

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 05 January 2022

Commencing at 6.30 p.m.

Council Chambers

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

22 December 2021

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 05 JANUARY 2022
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 discussions

3. PDI ACT APPLICATIONS

3.1 DEVELOPMENT NO 21017377

50 Fisk Avenue, Glengowrie

Two double storey semi-detached dwellings and associated fencing and landscaping

Report Reference: CAP050122 - 3.1.....2

4. DEVELOPMENT ACT 1993 APPLICATIONS

4.1 DEVELOPMENT NO 100/2021/0129 (SCAP Ref 100/D009/21)

19 & 20 Adelaide Terrace, Edwardstown

Residential land division (Torrens title- 2 into 7 allotments)

Report Reference: CAP050122- 4.1.....22

4.2 DEVELOPMENT NO 100/2018/1991

25 Mariner Avenue, Seacliff Park

To construct a two storey detached dwelling incorporating a garage wall exceeding 3.0 metres in height along the northern side boundary with associated earthworks and retaining walls

Report Reference: CAP050122 - 4.2.....36

5. APPEALS UPDATE

Verbal Update Provided

5.1 APPEALS AGAINST PANEL DECISIONS

Verbal Update Provided

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

Verbal Update Provided

6. POLICY OBSERVATIONS

No items listed for discussions

7. OTHER BUSINESS

No items listed for discussions

**8. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 05 JANUARY 2022**

9. MEETING CLOSURE

**2. GENERAL OPERATING PROCEDURES
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 05 JANUARY 2022**



**REPORT REFERENCE: CAP050122 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 JANUARY 2022**



Originating Officer:	Matt Falconer Development Officer – Planning
Applicant:	ThreeSixFive Design Studio Pty Ltd
Development Description:	Two double storey semi-detached dwellings and associated fencing and landscaping
Site Location:	50 Fisk Avenue, Glengowrie
Zone & Policy Area:	Established Neighbourhood Zone
Lodgement Date:	07/10/2021
Planning and Design Code:	Version 2021.14 (Operational 23 September 2021 to 14 October 2021)
Referrals:	Nil
Application Type:	Performance Assessed
Delegations Policy:	Instrument of Delegation – CAP, Clause 5.1.1.1 <i>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which: Any Performance Assessed application that has undergone Public Notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
Public Notification	Public Notification Required <i>Development that exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 is subject to Public Notification as per Table 5, Part 3 of the Established Neighbourhood Zone.</i>
Application No:	21017377
Recommendation:	That Planning Consent be GRANTED subject to Conditions

Appendices

Appendix 1: Planning and Design Code guidelines

Attachments

Attachment I: Proposal Plans

Attachment II: Statement of Representations

Attachment III: Applicant's Response to Representations and supporting documentation

