

Members – Council Assessment Panel
CITY OF MARION



**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 2 October 2019

Commencing at 6.30 p.m.

Committee Room 1 & 2

Council Administration Centre

245 Sturt Road, Sturt

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

Please note, doors to the meeting room will not be opened until 6:15pm.



Alex Wright
ASSESSMENT MANAGER

28 August 2019

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

**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 02 OCTOBER 2019
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

1.5 APPOINTMENT OF ACTING PRESIDING MEMBER

2. APPLICATIONS

2.1 290 STURT ROAD, MARION

Change in land use to office with alterations and additions to the existing a Local Heritage Place and car parking

Report Reference: CAP021019 - 2.1.....1

2.2 2B JERVOIS STREET, SOUTH PLYMPTON

Two storey detached dwelling and garage

Report Reference: CAP021019 - 2.2.....15

2.3 990-1016 SOUTH ROAD, EDWARDSTOWN – CONFIDENTIAL ITEM

To erect a single sided free-standing LED advertising sign with an overall height of 10.3 metres and a total display area of 38.3 square metres - Castle Plaza Shopping Centre

Report Reference: CAP021019 - 2.3.....29

3. OTHER BUSINESS

3.1 APPEALS UPDATE

3.2 POLICY OBSERVATIONS

**4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON OCTOBER 2ND 2019**

5. MEETING CLOSURE

**REPORT REFERENCE: CAP021019 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 2 OCTOBER 2019**



Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	James Michael Packham
Development Description:	Change in land use to office with alterations and additions to the existing a Local Heritage Place and car parking
Site Location:	290 Sturt Road, Marion
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 3 / Non-Complying
Lodgement Date:	07/11/2018
Development Plan:	Consolidated – 28 November 2018
Referrals:	Department of Planning, Transport and Infrastructure (DPTI)
Delegations Policy:	1.4.1.1 <i>Non-complying applications – the Panel will decide to refuse the application or seek the concurrence of the State Commission Assessment Panel to approve the application, except for the following:</i> <ul style="list-style-type: none"><i>the decision to proceed with an assessment of a non-complying application pursuant to Regulation 17 (3)(b) of the Development Regulations 2008).</i><i>non-complying applications deemed to be minor in accordance with Regulation 17 and Schedule 9 Part 1 (3) of the Development Regulations 2008.</i>
Categorisation:	3 <i>Not defined by the Development Plan or the Development Regulations 2008, and not considered minor in nature pursuant to Schedule 9, Part 1 – 2(g).</i>
Application No:	100/2018/2103
Recommendation:	That Development Plan Consent be GRANTED subject to concurrence of the State Commission Assessment Panel (SCAP) and appropriate conditions.

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>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>
<i>Attachment VI:</i>	<i>External Agency Referral Comments</i>

BACKGROUND

The existing building comprises a Local Heritage Place as identified by the Council's Development Plan, described as "Dwelling (former Marion Council Chambers); Exclusions: later additions, outbuildings". The building is in good condition and reflective of the original Marion Council Chambers; however, the façade is in need of some minor repair.

The former Marion Council Chamber (later used as a dwelling) is a single storey masonry building, constructed of brick walls with rendered quoins and detailing, steel framed windows to the primary (south) elevation and timber windows to the side elevations. The building has a hipped metal clad roof which is obscured from view at the front by the substantial masonry parapet. The brickwork to the south elevation remains as face brickwork, however the side walls have been painted. The original extent of the building is still highly legible, with a simple extension having been built to the rear.

The former Marion Council Chamber was identified in the 1990 Marion Heritage Survey, with the following written about its significance:

"This building served as the first officially designated council chambers, and is particularly significant because of this.

This striking building, dated 1937, is a good example of Art Deco architecture in South Australia. The front façade of the building consists of brightly contrasted red brick and off white coloured stucco decoration framing panels of natural red brick. The square moulding of the stucco is consistently carried through the central feature enclosing the main doorway, including the cantilevered concrete porch canopy. The front windows are steel framed in the Art Deco style, illustrating why the style was sometimes referred to as 'Jazz' style. The zig-zag pattern steel framing holds figured and some coloured glass panels.

Consistent with this style, all the decoration is on the front façade, the side walls are of brick and unadorned. The original building can easily be identified by the brick walls and hipped roof with its gablet vents. Additions to the building have been carried out using cement block and a contrasting roof with wider overhangs."

