

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 5 August 2020

Commencing at 6.30 p.m.

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.

A handwritten signature in blue ink, appearing to read "Alex Wright", is positioned above the printed name and title.

Alex Wright
ASSESSMENT MANAGER

28 July 2020

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

1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATIONS

3. APPLICATIONS

3.1 284-286 STURT ROAD, MARION, 288 STURT ROAD, MARION, 292-296 STURT ROAD, MARION, 876 MARION ROAD, MARION, 24 TWEED AVENUE, MARION PREVIOUSLY DEFERRED AT CAP030620

Stage 1 - alterations and additions to an existing educational establishment including demolition of existing playing courts, fencing and single storey dwelling, a single storey building for use as a pre-school, construction of a verandah, alterations to access, internal driveway and car parking, masonry fence and associated siteworks and landscaping;

Stage 2 - the construction of a two storey educational building (part 1);

stage 3 - the construction of a two storey educational building (part 2).

Report Reference: CAP050820 – 3.11

3.2 368 STURT ROAD, TONSLEY

Residential Land Division, Community Title - 1 into 6 allotments

Report Reference: CAP050820 – 3.212

3.3 395 CROSS ROAD, EDWARDSTOWN

Change in land use from dwellings to office with associated internal alterations, car parking, landscaping, free standing advertising sign and relocation of existing garage for storage purposes

Report Reference: CAP050820 – 3.324

**3.4 32 LAURENCE STREET, DOVE GARDENS
PREVIOUSLY DEFERRED AT CAP200520**

Single storey residential flat building comprising three dwelling, retaining and fencing exceeding 2.1 metres in height and landscaping

Report Reference: CAP050820 – 3.441

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|------------|---|----|
| 3.5 | 82 BRADLEY GROVE, MITCHELL PARK – CONFIDENTIAL ITEM | |
| | The construction of a two storey residential flat building comprising 5 dwellings with associated carports and landscaping | |
| | Report Reference: CAP050820 – 3.5 | 50 |
| 3.6 | 9 COPPIN STREET, GLENGOWRIE – CONFIDENTIAL ITEM | |
| | Two storey detached dwelling | |
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| 4. | APPEALS UPDATE | 52 |
| 4.1 | APPEALS AGAINST PANEL DECISIONS | |
| 4.2 | APPEALS AGAINST DELEGATED APPLICAITONS | |
| 5. | POLICY OBSERVATIONS | |
| 6. | OTHER BUSINESS | |
| 7. | CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON FIFTH AUGUST 2020 | |
| 8. | MEETING CLOSURE | |

**REPORT REFERENCE: CAP050820 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 AUGUST 2020**



Originating Officer: Nicholas Timotheou
Development Officer - Planning

Applicant: Sunrise Christian School

Development Description: To undertake a staged development:
Stage 1 - alterations and additions to an existing educational establishment including demolition of existing playing courts, fencing and single storey dwelling, a single storey building for use as a pre-school, construction of a verandah, alterations to access, internal driveway and car parking, masonry fence and associated siteworks and landscaping;
Stage 2 - The construction of a two storey educational building (Part 1);
Stage 3 - The construction of a two storey educational building (Part 2).

Site Location: 284-286 Sturt Road, Marion
288 Sturt Road, Marion
292-296 Sturt Road, Marion
876 Marion Road, Marion
24 Tweed Avenue, Marion

Zone & Policy Area: Suburban Activity Node Zone
Commercial Zone / Sturt/Marion Road Corner Policy Area 3
Residential Zone / Marion Plains Policy Area 8

Lodgement Date: 05/03/2020

Development Plan: Consolidated – 15 August 2019
Gazetted 8 August 2019

Referrals: *External*
Department of Planning, Transport and Infrastructure

Internal
Development Engineer
Heritage Architect

Application Type: **Non-Complying**
Commercial Zone - Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:
Educational establishment

Delegations Policy:

1.4.1.1

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:

- the decision to proceed with an assessment of a non-complying application pursuant to Regulation 17 (3)(b) of the Development Regulations 2008).*

non-complying applications deemed to be minor in accordance with Regulation 17 and Schedule 9 Part 1 (3) of the Development Regulations 2008.

Categorisation

3

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).

Application No:

100/2020/342

Recommendation:

That Development Plan Consent be GRANTED subject to concurrence of the State Commission Assessment Panel (SCAP) and a Reserved Matter and Conditions

Attachments

Attachment I: Minutes from Council Assessment Panel meeting held 3 June 2020

Attachment II: Proposal Plan and supporting documentation

BACKGROUND

The subject application was considered by the Panel at its meeting of 3 June 2020, whereby a decision upon the application was deferred for the following reason;

1. A further report to be prepared by the applicant and further assessment by staff in respect of the visual impact of the proposed fence and noise adjacent the Tweed Avenue streetscape, 11 Tweed Avenue, and 22 Tweed Avenue, with a view to increasing landscaping substantially.
2. The potential for noise attenuating fencing to be constructed along the eastern boundary of the school, adjacent 1, 3, 5, 7, 9 and 11 Tweed Avenue, necessary for the reduction in noise from students consequential upon the increased student numbers.
3. Consideration be given to a Management Plan to be developed in consultation with adjacent residents in relation to the emanation of noise through traffic, waste disposal, loudspeakers and dust extractors.

The applicant has revisited the design of the proposal in light of the Panel's position, amended the proposal where practicable and provided additional information for consideration.

The original report, plans and attachments can be found in the member's agenda from the 3 June 2020 meeting. Administration will provide Members who were not present at the previous meeting (3 June 2020) with a copy of the previous proposal plans and supporting documentation. This documentation will be uploaded to Members lpad and provided via email (by way of dropbox) the day the Agenda is released.

DISCUSSION

This amendments are considered to achieve the intent of the Panel's reason for deferral and are assessed in relation to each item below:

Tweed Avenue streetscape appearance

It is acknowledged the streetscape appearance of Tweed Avenue will change as a result of the proposed development, namely, 24 Tweed Avenue which currently presents a detached dwelling to the cul-de-sac will be replaced by fencing. The proposal has been amended to incorporate masonry fencing (exposed brick in "honestly artisan") to this portion of the Tweed Avenue boundary and will be situated behind two mature Eucalyptus Leucoxylon (blue gum) street trees. Council's Coordinator Arboriculture has also advised there is opportunity to plant an additional tree, of the same species, within the road reserve adjacent the Tweed Avenue cul-de-sac and existing school boundary fencing. Should the application be supported, Council will issue an invoice for the planting of this street tree.

Additional landscaping adjacent Tweed Avenue, 11 Tweed Avenue and 22 Tweed Avenue is proposed and shall comprise ornamental pears (approximate grow height of 7m) will be provided and be visible over the existing and proposed fencing.

These elements are considered to assist in improving the appearance of the Tweed Avenue cul-de-sac as well as the external outlook from 22 Tweed Avenue.

Noise

Student numbers

It is important to acknowledge that th Sunrise School, as part of a development application in 2006, sought an increase in student numbers, which is reflected on the consent stating the total number of students shall not exceed 660. The applicant has identified the schools student numbers generally range between 250 and 320. The proposal will see an increase in student numbers by 300, resulting in a total of 620, which falls below the existing condition over the site. Deferral reason 2 identifies what impacts the development will have from a noise perspective as consequence upon the increased student numbers. Given the existing conditions over the site, it is acknowledged that, as of right, the school in it's present location and form could operate with up to 660 students.

The above notwithstanding, the applicant has engaged Sonus to provide further correspondence in relation to this matter who has provided the following for the Panel's consideration.

Sonus further advises that noise from children playing within schools is excluded from assessment under the Environment Protection (Noise) Policy 2007 (the Noise Policy). This is because:

- *the noise from children playing is seldom of concern when considering the extent of interfaces of schools, child care centres and playgrounds with residential areas;*
- *the goal noise levels are established for sources which operate continuously;*
- *the noise from children playing is intermittent;*
- *the noise from children playing occurs during the day;*
- *the noise levels generated are inherently high and so large fence structures are required to achieve the objective goals of the Policy. Large fencing is seen as detrimental by schools for reasons of passive security and connection to the community and by the community for reasons of residential amenity.*

Sonus has continued to identify that if student numbers were doubled in the play area adjacent Tweed Avenue, a minor increase of 3Db(A) in noise levels would come as a result, which is subjectively perceived as a “just noticeable” difference. The report has identified there will however be a greater variation in noise levels from the current playground arrangement on a daily basis related to the location of children. For these reasons, the applicant has not provided additional acoustic fencing adjacent the properties at 1, 3, 5, 7, 9 and 11 Tweed Avenue. The Sonus report has identified that in order to address the potential for additional noise generated from the increase in student numbers, large fencing structures would be required, which may result in amenity impacts upon residents and would see a reduction in passive security for the school.

Whilst there will be some increase in noise from student numbers and that additional acoustic fencing has not been provided, it is worthy to acknowledge the school has an existing approval for up to 660 students. It is also acknowledged that the school operates during the day and outside of sleeping hours. The school is a longstanding lawful land use and the increase in student numbers is considered to remain in accordance with existing conditions.

Loudspeakers and Dust Extractor

Beyond the matter pertaining to the increase in student numbers, the applicant has outlined existing activities which generate noise, including the use of amplified speakers and a dust extractor. Following the previous CAP meeting and concerns raised from representors and residents in general, the applicant has, in good faith, advised the school has ceased use of the loudspeakers. Further discussions with the applicant has identified that the use of the loudspeaker will only occur in emergencies.

The applicant has also identified previous complaints have been received surrounding noise generated by the dust extractor associated with the tech centre. When this occurred, sound attenuating measures were introduced in order to minimise noise impacts and has since received no further complaints. It should be acknowledged however that these matters are outside of the subject assessment.