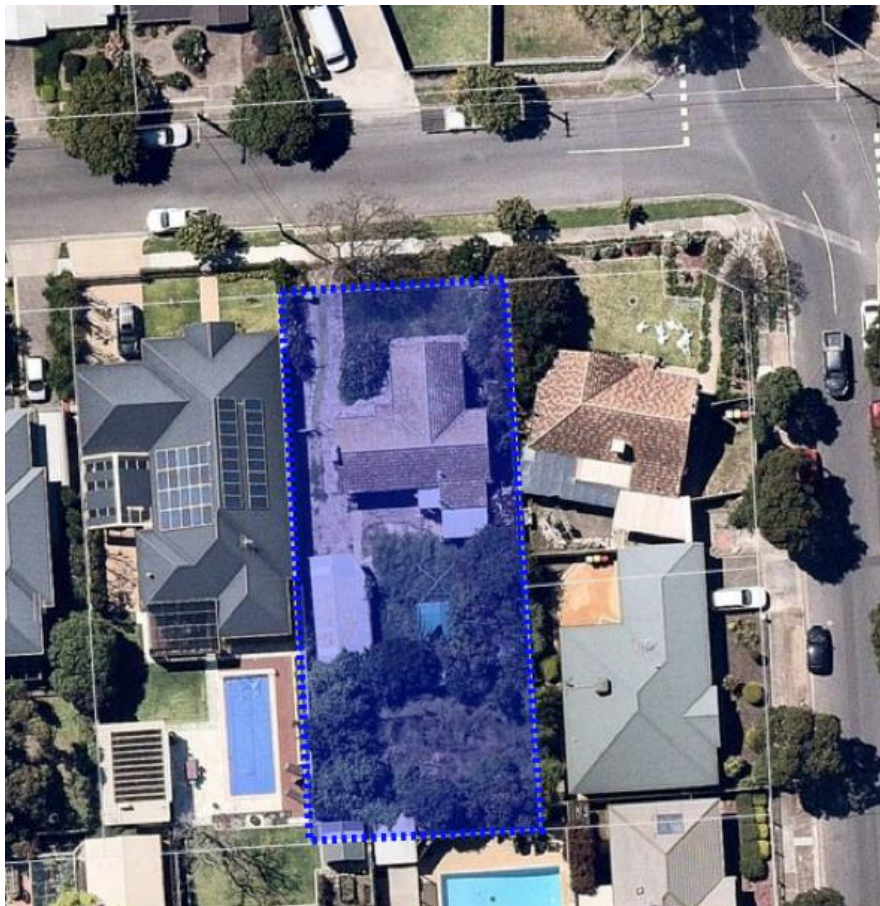
HOME

SUBJECT SITE

The subject land is located at 50 Fisk Avenue, Glengowrie and has a title reference, Volume 5666 Folio 199. The land has a frontage to 50 Fisk Avenue of 17.98 metres and a depth of 45.72 metres for a total land area of approximately 822 square metres.

A single storey detached dwelling and associated outbuildings currently occupy the land. The existing residence is a conventional gable fronted home typical of the 1930's and early 1940's and has no heritage listing. A small addition to the rear dwelling appears to have occurred. The existing dwelling and associated structures are now subject to demolition as part of this application.

The subject land has a number of established trees at the front of the site with much of the allotment at the rear heavily vegetated. There are no regulated or significant trees on the subject land. The land has slight fall toward the street of approximately 150 - 200mm.



The subject land is highlighted in blue in the image above

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LOCALITY

The locality is characterised by single storey detached dwellings with evidence of infill development in the form of semi-detached dwellings. A number of modern single storey and two storey detached and semi-detached dwellings are evident in the immediate locality.

The streetscape character has been eroded over time with many dwellings replaced with modern dwellings that often have no reference to the older housing styles, i.e wall and ceiling heights, roof pitch and detailing. There are only a handful of original dwellings located on Fisk Avenue, within the immediate locality.



Image of Locality based on properties that can be seen from the subject land.

As can be seen in the image on the following page, the zone boundary between the Established Neighbourhood Zone and General Neighbourhood Zone extends along Francis Avenue to the East. The subject land is located on the periphery of the zone and as mentioned the character is considered to have been eroded at the eastern end of the Zone.

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

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Image showing Zone boundary between the Established Neighbourhood Zone (EN) and the General Neighbourhood Zone (GN).

PROPOSED DEVELOPMENT

The proposed development comprises of the demolition of the existing dwelling and construction of a pair of double storey semi-detached dwellings.

Each allotment has a proposed frontages of 8.992 metres and a depth of 45.72 metres with an overall site area of approximately 411 square metres.

The dwellings feature a double garage, 2 bedrooms, main with ensuite and walk in robe and an open plan kitchen meals and living area as well as rear alfresco at ground level. The upper level comprises of two bedrooms, a bathroom and a living area.

The dwellings are quite elongated due to the design incorporating a double garage that is sited approximately halfway down the site. The main bedroom and entrance are sited forward of the garaging with a setback of 3.6 metres to the side property boundary. A single width driveway widens into the double garage behind. The intention of the design is to minimise the extent of garaging presenting to the street. The entrance and main bedrooms are designed under a common roof form reflective of a symmetrical cottage and features 3 metre high ceilings, 3.4 metres wall height when measured to the gutter line and a modern cantilevered verahdah element.