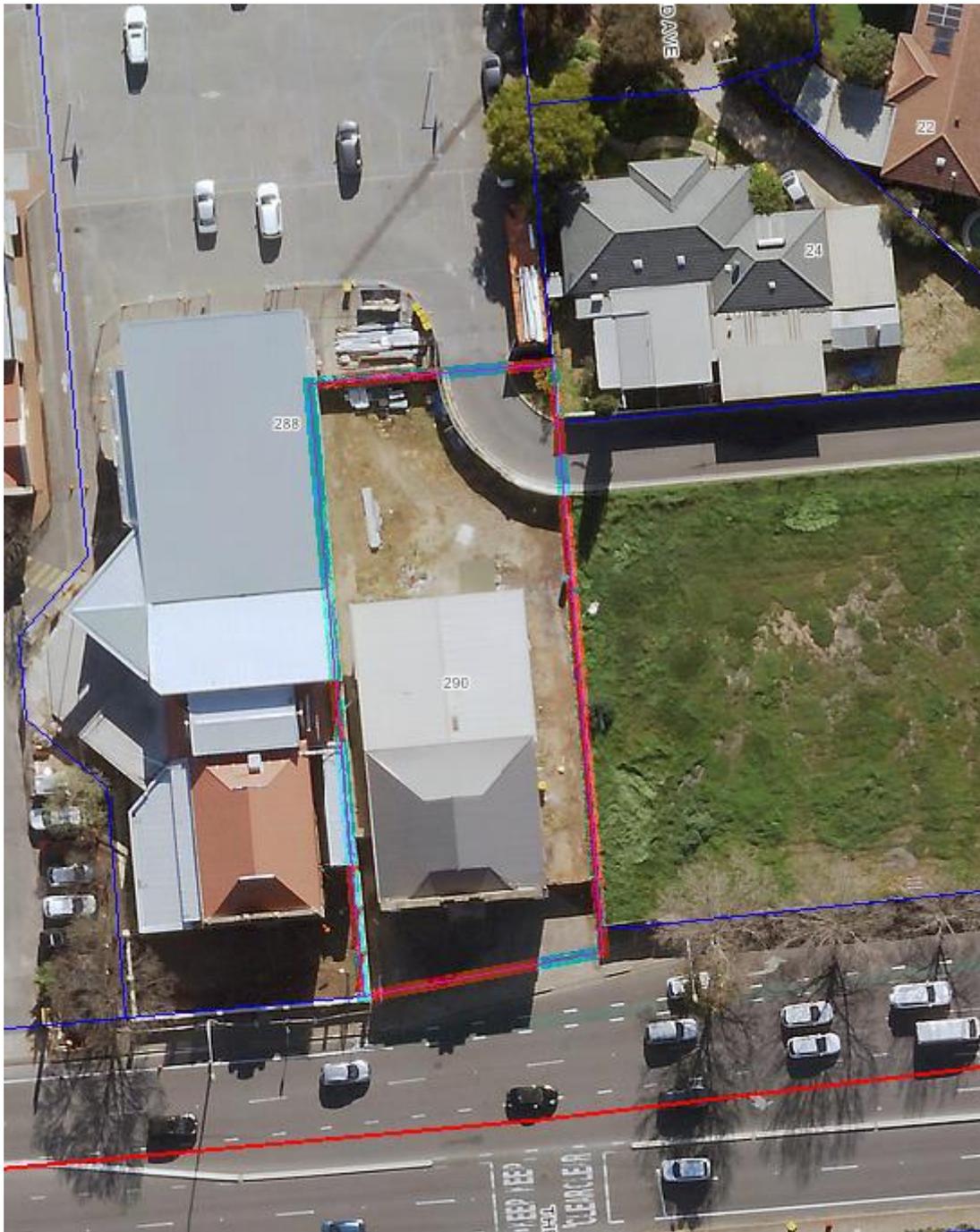
The building is recorded in the SA Heritage Places Database as a Local Heritage Place, having been assessed against the criteria in the Development Act, and meeting the following five of them:

- a - it displays historical, economic or social themes that are of importance to the local area
- c - it has played an important part in the lives of local residents
- d - it displays aesthetic merit, design characteristics or construction techniques of significance to the local area
- e - it is associated with a notable local personality or event
- f - it is a notable landmark in the area

SUBJECT LAND

The subject land is located at 290 Sturt Road, Marion and formally referred to as allotment 314 in Deposited Plan 34679, Certificate of Title 5106/706. The allotment has direct frontage to Sturt Road with an angled boundary measuring 20.27m, average depth of 50.5m and total site area of 1035sqm. The subject land does not feature any landscaping or Regulated Trees.

The allotment provides two existing access points to Sturt Road. To the rear of the existing building, the site is devoid of any structures and includes a portion of the internal access way associated with the Sunrise Christian School. The allotment holds a caveat by the Sunrise Christian School over this portion of land, whereas the subject land has rights of way over the properties at 284-286 and 288 Sturt Road, Marion, providing a shared access arrangement to the rear of the site.



LOCALITY

The locality features a mixture of commercial and residential properties, including Sunrise Christian School and Maranatha Church to the west of the subject land (both listed as Local Heritage Places). Vacant land exists directly adjacent the subject land on the corner of Sturt and Marion Road, which is situated in a Commercial Zone.

Residential properties are present north, north-east and south of the subject land and comprise single-storey detached dwellings at low densities which are representative of the original dwelling stock, with limited infill development having occurred.

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



PROPOSAL

A review of Council's records has failed to identify an approved land use for the subject land; however, since the closure of the Marion Council Chambers, it is understood the building has operated under a number of uses, including a function centre, barber and the most recently being used as a dwelling. Subsequently, the proposal seeks to formalise the use of the building as an office by virtue of the subject application.

