providing an overall site area of 889.64 square metres.

The land is currently vacant; previously incorporating a single storey timber-frame dwelling, attached carport and verandah.

The land incorporates a grade of approximately 1:23 (4.35%), falling 2.2 metres from rear to front.

The locality comprises an even mix of the original housing stock, constructed in the 1950s and more recently constructed single and double storey dwellings, typically in the form of detached, semi-detached and row dwellings.

Seacombe Road (an arterial road) is located 50 metres to the south of the land, on the southern side of which is situated a Local Centre Zone, comprising a pharmacy, food outlet and a supermarket.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct a two storey detached dwelling (Dwelling 1) to the front of the property, and two single storey group dwellings (Dwellings 2 and 3) to the rear on hammerhead allotments.

For the purposes of assessment, Dwelling 1 has been considered a detached dwelling, as it is indicated to be sited on its own allotment with direct and exclusive access and frontage to a public road.

Dwellings 2 and 3 are on sites whereby a shared driveway provides vehicular access to the dwellings and their curtilage. As there are no details of a partywall attachment, the dwellings comply with the Schedule 1 definition of group dwellings.

As part of the proposal, earthworks are proposed to accommodate the footprint of each dwelling. Dwellings 2 and 3 are cut into the earth by up to 400mm, with filling to their northern end of up to 600mm.

The floor level of Dwelling is set down 400mm below Dwellings 2 and 3 and will require retaining walls of up to 500mm in fill adjacent the north-western corner of the dwelling.

Dwellings 2 and 3 are proposed to utilise the existing driveway crossover adjacent the eastern boundary. Dwelling 1 is proposed to gain access via a new driveway crossover, adjacent the western side boundary

Refer Attachment III

PUBLIC NOTIFICATION

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| Properties notified: | 7 properties were notified during the Category 2 public notification process. |
| Representations: | 4 representations were received by Council; 3 in favour, 1 against. |
| Persons wishing to be heard: | Helen and Bruce Cottam (47 Seacombe Road) have sought to be heard by the Panel. |
| Summary of representations: | <ul style="list-style-type: none"> • Loss of privacy due to two storey development; • Loss of city and airport views due to two storey development • Concern regarding overshadowing of adjacent solar panels <p><i>Refer Attachment IV</i></p> |
| Applicant's response: | The applicant has provided a response to the representations - please refer Attachment V |

INTERNAL DEPARTMENT COMMENTS

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| Engineering: | Vehicle manoeuvring areas and stormwater disposal are appropriate. |
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ZONE & POLICY AREA ASSESSMENT

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

| Residential Zone |
|---|
| <p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p> |

Northern Policy Area 13

Objectives

- 1 A policy area primarily accommodating low scale, low to medium density housing.
- 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.
- 3 Development that contributes to the desired character of the policy area.

Desired Character

The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

| | | |
|-------|---|---|
| PDC 1 | The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. | Complies |
| PDC 3 | Minimum Site Area: | Does Not Comply Dwelling 1: 244 sq metres Dwelling 2: 253.2 sq metres Dwelling 3: 253.2 sq metres |
| | Minimum Frontage: | Complies |
| | Minimum Depth: | Complies Comments Does Not Comply Dwelling 1: 18.83 metres |

Assessment

The Northern Policy Area 13 encourages redevelopment of properties at greater densities than that of the original housing. The proposed development embodies this aim, as it will triple the residential density of the subject land.

It is noted that the Policy Area seeks to establish a range of dwelling types to meet a variety of accommodation needs. Although the development will not deliver smaller dwelling options (ie. one or two bedroom dwellings), the fact that the subject land is somewhat removed from centres and public transport stations suggests that medium density development is not ideally located in the subject locality. As such, the proposed low-to-medium density three bedroom dwellings are considered to form an appropriate contribution to new housing stock in the area.

The dwellings maintain a traditional architectural style with hipped roof, which complements the existing character of built form within the locality, whilst contributing toward the attractive residential environment.

No significant trees or street trees require removal to facilitate the proposed development.

The site area of Dwelling 1 equals 244 square metres, where a minimum site area of 375 square metres should be provided for a detached dwelling. This represents a considerable shortfall of 131 square metres; 35% below the minimum requirement. It is also noted the depth of the allotment is 1.17 metres less than that sought.