The dwelling extends down the allotment with the double garaging and main living areas as well as the upper level being setback much further from the street. The rear portion of the dwelling also features hipped roof with 450mm eaves.

The access shall be gained from an existing crossover for residence 2 and a new crossover for residence 1. The new crossover does not conflict with any street infrastructure.

The proposed materials comprise of a combination of rendered brickwork and face brick on the ground level, rendered Hebel on the upper level with Axon feature panelling as well as colorbond roofing and gutters.

PROCEDURAL MATTERS

Classification

The increase in building height to incorporate an upper storey defaults to a Performance Assessment, due a maximum building height of 1 level being the Deemed-To-Satisfy criteria within the assessment of the Established Neighbourhood Zone.

Categorisation

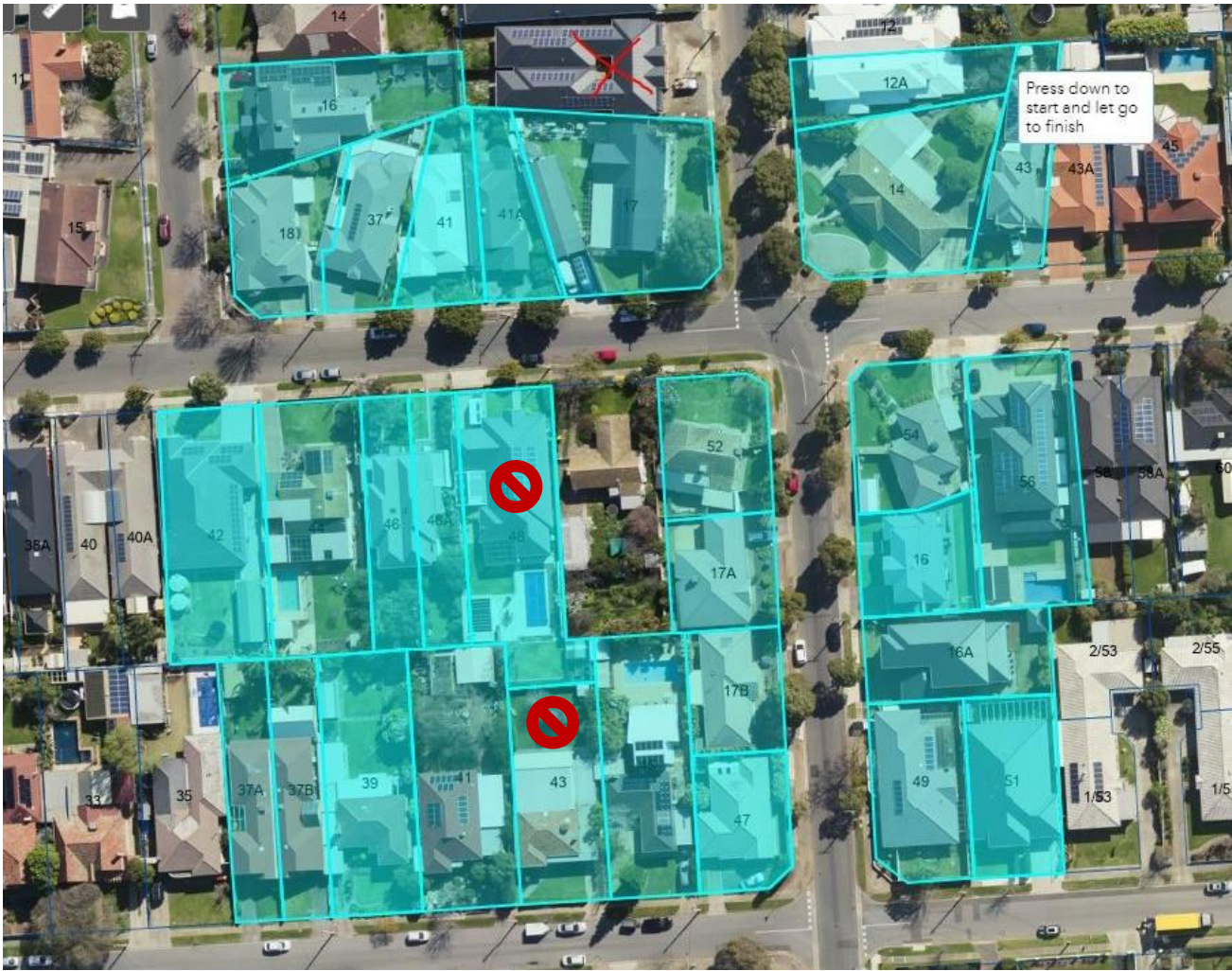
Development that exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 is subject to Public Notification as per Table 5, Part 3 of the Established Neighbourhood Zone.

