

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 06 September 2023

Commencing at 6.30 p.m.

Council Chamber

Council Administration Centre

245 Sturt Road, Sturt

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



Alex Wright
ASSESSMENT MANAGER

30 August 2023

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 06 SEPTEMBER 2023
COMMENCING AT 6.30PM**



1. MEETING PROCEDURES

1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATIONS

No items listed for discussion.

3. DEVELOPMENT ACT 1993 APPLICATIONS

**3.1 DEVELOPMENT NO 100/2020/1106
20 & 22 Trott Grove Oaklands Park**

Residential land division (Community Titles 2 into 9 allotments plus the creation of community driveway)

Report Reference: CAP060923 - 3.1.....2

4. PDI ACT APPLICATIONS

No items listed for discussion.

5. APPEALS UPDATE

No items listed for discussion.

6. POLICY OBSERVATIONS

No items listed for discussion.

7. OTHER BUSINESS

No items listed for discussion.

**8. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 06 SEPTEMBER 2023**

9. MEETING CLOSURE

**2. GENERAL OPERATING PROCEDURES
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 06 SEPTEMBER 2023**



No items listed for discussion.

REPORT REFERENCE: CAP060923 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 06 SEPTEMBER 2023



Originating Officer:	Christopher Izzo Development Officer - Planning
Applicant:	State Surveys
Development Description:	Residential land division (Community Titles 2 into 9 allotments plus the creation of community driveway)
Site Location:	20 & 22 Trott Grove Oaklands Park
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Lodgement Date:	25/06/2020
Development Plan:	Consolidated – July 9th 2020
Referrals:	SA Water and State Commission Assessment Panel (SCAP)
Delegations Policy:	Development Delegations Policy 4.1.5 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.
Categorisation:	Category 1 Schedule 9, Part 1(5) of the Development Regulations 2008 assigns 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.
Application No:	100/2020/1106
SCAP No.	100/C103/20
Recommendation:	That Development Plan Consent, Land Division Consent and Development Approval be GRANTED subject to conditions

Attachments

Attachment I: Proposal Plan
Attachment II: 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 100/2020/1330 which was granted Development Plan Consent by Council staff in <insert date> in accordance with Council's instruments of delegation relative to the Development Regulations 2008. The application proposed Two, 2-storey residential flat buildings, one comprising 6 dwellings and one comprising 3 dwellings with associated common driveway, car parking and landscaping.

SUBJECT LAND

The subject land is located at 20 and 22 Trott Grove Oaklands Park. Each allotment is an irregular shape which is akin to coffin shape with a primary frontage of 12.20 and 12.19 metres to Trott Grove respectively. The combined allotments comprise a total site area of 1815m².

The subject allotment's accommodated single-storey detached dwellings in average condition, in addition to various ancillary structures. However, given this application was lodged 2020, since that time the construction of the land use application has commence. The contour of the land is relatively flat, and there are no trees located on the subject land.

Aerial photography 17th October 2022



Aerial photography 22nd February 2023



LOCALITY

The immediate locality is comprised of a mixture of residential dwelling types including residential flat buildings, group and row dwellings on smaller redeveloped allotments which are in close proximity to public transport and Regional Centres.

The subject land is sited approximately 270 metres to the north west of the Marion Shopping Centre, which includes a variety of shops and also public transport.

The subject land and wider locality can be further viewed via [20 Trott Grove - Google Maps](#) to Google Maps.



PROPOSED DEVELOPMENT

The application seeks to divide the subject land (comprised of two allotments) in order to create a total of 9 Community title residential allotments and the communal driveway which will provide access to each of the allotments from Trott Grove.

The associated land use application (DA 2020/1330) has been granted Planning Consent Two, 2-storey residential flat buildings, one comprising 6 dwellings and one comprising 3 dwellings with associated common driveway, car parking and landscaping.

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.

Referrals

External

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 inclusions should the application be approved.

SA Water:

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

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

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.