Despite the shortfall in site area and depth, the allotment maintains a frontage width of 13 metres, where a minimum frontage width of 12 metres is prescribed for detached dwellings. In my view, the shortfall in site area should not impede the functionality of the allotment, as demonstrated by the high level of compliance of Dwelling 1 when assessed against the Development Plan. Furthermore, the undersized depth and area of the allotment should not be apparent when viewed front the streetscape, and therefore should not detract from the character of the locality.

The site areas of Dwellings 2 and 3 equal 253.2 square metres, where a minimum site area of 300 square metres ought to be maintained; equating in a shortfall of 46.8 square metres, or 15.6%. It is noted that this figure excludes the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

Allotments in the form of a battleaxe configuration should... have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment)

It is noted that, if the driveway were to be included in site areas, the dwellings would maintain an average site area of 322 square metres per dwelling, which substantially exceeds the minimum of 300 square metres.

The shortfalls in site area suggest that it is important to consider whether the proposed residential density is contradictory to that anticipated within the Policy Area. The subject land maintains an overall site area of 889.6 square metres; resulting in an average site area of 296.5 square metres per dwelling, which is marginally less than that sought (300 square metres) for group dwellings in the Northern Policy Area 13.

Although the front dwelling is, by definition, classified as a detached dwelling, if it was to share the common driveway, it would become a group dwelling. This would not necessarily result in an improved development outcome, albeit, the site area would be much closer to that sought.

In addition, it is noted that the land would be capable of accommodating three row dwellings (3 x 250 square metres = 750 square metres), given the overall site area of 889 square metres for the subject land.

As such, it is appropriate to acknowledge that the subject land could feasibly be developed to accommodate three dwellings. Accordingly, the proposed density remains consistent with the low-to-medium densities anticipated in the Policy Area.

A representor has raised loss of views in their representation. In assessing the loss of views, I have not only had regard to the Marion Council Development Plan, but also recent Environment, Resources and Development (ERD) Court and Supreme Court Decisions.

The view gained from the adjoining property to the rear (47 Seacombe Road) is to the north, funnelled between the existing outbuilding on that land, dwellings and buildings on adjacent properties and established trees within the locality.

The view is a partial one and contains an 'icon', being view of Adelaide city. The view is gained from the rear of that property, from the enclosed verandah area and rear yard. The view is best gained from a standing position; some limited view is available whilst seated.

In considering whether the proposal should be varied to reduce the likely impact of the view gained by the adjoining property, it is of value to note that the proposed two storey dwelling will have a floor level approximately 3.0 metres below the dwelling at 47 Seacombe Road and separated by almost 60 metres.

The proposed two storey dwelling is entirely compliant with respect to front and side setbacks, site coverage and floor area ratio. Whilst the rear setback does not satisfy Council's Development Plan, this is measured to the 'internal' rear boundary, and not the current rear boundary of the property.

In addition, the total roof height of Dwelling 1 (approximately a relative level of 108.00) is marginally higher than the roof height of an outbuilding that can be constructed on the land 'as of right' pursuant to Schedules 1A and 4 of the Development Regulations 2008.

As such, whilst the proposed two storey dwelling may reduce some vista to the Adelaide Metropolitan Area, and possibly the city view, the level of separation afforded, the level of compliance of the dwelling with Council's Development Plan and the fact the view could be impacted equally (or possibly greater) by a complying form of development (or one that does not require planning consent), has lead me to the conclusion that the proposal does not warrant amendment for the reason of view loss.

As a result of these considerations, the proposed development is deemed to sufficiently accord with the Objectives, Principles and Desired Character of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

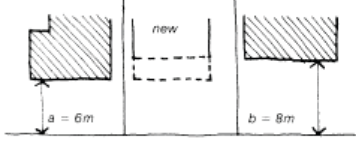
Principles of Development Control

Assessment

| Site Coverage | |
|--|---|
| <p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p> | <p>Complies Dwelling 1: 37.16%</p> <p>Does Not Comply Dwelling 2 and 3: 47.98%</p> |
| <p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p> | <p>Complies Dwelling 1: 0.534</p> |
| <p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p> | <p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p> |