Given the scale and location of the development in context of the subject site and locality, Council Administration formed the opinion the development is *not* of a minor nature.

As such, the development was publicly notified in accordance with the Act.

PUBLIC NOTIFICATION

Image showing adjacent land owners/occupiers notified by post.



Representations 2 received in total
 2 oppose the development

Representations received:

- 1 – Beth Moyses of 43 Helmsdale Avenue, Glengowrie – *Opposed*
- 2 – C Henderson of 48 Fisk Avenue, Glengowrie – *Opposed*

Wish to be
heard
Yes
No

Applicant Response A response by the applicant is included within the report attachments.

[HOME](#)

ASSESSMENT

Planning and Design Code

The subject land is located in the Established Neighbourhood Zone under the Planning and Design Code. The below assessment criteria is relevant to the Performance Assessed pathway for semi-detached dwellings addition. The Planning and Design Code designates Applicable Policy for this form of development. A copy of the code rules, including the Character Area Statement is in Appendix 1:

Overlays

Airport Building Heights (Regulated) DO 1; PO 1.1

Building Near Airfields DO 1, PO 1.3

Character Area (MarC1) DO 1, PO 1.1, PO 2.1, PO 2.2, PO 2.3, PO 2.4, PO 2.5, PO 6.1, PO 6.2

Hazards (Flooding – General) DO 1, PO 2.1

Stormwater Management DO 1, PO 1.1

Urban Tree Canopy DO 1, PO 1.1

Zone

Established Neighbourhood Zone (ENZ)

DO 1, DO 2, PO 1.1, PO 2.1, PO 3.1, PO 4.1, PO 5.1, PO 7.1, PO 7.2, PO 8.1, PO 9.1, PO 10.1, PO 10.2, Table 5

General Policies

Clearance from Overhead Powerlines DO1, PO 1.1

Design in Urban Areas DO1, PO 6.1, PO 7.1, PO 8.1, PO 10.1, PO 17.1, PO 17.2, PO 18.1, PO 20.1, PO 20.2, PO 20.3, PO 21.1, PO 21.2, PO 22.1, PO 23.1, 23.2, PO 23.3, PO 23.4, PO 23.5, PO 23.6, PO 24.1, Table 1

Infrastructure and Renewable Energy Facilities DO 1, PO 11.2, 12.2

Interface between land uses DO1, PO 3.1, PO 3.2, PO 3.3

Site Contamination DO 1, PO 1.1

Transport and Access DO 1, PO 5.1, Table 1

Quantitative Snapshot Table

Provisions	DTS/DPF Guideline <i>(note as the application is Performance Assessed, the suggested DTS/DPF is 'one way' of achieving the corresponding Performance Outcome)</i>	Proposed Development
Site coverage	40%	60.5%
Building Height	1 level	2 building levels
Primary Street Setback	Average of adjoining minus 1 metre (6.25 m)	6.5m
Setbacks		
RES 1 Lower Side (East)	900mm	Garage to boundary and 900mm
Lower Side (West)	Nil (common wall)	Boundary
Upper Side (East)	building height above 3m = 1.8m	2.97m
Upper Side (West)	Nil (common wall)	Boundary
Lower Rear	4m	6.8m
Upper Rear	6m	14.35m
RES 2 Lower Side (East)	Nil (common wall)	Boundary
Lower Side (West)	900mm	Garage to boundary and 900mm
Upper Side (East)	Nil (common wall)	Boundary
Upper Side (West)	building height above 3m = 1.8m	2.97m
Lower Rear	4m	6.8 m
Upper Rear	6m	14.35m
Private open space	60 sq metres	61 sq metres
Car parking spaces		
On-site	2 (1 undercover)	2 (2 undercover)
On-street	1	1
Pervious Surfaces / Soft Landscaping	20%	16% (No change)
Front	30%	50%