In addition to the change in land use, alterations are proposed in the form of building works, repairs and maintenance, both internal and external. A single car parking space is proposed at the front of the site which shall utilise existing access points, whereas ten additional spaces are provided to the rear of the building, which gain access via a right of way over the properties situated at 284-286 and 288 Sturt Road, Marion.

PROCEDURAL MATTERS

Classification

The subject application is a Non-Complying form of development by virtue of the Procedural Matters section of the Residential Zone, where an office exceeding a gross leasable floor area 150 square metres is listed as a non-complying form of development.

Categorisation

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

ASSESSMENT

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

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

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

Residential Zone

Objectives

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

Principles of Development Control

Land Use

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

ZONE AND POLICY AREA CONSIDERATIONS

The Northern Policy Area 13 remains silent on non-residential development. This notwithstanding, the Residential Zone identifies offices as an envisaged land use, provided they serve the needs of the local community, be consistent with the character of the locality and do not detrimentally impact on the amenity of nearby residents.

The main considerations of the suitability of the use surround the question as to whether it is of a small scale, including the intensity of the proposal and the built form outcomes. Despite the floor area of the building exceeding the maximum 150sqm cap, and therefore resulting in the application being considered a non-complying development, it is important to have regard to the locality and what consequences come as a result of the excess in floor area.

When regard is had to the locality, it is acknowledged the site is situated adjacent an arterial road and non-residential land uses, including Sunrise Christian School and Maranatha Church to the west of the subject land and vacant land to the east. The vacant land to the east is situated within a Commercial Zone and Sturt/Marion Road Corner Policy Area 3, which anticipates non-residential development. The Desired Character statement for this Policy Area states:

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

Sturt/Marion Policy Area 3 Desired Character

Given the separation achieved between nearby residential properties on Sturt Road and those sited in the cul-de-sac of Tweed Avenue, it is unlikely that any amenity impacts will be experienced by occupants of those properties (discussed further below in this report). The access arrangement to the rear of the site will utilise a shared right of way with the Sunrise Christian School and as such, the number of vehicle movements adjacent the residential properties are considered to be of a similar volume to that currently experienced.

The majority of the proposed building works are contained within the Local Heritage Place, with some repairs and cosmetic upgrades to be undertaken to the façade of the building. The internal work will assist in meeting National Construction Code standards, whilst the external work will positively contribute to the character of the existing heritage item and other buildings to the west.

Although the total floor area of the building is equal to approximately 330 square metres, as identified above, the locality is not of a typical residential setting. It is also acknowledged the built form exists and the proposal does not result in additional floor area. If an office building of this size were to be considered in a typical residential setting, it could be questioned as to whether it would comprise development of a small scale; however, it is clear the characteristics of the locality in this instance differ. As such, it is my opinion that this aspect of the proposal can be considered small in scale.

The proposed use as an office, will assist in serving the needs of the community and is consistent with the character of the locality. Despite the subject land being sited adjacent a Residential Zone (north to south in a counter clockwise direction), the character of the locality does not provide a traditional residential setting. Given the site does not directly abut a residential property, combined with characteristics of the locality, it is my opinion that the development can be considered small scale and will not unreasonably impact on the amenity of nearby residents.

HERITAGE PLACES AND DESIGN AND APPEARANCE

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

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

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

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

- The alterations to the building and most importantly, the main façade will retain those elements contributing to its heritage value, satisfying Heritage Places PDC 2.
- The proposal is considered to be compatible with the Heritage Value of the Local Heritage Place. The building was originally built for the purposes of the Council Chambers with those elements being retained as desired in PDC 3.
- The advice received has indicated that some building fabric items are in need of repair or conservation work. This has been included as part of the proposal, which will assist in preserving the heritage values of the building and not diminish its setting as sought by PDC 4 and 6.

I am of the opinion that the proposed development appropriately incorporates the adaptive reuse of a Local Heritage Place. The design and appearance of the building will not significantly change, rather the upgrades to the building will assist in some modern finishes, without impacting the heritage value of the building.

AMENITY CONSIDERATIONS

While the site has some interface with residential properties on the opposite side of Sturt Road and is situated adjacent 24 Tweed Avenue, Marion (north-eastern corner of the site), it is my opinion that the proposal will unlikely result in amenity impacts upon nearby residents. The proposal is considered to appropriately satisfy the applicable Objectives and Principles of Development Control section of the Development Plan and is discussed below.

NOISE AND HOURS OF OPERATION

The proposal is considered to remain in accordance with the desired outcomes of the Development Plan by limiting the hours of operation from 9:00am until 5:00pm, Monday to Friday. The hours of operations are outside of normal sleeping hours and the use of the building as an office will not create unreasonable noise impacts, particularly when regard is had to that currently experienced by the nearby school and that generated by traffic along the arterial road network. The level of separation from nearby residential properties is considered appropriate to minimise any amenity impacts attributed to noise and hours of operation.

WASTE COLLECTION AND STORAGE

The location of waste storage receptacles will be adjacent the western side of the building, which is capable of being screened from public view. The anticipated waste generated from the site does not extend beyond standard office materials and equipment. Council's collection services will be sufficient for the removal of waste from the site.