Traffic

The Applicant has submitted a copy of the Marion Sunrise School’s Traffic and Car Park Safety Policy for the Panel’s consideration. The Policy includes reminders for staff, parents, children and visitors to the site to promote safe use of car parks and drop-off/pick-up zones. Further, instructions are provided for ELC parents. It is acknowledged that these are matters which cannot be controlled through the planning assessment of the subject application, rather, the relevant authority should be satisfied that the car parking and manoeuvring layout has the ability to appropriately serve users of the site and promote safe traffic and pedestrian access throughout the site. The on-site management of traffic becomes the responsibility of the school in order to ensure that users of the carpark act in an appropriate and safe manner.

This notwithstanding, the applicant has provided an additional pedestrian access plan which demonstrates the extent of safety functions provided throughout the site that promote a safe traffic and pedestrian environment. These include, pedestrian paths, zebra crossings, speed limit restriction signs and speed humps. The Policy and Pedestrian Access Plan is considered to demonstrate how the site masterplan takes into account the traffic concerns previously held by the Panel and aims to implement a design which places high importance on safety.

The applicant has also updated the plans to nominate the concept design of the channelised left turn lane and footpath adjacent Marion Road. Administration have had various discussions with the applicant around this matter and it has been agreed that the detailed design for Stage 2 and Stage 3 of the application will satisfactorily address this matter. As such, it is recommended the following Reserved Matter be attached to any consent;

The detailed design of the channelised left turn lane and footpath adjacent Marion Road (identified by the red dashed line on the Proposed Site Plan prepared by Thompson Rossi Drawing Number DD03 Rev [E] dated 13 July 2020) shall be submitted to the Council for its consideration and approval prior to Building Rules Consent for Stage 2 being granted. The detailed design must be to the reasonable satisfaction of the Council and accord with Council standards for road and footpath design.

This is considered to provide assurance that the design of the left turn lane and footpath are designed to an appropriate standard from both DPTI and Council's perspective.

Waste disposal

The applicant has reiterated that waste disposal will continue to operate as it currently exists. The location of waste storage receptacles will not change and is sited adjacent the proposed covered outdoor learning area, which is capable of being screened from public view. A private collection service is utilised and will continue to do so outside of school hours in order to minimise any safety risks.

Administration recommends the following condition be attached to any consent to ensure waste pickup does not unreasonably impact the amenity of nearby properties:

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. Under this legislation, the following provisions apply to an activity (rubbish collection) when it results in noise with an adverse impact on amenity:

- (a) the activity must not be undertaken except—
 - (i) between 9.00 a.m. and 7.00 p.m. on a Sunday or other public holiday;
 - (ii) between 7.00 a.m. and 7.00 p.m. on any other day.

To this end, it is considered that the matter of waste collection will remain an appropriate operation which will not impact the amenity of nearby sensitive land uses.

Management Plan

It is acknowledged Deferral reason 3 sought consideration to a Management Plan to be developed in consultation with adjacent residents in relation to the emanation of noise through traffic, waste disposal, loudspeakers and dust extractors. Although a Management Plan has not been submitted, it is acknowledged each of the matters relating to noise, waste disposal, loudspeakers and dust extractors have been discussed in the body of this report and it is my opinion that the proposal is satisfactory in relation to these matters and the applicant's response is satisfactory for the Panel's considerations.

ANALYSIS & CONCLUSION

The applicant has sought to address the Panel's reasons for deferral where practicable. This has resulted in an improved streetscape outcome for the Tweed Avenue cul-de-sac and external outlook from 22 Tweed Avenue. Additional information has also been submitted in relation to noise, traffic and pedestrian access throughout the site for the Panel's consideration.

The inclusion of a masonry fence, an additional street tree along Tweed Avenue and mature landscaping adjacent 11 and 22 Tweed Avenue is considered to assist in achieving a positive outcome for the Tweed Avenue cul-de-sac. Mature landscaping has been included along the shared boundary of 22 Tweed Avenue, which will assist in improving the external outlook from that site.

Although the amendments and additional information submitted have not entirely addressed Deferral reasons 2 and 3, it is acknowledged that the response provided has taken these matters into account. Various matters can be regarded for Deferral reason 2 and in my opinion, those most worthy of consideration relate to existing approvals for the school and student numbers, the fact that the school operates during non-sleeping hours and that schools are exempt from assessment under the Environment Protection (Noise) Policy 2007.

Deferral reason 3 sought a Management Plan which has not been submitted; however, it is acknowledged the additional information submitted aims to address the matters relating to noise, waste disposal, loudspeakers and dust extractors.

The additional information provided by the applicant seeks to provide further context and background information on the development site and existing operations of the school. It is acknowledged that in 2006, the school applied for an increase in student numbers to 660 which was assessed and approved by Council. Enrolled student numbers have generally been in the order of 250 and 320, whereas the proposal will see an increase in 300 students, thereby remaining in line with the existing conditions over the site and that which could occur at present.

A report prepared by Sonus has been provided in response to various matters surrounding existing and potential new sources of noise generated by the proposal. Whilst regard is had to the existing conditions over the site relating to student numbers, it is acknowledged noise from children playing within schools is excluded from assessment under the Environment Protection (Noise) Policy 2007 (the Noise Policy). This notwithstanding, the increase in student numbers has been considered by experts in that field who have advised the additional noise generated by the increase in student numbers is considered negligible.

Existing operations of the site pertaining to the use of amplified speakers and a dust extractor have been explored by the applicant who has identified the school has since ceased use of the speakers and will only be used in emergencies. The dust extractor is associated with the existing tech centre which upon receipt of complaints in the past, has implemented noise attenuating features in order to minimise impacts upon the amenity of nearby residential land uses. These matters are outside of the assessment of the subject application; however, the applicant has informed Council that no further complaints have been received since these actions taking place.

Waste disposal will continue to occur in accordance with the existing arrangements, where a private waste collection company undertakes the activity in accordance with the Environmental Protection (Noise) Policy 2007. This occurs outside of school hours in order to maintain traffic and pedestrian safety.

The applicant has furnished Council with a copy of the Marion Sunrise School's Traffic and Car Park Safety Policy for information and consideration. This document demonstrates the measures taken into account by the school for management of traffic and pedestrian safety. Whilst it is acknowledged these matters become an on-site management matter by the school, preventative

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measures are included in the subject application, including the identification of zebra crossings, speed limit restriction signs and speed humps, all of which aim to promote a safe traffic and pedestrian environment.

The additional information supports, and is consistent with, the previous planning assessment presented to the Panel on 3 June 2020.

It is my view that the proposed development is not seriously at variance to the Development Plan. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to the concurrence of the State Commission Assessment Panel (SCAP), and with the following Reserved Matters and Conditions.

RECOMMENDATION

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concurs 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: 100/342/2020 for To undertake a staged development: Stage 1 - alterations and additions to an existing educational establishment including demolition of existing playing courts, fencing and single storey dwelling, a single storey building for use as a pre-school, construction of a verandah, alterations to access, internal driveway and car parking and associated siteworks and landscaping; Stage 2 - The construction of a two storey educational building (Part 1); Stage 3 - The construction of a two storey educational building (Part 2) at 284-286 Sturt Road, Marion, 288 Sturt Road, Marion, 292-296 Sturt Road, Marion, 876 Marion Road, Marion and 24 Tweed Avenue, Marion be GRANTED subject to the concurrence of the State Commission Assessment Panel (SCAP), and with the following Reserved Matter and Conditions.

RESERVED MATTER

Pursuant to Section 33(3) of the Development Act 1993, Council RESERVES its decision in relation to the following matters. Development Approval will not be issued by the Council unless and until it has assessed the following matters and granted its consent in respect thereof.

1. A fully engineered site works and drainage plan shall be provided to Council for its consideration and approval prior to Building Rules Consent being granted for each of the Stages 1, 2 or 3. The site works and drainage plan must detail top of kerb level, existing ground levels throughout the subject site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, the location of all existing street infrastructure and street trees and must be to the reasonable satisfaction of the Council.
2. Details of the green wall along the eastern side of the two storey building shall be submitted to Council for its consideration and approval prior to Building Rules Consent for Stage 2 being granted, details of which must be to the reasonable satisfaction of the Council.
3. The detailed design of the channelised left turn lane and footpath adjacent Marion Road (identified by the red dashed line on the Proposed Site Plan prepared by Thompson Rossi Drawing Number DD03 Rev [E] dated 13 July 2020) shall be submitted to the Council for its consideration and approval prior to Building Rules Consent for Stage 2 being granted. The detailed design must be to the reasonable satisfaction of the Council and accord with Council standards for road and footpath design.