| | |
|---|--|
| <p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p> | <p>Complies</p> |
| <p>Private Open Space</p> | |
| <p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p> | <p>Complies</p> <p>a) All POS areas are directly accessible from a habitable room of the associated dwelling. b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy. c) The subject land does not maintain natural features which warrant preservation. d) The POS areas should not be directly overlooked by adjacent buildings. e) POS areas are not located next to bedrooms of dwellings on adjacent sites. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply</p> <p>f) POS for all three dwellings incorporates a southern aspect g) POS for Dwelling 1 will be significantly shaded in winter. POS for Dwellings 2 and 3 will receive some morning and afternoon sun, respectively.</p> |
| <p>Site Area 250 m² or greater: <i>Minimum area of POS: 20% of the site area</i> <i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i> <i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p>Site area less than 250 m²: <i>20% of the site area or 35 m², whichever is the greater</i> <i>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</i> <i>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p> | <p>Complies</p> <p>Dwelling 2 and 3: 76.07 square metres (30.01%)</p> <p>Complies</p> <p>Dwelling 1: 67.6 square metres (27.7%)</p> |
| <p>Street Setbacks</p> | |
| <p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> <i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p> | <p>Complies</p> <p>The proposed front setback of 6.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p> |

Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:

| Setback difference between buildings on adjacent allotments | Setback of new building |
|---|---|
| Up to 2 metres | The same setback as one of the adjacent buildings, as illustrated below:  <p>When $b - a < 2$, setback of new dwelling = a or b</p> |
| Greater than 2 metres | At least the average setback of the adjacent buildings |

General Section: Design and Appearance: PDC 25

Complies

Dwelling 1: 6.0 metres

(Dwellings on adjoining land set back approximately 6 and 8 metres)

Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Where the wall height is not greater than 3 metres: 1 metre

Where the wall height is between 3 metres and 6 metres:
 (a) 3 metres if adjacent southern boundary
 (b) 2 metres in all other circumstances.

Residential Zone: PDC 7

Complies

Dwelling 1: 1.2m

Does Not Comply

Dwelling 2 and 3:
 The proposed side setback falls 0.03 metres short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.

Complies

Dwelling 1: Min 2.2m

Dwellings with walls located on the boundary should be designed in accordance with the following:

- (a) the walls should not abut more than one side allotment boundary
- (b) a wall from an adjacent dwelling already exists on the boundary:
 - (i) be located immediately abutting the adjacent wall
 - (ii) be constructed to the same or to a lesser length and height as the adjacent wall
 - (iii) be setback 2 or more metres behind the main face of the adjacent dwelling
- (c) no wall exists on the adjacent boundary:
 - (i) be setback 2 or more metres behind the main face of the adjacent dwelling
 - (ii) not exceed 6 metres in length
 - (iii) not exceed 3 metres in height
 - (iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window
- (d) adjoining communal open space or a public reserve, not to exceed
 - (i) 50 per cent of the length of the boundary
 - (ii) 4 metres in height.

General Section: Residential Development: PDC 38

Complies

- (a) Wall on one side boundary only;
- (c)(iii) Wall height of 2.7m

Does Not Comply

- (c)(i) Setback 0.5 metres behind main face of adjacent dwelling
- (c)(ii) Wall length of 6.09 metres

(Principles (b) and (d) not applicable)

| | |
|--|--|
| <p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</p> <p>(a) the visual impact of the building as viewed from adjacent properties</p> <p>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p>General Section: Design & Appearance: PDC 2</p> | <p>Complies</p> <p>The separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the setbacks proposed will not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p> |
| <h2>Rear Setbacks</h2> | |
| <p>6 metres for a single storey dwelling</p> <p>Residential Zone: PDC 7</p> | <p>Complies</p> <p>Dwelling 1: Min 4.2 metres</p> <p>Dwelling 2 and 3: 8.95 metres</p> |
| <p>8 metres for a 2 or more storey dwelling</p> <p>Residential Zone: PDC 7</p> | <p>Does Not Comply</p> <p>Dwelling 1: 6.4 metres</p> |
| <p>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</p> <p>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</p> <p>(b) a minimum of 8 metres for two storey components of dwellings</p> <p>General Section: Residential Development: PDC 37</p> | <p>Complies</p> <p>(a) Dwelling 1, 2 and 3</p> <p>Does Not Comply</p> <p>(b) Dwelling 1</p> |
| <h2>Building Height</h2> | |
| <p>Maximum building height (from natural ground level):</p> <p>2 storeys of not more than 9 metres</p> <p>Residential Zone: PDC 7</p> | <p>Complies</p> <p>All dwellings incorporate a maximum building height of less than 9.0 metres. Dwelling 1 incorporates a maximum height of 7.3 metres, which is less than the maximum permitted in the Policy Area.</p> |
| <h2>Garages, Carports and Outbuildings</h2> | |
| <p>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</p> <p>Minimum setback from primary road frontage:</p> <p>8 metres for a freestanding structure.</p> <p>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</p> <p>Residential Zone: PDC 8</p> | <p>Complies</p> |
| <p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 12</p> | <p>Complies</p> |
| <p>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</p> <p>General Section: Residential Development: PDC8</p> | <p>Complies</p> <p>The proposed garages incorporate a roof form, materials and detailing which complement the associated dwelling.</p> |