TRAFFIC

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

The proposal aims to utilise existing access point adjacent the subject land as well a right of way over the Sunrise Christian School's parking area. One parking space is provided at the front of the site and the reuse of the existing access and egress points are supported by DPTI and considered to reduce traffic overflow to the adjacent road networks.

The proposal will see an increase in vehicle movements at the rear of the site; however, it is my opinion that any noise generated from the location of the parking area will not cause unreasonable impacts upon nearby residential properties. The hours of operation are limited to day time hours, Monday to Friday, such that any vehicle movements or traffic generated from the site can be catered for by the surrounding road network and any noise generated by vehicles will unlikely exceed that currently experienced by the arterial road or adjacent land uses.

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

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

VEHICLE PARKING

Based on the total floor area of the building, the Development Plan calls for a minimum 13 parking spaces (based on a rate of 4 spaces per 100sqm). The proposal provides 11 spaces in total, comprising a single park at the front of the site and an additional 10 spaces to the rear of the building, thereby failing to satisfy the minimum by 2 spaces.

Despite the deficiency in on-site parking, it is worthy having regard to the internal floor layout of the building, noting approximately 70sqm is allocated for toilet facilities and kitchen space, areas which do not generate a demand for car parking. Further, the subject land is situated a short distance from public transport opportunities (bus services) some 100m to the east, on both sides of Sturt Road. These characteristics of the building and locality indicate that some discount can be afforded to the provision of on-site parking for the proposal.

It is also acknowledged the building and site was initially constructed for the purposes of the Council Chambers, a use of the land which shares similarities with the subject application. Although parking demands have likely increased since the building was initially constructed, the historical use of the building was able to function appropriately. As identified above the subject application has been lodged due to a lack in record keeping and to formalise the use of the building.

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

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

LANDSCAPING

It is acknowledged the subject land is currently devoid of any landscaping. Council's Development Plan seeks landscaped areas along road frontages, achieving a width of not less than 2 metres. Despite the proposal failing to provide landscaping in accordance with this desired outcome, plantings are provided elsewhere throughout the site, most notably at the front of the site adjacent the building and eastern/western side boundaries, as well as the rear parking area where appropriate to ensure vehicle turning areas are maintained.

The provision of landscaping is an improvement to the appearance of the site and streetscape compared to that which exists and will assist in softening the appearance of car parking areas.

REPRESENTOR'S CONCERNS

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

The appearance of the building will be enhanced through a combination of upgrades, repair work and landscaping throughout the site. The built form will continue to complement the existing development in the locality, particularly when viewed from Sturt Road. The buildings prominence and heritage values will be maintained, while the use of the building demonstrates an adaptive reuse of a Local Heritage place. The overall design and siting of the proposed alterations are considered to be appropriate within the context of the site and locality, without resulting in a built form outcome which is dissimilar to that which exists.

Interface between adjacent land uses have been appropriately addressed through limitations on hours of operation and separation from nearby residential uses. Improvements are afforded to the car parking design through the formalisation of on-site spaces, while the reuse of access to/from Sturt and Marion Road will see no disruption to traffic flows. Further, the number of on-site parking is considered to meet the likely peak demand of the facility, without the need to rely on adjacent land uses or the local road network.

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

Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to the concurrence of the State Commission Assessment Panel and conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2103/2018 for a change in land use to office with alterations and additions to the existing a Local Heritage Place and car parking at 290 Sturt Road, Marion be GRANTED subject to the concurrence of the State Commission Assessment Panel (SCAP) and conditions.

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2103/2018, being the following plans prepared by Royal Greenhouse:
 - a. Site Plan, Floor Plan and Elevations Rev G;
 - b. Ceiling Plan and Maintenance Details Rev E;
 - c. Internal Elevations (Sheet 4 & 5) Rev B; and
 - d. Step Ramp Option Rev A.
2. The hours of operation of the premises shall be restricted to the following times:
 - Monday to Friday (inclusive) from 8:00am until 6:00pm.
3. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
4. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
5. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
6. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
7. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment and shall be screened from public view to the reasonable satisfaction of Council.
8. 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.
9. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.

10. 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.
11. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.

Department of Planning, Transport and Infrastructure Conditions

12. Access to serve the proposed development shall be in general accordance with Royal Green House Site Plan, Job No. 455-18, Revision D, dated 23 October 2018. Subsequently:
 - a. Access to the rear parking area shall be gained via the private access road linking to Marion Road.
 - b. The Sturt Road crossover shall not be utilised for access to/from the rear of the site.
 - c. The disabled parking space located forward of the building shall be accessed via the Sturt Road crossovers.
13. All vehicles shall enter and exit the site in a forward direction.
14. All off-street car parking areas shall be designed and constructed in accordance with AS/NZS 2890.1:2004 and 2890.6:2009.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All 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.
3. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
5. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

