



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 December 2018**

**Commencing at 6.30 p.m.**

**Committee Room 1 & 2**

**Council Administration Centre**

**245 Sturt Road, Sturt**

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

A handwritten signature in blue ink, appearing to read "H. Wright".

Alex Wright  
**ASSESSMENT MANAGER**

28 November 2018

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

**CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 05 DECEMBER 2018  
COMMENCING AT 6.30PM**

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**1.1 OPEN MEETING**

**1.2 PRESENT**

**1.3 APOLOGIES**

**1.4 IN ATTENDANCE**

**2. APPLICATIONS**

**2.1 76 LASCELLES AVENUE, WARRADALE**

Previously deferred at CAP071118

One, two storey building comprising two dwellings

Report Reference: CAP051218 - 2.1.....1

**2.2 10 TENNYSON AVENUE, PLYMPTON PARK – CONFIDENTIAL ITEM**

Three single storey row dwellings

Report Reference: CAP051218 – 2.2.....14

**2.3 10 PITCAIRN AVENUE, MARION – CONFIDENTIAL ITEM**

A pair of single storey semi-detached dwellings

Report Reference: CAP051218 – 2.3.....26

**3. OTHER BUSINESS**

**3.1 290 STURT ROAD, MARION**

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

Report Reference: CAP051218 – 2.4.....42

**3.2 APPEALS UPDATE**

**3.3 POLICY OBSERVATIONS**

**4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING  
HELD ON 05 DECEMBER 2018**

**5. MEETING CLOSURE**

**REPORT REFERENCE: CAP051218 - 2.1**  
**CITY OF MARION**  
**COUNCIL ASSESSMENT PANEL AGENDA**  
**FOR MEETING TO BE HELD ON**  
**WEDNESDAY 5 DECEMBER 2018**



<b>Originating Officer:</b>	<b>Kai Wardle Development Officer - Planning</b>
<b>Applicant:</b>	<b>Future Homes Building Group</b>
<b>Development Description:</b>	<b>One, two storey building comprising two dwellings</b>
<b>Site Location:</b>	<b>76 Lascelles Avenue, Warradale</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Consent / Category 2</b>
<b>Lodgement Date:</b>	<b>27/03/2018</b>
<b>Development Plan:</b>	<b>Consolidated – 20 February 2018</b>
<b>Referrals:</b>	<b>Nil</b>
<b>Delegations Policy:</b>	<b>4.1.2</b>
<b>Application No:</b>	<b>100/2018/555</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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## **BACKGROUND**

As members will recall, the subject application was considered by the Panel at its meeting of 7 November 2018, whereby a decision upon the application was deferred for the following reasons;

1. In its present form the proposal does not adequately conform with the relevant provisions of the plan.
2. Upon consultation and agreement with the applicant the decision on the proposal is deferred to provide an opportunity to adjust (reduce) site coverage, improve landscaping, increase pervious area and built form addressing the public roads to render the proposal in conformity with the relevant provision of the Development Plan.

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

For previous plans for this proposal, please refer to the Agenda of 7 November 2018, or contact the author of this report.

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## **DISCUSSION**

The applicant has amended the proposal through the following changes to the previous revision of the proposal. Each change attempts to directly address the Panel's reasons for deferral:

1. Decreased the site coverage of both dwellings to more closely align with the maximum of 40% sought by Policy Area Principle 4.
  - a. Dwelling 1's site coverage has decreased from 46.6% (133.38m<sup>2</sup>) to 42.4% (121.22m<sup>2</sup>);
  - b. Dwelling 2's site coverage has decreased from 48.8% (141.88m<sup>2</sup>) to 43.5% (126.68m<sup>2</sup>).

This has resulted in a reduction in site coverage of 4.2% and 5.3% respectively.
2. Increased the ground floor rear setback of each dwelling to further exceed the minimum of 3 metres and 6 metres sought by Residential Zone Principle 6.
  - a. Dwelling 1 was formerly situated at a rear setback of 3.42 metres, 6.4 metres, and 8.606 metres. It is now proposed to be situated at 3.93 metres, 6.6 metres and 8.606 metres;
  - b. Dwelling 2 was formerly situated at a rear setback of 3.42 metres, 6.05 metres, and 8.606 metres. It is now proposed to be situated at 5.26 metres, 7.2 metres and 8.606 metres.

Private open space has therefore also increased, and now further exceeds the minimum of 20% sought by Residential Zone Principle 7.
3. Improved landscaping outcomes of the proposal through several measures:
  - a. Fence presenting to Lascelles Avenue shall be stepped, incorporating landscaping beds with 1-2 metre plantings presenting to the street;
  - b. Jacaranda tree to be planted in the front yard of each proposed dwelling; and,
  - c. Cottonwood hibiscus to be planted in the rear yard of each proposed dwelling.
4. Significantly increased pervious area from 24.4% (141m<sup>2</sup>) to 38.1% (220m<sup>2</sup>), primarily through replacing concrete with grass to the rear of the dwellings, and as a result of reduced site coverage.
5. Reduced the extent/proximity of built form near the secondary street frontage by flipping the kitchen location of Dwelling 1.

The above changes reduce site coverage, increase ground floor rear setback, improve landscaping, increase pervious area and improve the streetscape outcome of the proposal. As such, in staff's view, the amendments made to the proposal reasonably satisfy the Panel's reasons for deferral.