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Established Neighbourhood Zone

Land Use

The proposed development is considered to be an appropriate form of development within the Established Neighbourhood Zone and satisfies Desired Outcomes 1 and 2, as well as Performance Outcome 1.1.

Desired Outcome 1 (*Established Neighbourhood Zone*)

A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.

Desired Outcome 2 (*Established Neighbourhood Zone*)

Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.

Performance Outcome 1.1 (*Established Neighbourhood Zone*)

Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.

The dwellings have been designed to be sympathetic to the existing built form character and pattern of development found in the locality as well as maintaining a suitable appearance from the street through the reduction in width of crossovers and suitably landscaped front yards. I am of the opinion a pair of semi-detached dwellings is consistent with the existing and emerging pattern of development in the locality.

Site Area and Dimensions

It is acknowledged that the proposed development fails to satisfy the minimum site area and frontage requirements as outlined in DTS/DPF 2.1 where a minimum site area of 420 square metres and frontage of 9 metres is sought for semi-detached dwellings. Notwithstanding, the proposal satisfies performance outcome 2.1 which is highlighted below;

Desired Outcome 2.1 (*Established Neighbourhood Zone*)

Allotments/sites for residential purposes are of suitable size and dimension to accommodate the anticipated dwelling form and are compatible with the prevailing development pattern in the locality.

As highlighted throughout this report, the allotment sizes, as well as their frontages are suitable for the intended purpose which is to accommodate residential dwellings. Further, the allotment dimensions are comparable to other allotments containing semi-detached dwellings in the locality.

Built Form

As mentioned previously, the proposed development seeks to construct a pair of double storey semi-detached dwellings. The relevant provisions in the assessment of the built form are highlighted below;

Performance Outcome 3.1 (*Established Neighbourhood Zone*)

Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.

Performance Outcome 4.1 (*Established Neighbourhood Zone*)

Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.

Performance Outcome 5.1 (*Established Neighbourhood Zone*)

Buildings are set back from primary street boundaries consistent with the existing streetscape.

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Performance Outcome 7.1 (*Established Neighbourhood Zone*)

Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

Performance Outcome 7.2 (*Established Neighbourhood Zone*)

Dwellings in a semi-detached, row or terrace arrangement maintain space between buildings consistent with a low density suburban streetscape character.

Performance Outcome 8.1 (*Established Neighbourhood Zone*)

Buildings are set back from side boundaries to provide:

1. separation between buildings in a way that complements the established character of the locality
2. access to natural light and ventilation for neighbours.

Performance Outcome 9.1 (*Established Neighbourhood Zone*)

- a) Buildings are set back from rear boundaries to provide:
- b) separation between dwellings in a way that complements the established character of the locality
- c) access to natural light and ventilation for neighbours
- d) private open space
- e) space for landscaping and vegetation.

Performance Outcome 10.1 (*Established Neighbourhood Zone*)

Garages and carports are designed and sited to be discrete and not dominate the appearance of the associated dwelling when viewed from the street.

Performance Outcome 10.2 (*Established Neighbourhood Zone*)

The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.

When undertaking an assessment against PO 3.1 which relates to site coverage it is considered relevant to assess it together with PO 8.1 and 9.1 that relate to side and rear setbacks. The proposed dwellings have been designed with space around the front, side and rear of the dwelling with the exception to the common party wall that extends the entire length of the dwelling in addition to the garages sited to the boundary.

Performance Outcome 3.1 seeks building footprints that that are consistent with the character and pattern of the neighbourhood as well as providing sufficient space around buildings. Whilst the proposal may be inconsistent with the pattern of the older housing stock due to their smaller footprints, the proposal is reflective of more recent development in the locality.