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

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

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2019/816 (unless superseded by any reserved matter), being:
 - a. Existing Site Plan, Sheet DD01, prepared by Thomson Rossi;
 - b. Demolition Site Plan, Sheet DD02, prepared by Thomson Rossi;
 - c. Proposed Site Plan, Sheet DD03, Revision C, prepared by Thomson Rossi;
 - d. ELC Site Plan, Sheet DD04, prepared by Thomson Rossi;
 - e. Floor Plan and Roof Plan, Sheet DD05, prepared by Thomson Rossi;
 - f. Elevations, Sheet DD06, prepared by Thomson Rossi;
 - g. 3D Axonometric, Sheet DD07; prepared by Thomson Rossi;
 - h. Perspectives, Sheet DD08, DD09 and DD10 prepared by Thomson Rossi;
 - i. Stage 2 Plans, Sheet DD10, prepared by Thomson Rossi;
 - j. Stage 1 – Cola – Plan / Elevations, Sheet DD11, prepared by Thomson Rossi;
 - k. Massing – Stage 1, 2 & 3, Sheet DD12, prepared by Thomson Rossi;
 - l. Future Stages - Perspectives, Sheet DD13, prepared by Thomson Rossi;
 - m. Stage 2 - Plans, Sheet DD14, prepared by Thomson Rossi;
 - n. Stage 2- Elevations, Sheet DD15, prepared by Thomson Rossi;
 - o. Stage 3 - Plans, Sheet DD 16, prepared by Thomson Rossi;
 - p. Stage 3 – Elevations, Sheet DD17, prepared by Thomson Rossi;
 - q. Stormwater Management Plan Sheet 1 and Sheet 2, Rev B, prepared by Coombe Pearson Reynolds Consulting Engineers; and
 - r. Page 7 & 8 of the Environmental Noise Assessment, prepared by Sonus.
2. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to the occupation and use of the building for its designated use, with the marking maintained in a clear and visible condition at all times.
3. 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.
4. 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.
5. Landscaping shall be planted within 3 months of the completion of each Stage and maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
6. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
7. 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.

8. 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

9. All access to Sturt Road and Marion Road shall be consistent with Frank Siow turn paths and Thomson Rossi Site Plan, Project 3141, Drawing No. DD03, Revision A dated 23 September 2019.
10. A channelised left turn lane shall be provided at the Marion Road access point prior to the operation of Stage 2. Sufficient land to accommodate the upgrade shall be set aside from the subject site.
11. All road works on Marion Road to facilitate safe access to/from the development (ie. a channelised left turn lane) shall be designed and constructed in accordance with Austroads 'Guide to Road Design', any relevant Australian Standards and any DPTI requirements. All costs associated with the design and construction of the road and access upgrades required to facilitate the development (including, but not limited to, project management and any necessary road drainage, lighting upgrades) shall be borne by the applicant. The applicant shall enter into a Developer Agreement with DPTI regarding these works and shall contact DPTI Traffic Services, Network Planning Engineer, Ms Teresa Xavier on (08) 8226 8389 or via email at teresa.xavier@sa.gov.au to obtain approval and discuss any technical issues regarding the required works.
12. The western access on Sturt Road shall cater for entry only movements and the eastern Sturt Road access shall cater for simultaneous two-way vehicle movements of a 25 seater bus and B99 vehicle. The Sturt Road access points shall be clearly signed and line marked with sufficient flaring to accommodate the vehicles requiring access at each access point.
13. All vehicles shall enter and exit the site in a forward direction.
14. All off-street parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
15. The internal manoeuvring areas for commercial vehicles shall be designed in accordance with *AS2890.2:2018*.
16. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

**REPORT REFERENCE: CAP050820 – 3.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 AUGUST 2020**



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| Agenda Ref No: | DAP050820 |
| Originating Officer: | Nicholas Timotheou Development Officer - Planning |
| Applicant: | Cavallo Family Trust |
| Development Description: | Residential Land Division, Community Title - 1 into 6 allotments |
| Site Location: | 368 Sturt Road, Tonsley |
| Zone: | Residential Zone |
| Policy Area: | Regeneration Policy Area 16 |
| Application Type: | Category 1 <i>Schedule 9 Part 2 5</i> <i>The division of land (including for the construction of a road or thoroughfare) where the land is to be used for a purpose which is, in the opinion of the relevant authority, consistent with the objective of the zone or area under the relevant Development Plan, other than where the division will, in the opinion of the relevant authority, change the nature or function of an existing road.</i> |
| Lodgement Date: | 26/04/2017 |
| Development Plan: | Consolidated – 28 April 2016 |
| Referrals: | Department of Planning, Transport and Infrastructure State Commission Assessment Panel SA Water |
| Delegations Policy: | 1.4.1.5 <i>Any application for land division that proposes the creation of three or more additional allotments (excluding an allotment identified as common property or as a free an unrestricted right of way) where one or more of the proposed allotments is more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.</i> |
| Application No: | 100/2017/716 |
| Recommendation: | That Development Plan Consent be GRANTED subject to conditions |

Attachments

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

BACKGROUND

Members are advised that the proposed community title land division application relates to a previously approved land use application, Development Application 100/2017/612, which was granted Development Plan Consent by staff in accordance with Development Delegations Policy 1.5.1 which states that all development applications other than applications set out in Section 4.1 of the Policy be determined by the Administration. A detailed assessment was undertaken with the proposal illustrating sufficient merit when assessed against the applicable Development Plan provisions to warrant the granting of Development Plan Consent. The application involved the construction of a two-storey residential flat building comprising six (6) dwellings with associated landscaping, retaining walls and fencing.

SUBJECT LAND

The subject land is located on the northern side of Sturt Road and comprises a rectangular shaped allotment, with a frontage width of 24.3 metres and a depth of 56.18 metres thereby providing a total site area of 1376.13 square metres.

The subject land is currently vacant and relatively flat; however falls away by approximately 1.3-1.5 meters in the north-western corner of the allotment. The site is devoid of any Regulated Trees; however, two Significant Trees (River Red Gum, *Eucalyptus camaldulensis*) are sited within the Council verge in front of the site.



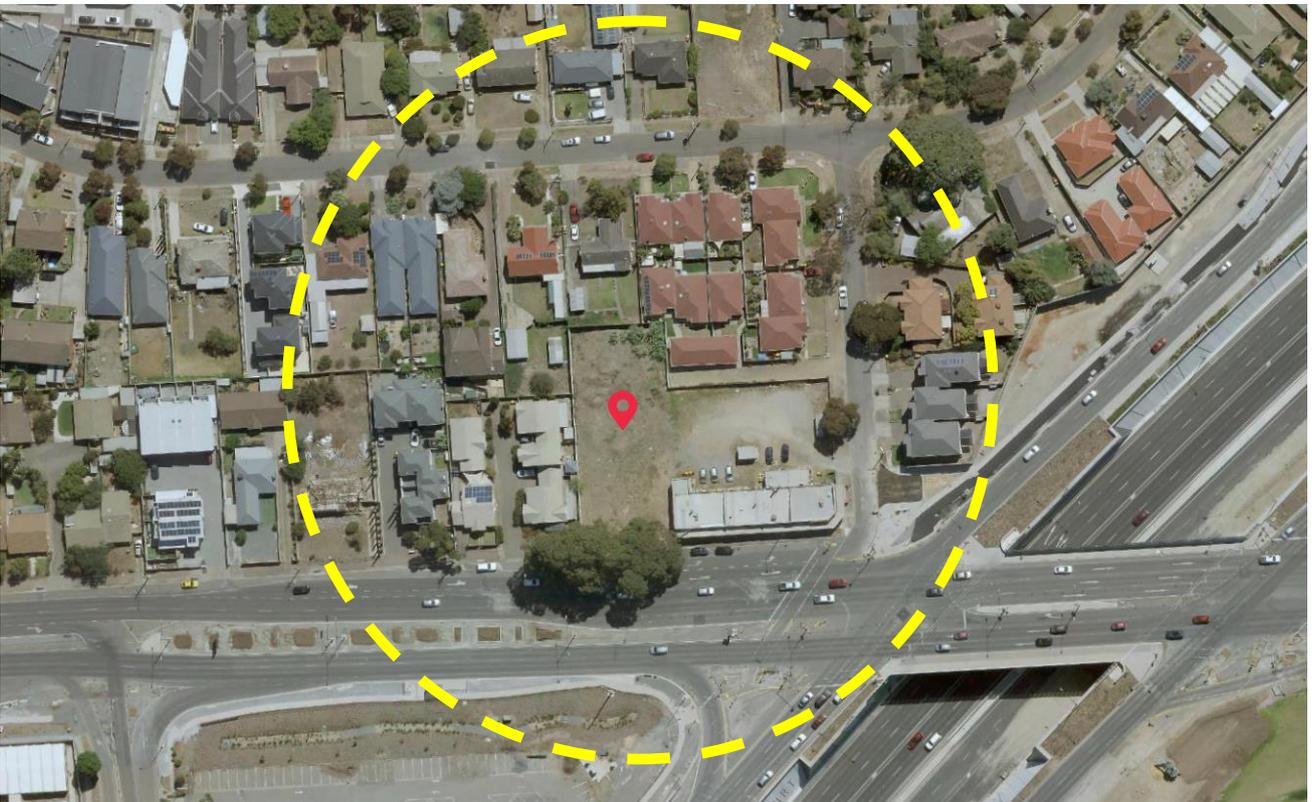
LOCALITY

The locality features a mixture of commercial and residential properties and Sturt / Main South Road junction which has recently been upgraded as part of the Darlington Upgrade Project.

The site is bound by residential properties from the north-east to west (in a counter-clockwise direction) and comprise a mixture of group, residential flat and detached dwellings at low-medium densities. The wider locality has seen similar types of developments and are at higher densities compared to the original housing stock.

Immediately east of the subject land is a group of shops with their associated car park to the rear of the building. This allotment falls within a Neighbourhood Centre Zone. Sturt Road separate the subject land from an Industry Zone which is currently being used as a car parking area.

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



THE PROPOSAL

The application seeks to divide the subject land in order to create a total of 5 community title residential allotments as well as one common property allotment.

Procedural Matters

Classification

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

Categorisation

The application forms a Category 1 development by virtue of Schedule 9 of the Development Regulations 2008, which prescribes the division of land (including for the construction of a road or thoroughfare) where the land is to be used for a purpose which is, in the opinion of the relevant authority, consistent with the objective of the zone or area under the relevant Development Plan, other than where the division will, in the opinion of the relevant authority, change the nature or function of an existing road as a Category 1 development.