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| <p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p> | <p>Complies</p> |
| <p>Car Parking</p> | |
| <p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> <i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i> <i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i> <i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p> | <p>Partially Complies Each dwelling is provided with two on-site parking spaces. Whilst an independent visitor space is not available for Dwellings 2 and 3, this is compensated by an additional resident space on site.</p> |
| <p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p> | <p>Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply d) e) One on-street parking space will be available in front of the site, whereby two spaces are sought</p> |
| <p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i> <i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i> <i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p> | <p>Complies (a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner. (c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p> |
| <p><i>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</i> <i>(a) not face the primary street frontage</i> <i>(b) be located to the rear of buildings with access from a shared internal laneway</i> <i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p><i>General Section: Transportation & Access: PDC 45</i></p> | <p>Complies The parking areas are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.</p> |
| <p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p> | <p>Does Not Comply One on-street parking space is available, where two is sought.</p> |

Access

The width of driveway crossovers should be minimised and have a maximum width of:

- (a) 3 metres wide for a single driveway*
- (b) 5 metres wide for a double driveway.*

General Section: Residential Development: PDC 39

Complies

Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.

General Section: Residential Development: PDC 40

Complies

A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.

General Section: Transportation and Access: PDC 28

Complies

Vehicle access points are separated by a minimum distance of 6 metres.

Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:

| No. of dwellings served by driveway | Width at front property boundary & for first 6 metres | Width beyond first 6 metres | Widening required for passing | Minimum landscaped strip either side of driveway (metres) |
|--|--|------------------------------------|--------------------------------------|--|
| 1-2 | 3 | 3 | - | 0.5 |

General Section: Residential Development: PDC 41

Complies

Design & Appearance

Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:

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

General Section: Design & Appearance: PDC 1

The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.

General Section: Design & Appearance: PDC 3

Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.

General Section: Design & Appearance: PDC 17

Complies

The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The façade of Dwelling 1 incorporates the following elements to enhance their design and appearance:

- Mixture of brick and render on the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Protruding portico,
- Eave overhang and pitched roof form at 20 degree slope
- Fenestration

The dwellings incorporate materials that should not result in glare to neighbouring properties, drivers or cyclists.

The side elevations of the dwellings feature a mixture of brick and render, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

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

Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.

General Section: Design & Appearance: PDC 15

Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.

General Section: Design & Appearance: PDC 18

Residential development should be designed to ensure living rooms have an external outlook.

General Section: Residential Development: PDC 6

Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.

General Section: Residential Development: PDC 6

Partially Complies

Dwelling 1 is designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

The entries to Dwellings 2 and 3 are located on the side wall of the dwelling, partially hidden a vehicle parked in the visitor space. This is an undesirable outcome of the proposal.

Overshadowing

The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:

- (a) windows of habitable rooms*
- (b) upper-level private balconies that provide the primary open space area for a dwelling*
- (c) solar collectors (such as solar hot water systems and photovoltaic cells).*

General Section: Design & Appearance: PDC 9

Except where specified in a zone, policy area or precinct, development should ensure that:

- (a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June*
- (b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:*
 - (i) half of the existing ground level open space*
 - (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.*

General Section: Design & Appearance: PDC 10

Complies

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 9 am and 3 pm on the 21 June

b) A majority of winter shadow will be cast within the rear yard of the proposed dwellings. However, some shadow will be cast into the western adjoining property in morning hours, and the eastern adjoining property in the afternoon.

Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday.

Likewise, shadow cast into the eastern adjoining property only begins in late afternoon hours (approximately 3.00pm on June 21). Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 10 and 11.