It is noted that the dwellings on the southern side of Fisk Avenue between Francis Avenue and Elder Terrace maintain a relatively uniform rear setback whilst, the dwellings on the northern side of Fisk Avenue, between Barclay Avenue and Francis Avenue have a more random rear setback pattern. Whilst the applicant could have removed the rear alfresco which would increase the rear setback and reduce the overall site coverage, it is my opinion that there is the likelihood of Council receiving future applications for verandas and they may not necessarily be designed in a way that complements the dwellings. As the proposed verandahs are constructed under the main roof they are considered to contribute positively to the overall built form design and amenity of the area.

It is considered that the proposed dwellings satisfy both Performance Outcomes 8.1 and 9.1 by providing suitable setbacks to the relevant side and rear property boundaries. With exception to the common party wall, the ground level achieves a setback of 3.6 metres adjacent bedroom 1 which increases to 6.3 metres adjacent the hallway. The garage is proposed to be on boundary with the remainder of the house setback 900mm from the side boundary. The design does ensure natural light and ventilation can be achieved into the neighbouring properties. This is particularly true when considering the generous upper level side setback of 2.972 metres and 14.35 metre upper level rear setback. Further the dwellings achieve sufficient private open space whilst acknowledging soft landscaping is light on. This will be further discussed under the heading 'Landscaping'.

The garages extend to the external side boundaries on both sides of the property have a wall height of 2.96 metres when measured to the top of footings that extends along the boundary for 7.3 metres. The garages do also have a section of the wall that increase in height which forms the parapet, that extends across the front of the garage. Whilst the wall height increases to 3.4 metres the length of wall to which this relates is 900mm. In accordance with PO 7.1 the wall length and height is limited and shall not have as unreasonable impact on the adjoining properties or the streetscape.

The overall building height is not considered to be out of character with the area. As mentioned earlier, there are a number of two storey developments within the immediate locality. Whilst the proposal has a two-storey built form, unlike some of the more recent two storey development the upper level is setback well from the street and side property boundaries. I am of the opinion the proposal satisfies PO 4.1 which seeks ***'buildings [that] contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.'*** The proposal is considered to reflect the height and scale of existing two storey dwellings in the locality.

The proposed dwellings have been designed with a suitable mix of materials and finishes. Whilst this is discussed further in the section 'Character Area Overlay', it is worth noting the rendered front façade and face brickwork to the ground level with the upper level comprising of a mix of rendered Hebel and Axon cladding. The selected mix of materials, colours and finishes is considered to assist in reducing the visual bulk and scale posed by the built form.

Overlays

Airport Building Heights

The scale and location of the proposal will not adversely impact upon the operational nor safety requirements of any airports or similar facilities.

Building Near Airfields

The location and scale of the building will not pose a hazard to aircraft flight movement.

Character Area Overlay

The relevant policy contained in the Character Area Overlay are highlighted below;

Desired Outcome 1

Valued streetscape characteristics and development patterns are reinforced through contextually responsive development, design and adaptive reuse that responds to the attributes expressed in the Character Area Statement.

Performance Outcome 1.1

All development is undertaken having consideration to the valued attributes expressed in the Character Area Statement.

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Performance Outcome 2.1

The form of new buildings and structures that are visible from the public realm are consistent with the valued streetscape characteristics of the character area.

Performance Outcome 2.2

Development is consistent with the prevailing building and wall heights in the character area.

Performance Outcome 2.3

Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) are consistent with the prevailing characteristics in the character area.

Performance Outcome 2.4

Development is consistent with the prevailing front and side boundary setback pattern in the character area.

Performance Outcome 2.5

Materials are either consistent with or complement those within the character area.

Performance Outcome 6.2

Development maintains the valued landscape pattern and characteristics that contribute to the character area, except where they compromise safety, create nuisance, or impact adversely on existing buildings or infrastructure.