**REPORT REFERENCE: CAP021019 – 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 2 OCTOBER 2019**



Originating Officer:	Alex Wright Team Leader - Planning
Applicant:	Mr Rongshan Ning
Development Description:	Two storey detached dwelling and garage
Site Location:	2B Jervois Street, South Plympton
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Merit
Lodgement Date:	09/04/2019
Development Plan:	Consolidated – 29 November 2018
Referrals:	Open Space
Delegations Policy:	1.4.1.2 <i>Any 'merit' application that has undergone Category 2 or 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed a desire to be heard personally.</i>
Categorisation:	<i>Development Plan, Residential Zone, Procedural Matters Public Notification Table - Wall (excluding retaining wall) for residential development which exceeds a length of 8 metres and/or exceeds a height of 3 metres when measured from natural ground level where abutting a side or rear boundary.</i>
Application No:	100/2019/618
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

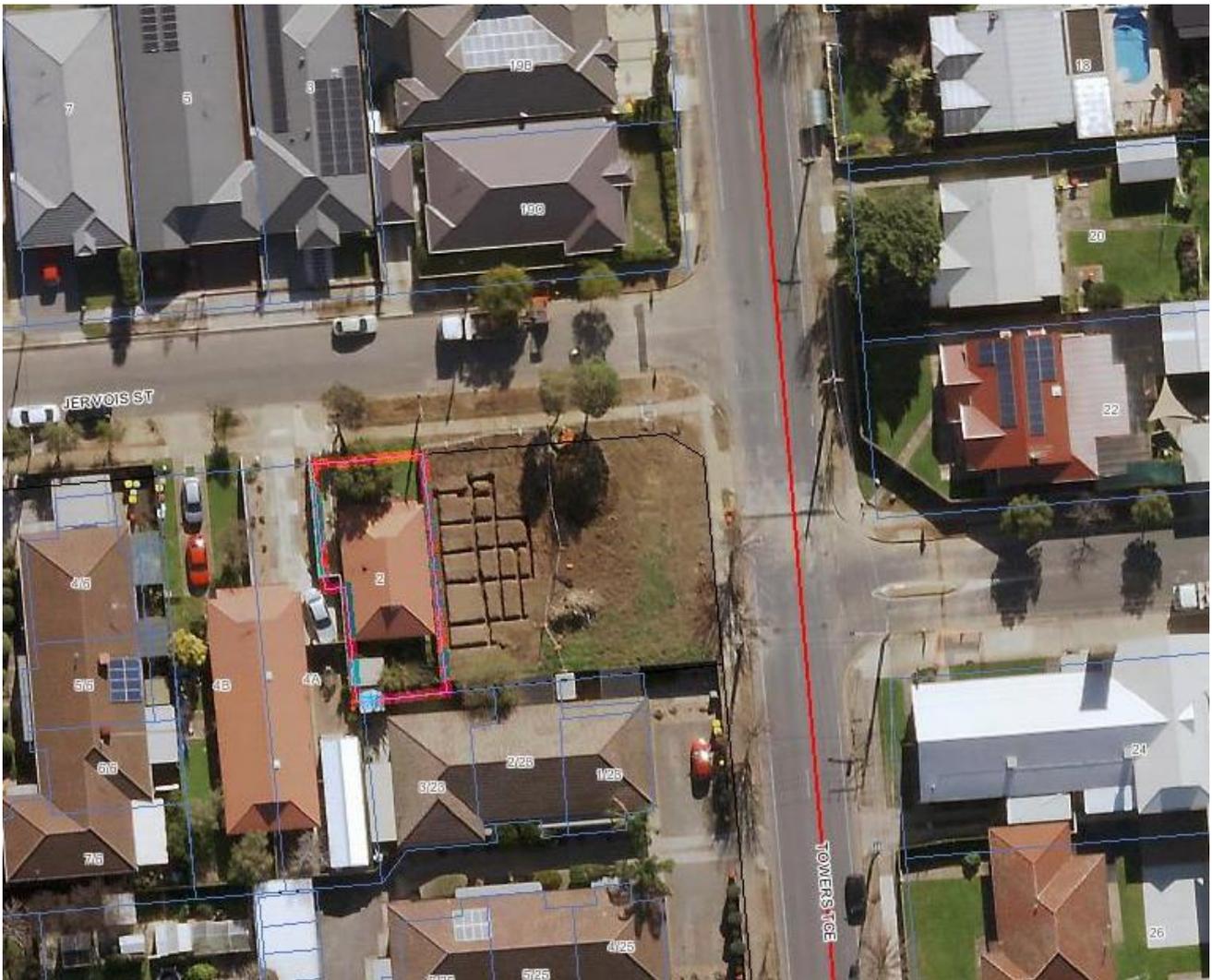
Attachments

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SUBJECT LAND

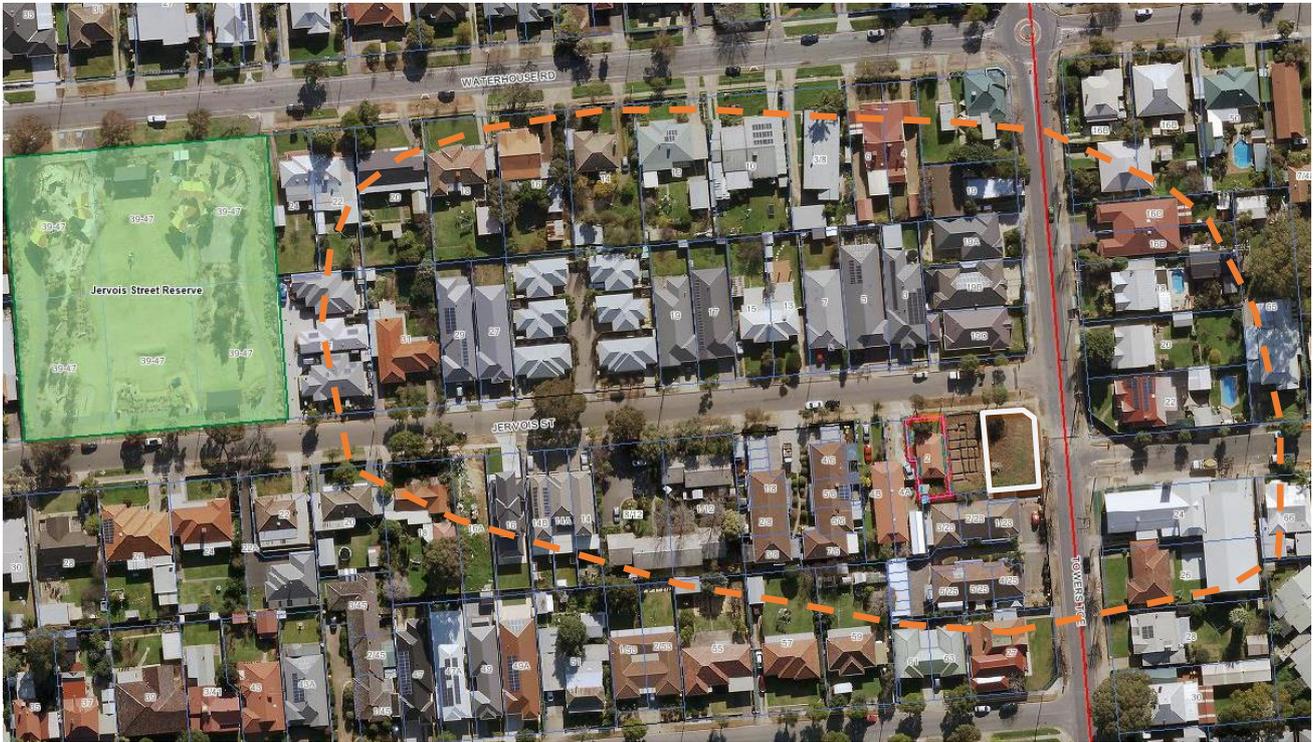
The subject land is located to the southern side of Jervois Street and western side of Towers Terrace, South Plympton. The site achieves a frontage of 13.44 metres, a depth of 23.04 metres and an overall allotment area of approximately 375 square metres.

As the site has recently been subdivided it is void of any structures or notable vegetation. Two Council streets are located I the Council verge adjacent Jervois Street, whilst an additional tree is located within the verge adjacent Towers Terrace.



LOCALITY

The locality is typically defined by a mixture of single storey detached dwellings on large allotments and recently sub-divided allotments incorporating a variety of modern style single and double storey dwellings at a range of densities. The subject allotment is within 300 metres of the Jervois Street Reserve, 650 metres of the Seaford Rail line (which provides direct access to the Adelaide CBD) and 750 metres of the 'Forbes Park n Shop' complex along Marion Road.