(For Member's reference, from my calculations, the solar panels on the adjacent dwelling to the east (28 Portland) will be free from shadow from the proposed two storey dwelling until approximately 3.45pm on June 21).

Visual Privacy

Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:

- (a) off-setting the location of balconies and windows of habitable*

Complies

Dwelling 1 incorporates fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain

| | |
|--|--|
| <p><i>rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p>General Section: Design & Appearance: PDC 12</p> | <p>unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.</p> <p>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.</p> |
| <p><i>Buildings on battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining residential properties.</i></p> <p>General Section: Design & Appearance: PDC 14</p> | <p>Complies</p> <p>The dwellings located on the battleaxe allotment are single storey and designed to maintain the privacy of adjoining residential properties.</p> |
| <h2>Noise</h2> | |
| <p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p>General Section: Residential Development: PDC 29</p> | <p>Complies</p> <p>Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1.8 metres. This separation is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p> |
| <h2>Site Facilities and Storage</h2> | |
| <p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas away from dwellings.</i></p> <p>General Section: Residential Development: PDC 30</p> | <p>Partially Complies</p> <p>a) Common letterboxes are featured at the entrance to the common driveway.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p> |

Energy Efficiency

Development should provide for efficient solar access to buildings and open space all year around.

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.

General Section: Energy Efficiency: PDC 3

Partially Complies

The dwellings are oriented so that their open spaces and main activity areas face south. Whilst this is undesirable, it is a typical outcome for dwellings/allotments on the southern side of an east-west running street. This is preferable to having private open space in the front yard, which prevents street surveillance and presentation.

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

Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.

General Section: Energy Efficiency: PDC 4

Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.

General Section: Energy Efficiency: PDC 5

Complies

The dwellings incorporate a hipped roof form set at a 20 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

- (a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)*
- (b) enhance the appearance of road frontages*
- (c) screen service yards, loading areas and outdoor storage areas*
- (d) minimise maintenance and watering requirements*
- (e) enhance and define outdoor spaces, including car parking areas*
- (f) provide shade and shelter*
- (g) assist in climate control within buildings*
- (h) maintain privacy*
- (i) maximise stormwater re-use*
- (j) complement existing native vegetation*
- (k) contribute to the viability of ecosystems and species*
- (l) promote water and biodiversity conservation.*

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

- (a) include the planting of locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*

General Section: Landscaping, Fences & Walls: PDC 2

Complies

A landscape plan has not been provided by the applicant. It is considered that there is ample area on site to accommodate an appropriate density and variety of landscape plantings in accordance with the applicable provisions.

It has been included as a recommended condition of consent that a landscape plan be provided prior to Development Approval being issued.

Fences and walls, including retaining walls, should:

- (a) not result in damage to neighbouring trees*
- (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality*
- (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance*
- (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street*
- (e) assist in highlighting building entrances*
- (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites*
- (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land*
- (h) be constructed of non-flammable materials.*

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The application proposes retaining walls varying in height to a maximum 600 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.4 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

TABLE DISCUSSION

The proposal satisfies a majority of the applicable principles of development control contained within the Marion Council Development Plan. However, the following non-compliances are noted and discussed in further detail below:

- Site coverage (Dwellings 2 and 3);
- Boundary wall location and length; and
- Second storey rear setback (Dwelling 1).

Site coverage (Dwellings 2 and 3)

Whilst the site coverage of Dwellings 2 and 3 equate to 47.98%, this figure is based upon the curtilage of the dwelling only and does not include the common driveway. When including common driveway, the site coverage figure equates to 37.6%.

In addition, it is of worth to note that the private open space for these dwellings equates to 30%, significantly exceeding that sought. The dwellings adequately comply with a majority of setback provisions, and as such, the excess site coverage does not result in any meaningful failings when assessed against the Development Plan.

Boundary wall location and length

The location of the garage wall is 0.5 metres behind the main face of the adjacent dwelling, where 2.0 metres is sought.

Nonetheless, the garage is setback equal to the garage on the adjoining property and its location will not be overly apparent from the street.

The length of the garage, at 6.09 metres, is 9 centimetres longer than that sought. As the wall is adjacent the side path of the adjoining property, and only marginally exceeds the Development Plan, I do not envisage any detrimental impacts resulting from the location or length of the proposed garage wall.