The Panel may also find that the amendments have addressed – or partially addressed – some of the representors' concerns. Such matters include: improved secondary street appearance through stepped fencing and landscaping beds; increased built form separation provided to western adjoining property; and increased pervious area with improved landscaping.

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## **ANALYSIS/CONCLUSION**

The applicant has sought to address the Panel's reasons for deferral where practicable through the methods outlined within the Discussion section of this report. The changes reduce site coverage, increase ground floor rear setback, improve landscaping, increase pervious area and improve the streetscape outcome of the proposal. Each amendment directly addresses the matters listed in the

Panel's reasons for deferral, and contributes to increased compliance with the relevant provisions of the Development Plan. Therefore, in staff's view, the amendments made to the proposal reasonably satisfy the Panel's reasons for deferral.

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 conditions.

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## **RECOMMENDATION**

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

- (a) **The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) **The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) **That Development Plan Consent for Development Application No: 100/555/2018 for one, two storey building comprising two dwellings at 76 Lascelles Avenue, Warradale, be GRANTED subject to the following conditions:**

## **CONDITIONS**

1. **The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/555/2018, being drawing number(s):**
  - a. PL01 to PL04 (inclusive) – Revision E prepared by O.S of Future Homes Building Group;
  - b. PL05 – Revision D prepared by O.S of Future Homes Building Group; and,
  - c. C2 – Issue D, prepared by BM of KP Squared Engineering,**except when varied by the following conditions of consent.**
2. **All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.**
3. **Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.**

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

4. **Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and 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. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

## **NOTES**

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.

## **Attachments**

Attachment I: *Aerial Photograph/Site Locality Plan*

Attachment II: *Proposal Plan and supporting documentation*

**REPORT REFERENCE: CAP051218 – 2.2**  
**CITY OF MARION**  
**COUNCIL ASSESSMENT PANEL AGENDA**  
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**WEDNESDAY 05 DECEMBER 2018**

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**CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES**

**Reason for confidentiality**

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

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

**Recommendation**

1. The Council Assessment Panel orders pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, that the public, with the exception of the Manager of Development and Regulatory Services, Team Leader - Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager of the Council Assessment Panel.
2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 2.2 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session, the meeting be re-opened to the public.

**REPORT REFERENCE: CAP051218 – 2.3**  
**CITY OF MARION**  
**COUNCIL ASSESSMENT PANEL AGENDA**  
**FOR MEETING TO BE HELD ON**  
**WEDNESDAY 05 DECEMBER 2018**

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2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 2.3 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session, the meeting be re-opened to the public.

**REPORT REFERENCE: CAP051218 - 2.4**  
**CITY OF MARION**  
**COUNCIL ASSESSMENT PANEL AGENDA**  
**FOR MEETING TO BE HELD ON**  
**WEDNESDAY 5 December 2018**



<b>Originating Officer:</b>	<b>Nicholas Timotheou</b> <b>Development Officer - Planning</b>
<b>Applicant:</b>	<b>James Michael Packham</b>
<b>Development Description:</b>	<b>Change in land use to office with alterations and additions to the existing a Local Heritage Place and car parking</b>
<b>Site Location:</b>	<b>290 Sturt Road, Marion</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 3 / Non-Complying</b>
<b>Lodgement Date:</b>	<b>07/11/2018</b>
<b>Development Plan:</b>	<b>Consolidated – 20 February 2018</b>
<b>Referrals:</b>	<b>Department of Planning, Transport and Infrastructure</b>
<b>Delegations Policy:</b>	<b>4.1.1</b>
<b>Application No:</b>	<b>100/2018/2103</b>
<b>Recommendation:</b>	<b>The report be noted</b>

## **INTRODUCTION**

The subject application is a Category 3 / Non-complying form of development by virtue of the Procedural Matters section of the Residential Zone, where offices exceeding 150 square metres are listed as non-complying.

The applicant seeks to develop the land for a change in land use to office with alterations and additions to the existing a Local Heritage Place and car parking.

It should also be acknowledged the dwelling (former Marion Council Chambers) is listed as a Local Heritage Place under the Council's Development Plan, exclusions including the later additions and outbuildings. Given the historical use of the building and characteristics of the locality, the excess in floor area is considered to display merit to proceed to the next stage of assessment; requesting of a Statement of Effect and following this, Category 3 non-complying public notification. The Manager – Development and Regulatory Services has agreed with staff's position and resolved to proceed to the full assessment of the application.

The applicant has provided a brief statement of support, pursuant to Regulation 17(1) of the Development Regulations, 2008. Administration has requested the applicant provide a statement of effect as required by Section 39(2)(d) of the Development Act, 1993 and Regulation 17(4) of the Development Regulations 2008. Following receipt of this information, Category 3 / Non-Complying public notification will occur.

In due course, the application will be presented to the Development Assessment Panel for a decision.

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## **RECOMMENDATION**

**The Panel note this report and resolve that the determination of the Manager – Development Services to proceed with the further assessment of Non-complying Development Application No: 100/2018/2103 for a change in land use to office with alterations and additions to the existing a Local Heritage Place and car parking at 290 Sturt Road, Marion be NOTED.**

## **Attachments**

*Attachment I: Certificate of Title*

*Attachment II: Aerial Photograph*

*Attachment III: Proposal Plan and supporting documentation*