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

THE PROPOSAL

The application proposes the construction of a two storey detached dwelling.

The upper storey contains three bedrooms, retreat with associated front facing balcony, bathroom and powder room/water closet.

The ground floor contains a bedroom with associated en-suite, open plan kitchen/meals/living area, water closet with direct access to the associated area of private open space, water closet and laundry.

The dwelling is afforded a double width garage, which has direct access to Jervois Street. A new crossover to Jervois Street is to be constructed adjacent the western boundary.

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

Procedural Matters

Classification

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

Public Notification



Properties Notified	23
Representations	3 in total. 2 against, 1 in favour
Persons wishing to be heard	Mr Zhqo Mr Mijajlovic
Applicant Response	A response by the applicant is included within the Report attachments

Referrals

Open Space Operations (Internal):

It is recommended that the tree in question be removed to facilitate the proposal and an appropriate replacement as determined by Council will be added to the street. The removal, replacement and establishment of a new tree will be carried out by Council and the cost to be covered by the applicant will be \$1044.08+gst

Zone and Policy Area Considerations

Residential Zone

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

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

Proposal consider to adequately satisfy the intent of applicable Objectives.

Northern Policy Area 13

Objectives

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

2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.

3 Development that minimises the impact of garaging of vehicles on the character of the locality.

4 Development densities that support the viability of community services and infrastructure.

5 Development that reflects good residential design principles.

6 Development that contributes to the desired character of the policy area.

Proposal consider to adequately satisfy the intent of applicable Provisions.