Referrals

External Department of Planning, Transport and Infrastructure

The referral response has raised no objections with the proposal and has advised the planning authority to attach various conditions and a note to any approval, which can be found in Attachment III of this report.

State Commission Assessment Panel (SCAP)

The SCAP raised no concerns in relation to the proposed division of land and have provided a list of standard conditions for inclusion should the application be approved.

SA Water

Standard comments were received from SA Water and have been taken into consideration as part of the assessment of the application.

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.

Proposal consider to adequately satisfy the intent of applicable provisions.

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

Regeneration Policy Area 16

Objectives

1. Integrated re-development of poor quality housing stock and underutilised land.
2. Improved quality of living environments.
3. Improved quality of housing.
4. Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation.
5. Improved environmental outcomes.
6. Increased dwelling densities and population.
7. More efficient use of land.
8. Improved community services and infrastructure.
9. Higher dwelling densities in close proximity to centres, public transport routes and public open spaces.
10. A smooth transition in the character and scale of development between this and adjoining residential policy areas.
11. Development that contributes to the desired character of the policy area.

Proposal consider to adequately satisfy the intent of applicable provisions.

Desired Character

New development will occur at densities greater than the current density of housing to increase the number of dwellings and the number of residents within the policy area and justify the improvement of infrastructure and other services.

Proposal considered to adequately satisfy the intent of Desired Character by facilitating an attractive residential environment through an improvement in the built form design and presentation.

This policy area encompasses areas of recent redevelopment and areas that are suitable for comprehensive redevelopment where the density of new development will substantially exceed that of existing low density housing. Much of the existing development in the area comprises older public housing, primarily detached or semi-detached dwellings of varying age and construction materials.

The land division does not require the removal of mature street trees and provides opportunities for a well landscaped common driveway.

...It will be characterised by residential development at low-medium and medium densities, with a variety of architectural styles and a wide range of dwelling types to meet a variety of accommodation needs.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. For larger development sites, a comprehensive scheme for the development of a range of dwelling types is desirable.

Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.

Principles of Development Control

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

Satisfies

It is considered that the proposed allotments will cater for a density and form of housing that is consistent with the desired character for the Regeneration Policy Area 16.

Quantitative Snapshot

| | Requirement | | Proposed |
|----------------------------------|---|------------------|--|
| <i>Residential flat building</i> | | | |
| Allotment Dimensions | | | |
| <i>Area</i> | <i>200 square metres when 2 storeys high (excluding the driveway/common property)</i> | Does Not Satisfy | Lot 1 – 188sqm Lot 2 – 122sqm Lot 3 – 122sqm Lot 4 – 122sqm Lot 5 – 122sqm Lot 6 – 177sqm Average site area – 142.16sqm Common property: 524sqm |
| <i>Frontage width</i> | <i>18m</i> | Satisfies | 24.3m |
| <i>Depth</i> | <i>45 metres</i> | Satisfies | 56.2m |

Assessment

The application seeks approval to create 6 community title allotments and one common property allotment thereby increasing the density of the subject land. As set out above, all proposed site areas are less than the minimum 200 square metres prescribed for residential flat dwellings within the Regeneration Policy Area 16. That said, the subject land (including common property) provides a total site area of 1377 square metres which equates to an average of 229.5 square metres per allotment.

As previously mentioned, a separate land use application (DA 100/2017/612) for the construction of a two-storey residential flat building comprising six (6) dwellings with associated landscaping, retaining walls and fencing has been granted Development Plan Consent for the subject land.

Members are advised the original application was a land use only proposal (whereby Land Division principles cannot be considered as part of the assessment). In relation to the proposed site areas, the assessment had regard to Principle 3 of the Regeneration Policy Area 16 which states residential flat buildings should have an average site area per dwelling not less than 200 square metres per allotment.

As no land division component was involved with the previous application, the minimum site areas are averaged over the entire site, which in this instance equated to an average site area of 229.5 square metres per allotment – an average which exceeds the minimum 200 square metres.

It is important to note that in the scenario of the dwelling application, the driveway is included within the average as it can only be excluded when forming part of land division as per Land Division Principle 8 which states 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).

As such, despite the non-compliance in site areas for each allotment, given the subject land division relates to an application previously supported by administration staff, it is my view that it has been demonstrated that the site can accommodate the increase in density.

Land Division

Objectives

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

Satisfies

The proposed division of land is considered to be orderly and in keeping with the density of development that is envisaged within Regeneration Policy Area 16.

It is considered that the proposed increase in the number of dwellings to be constructed on the subject land will make optimum use of existing infrastructure and facilities.

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

Satisfies

The assessment of the corresponding land use application 100/2017/612 demonstrated that the construction of six, two storey residential flat dwellings on the subject land could be satisfactorily achieved in accordance with the Development Plan.

Principles of Development Control

1 When land is divided:

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

Satisfies

An engineered site works and drainage plan was assessed by Council's Engineering Department during the assessment of the land use application 100/2017/612. This plan was considered acceptable and was approved as part of the corresponding land use application.

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

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

Satisfies

The proposed division of land achieves compliance in relation to all the requirements listed opposite.

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

Satisfies

The subject land achieves a depth of 56.2 metres which is 2.3 times the frontage of the site.

8 Allotments in the form of a battle-axe configuration should:

- (a) 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)
- (b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction
- (c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape
- (d) be avoided where their creation would be incompatible with the prevailing pattern of development.

Does Not Satisfy

It has been demonstrated during the assessment of the corresponding land use application that the individual dwellings achieve a reasonable level of compliance in respect to the provisions listed opposite.

9 Access ways serving allotments in the form of a battleaxe configuration should:

- (a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:
 - (i) 4 metres for an allotment that accommodates no more than 3 dwellings
 - (ii) 6.1 metres for the first 6 metres and 4.6 metres thereafter for an allotment that accommodates up to 7 dwellings
 - (iii) 8 metres for the first 6 metres and 7 metres thereafter for an allotment that accommodates more than 7 dwellings.

Does Not Satisfy

A dual access arrangement has been supported by DPTI in order to maintain the health and stability of the two Significant Trees within the verge, in addition to ensuring that traffic safety is also ensured.

The proposal has been assessed by the Department of Planning, Transport and Infrastructure as being acceptable (acknowledging DPTI own the infrastructure within the verge). DPTI have considered various access options for the site; however, none were considered viable to maintain traffic safety as well as the health and stability of the two trees. DPTI have concluded that from a traffic safety, pedestrian access and vehicle queuing times on the arterial road network will not be an issue and deemed the in/out access to be acceptable.

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

Partially Satisfies

The subject land is located on the northern side of Sturt Road, only Lot 6 will receive adequate exposure to northern sunlight once the built form has been constructed as required by PDC 11 opposite. The remaining lots will receive east/west facing sunlight throughout the day.

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:

- (a) the size of proposed allotments and sites and opportunities for on-site parking
- (b) the availability and frequency of public and community transport
- (c) on-street parking demand likely to be generated by nearby uses.

Satisfies

On-site car parking provision and the internal movement of vehicles within the confines of the subject land was assessed by Council's Development Engineer and deemed acceptable for safe and convenient movements.

The Development Plan calls for a minimum 1.5 spaces per dwelling, plus 1 visitor space per 3 dwellings (11 spaces).

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).

PDC 22 seeks an additional 1 on-street parking space per 2 allotments (3 spaces).

Given on-street parking opportunities are not available for this site, the plans were amended in order to cater for these spaces on the subject land.

Each of the dwellings approved on the land provide two

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on-site parks, whereas space for two visitor spaces are provided at the rear of the site, providing a total of 14 car parks.

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Conclusion

The proposed land division reflects the approved dwelling application 100/2017/612. Although the allotments have a shortfall in site area, the associated land use application has demonstrated that the density is appropriate for the locality/Policy Area, the sites are suitable for their intended purpose, and can accommodate residential flat dwellings in accordance with Development Plan criteria. As such, the application is considered to be orderly development and will not result in any adverse or fundamental impacts on the wider location.

A land use application for the construction of a two-storey residential flat building comprising six (6) dwellings with associated landscaping, retaining walls and fencing has been granted Development Plan Consent by staff under delegated authority. The built form application was considered to sufficiently accord with the applicable Objectives and Principles of Development Control to, on balance, warrant support. This same level of staff delegation does not extend to land division applications which seek to create three or more additional allotments, hence the delegated authority for this form of development lies with the CAP.

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

Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent, Land Division Consent and Development Approval subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent, Land Division Consent and Development Approval for Development Application No: 100/2017/716 for Residential Land Division, Community Title - 1 into 6 allotments at 368 Sturt Road, Tonsley be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/716 (100/C057/17), 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.

Department of Planning Transport and Infrastructure Conditions

4. The common property shall incorporate a separate entry access and exit access together with additional flaring at the entry to maximum ease of access. The access points shall be consistent with Vallco Design and PlanIt First Site Plan, Project No. 423/0217, Revision C, dated Amendment 19 march 2019.
5. All vehicles shall enter and exit the site in a forward direction.
6. The access and shared manoeuvring space shall be clear of all obstructions.
7. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Land Division Consent

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

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

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.

9. Payment of \$33380.00 into the Planning and Development Fund (5 allotment/s @ \$6676.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.
10. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

Notes

1. The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Sturt Road frontage of this site for future upgrading of the South Road/Sturt Road intersection. Although it is unlikely that any land would be required from this site, the consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.