ASSESSMENT

The assessment is split into three 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. Quantitative Snapshot, which details the proposal's performance against relevant quantitative Principles of Development Control
3. Assessment Discussion, which involves detailed discussion of pertinent matters.

Zone and Policy Area Considerations

Residential Zone

Objectives

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

Satisfies

Given that the subject land is located in close proximity to public transport routes and within an acceptable walking distance of a Regional Centre, the proposal is considered to satisfy Objective 2 of the Residential Zone.

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.*

Satisfies

The proposed land division facilitates both an increased mix in the range of dwelling types (via the approved land use application with two residential flat buildings comprising 9 dwellings) to be sited on the proposed allotments, as well as increased dwelling densities in close proximity to centres, public transport routes and public open space and the more efficient use of land.

On balance, the proposal is considered to adequately satisfy the intent of applicable provisions.

Desired Character

This area has been identified for regeneration because many of the dwellings and other infrastructure within the area are nearing the end of their economic life. Within the context of the Council area and the surrounding region this policy area represents a key opportunity to achieve strategic goals such as improved living conditions, environmental outcomes, and community services and infrastructure, as well as provide economically viable housing choices for the changing demographics of our population and make more efficient use of land and infrastructure within the Metropolitan area.

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.

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 desired character of the policy area is one of a high quality and distinctive living environment at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. 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.

Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles. Buildings of up to two storeys in height are appropriate, with three storey buildings also being appropriate provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and amenity.

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.

Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing.

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.

Satisfies

The proposal is considered to adequately satisfy the intent of Desired Character by facilitating development at a greater density to that of the current housing stock, and subsequently justifies the improvement of infrastructure and other services.

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

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

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

5 Allotments should be amalgamated to facilitate co-ordinated and efficient development.

The proposed residential land division incorporates land amalgamation of two allotments to provide a comprehensive and cohesive development. This will enable the approved land use to be constructed to which it provides sufficient separation to surrounding dwellings so as not to adversely impact on adjoining sites.

The proposal is considered to satisfy all of the relevant Zone and Policy Area considerations listed above. Zone and Policy Area provisions that are more quantitative in nature have not been listed above, and are detailed within the following Quantitative Snapshot table.

Quantitative Snapshot

[illegible]

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 the proposed increase in the number of allotments will make optimum use of existing infrastructure and facilities.

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

Satisfies

The proposed land division reflects the built form approved for the subject land (100/2020/1330). That application considered whether the proposed density and built form outcome was appropriate.

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

Engineered site works and drainage plans were assessed and considered acceptable within the associated land use applications. Further, SA Water have confirmed that water supply and sewerage connection is available (subject to conditions).

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 Regional Activity Zone and 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 proposed allotments reflect and approved land use.

8 Land division should result in allotments of a size suitable for their intended use.

Satisfies

The proposed land division reflects the built form approved for the subject land (100/2020/1330). That application considered whether the proposed density and built form outcome was appropriate.

10 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.

Satisfies (b), (c), (d)

It is acknowledged that the majority of the allotment sizes are less than the minimums set out in the zone, however the approved land use has demonstrated the shortfall in site area is not considered fatal to the overall merits of the proposal. Given that the site is within a zone which promotes higher densities, and within close proximity to centres, public transport and public open spaces, the form of development proposed is considered appropriate.

11 Access ways serving allotments in the form of a battle axe 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.

Departure

The land division proposes a driveway handle that exceeds 35m in length and also does not provide an entry point that exceeds 8m in width for the first 6m, However given the unusual shape of the allotment and couple that with the approved land use which demonstrates that vehicles are able to enter and exit in safe convenient manner in accordance with the Australian Standard it is considered an acceptable departure in this instance.

22 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.

Departure

1 on street car park has been provided for the proposed land division, which does not accord with provision, However this has been offset by the car parking bays provided within Trott grove to accommodate on street parking.

23 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).

Satisfies

Each of the dwellings approved on the land provide at least 2 on-site parks.