Desired Character

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

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

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

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

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

The application proposes to construct a two storey dwelling on a vacant allotment. The proposal consider to adequately satisfy the intent of Desired Character by facilitating an attractive residential environment through an improvement in the built form design and presentation.

Principles of Development Control

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

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

Satisfies

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

Quantitative Snapshot

Existing Allotment Dimensions	
Area	375m ²
Frontage	13.42m
Depth	23.01m

Requirement		Proposed	
Setbacks			
Front	Average of adjoining dwelling:	Satisfies	5.5m (adjacent dwelling setback at 4.8m)
Side	Ground: 1m Upper: 2m	Satisfies	1m 2.15m
Rear	Ground: 6m/3m (50% allotment width) Upper: 8m	Satisfies	3.89m (30.8%), increasing to 6.8m 8.12m
Secondary	2m	Satisfies	2m
Building Footprint			
Site Coverage	40%	Partially Satisfies	170m ² / 45.3%
Floor Area Ratio	0.6	Satisfies	0.54
Pervious Surface	20%	Satisfies	47.2%
Wall on Boundary	3m height, 8m length	Partially Satisfies	Length: 6.44m Height: 3.57m (3.3m wall height + 270mm fill)
Building Height	Maximum 9m	Satisfies	7.89m (maximum two storeys)
Private Open Space			
Area	20% of allotment (side or rear)	Satisfies	122.93m ² / 32.7%
Dimensions	5m by 5m (part accessible from living area)	Satisfies	6.79m by 7.37m
Car parking	3 spaces, 1 of which covered	Satisfies	4 spaces, two of which covered.
Setbacks to Infrastructure	2m to street trees	Satisfies	2m

Assessment

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

- Wall on Boundary Height
- Site Coverage
- Design and Appearance
- Overshadowing
- Visual Privacy
- Private Open Space

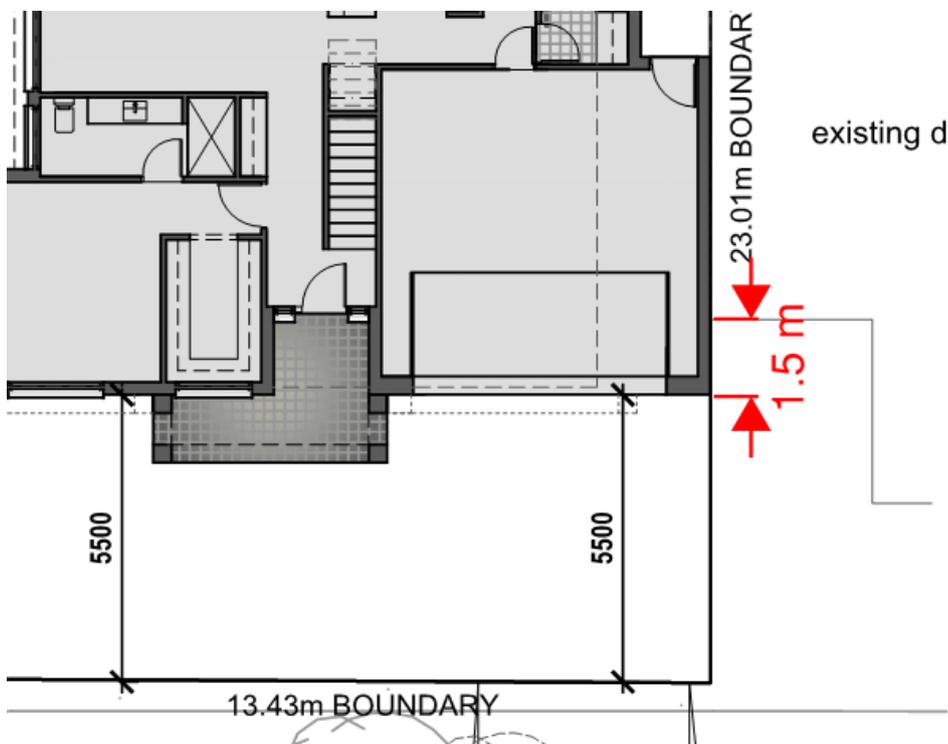
Wall on Boundary

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

The application proposes a wall 6.44 metres in length and 3.57 metres in height along the western boundary. It is noted this height has been determined through a 3.3m wall in addition to 270mm fill (the difference between existing ground level and the proposed finished floor level).

Whilst the proposed height would ordinarily be inappropriate when sited along the boundary, in this instance a majority of the wall is to abut the adjacent dwelling's carport (located on the boundary) with only a 1.5 metre length visible. Furthermore, the adjacent dwelling achieves a 4.8 metre front setback and given the garage of the subject application achieves a 5.5 metre setback, the structure will not be highly visible when viewed the streetscape.

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



Site Coverage

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

The departure in site coverage is considered to be of a minor variance, considering the proposal satisfies all other applicable numerical standards in relation to front, side (bar boundary wall height) and rear setback requirements, provision of suitable private open space. Additionally, it is demonstrated that the dwellings shall not have a detrimental impact on the adjoining properties via overshadowing or visual bulk/scale impacts.