**REPORT REFERENCE: CAP050820 – 3.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 AUGUST 2020**



| | |
|---------------------------------|--|
| Originating Officer: | Andrew Houlihan Senior Development Officer - Planning |
| Applicant: | Vicki Loud |
| Development Description: | Change in land use from dwellings to office with associated internal alterations, car parking, landscaping, free standing advertising sign and relocation of existing garage for storage purposes |
| Site Location: | 395 Cross Road, Edwardstown |
| Zone & Policy Area: | Residential Zone / Marion Plains Policy Area 8 |
| Lodgement Date: | 11 June 2020 |
| Development Plan: | Consolidated – 15 August 2019 [gazetted 8 August 2019] |
| Statutory Referrals: | Department of Planning, Transport & Infrastructure Schedule 8, Table 2, 3 (b) |
| Internal Referrals: | Engineering - Stormwater (Internal) Engineering - Traffic (Internal) |
| Delegations Policy: | Council Assessment Panel Delegations Policy 4.1.1 4.1.1 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 |
| Kind of Development | Non-complying |
| Categorisation | Category 3 |
| Application No: | 100/2020/0615 |
| Recommendation: | That Development Plan Consent, Land Division Consent and Development Approval be GRANTED, subject to conditions and concurrence from the State Planning Commission. |

Attachments

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

SUBJECT LAND

The subject land is commonly identified as 395 Cross Road, Edwardstown, and formally identified as allotment in 146 as contained in Certificate of Title Volume 5100 and Folio 302. The allotment is rectangular in shape and is located on the south western corner of intersection of Cross Road and Pine Street.

The land comprises a total area of approximately 705 square metres and provides a 17.6 metre frontage to Cross Road and a 40.66 metre secondary road frontage to Pine Street. Vehicle access is obtained to from Cross Roads and Pine Street via existing crossovers.

The site currently contains a single storey building comprising of two residencies that provides a built form area of approximately 220 square metres. A number of small additions and domestic outbuildings are evident on site.

The site is level and there are existing vehicle manoeuvring arrangements and car parking associated with the residential use. The site further contains existing mature vegetation to the front and rear of the site.

The site is bound by low scale fencing at the Cross Road frontage and higher forms of standard domestic fencing around the remaining boundaries of the property. One regulated tree exists at the frontage of the site.

No easement or notations are registered on the Certificate of Title.



LOCALITY

The subject land is located within the Residential Zone and Marion Plains Area 8. Cross Roads road is identified as a primary arterial road under the control of the Commissioner of Highways.

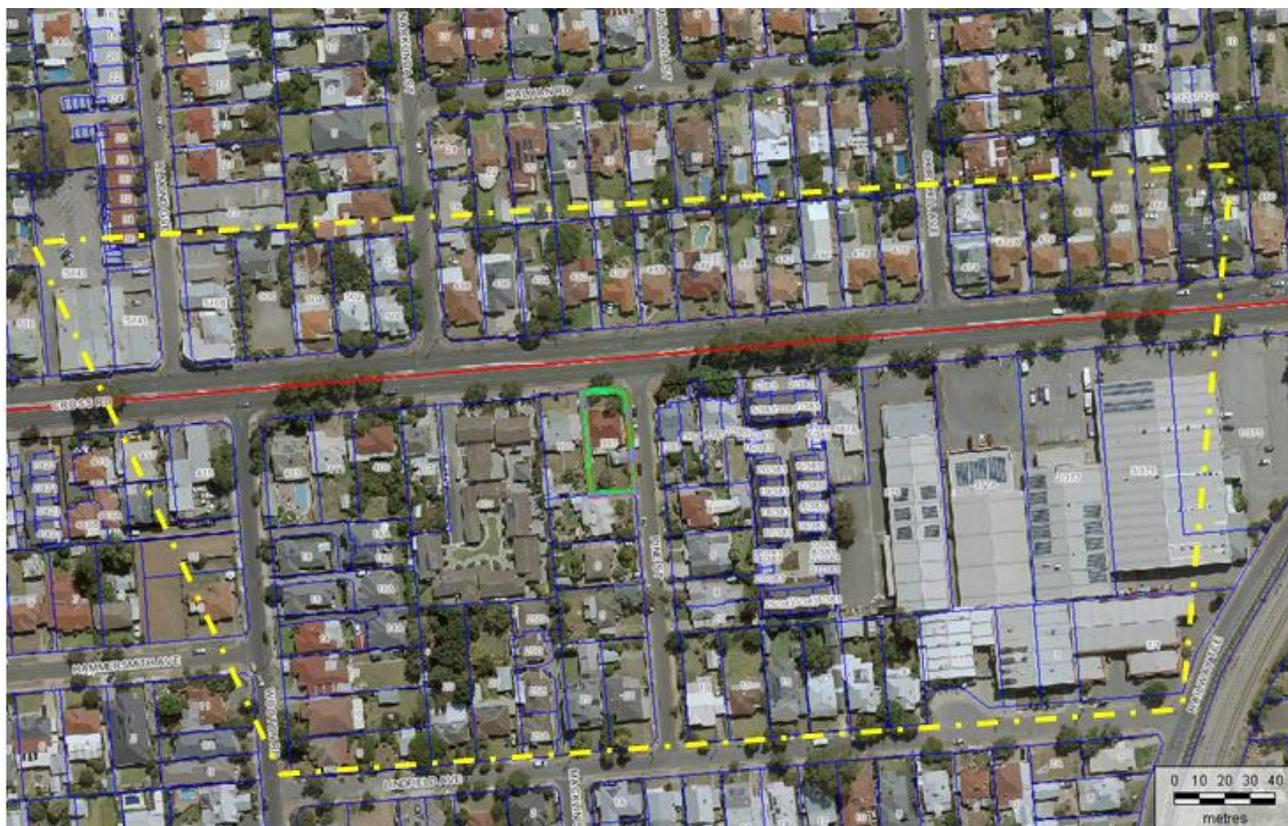
Directly surrounding the subject land are residential allotments where the established character is representative of older dwelling stock that depicts large allotments with single storey detached dwellings and associated outbuildings.

Further from the adjoining allotments are a range of dwelling types existing, including detached, semi-detached and group dwellings.

A commercial precinct lies on the northern side of Cross Road to the west and the southern side of Cross Road to the east. These Zones support a number of existing commercial land uses within the locality and greater metropolitan area. Both commercial areas are representative of a common form of strip development along major arterial roads and contain various commercial buildings and advertisements to support their uses. There are further examples of converted dwellings to the east including 381 Cross Road which has been converted to an office within the Residential Zone.

The locality has a mix of commercial and residential lands uses. However the locality is predominately residential in nature comprising of single storey detached dwellings with associated outbuildings on generous allotments.

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



[HOME](#)

PROPOSED DEVELOPMENT

The proposal is best described as follows;

“Change in land use from dwellings to office with associated internal alterations, car parking, landscaping, free standing advertising sign and relocation of existing garage for storage purposes.”

The proposal comprises of the following;

- Conversion of the existing dwellings to an office;
- Internal reconfiguration of rooms and layout within the existing building;
- Relocation of the small shed/outbuilding to the rear (south) of the building to be used for ancillary storage purposes;
- Six car parking spaces including one disabled space accessed from Pine Street and egress from the existing crossover point on Cross Road;
- Disabled access ramp to the rear of the building;
- Landscaping of the site;
- An advertising display;
- 2 x Rainwater tanks;
- The hours of operation of the office will be Monday to Friday 8 am- 5 pm and occasionally on Saturdays;
- The maximum number of staff will be 4 full time and 1 part time;
- Standard Council waste collection (3 bin system) will be utilised.

A Planning Report prepared by “Adelaide Planning & Development Solutions” form attachments to this report.

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 with gross leasable area more than 150 square meters is listed as a Non-complying form of development.

Case law is relevant to the approach in determining gross leasable area as the total floor area of a building excluding public or common tenancy areas such as malls, verandahs or public toilets.

In *Parabanks Shopping Centre Pty Ltd v The City of Salisbury* the Court stated that the definition of “total floor area” makes it clear that it is not confined to areas which comprise a floor and it focuses instead upon the more general concept of “superficies of horizontal sections” at the level of each floor.

A gross leasable area is not required to have a floor of the type which is found inside buildings. Typically, a verandah will be paved by concrete, bitumen or tiles, and a verandah is considered to form part of the gross leasable area.

Internal areas within buildings can also contain floors which are paved by concrete or bitumen. The Court continued on to state that the areas occupied by walls would not sensibly be described as being floors but are explicitly required to be included in the calculation of total floor area.

Even though the floor area of the office is 148 square metres, the proposed development does not satisfy this exception as the gross leasable floor area of the office is greater than 150 square metres when including the verandah, portico and the storage building and therefore is a Non-complying kind of development.

Categorisation

Category 3 public notification was undertaken in accordance with Section 38(2)(c) of the *Development Act 1993* to adjoining land owners and a notice in the Advertiser.

The proposal did not achieve the relevant requirements pursuant to Schedule 9 Part 1, 3 of the *Development Regulations 2008* to be a minor Non-complying form of development.

Public Notification



| | |
|------------------------------------|-----|
| Properties Notified | 17 |
| Representations | Nil |
| Persons wishing to be heard | Nil |
| Applicant Response | N/A |

Referrals

Department of Planning, Transport and Infrastructure – Transport

A copy of the referral response forms an attachment to this report.

Engineering - Traffic (Internal)

The traffic engineer has reviewed vehicle manoeuvring and parking on site and this is discussed further in the report.

Coordinator – Stormwater (Internal):

The stormwater engineer has reviewed the proposed stormwater arrangements and this is discussed further in the report.

ASSESSMENT

The assessment is split into two main sections:

1. Zone and Policy Area consideration, which considers relevant qualitative Zone and Policy Area Objectives, Desired Character and Principles of Development Control;
2. Assessment Discussion, which involves detailed discussion of pertinent matters.