Second storey rear setback (Dwelling 1)

The upper level rear setback of Dwelling 1 equates to 6.4 metres, where 8.0 metres is sought.

As the rear of the dwelling is sited adjacent the vehicle manoeuvring area of Dwellings 2 and 3, no detrimental impacts are anticipated to occur as a result of this proximity.

It is likely that a majority of shadow will be cast upon the manoeuvring area, and not the north-facing bedroom windows of Dwellings 2 and 2, whilst the size of the upper level is relatively limited and is not overly bulky or dominant in its appearance.

As such, the rear setback is considered acceptable.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to privacy, view loss and overshadowing have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors have also raised concerns over fencing and property values. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposed development is finely balanced given the significant shortfall in the amount of site area achieved in relation to proposed Dwelling 1. That having been said, the Northern Policy Area 13 seeks low-medium density development. For the reasons in this report, the shortfall in site area does not impede the development from achieving a high level of compliance with Council's Development Plan, nor compromise the amenity of adjoining land or the streetscape. The proposed development therefore accords with the requirements prescribed within Objective 2 of the Residential Zone.

In addition, the preceding assessment has demonstrated that the proposed development reflects the low-to-medium level of density that is envisaged within Northern Policy Area 13. The proposal essentially complies with a majority of the quantitative and qualitative provisions of the Development Plan with all three dwellings providing adequate building setbacks, suitable areas of private open space and sufficient on-site car parking provision per dwelling. In most cases, where shortfalls have been identified with the proposed development they have been found to be minor in nature without having a detrimental impact on the function of the individual dwellings.

In my view, the proposed development will not look out of place, nor detract from the diverse residential character which generally prevails within this section of Sturt, and will contribute to a variety of housing forms within the locality.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to 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: 100/2014/1506 for one two-storey dwelling incorporating a garage wall on the western boundary (Lot 1) and two single storey dwellings to the rear (Lots 2 and 3) at 30 Portland Avenue, Sturt be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1506, except when varied by the following conditions of consent.
- 2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

Note: A copy of the information guide can be viewed at the City of Marion webpage www.marion.sa.gov.au/page.aspx?u=181

- 3. 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.
- 4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 5. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council
- 6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 7. 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.
- 8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

9. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
10. A landscaping plan shall be submitted to Council for consideration and approval, detailing a mix of native medium and low-level plantings throughout the front yard areas of the properties.

NOTES

1. The applicant is encouraged to maintain and protect the existing jacaranda tree adjacent the front boundary of the property to enhance the street scape of the property and to complement the existing street tree planting in Portland Avenue.
2. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
3. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
4. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 May 2015

| | |
|---------------------------------|--|
| Agenda Ref No: | DAP200515 – 3.4 |
| Originating Officer: | Dylan O'Brien Development Officer - Planning |
| Applicant: | Cavallo Forest & Assoc Pty Ltd |
| Development Description: | Land Division Residential Community 1 into 5 allotments |
| Site Location: | 22 Greenasche Grove Seacombe Gardens |
| Zone: | Residential Zone |
| Policy Area: | Medium Density Policy Area 12 |
| Application Type: | Category 1 / Consent |
| Lodgement Date: | 14/07/2014 |
| Development Plan: | Consolidated – 13 March 2014 |
| Application No: | 100/2014/1199 (DAC Ref 100/C164/14) |
| Recommendation: | Development Plan Consent and Development Approval (Granted) |

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 of the Development Regulations 2008, which assigns a land division that does not change the nature or function of an existing road as a category 1 development.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new allotments supporting areas less than 250 square metres required for residential flat dwellings within the Medium Density Policy Area 12. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

Modifications to the proposal were not requested during the assessment process as the proposed division relates to a land use application (100/1162/2014) where a compromise plan is being concurrently assessed by administration and is to be considered by the Panel at the same meeting.

SUBJECT LAND & LOCALITY

The subject land is located at 22 Greenasche Grove, Seacombe Gardens; situated on the south/western side of the street at a bend in the road between Greenasche Grove and Sutton Avenue. The subject land comprises a large, irregular shaped allotment with a 12.192 metre

frontage to Greenasche Grove and a maximum depth of approximately 58 metres to provide a total site area of 1302 square metres.

The subject land is virtually flat and is clear of any buildings or structures and is devoid of any significant or regulated trees, whilst the certificate of title confirms that the land is clear of any easements or encumbrances.