Assessment Discussion

Consideration and discussion of the following matters considered pertinent in reaching a recommendation for the proposal:

Desired Character

The Desired Character of the Regeneration Policy Area 16 seeks for integrated redevelopment of poor-quality housing stock and underutilised land. It seeks a high quality and distinctive living environment at a higher density and generally seeks a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. 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.

The proposed development achieves increased dwelling densities as sought by Objective 6 of the Policy Area. Further, given that the subject land is located within an acceptable walking distance of Regional Centre zone and a public transport route, the wider locality contains features identified in Objective 2 of the Residential Zone and Objective 9 of the Regeneration Policy Area 16 as warranting increased residential densities.

The proposed land division is to accommodate previously approved dwellings, which contribute to an increase in the range of dwelling types to meet a variety of accommodation needs. Accordingly, the essential form and nature of the proposal complements the overarching policies of the Regeneration Policy Area 16.

Site Area and Handle of allotment

A minimum site area of 200 square metres is prescribed for Residential Flat Buildings in the Regeneration Policy Area 16. Lots 2 to 9 fall short of the minimum site area requirement for residential flat buildings, which range from 72m² to 10m² respectively, while Lot 1 exceeds the minimum by 50m².

It is acknowledged that the shortfall in site areas is mainly due to the “handle” of the allotment not being included as part of the overall site areas for each of the individual allotments. Whilst there is a shortfall in site areas when assessed against the applicable Land Division criteria, the shortfall is not considered fatal to the overall merits, as the approved land use demonstrates dwellings can be constructed that are fit for purpose and meet the applicable built form and density provisions.

Despite the numeric shortfall in site areas, the overall density proposed is considered reflective of the increased densities sought within the Policy Area. The proposal also complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock and particularly in close proximity to public transport routes, public open space, and centre facilities as sought by Objective 9.

In my view, the shortfall in site areas is not necessarily fundamental to the merits of the application, in that it does not represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. The appropriateness of the proposal is nonetheless reinforced by the approved land use application which demonstrate that the proposed allotments are suitable for their intended use.

CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Regeneration Policy Area 16, as it results in a redeveloped site at a greater densities within close proximity of public transport routes, public open space and activity centres.

It is acknowledged that several of the proposed allotments maintain numerical shortfalls in site area. Further assessment of these shortfalls, as well as consideration of the previously approved built form applications has demonstrated that the proposed allotments nonetheless remain suitable for their intended use.

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 variance¹ 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: 100/1106/2020 for Residential land division (Community Titles 2 into 9 allotments plus the creation of community driveway) be GRANTED subject to the following conditions

CONDITIONS

Development Plan Consent

- 1. The development granted Development Approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the State Planning Commission that it has no objection to the issue of a certificate pursuant to Section 138 of the Planning, Development and Infrastructure Act.
- 3. 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 State Planning Commission that it has no objection to the issue of a certificate pursuant to Section 138 of the Planning, Development and Infrastructure Act.
- 4. The final survey plan shall be available to the Council, prior to the Council advising the State Planning Commission that it has no objection to the issue of a certificate pursuant to Section 138 of the Planning, Development and Infrastructure Act.

Land Division Consent

- 5. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services (SA Water H0100343).

SA Water advises 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.

¹ Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016 (or Section 35(2) of the Development Act 1993 for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act).

What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

6. On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries
7. 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.
8. Payment of \$53,312.00 into the Planning and Development Fund (7 allotment/s @ \$7,761.00 /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 Infrastructure and Transport 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
9. 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 Commission for Land Division Certificate purposes.

NOTES

1. The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 138 of the Planning, Development and Infrastructure Act.
2. Any future proposed crossover/access must be constructed clear of the remaining existing street trees and setback the required distances from the tree(s) in accordance with Council requirements.

**4. PDI APPLICATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
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No items listed for discussion.

**5. APPEALS UPDATE
CITY OF MARION
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APPEALS AGAINST PANEL DECISIONS

No items listed for discussion.

**6. POLICY OBSERVATIONS
CITY OF MARION
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No items listed for discussion.

**7. OTHER BUSINESS
CITY OF MARION
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No items listed for discussion.