The Character Area Statement identifies common attributes and themes derived from the 1920's to 1950's. It is noted that the Character Area Statement anticipates 2 storey development where located in the roof space and also acknowledges examples of semi-detached dwellings in the locality of Glengowrie.

Whilst the proposed development does not incorporate the upper level section of the dwelling wholly in the roof space, I form the opinion that in this instance this is not critical given the context of the locality and for the reasons outlined below.

The proposed dwellings have been designed with a single storey element at the front which features themes derived from the appearance of symmetrical cottages, this includes;

- Single roof form
- 3.3 metre high walls; and
- veranadah structure that sits below the gutter line of the main building.

The intent of the Character Area Overlay is not to replicate the character dwellings but to compliment the dwellings styles through a consistent built form and use of complimentary materials. Based on the mix of dwelling styles in the immediate locality, responding to a particular or theme that is prevalent, is made more difficult.

The proposed dwellings are considered to be a modern interpretation of the character within the zone that have been designed in accordance with PO 1.1, 2.1, 2.2, 2.3, 2.4 and 6.2. The design has mimicked themes from the symmetrical cottage that presents appropriately to the street and maintains appropriate setbacks from property boundaries. The upper level is set back considerably from the front property boundary (approximately 19 metres) and as such is not a dominant feature which, in my opinion, is consistent with the intent of Desired Outcome 1 of the zone that seeks contextually responsive development.

The Character Statement contemplates double storey dwellings however it is noted that they should incorporate designs that are sympathetic and not appearing as two storey from the street. As mentioned above, the upper level is set back considerably from the street and as such minimising its streetscape impact. It is also worth remembering however, and as noted previously, the character in

this locality has been somewhat eroded and as such I form the opinion that achieving a design that is wholly within the roof space in this particular locality is not as critical.

The proposed development satisfactorily reflects the Character Area Statement and responds appropriately to its surrounding locality. The proposal has little impact on the streetscape character or views from adjacent land.

Hazards (Flooding – General)

The application was referred to Councils Development Engineer who initially commented by seeking the paving levels be set down 150 mm below the finished floor levels of the residences. This was subsequently actioned by the applicant and it is considered the application satisfies Desired Outcome 1 and Performance Outcome 2.1 as the impacts from flooding are minimised.

Stormwater management

The proposed development has been designed with the appropriate connection details in accordance with desired outcome DO 1 and PO 1.1 with the exception to the size of the detention and retention tanks. A Reserved Matter to this effect has been added should Council's Assessment Panel resolve to grant the application planning consent.

Urban Tree Canopy

The proposed development achieves compliance with the Urban Tree Canopy Overlay with a small tree nominated in each of the front yards that have access to 10 square metres of soil around the base of the trees.

Building Near Airfields

The location and scale of the building will not pose a hazard to aircraft flight movement.

General Assessment Policies

Desired Outcome 1 (Design in Urban Areas)

Development is:

- (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality
- (b) durable - fit for purpose, adaptable and long lasting
- (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors
- (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.

The Desired Outcome 1 of the Design in Urban Areas which is highlighted above broadly speaks to many the policies that are discussed in more detail under the relevant headings below. It is acknowledged however that the proposed development is consistent with the pattern of development in the locality and shall have a positive contribution of the character of the locality. The new dwellings shall be constructed of a mix of materials including brick, and aerated concrete as well as ~~HOME~~ steel which are all durable and shall be long lasting. The designs are suitably inclusive and sustainable with appropriate landscaped front and rear yards as well as the introduction of grasscrete that shall assist

to reduce the urban heat loads, and contribute to water management. It is considered that the proposal adequately satisfies DO 1.

Overlooking

Design in Urban Areas 10.1 states *that Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.*

All windows to the upper level will have obscured glazing fixed to a height of 1.5m above the finished floor level to mitigate against direct overlooking to adjoining occupiers.

External Appearance

Performance Outcomes 20.1, 20.2 and 20.3 of the Design in Urban Areas is considered relevant in this assessment.

Performance Outcome 20.1 (Design in Urban Areas)

Garaging is designed to not detract from the streetscape or appearance of a dwelling.