Zone and Policy Area Considerations

| Residential Zone | |
|---|---|
| Objectives | Satisfies |
| <ol style="list-style-type: none"> 1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i> 2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i> | <p>The proposal is considered to contribute towards an attractive residential zone as the existing dwelling is maintained and the site is well landscaped.</p> |
| Relevant Principles of Development Control | |
| Objectives | Satisfies |
| <ol style="list-style-type: none"> 1 <i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> • <i>Small scale non-residential uses that serve the local community, for example:</i> <ul style="list-style-type: none"> - <i>Offices</i> 4 <i>Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:</i> <ol style="list-style-type: none"> (a) <i>primarily serves the needs of the local community</i> (b) <i>is consistent with the character of the locality</i> (c) <i>does not detrimentally impact on the amenity of nearby residents.</i> | <p>The Residential Zone envisages small scale non-residential land uses such as offices that serve the local community. The proposal is considered to remain small scale as only breaching the gross leasable area to a minor degree.</p> <p>The nature and scale of the office is discussed further within the report.</p> <p>The office use is considered to primarily serve the needs of the local community.</p> <p>The proposal is consistent with the character of the locality as the existing dwelling built form is maintained and there are a number of commercial developments in the locality that also front Cross Road.</p> |
| Marion Plains Policy Area 8 | |
| Objectives | Satisfies |

- 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.*

Although the use is changing the proposal seeks to maintain an existing residential building that provides a low scale and low density environment.

The land use is unlikely to impede on existing residential or commercial land uses due to the low intensity and scale of the land use.

The garage is to be relocated to the rear of the site and representative of common outbuildings found within the locality.

The development contributes to the desired character of the policy area detailed below.

Desired Character

Satisfies

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

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

The desired character is an attractive residential environment containing low density dwellings, but at a higher density compared to that typical of the original dwelling stock in the area.

The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.

Development should seek to promote cohesive streetscapes by incorporating designs that are sympathetic to the existing streetscape character, including complementary design features such as pitched roofs, eaves, front verandahs/porches and building materials.

Buildings of up to two storeys are appropriate, provided that the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.

Buildings that present plain box-like built forms and limited detailing are generally inappropriate.

Where a new building is built adjacent original dwelling stock, a lesser setback from the primary road frontage is anticipated, provided that the new building is designed to complement the existing streetscape character with regard to building design, articulation, roof form, materials and landscaping.

Development will be interspersed with landscaping, particularly between the main road frontage and the building line, to enhance the appearance of buildings from the street, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.

Amalgamation of properties is desirable where it will facilitate appropriately designed low-to-medium density development.

The proposal is considered to be relatively silent on commercial forms of development.

The proposal achieves the desired character statement by utilising the existing dwellings/built form as an office which will maintain the residential character appearance of the site and locality.

The change in land use will contribute to an attractive residential environment by enhancing existing landscaping to complement the existing streetscape character.

The development does not involve the removal of any mature street trees.

Further discussion is located within the Assessment Discussion of this report.

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.

Relevant Principles of Development Control

Satisfies

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

Please refer to the assessment of the desired character below

The proposal is considered to satisfy all of the relevant Zone and Policy Area considerations listed above. More pertinent qualitative matters, including the Desired Character, are discussed further within the Assessment Discussion below.

Assessment Discussion

The following matters are considered most pertinent to assessment of the Application.

- **Desired Character**
- **Interface between Land Uses**
- **Transportation and Access**
- **Advertisements**
- **Design and Appearance**
- **Landscaping, Fences and Walls**
- **Water Sensitive Design**

Desired Character

The proposal is an envisaged form of development within the Residential Zone and consistent with delivering a commercial development of a scale and nature that primarily services the needs of the local community.

The development is consistent with the nature of Cross Road as a main commercial and residential corridor that plays an important role in servicing the local neighbourhood and greater metropolitan area.

Overall, the proposed use and retention of the existing building and landscaping are sympathetic to the existing streetscape character and use of land within the locality. The proposed development maintains a low density residential environment and is considered to satisfy the Policy Area's Desired Character.

Interface between Land Uses

The Development Plan has a number of provisions to assess if the development will detrimentally affect the amenity of the locality or cause unreasonable impacts. The Development Plan further seeks development to be designed and sited to minimise negative impacts on existing and potential future land uses considered appropriate in the locality and that development is designed and sited to minimise negative impacts to an unreasonable level. These impacts include;

- the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants;
- noise;
- vibration;
- electrical interference;

HOME

- light spill;
- glare;
- hours of operation; and
- traffic impacts.

Noise and Operation Hours

Noise is closely linked to operation hours, activities occurring on site and any existing site/building features that will limit the impact of noise on adjoining land uses.

The planning report provided by the Applicant details that the facility proposes to operate between 8.00am and 5.00pm Monday to Friday and on the occasional Saturday. The report further states that during this period the facility will require a maximum of five (5) staff. The hours of operation are considered modest and standard office hours. Given that all activities occur inside the building the noise from the premises is expected to be low.

A number of additional site and building features are considered to limit the noise intrusion to adjoining land uses including;

- The setback of the development from adjoining dwellings via the expanse of car parking and vehicle manoeuvring areas;
- The vegetation proposed on the site to act as an acoustic buffer;
- The height and location of existing fencing to act as an acoustic buffer;
- Restricting the times for rubbish collection and deliveries to the site to normal collection services; and
- The use of existing access, vehicle manoeuvring arrangements and car parking areas are not seen to create detrimental noise issues on the locality;
- The location of the property on two road frontages acting as a buffer from residential land uses.

Emissions and Vibration

The nature of the land use is such that activities will not generate the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants to any significant degree.

Lighting and Glare

The Applicant has indicated that no changes to external lighting are proposed, therefore light spill and glare is considered to be maintained to a satisfactory level. A condition is recommended to ensure that light spill is appropriately managed.

Waste Management

Given the benign nature of the land use the development will utilise Council pickup services. Waste generated onsite and deliveries to/from the site will be infrequent and minimal.

Conclusion

Accordingly, with the existing and proposed measures in place, the operation hours, and types of activities occurring on site, the likely impact on adjoining residential amenity is considered to be acceptable. I am satisfied that the noise impacts will not cause unreasonable interference and conflict between the subject site and the adjacent residential and commercial land uses. A number of conditions have been included in the recommendation to limit noise emanating from the site.

Traffic Impacts are discussed in more detail below.

Transportation and Access

The relevant Transport and Access Objectives in the General Section of the Development Plan require access and car parking to be safe, efficient and convenient without any adverse impact on existing road networks or the amenity of the locality.

The development seeks to utilise the access point from Pine Street and the existing egress point to Cross Road. All vehicles will access the site from Pine Street and egress to Cross Road to support appropriate vehicle movements through the site.

Site access and egress is considered to be safe and convenient given that the subject land is connected to an all-weather public road and will contain access and egress points to appropriately disperse traffic and pedestrian movements.

The car park is appropriately sealed and landscaped, with all car parking spaces and manoeuvring areas consistent with relevant Australian Standards.

Table Mar/2 of the Development Plan requires an off street car parking rate of:

- 4 per 100 square metres.

The development provides a total 6 car parking spaces and therefore is considered to achieve the required car parking numbers.

The development further achieves relevant transportation and access provisions for the following reasons;

- All movements into and out of the site will be able to be undertaken in a forward direction;
- The parking areas and associated access points will comply with relevant Australian Standards;
- A turn path assessment demonstrates vehicles to enter and exit the site in a forward motion and appropriate turn movements;
- No detrimental impacts of the development on the adjacent road network or car parking demand in the street would result due to the low intensity use;
- An appropriate level of car parking is provided for the use;
- The disabled car parking space is located close to the rear entrance and proposed disability access ramp;
- The car parking areas are separated to reduce the visual impact on car parking across the site. With limited car parking at the front of the site within a landscaped area;
- Existing foot paths provide pedestrian access to the front and rear of the site;
- Limited impact on the safety of pedestrian's in the car parking areas due to the low speed environment.

Council's traffic engineer has reviewed the proposal and is satisfied the development achieves relevant transportation and access provisions.

The Department of Planning, Transport and Infrastructure – Traffic Safety has also reviewed the proposal as part of the statutory referral process. The department supports the development subject to Council including recommended conditions. A copy of the referral response is provided as an attachment to this report and the recommended conditions have been paced within the recommendation of this report.

On the basis of the above the development achieves the relevant Council Wide Transportation and Access provisions.

Advertisements

One freestanding advertising sign is proposed within the site on the corner of Cross Road and Pine Street. The sign will provide a total height of 2.1m and a signage area of 1.2m x 1.8m totalling 2.16sqm. The 900 millimetre lower portion will remain open.

The relevant advertisement provisions focus on determining if the location, along with siting, design, materials, size and shape of the advertising hoarding is appropriate. In addition, the advertising should not create a safety hazard for vehicles and pedestrians. Advertising signage should also relate to the use of the land and be located within the site and not create clutter or disfigure the urban environment.

The development achieves this by modestly incorporating the signage at the front of the site within a landscaped area. The sign is wholly located within the allotment boundaries and is consistent with displaying information relating to the proposed legitimate use of the buildings.

The advertising is considered consistent with the character of the urban landscape and signage that is typically expected for commercial allotments on a primary arterial road.

The static form, siting and non-illumination of the advertising is not considered to impede or compromise safety or create a hazard to traffic or pedestrians.

The proposed advertising is considered to comply with the relevant Council Wide Advertisement provisions.

Design and Appearance

The relevant council wide design and appearance provisions seek that development is of a high design standard and appearance that responds to and reinforces the positive aspects of the local environment and built form. Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to a number of elements including, building height, mass and proportion, external materials, patterns, colours and decorative elements, roof form and pitch along with façade articulation.