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

Design and Appearance

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

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

- A mixture of brick, 'axon' cladding, timber cladding and tile
- Differing change in material height along the secondary street façade to minimise building height, mass and proportion
- Upper level eave overhangs and pitched roof forms.
- Fenestration and protruding upper level balcony.

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

Appropriate articulation is provided through differing side setbacks to the upper and lower level of the dwelling. The level of articulation afforded through these differing setbacks, and the use of different colours and materials is considered to appropriately aid in reducing the potential visual bulk and scale impacts associated with the dwelling's two storey nature (two storey development being an anticipated form and scale of development within the Northern Policy Area 13).

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

Overshadowing

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

The proposed dwelling incorporates an upper level setback of 8.12 metres to the southern boundary (northern boundary of adjacent allotment) and the extent of shadow cast onto the adjacent allotment and the associated dwelling's habitable room windows and POS is considered acceptable and will be within the applicable Overshadowing Principles of Development Control.

Whilst the existing outlook experienced by the occupant of the adjacent allotment to the south will change given a two storey dwelling is proposed where previously the site incorporated a single storey dwelling, the extent of potential overshadowing is not unreasonable.

Visual Privacy

Design and Appearance Principle of Development Control 11 suggests that buildings with upper level windows and balconies should minimise direct overlooking of habitable room windows and private open space areas through the incorporation of

- off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct
- providing building setbacks from boundaries that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms
- providing screening devices that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.

All upper level rear facing windows and the side facing windows situated to the rear of the built form incorporate seal heights to a minimum 1.8 metres above the internal finish floor level. The seal height will assist in appropriately restricting downwards views and ensure occupants of the adjacent southern and northern allotments maintain an appropriate level of privacy and amenity.

Upper storey windows on the front elevation remain unobscured to provide surveillance to the street whilst the balcony is oriented to obtain views of the streetscape and does not incorporate solid screening to assist in facilitating passive surveillance opportunities.

It is acknowledged the dwelling sited to the northern side of Jervois Street (19C Towers Terrace), directly opposite the subject land, is oriented to face Towers Terrace and therefore incorporates a side yard and habitable room windows along the southern façade/side of allotment. The allotment boundary is located some 21 metres from the balcony edge, with the habitable room windows located some 23.5 metres from the balcony edge. The proposed dwelling's upper level habitable room windows are located an addition 1.4 metres further back.

The Development Plan states dwellings should be designed and oriented to address the street by presenting a front entrance door and habitable room windows toward the primary street frontage. Further, the General Principles and Desired Character of the Policy Area call for buildings that are designed to overlook public and communal streets and public open space to allow casual surveillance and development that promotes cohesive streetscapes.

As such, it is uncommon for upper level windows and/or balconies oriented towards the street to incorporate screening devices in order to disrupt views over the road reserve. The provision of unobscured windows facing Jervois Street are not considered to be unreasonable given the extent of spatial separation afforded. Furthermore, a quantitative setback of 15 metres is consistently provided across the Council and is evident in the State Legislation for Complying forms of development.

In my opinion, the dwellings have been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing an external outlook and passive surveillance to the public realm.

Private Open Space

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

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

Whilst a majority of POS is located to the rear of the dwelling, and therefore incorporates a southern orientation, POS areas to the south-western and east of the dwelling are provided and will receive sufficient sunlight.

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

Conclusion

The preceding assessment has addressed the main shortfalls in relation to site area and the boundary wall height.

The quantitative excess in site coverage is considered to be acceptable, particular given the development achieves overall compliance with regard to front, side and rear setbacks as well as private open space.

The excess in boundary wall height is considered acceptable given it abuts the adjacent dwelling's carport, with only a 1.5 metre portion of wall visible to the adjacent allotment and wider locality. The excess in wall height will not result in adverse amenity impacts on adjoining properties with respect to overshadowing or bulk or scale.

The proposed dwelling is considered to provide a positive design contribution to the streetscape and reflects the outcomes sought by the Residential Zone and Northern Policy Area 13 Objectives and Desired Character.

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

Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent 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: 100/618/2019 for a Two storey detached dwelling at 2B Jervois Street, South Plympton 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. 100/618/2019, being drawings;
 - Site Works and Stormwater Management Plan, drawing no. C01, Rev A1
 - Sheet 1 of 4, Rev B; Sheet 2 of 4, Rev B; Sheet 3 of 4, Rev B; Sheet 4 of 4, Rev B;except when varied by the following conditions of consent.
2. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

<https://cdn.marion.sa.gov.au/sp/Brochure-Stormwater-Detention-Retention.pdf>
4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
7. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling, to the reasonable satisfaction of the Council.

Note

- 1. An invoice for \$1044.08+GST (\$1148) for removal of the Council Street Tree shall be issued by Council.**

**REPORT REFERENCE: CAP021019 – 2.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 02 OCTOBER 2019**



CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES

Reason for confidentiality

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

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

Recommendation

1. The Council Assessment Panel orders pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, that the public, with the exception of the Manager of Development and Regulatory Services, Team Leader - Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager of the Council Assessment Panel.
2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 2.3 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session, the meeting be re-opened to the public.