The locality is characterised by a range of housing types comprising mainly original housing stock in the form of single storey detached dwellings and more recent development typically comprising single storey detached and semi-detached dwellings.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to divide the existing allotment to create 5 Community Title residential allotments.

A greater level of detail of how the land will be developed is detailed in Development Application 100/1162/2014, where a compromise plan is to be considered by the Panel at the same meeting as the subject application.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Medium Density Policy Area 12 are listed in the following table and discussed in further detail below:

| Residential Zone | |
|--|---|
| Objectives | |
| <i>1 A 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 transport routes and public open spaces.</i> | |
| Medium Density Policy Area 12 | |
| Objectives | |
| 1 | <i>A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.</i> |
| 2 | <i>Development that minimises the potential impact of garaging of vehicles on the character of the area.</i> |
| 3 | <i>Development that supports the viability of community services and infrastructure and reflects good residential design principles.</i> |
| 4 | <i>Development that contributes to the desired character of the policy area.</i> |
| Desired Character | |
| <i>The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.</i> | |

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.

Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.

| | | |
|-------|--|---|
| PDC 1 | <p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building (buildings between one and three storeys) ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. | <p>Complies</p> <p>Residential flat buildings between one and two storeys</p> |
| PDC 7 | <p>Minimum Site Area: 250m² average (residential flat buildings)</p> | <p>Does Not Comply</p> <p>Lot 1: 175m² (Dwg 1) Lot 2: 193m² (Dwg 2) Lot 3: 208m² (Dwg 3) Lot 4: 219m² (Dwg 4) Lot 5: 244m² (Dwg 5)</p> <p>Average: 207.8m²</p> <p>Driveway/turning areas: 263 m²</p> <p>(refer assessment comments below)</p> |
| | <p>Minimum Frontage: 18m</p> | <p>Does Not Comply</p> <p>12.129m</p> <p>(refer assessment comments below)</p> |
| | <p>Minimum Depth: 20</p> | <p>Complies</p> <p>58m</p> |

Assessment

The application seeks to create 5 allotments for residential purposes, and to this end, the nature of the division is consistent with the zoning of the land.

The 5 allotments will share a common driveway and range in size from 175m² (Dwelling 1), 193m² (Dwelling 2), 208m² (Dwelling 3), 219m² (Dwelling 4) and 244m² (Dwelling 5), which provides an average site area excluding the common driveway of 207.8 square metres per dwelling.

The proposal is therefore under size when compared to the minimum sought for Residential Flat Buildings of 250 square metres (average) within the Medium Density Policy Area 12.

Nevertheless, the Desired Character of the Medium Density Policy Area 12 envisages low to medium density housing at a higher density compared to that typical of the original dwelling stock in the area.

Although the proposed site areas are significantly less than that sought as the associated land use proposal (compromise plan) demonstrates a high level of compliance with Council's Development Plan (please refer report), the subject land is considered to be of an appropriate area, depth and dimension to yield 5 dwellings in the form proposed.

Likewise, despite the shortfall in site area, it is noted that these figures exclude the common driveway, visitor car parks and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates:

Allotments in the form of a battleaxe configuration should... have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment)

If the driveway is to be included, the dwellings would maintain an average site area of 260.4 square metres per dwelling, which exceeds that required for five residential flat dwellings in the Medium Density Policy Area 12 ($5 \times 250\text{m}^2 = 1,250$ square metres).

As such, it is considered the undersized nature of the allotments is not fatal to the proposal, as the associated land use application indicates reasonable compliance with Council's qualitative/quantitative criteria is achieved, and the total number of dwellings/lots proposed does not exceed that envisaged for the Policy Area for the whole site.

To this end, the proposal is considered to sufficiently satisfy the Desired Character for the Medium Density Policy Area 12, as the allotments will enable the construction of "one and two storey, low-to-medium density dwellings of a variety of architectural styles".