Although much of the building is remaining unchanged, the retention of the existing features and new elements are considered to satisfy good urban design outcomes.

The building maintains direct frontage and a primary orientation to Cross Road that maintains emphasis on the existing pedestrian point to provide perceptible and direct access.

The development further achieves a number of design provisions by creating a frontage that continues to provide activity and interest to passing pedestrians by orientating the active parts of the building to the street, providing legible entrances and by providing views into and out of the building through the use of transparent glass that also supports passive surveillance.

The proposal continues to contribute to the residential character of the locality by utilising the existing building and ancillary structures. The proposal will further complement the Cross Road and Pine Street environment and sit comfortably within the existing streetscape with appropriate siting of car parking areas, and landscaping in keeping with the predominately residential character of the locality and relevant design and appearance provisions.

The proposed alterations and additions to the building are considered to comply with the relevant Council Wide Design and Appearance Provisions.

Landscaping, Fences and Walls

The Council Wide Landscaping, Fences and Walls provisions detail that the amenity of land and development should be enhanced with appropriate planting and other landscaping including functional fences and walls that enhance the attractiveness of the development.

The Applicant has provided a landscape plan that includes retention of existing larger trees and the introduction of additional landscaping of the site. The landscaping proposed satisfies relevant provisions by;

- Complementing the built form and reducing the visual impact of the building and car parking area at the front of the site.
- Enhancing the appearance of road frontages;
- Screening service yards, loading areas and outdoor storage areas;
- Providing shade and shelter;
- Resulting in the appropriate clearance from power lines and other infrastructure;
- Not unreasonably restricting solar access to adjoining development;
- A single approach to landscaping across the site;
- Not removing opportunities for passive surveillance.

The existing regulated tree is to be retained at the front of the site with the small introduction of permeable paving within the tree protection zone. The proposed works within the tree protection zone are unlikely to cause a tree damaging activity and appropriate conditions have been recommended as part of this report.

The proposed level of landscaping is considered to satisfactorily achieve the relevant Council Wide Landscaping, Fences and Walls provisions.

Water Sensitive Design

The relevant natural resources provisions within the development plan seek development to be designed to maximise conservation, minimise consumption and encourage re-use of water resources.

Stormwater is managed on site by directing all roof water to proposed retention tanks at the rear of the site for reuse. The surface of car parking areas will utilise permeable paving for any existing unsealed areas to assist with stormwater management and permeability.

Council's Development Engineer has reviewed the proposed development and is satisfied that stormwater management is appropriately designed.

CONCLUSION

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal reasonably accords with the provisions of the Development Plan.

The repurposing of an existing residential building for office use and inclusion of complementary landscaping is considered to maintain the character of the locality.

The proposal does exceed the maximum gross leasable area envisaged by the Development Plan due to the inclusion of the minor ancillary structures such as the garage, verandah and portico. However on balance the proposal is considered to be of small scale and of a nature envisaged by the Zone.

The support for this development lies heavily on the interface between the proposed office use and the adjoining residential land uses, particularly whether it is considered to be reasonable and acceptable. This relies heavily on whether the impacts on the amenity of the nearby residential properties are minimal and can be appropriately managed.

The intended land use, operation hours, frequency of vehicle movements, intensity of use and configuration of the site is not considered to result in a detrimental impact on residential amenity within the locality or provide a development that is out of character with the existing scale of development in the locality or the existing streetscape.

It is considered that the application is not 'seriously at variance' with the Marion Council Development Plan and that the development exhibits sufficient merit when assessed on balance against the relevant Objectives and Principles to warrant Development Plan Consent subject to conditions and the State Planning 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 the Change in land use from dwellings to office with associated internal alterations, car parking, landscaping, free standing advertising sign and relocation of existing garage for storage purposes, of Development Application No: 100/2020/0615 at 395 Cross Road, Edwardstown, subject to the following conditions and concurrence from the State Planning Commission.

CONDITIONS

1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be undertaken in strict accordance with the details and plans submitted in Development Application No. 100/2020/0615 except where varied by the following conditions of consent.
2. The hours of operation of the premises shall be restricted to the following times:

8.00am to 5.00pm seven (5) Monday to Saturday.
3. All deliveries to and from the site shall be restricted to the following times:
Monday to Friday (excluding public holidays) – 7am to 7pm, Weekends and Public Holidays – 9am to 7pm.
4. Noise generated from the site shall not exceed the maximum noise levels stipulated within the Environment Protection (Noise) Policy 2007, or subsequent legislation.
5. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment (including the prevention of any materials entering the stormwater system either by wind or water), to the reasonable satisfaction of Council.
6. 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.
7. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
8. All 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.
9. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.

HOME

10. 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.
11. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of the Council.
12. 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.
13. 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.
14. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained prior to the occupation of the premises to the reasonable satisfaction of the Council.
15. Any existing vegetation nominated to be retained and/or any new vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
16. All existing regulated and significant trees within the subject site not directly affected by site work and building work must be protected during development and retained. Prior to any earthworks on the site, fencing must be erected around the base of the trees to be retained.
17. 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 equal to the tree root protection zone. The tree protection fence should be erected away from the trunk of the 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.

Department of Planning, Transport and Infrastructure Conditions

1. All vehicular access shall be gained via in accordance with the Site Plan produced by Verrocchi Building Design, Drawing No. 02, Rev. No. E, dated 11 June 2020.
2. All vehicles shall enter the site via Pine Street and exit the site via Cross Road only.
3. All off-street car parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*.
4. All on-site vehicle manoeuvring areas shall remain clear of any impediments.

- 5. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Cross Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.**

**REPORT REFERENCE: CAP050820 – 3.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 AUGUST 2020**



| | |
|---------------------------------|---|
| Originating Officer: | Alex Wright Team Leader - Planning |
| Applicant: | David A Eitzen |
| Development Description: | Single storey residential flat building comprising three dwelling, retaining and fencing exceeding 2.1 metres in height and landscaping |
| Site Location: | 32 Laurence Street, Dove Gardens |
| Zone & Policy Area: | Residential / Northern Policy Area 13 |
| Lodgement Date: | 02/01/2018 |
| Development Plan: | Consolidated – 28 November 2017 |
| Referrals: | Council Development Engineer (Internal) Council Arborist (Internal) |
| Delegations Policy: | 1.4.1.6 <i>Any application for three or more dwellings (including detached, semi-detached, row and residential flat) where one or more dwelling sites are more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.</i> |
| Categorisation | 1 Schedule 9 Part 1 (2)(a)(ii) <i>Except where the development is classified as non-complying under the relevant Development Plan, any development which comprises—</i> <i>(a) the construction of any of the following (or of any combination of any of the following):</i> <i>(ii) 1 or more single storey dwellings;</i> |
| Application No: | 100/2018/0001 |
| Recommendation: | That Development Plan Consent be GRANTED subject to conditions |

Attachments

Attachment I: Previous CAP Minutes
Attachment II: Amended Plans

Background

As some members will recall, the subject application was considered by the Panel at its meeting of 20 May 2020, whereby a decision upon the application was deferred for the following;

That Development Plan Consent for Development Application No: 100/1/2018 for a single storey residential flat building comprising three dwellings, retaining and fencing exceeding 2.1 metres in height and landscaping at 32 Laurence Street, Dover Gardens be DEFERRED to enable the applicant to consider the matters identified below, with a view to amending the proposal to bring it more in conformity with the relevant provisions:

- 1. The proposal in its present form fails to adequately satisfy the provisions in the Development Plan in respect of (a) site coverage and site area (PDCs 4 and 3 respectively); (b) failure to properly identify pedestrian entry points as required in the statement of Desired Character; and (c) fails to minimise the visual impact in the locality of the garaging of vehicles (Policy Area Objective 3 and Desired Character).**

The applicant has revisited the design of the proposal in light of the Panel's position, and amended the proposal where practicable.

The original report, plans and attachments can be found in the member's agenda from the 20 May 2020 meeting. Administration will provide Members who were not present at the previous meeting with a copy of the previous proposal plans and supporting documentation. This documentation will be uploaded to Members iPad and provided via email (by way of dropbox) the day the Agenda is released.

Discussion

The item was deferred as the proposal did not satisfy the Policy Area's desired site coverage and further did not, to the satisfaction of the CAP, adequately identify pedestrian entry points nor minimise the visual impact of the locality of the garaging of vehicles.

The applicant has amended the proposal by;

- Reducing the overall building footprint.
- Providing a setback between the primary dwelling façade and associated garage/carport.
- Providing separation to the southern boundary by providing a minimum 600mm setback.
- Providing a different front façade design to lessen the CAP's concerns regarding visual dominance of the garaging.
- Providing a common roofline to ensure the dwelling appears as a single building when presenting to the street.
- Increasing the provision of POS as a result on amendments to the rear setback of each dwelling.

Built form changes

Site Coverage & Setbacks

The overall building footprint has been reduced, all be it slightly, by 18 square metres, resulting in a proposed site coverage of 46.6% (a reduction of 2%).

The proposed site coverage is considered acceptable, considering the proposal satisfies all other applicable numerical standards in relation to side and rear setback requirements, and provision of suitable private open space. Each dwelling also provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage as sought by Residential Development Principle 14.

When considering the proposal in context with the wider locality, it is also clearly evident that there are few dwellings meeting the numerical figure of 40%, with rather a majority of dwellings ensuring each dwelling maintains appropriate setbacks to boundaries, pervious space and private open space (i.e. which indicates the numerical Policy Area figure of 40% may not be as appropriate when considering the proposal in context with the wider locality).