DEVELOPMENT ASSESSMENT

The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

Principles of Development Control

Assessment

| Land Division | |
|---|---|
| Objectives <i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</i> | Complies |
| <i>2 Land division that creates allotments appropriate for the intended use.</i> | Complies The proposed site areas are considered appropriate for the dwellings as proposed in Development Application 100/1162/2014. |
| <i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i> | Complies The land division is likely to be supported by the necessary infrastructure, and is located within walking distance of several bus routes. |

| | |
|--|--|
| <p>Principles of Development Control</p> <p>1 When land is divided:</p> <p>(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</p> <p>(b) a sufficient water supply should be made available for each allotment</p> <p>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</p> <p>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</p> | <p>Complies</p> <p>The proposed development is likely to result in stormwater being drained safely from the land. Water and sewer supply will be available.</p> |
| <p>2 Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <ul style="list-style-type: none"> (i) an existing road (ii) a proposed public road (iii) access to a public road via an internal roadway in a plan of community division <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p> | <p>Complies</p> |
| <p>Design and Layout</p> <p>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</p> | <p>Complies</p> |
| <p>7 The design of a land division should incorporate:</p> <p>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</p> <p>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</p> <p>(d) suitable land set aside for useable local open space</p> <p>(e) public utility services within road reserves and where necessary within dedicated easements</p> <p>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</p> <p>(g) protection for existing vegetation and drainage lines</p> <p>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</p> <p>(i) the preservation of significant trees.</p> | <p>Complies</p> |
| <p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p> | <p>Complies</p> |

| | |
|--|---|
| <p><i>11 The layout of a land division should provide for efficient solar access.</i></p> | <p>Does not comply Each allotment is provided with a north facing boundary. As noted by the compromise plan (DA 100/1162/2014), each dwelling is oriented so that their open space and main activity areas are provided with a degree of north facing exposure to winter sun. To this end, the layout of the land division sufficiently provides for efficient solar access.</p> |
| <p>Roads and Access</p> <p><i>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p> <p><i>22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> | <p>Does not comply Given no on-street parking is available either directly in front of the site or in close proximity to the site, the land use application (100/1162/2014) has been designed with this shortfall in mind. Specifically, the required parking rate is calculated at 1.5 spaces per dwelling (rounded up to the nearest whole number) plus 1 dedicated visitor space for every 3 dwellings. Given the number of dwellings (lots), a minimum total of 10 parking spaces would be required, which includes 2 dedicated visitor spaces. Nevertheless, the associated land use proposal is providing for a total of 12 on-site spaces, including two separate dedicated visitor spaces to the front of Dwelling 1 where they will be easily defined and accessible. To this end, the number of onsite spaces including visitor parks proposed is deemed sufficient to overcome the lack of on-street parking.</p> |

ANALYSIS/CONCLUSION

The subject proposal seeks a land division for residential purposes. Given the site is situated within the Residential Zone, has access to sewer and potable water and will not result in substantial earthworks, the proposal is considered an acceptable form of development.

Despite the significant shortfall in site area for the 5 allotments, the total site area of the land (1302 square metres) is of sufficient area and dimension to yield 5 dwellings in the form of residential flat dwellings (average site area of approximately 260 square metres per dwelling), when including the driveway and common areas.

Given the benefit of the land use proposal, the proposed land division is considered to reasonably satisfy the Desired Character of the Medium Density Policy Area 12, as the allotments will enable the construction of appropriately designed “one and two storey, low to medium density dwellings of a variety of architectural styles.”

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan in accordance with Section 35 (2) of the Development Act, 1993;
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/2014/1199 for a Residential Land Division - Community Title 1 into 5 allotments at 22 Greenasche Grove, Seacombe Gardens be GRANTED subject to conditions.

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1199 being drawing reference number 14-157 prepared by Calvallo Forest & Associates (Surveying & Land Division Consultants) except when varied by the following conditions of consent.
- 2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 4. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

LAND DIVISION CONSENT

Conditions of Consent

- (1) The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0021678).
- (2) Payment of \$25952 into the Planning and Development fund (4 lots(s) @ \$6488 /lot). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
- (3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES:

Conditions of Consent

- (1) This approval has been granted on the basis of the suitability of the land for a two story dwelling and four single storey dwellings with associated landscaping as demonstrated in Development Application No 100/1162/2014. However should the proposed allotments be created and sold without the construction of that development occurring or different dwellings are proposed, new applicants/owners should be aware that new Development Application(s) need to be lodged with and assessed by the Council, noting that other dwelling layouts may be difficult to site on the proposed allotments.
- (2) 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 issue of a certificate pursuant to Section 51 of the Development Act.

Attachments

Attachment I: Certificate of Title
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposal Plan and supporting documentation