Greater separation between the main façade and associate garage of each dwelling has been provided though the provision of a 600mm setback. Whilst this has resulted in the front setback of each dwelling being reduced by 600mm (8m to 7.4m), the front setback continues to satisfy the relevant Development Plan provisions and will remain sited behind the adjacent dwellings to the north. To provide greater separation to the southern side boundary a 600mm setback has been provided to the carport, with the remainder of the dwelling setback no less than 900mm.



Building Design

Administration were of the view the design of the built form satisfied the relevant Policy Area Desired Character and Objectives/ Principles of Development Control, in addition to providing a design outcome sought by the applicable Design and Appearance Objectives and Principles.

The Panel however were of the opinion that the front façades failed to properly identify the pedestrian entry points of each dwelling and failed to appropriately minimise the visual impact of the garaging of vehicles in the locality.

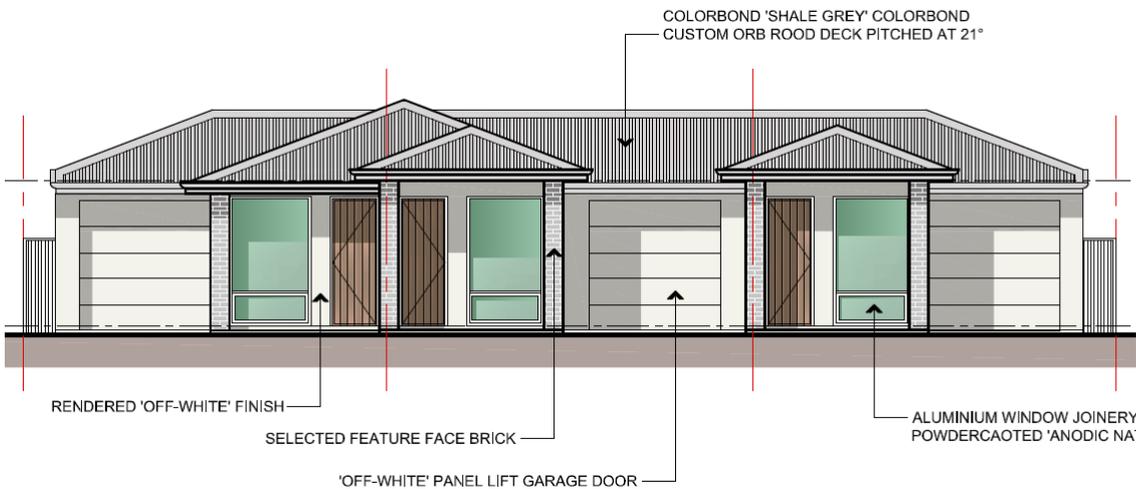
The amended plans propose a more standard and conventional design incorporating a nondescript neutral colour scheme, a mixture of render and brickwork and common roofline whilst also providing hip-end roof form for each portico. Each dwelling maintains a front facing door, fenestration and garage door.

Although amended and somewhat less visually appealing than originally proposed, the design continues to be contemporary in nature and reflects the intent of the applicable Design and Appearance and Policy Area Principles and Objectives.

Original Design



Amended Design



Site Area

Given the applicant has not considered amalgamation nor purchased land from adjoining allotments, the overall site area has not changed. As Members may recall, Administration was comfortable with the density proposed as it is evident dwellings of a similar nature (both in terms of allotment dimensions, area and built form nature) are not only present within the locality, but also expected by the Desired Character. Administration remains of the view the proposed development will not introduce a density foreign to the locality.

A table outlining the quantitative changes has been provided below.

Quantitative provisions

| | | | | | |
|----------------------------------|--|--|---------------------------|----------------------------------|--|
| Site coverage | 40% | 133.2m ² / 48.9% | 136m ² / 48.5% | 133.2m ² / 48.2% | Does Not Satisfy |
| | | 402m ² / 48.6% | | | |
| Amended Plans | | 127m ² / 46.6% | 131m ² / 46.7% | 128m ² / 46.3% | Reduction in dwelling footprint |
| | | 386m ² / 46.6% | | | |
| Pervious area | 20% | 260m ² / 31.4% | | | Satisfies |
| Amended Plans | | | | | |
| Front setback | Average of, or in-line with adjacent: 6m | 8m | 8m | 8m | Satisfies |
| Amended Plans | | 7.4m | 7.4m | 7.4m | 600mm reduction |
| Carport/garage setback | 5.5m and behind or in-line with main face | 8m | 8m | 8m | Satisfies |
| Amended Plans | | 8m from front boundary, 600mm behind the main face of the dwelling | | | 600mm increase in setback of garage from main face |
| Rear setback (ground) | 6m, may be reduced to 3m for <50% rear width | 8.9m | 8.9m | 8.9m | Satisfies |
| Amended Plans | | 9.9m | 9.9m | 9.9m | 1m increase in rear setbacks |
| Side setbacks (dwelling element) | Dwelling: 0.9m Carport 0m/600mm | Dwelling 900mm Carport: On boundary | n/a | Dwelling 900mm Carport: 600mm | Satisfies |
| Amended Plans | | Dwelling 900mm Carport: 600mm | | Dwelling 900mm Carport: 600mm | Dwelling 1 carport side setback increased |
| Private open space | 20% | 59m ² / 21.6% | 60m ² / 21.4% | 59.5m ² / 21.5% | Satisfies |
| Amended Plans | | 66m ² / 24.2% | 67m ² / 23.9% | 65.6m ² / 23.7% | Increase in POS |

No change has occurred to the following quantitative provisions

| Criteria | Dwelling 1 | Dwelling 2 | Dwelling 3 | Amended Plans | |
|------------------------------|--|--|-------------------------|----------------------------|-------------------------|
| Site area | 300m² (average) | 275m² (average per dwelling) | | Does Not Satisfy | |
| | Individual | 272m² | 280m² | | 276m² |
| Frontage width | 20m | 20.12m | | Satisfies | |
| | Individual | 6.62m | 6.8m | | 6.7m |
| Depth | 45m | 41.15m | | Does Not Satisfy | |
| | Individual | 41.15m | 41.15m | | 41.15m |
| Off-street parking | 2 (1 covered) + 1 visitor space | Whilst each dwelling is provided with sufficient spaces per dwelling (2, 1 of which is covered) an additional on-site visitor space to be accessed by all dwellings has not been provided. | | Partially Satisfies | |
| Garage width | 6m or 50% of dwelling façade width (the lesser) | 2.4m / 37% | 2.4m / 35.5% | 2.4m / 35.8% | Satisfies |
| Building height | 2 storeys; 9m | 2.7m wall height; | | | Satisfies |
| Private open space dimension | 5x5m | Each dwelling achieves minimum 5m by 5m dimensions. | | Satisfies | |

Conclusion

The proposal has been amended to satisfy the CAP's concerns relating to streetscape presentation, garage dominance and the overall dwelling footprint.

The result of the amended plans is the provision of a built form which;

- Promotes a more standard and typical design,
- Provides greater articulation to the front façade though differing dwelling facade and garage setbacks
- Provides greater separation to existing boundaries; and
- Reduces the overall building footprint .

As such, in staff's view, amendments to proposal reasonably satisfy the Panel's reasons for deferral. Whilst no change has occurred to the site area, administration remains of the view the proposed development will not introduce a density foreign to the locality, and the shortfall is appropriate when considering the proposal in context of the immediate and wider locality.

It is my view that the proposed development is not seriously at variance to the Development Plan. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to a Reserved matter and conditions.

Recommendation

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation; and
- (b) The Panel concurs that the proposed development is not seriously at variance to the Marion Council Development Plan; and
- (c) That Development Plan Consent for Development Application No: 100/1/2018 for Single storey residential flat building comprising three dwellings at 32 Laurence Street, Dover Gardens be GRANTED, subject to the following Reserved Matter and Conditions:

RESERVED MATTER

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

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

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

CONDITIONS

1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/2018/0001, being documents;
 - A-1 & A-2 prepared by D'Andrea and Associates
 - Site & Drainage Plan, prepared by Lelio Bibbo Consulting Engineers Pty Ltdexcept when varied by the following conditions of consent.
2. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
3. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
4. Any new vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

5. 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.
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. 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.

Notes

1. To facilitate vehicular access the southern QLD Box (middle tree) be removed by Council to facilitate the provision of and convenient access. The applicant is required to play a cost of \$1550.00+gst. An invoice will issued by Council for the said amount.

CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES

Reason for confidentiality

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

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

Recommendation

1. The Council Assessment Panel orders pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, that the public, with the exception of the Manager of Development and Regulatory Services, Team Leader - Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager of the Council Assessment Panel.
2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 3.5 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.

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2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 3.6 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.

**4. APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 AUGUST 2020**



4.1 APPEALS AGAINST PANEL DECISIONS

New Appeals

| DA No. | Address | Appeal Lodged | Recommendation | Decision | Current Status |
|---------------|------------------------------------|----------------------|-----------------------|-----------------|---|
| 100/2019/1957 | 82 Bradley Grove, Mitchell Park | 24/06/2020 | Grant DPC | Refuse | Conciliation conference scheduled 13 th August |

On-going Appeals

| DA No. | Address | Appeal Lodged | Recommendation | Decision | Current Status |
|---------------|-------------------------------------|----------------------|-----------------------|-----------------|---|
| 100/2019/1055 | 9 Coppin Street, Glengowrie | 12/06/2020 | Grant DPC | Refuse | Conciliation conference scheduled 10 th September |
| 100/2019/1993 | 215 Sturt Road, Seacombe Gardens | 05/05/2020 | Grant DPC | Refuse | Development Plans Consent granted by the ERD Court through conciliation |

4.2 APPEALS AGAINST DELEGATED APPLICATIONS

- Administration will provide an update on as 'as needs' basis.