One of the features of the design includes a single width driveway that increases in width behind the single storey element that incorporates the entrance and main bedroom. The driveway widens into a double garage behind this single storey element. This feature of the design cleverly minimises the appearance of the double garaging presenting to the street and satisfies PO 20.1.

Performance Outcome 20.2 (Design in Urban Areas)

Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.

Performance Outcome 20.3 (Design in Urban Areas)

The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.

The proposed dwellings have been designed to minimise the bulk and scale of the upper level built form through the inclusion of hipped roofs with eaves, verandah elements and the increased upper level setback from the front property boundary. The generous upper level side setbacks are also considered to assist minimising the visual bulk and scale form adjoining properties.

It is noted that the rear wall of the neighbouring dwelling sited at 48 Fisk Avenue is setback such that it is close to being in line with the upper level of the proposed dwellings. As such, the visual impact of the dwellings when viewed from inside the dwelling is reduced. It is considered that performance outcome 20.3 of the Design in Urban Areas is satisfied.

In addition to the above, the garage walls sited on the adjoining boundaries shall not have an unreasonable impact. The western boundary wall is adjacent the side of the dwelling at 48 Fisk Avenue and is considered to have a minimal impact. The garage sited on the eastern boundary is positioned just behind the pergola structure of the residence at 52 Fisk Avenue and straddles the boundary line of both 52 Fisk Avenue and 17B Francis Avenue.

Given the orientation of the site, the proposed development and structures on boundaries shall not result in any unreasonable overshadowing.

Overall, it is considered that the dwellings have been suitably designed with appropriate levels of articulation and design features that present an attractive built form to the streetscape whilst at the same time assisting in minimising the overall bulk and scape of the buildings.

Private Open Space

I have calculated that the proposed development has an area of private open spaces at the rear of the dwelling that is directly accessible to a living area of 61 square metres for each dwelling. Once rainwater tanks and clothes drying areas are taken into account this area is slightly reduced. In this regard the applicant has provided the area of grasscrete in front of the garages which is accessed from the main hallway extending from the front door the rear living areas. It is conceivable that that is could be utilised as private open space.

Performance Outcome 21.1 (*Design in Urban Areas*)

Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.

Performance Outcome 21.2 (*Design in Urban Areas*)

Private open space is positioned to provide convenient access from internal living areas.

I am of the opinion that the area of private open space proposed satisfies PO 21.1 and 21.2 given that the area of open space is directly accessible from the living areas and the amount of private open space provided is sited in one large usable space rather than being divided in to a number of smaller less usable spaces. It is considered the amount of private open space is sufficient for the needs of the likely occupants. For context, it is worth noting that Table 1- Private Open Space, that is referred to for Deemed to Satisfy consents, seeks a minimum of 60 square metres of private open space for sites greater than 301 square metres.

Landscaping

The proposed development incorporates areas of soft landscaping in the front and rear yards as well as grasscrete in portion of the driveway. The Design in Urban Areas Performance Outcome 22.1 below seeks to ensure soft landscaping is provided for a number of reasons.

Performance Outcome 22.1 (*Design in Urban Areas*)

Soft landscaping is incorporated into development to:

- **minimise heat absorption and reflection**
- **contribute shade and shelter**
- **provide for stormwater infiltration and biodiversity**
- **enhance the appearance of land and streetscapes.**

Given the driveway areas contribute to a large amount of hard stand area, the applicant has included areas of grasscrete (approximately 36 square metres) in front of the garages. I am of the opinion the proposed development does provide sufficient soft landscaping that minimise heat absorption and reflection, whilst also providing for stormwater infiltration and biodiversity. Furthermore, it is considered that the proposed landscaping proposed in the front yards will enhance the appearance of the subject land and have a positive contribution to the streetscape.

The proposal is considered to achieve compliance with Performance Outcome 22.1.

Carparking and access

Performance Outcome 23.1 (*Design in Urban Areas*)

Enclosed car parking spaces are of dimensions to be functional, accessible and convenient.

Performance Outcome 23.2 (*Design in Urban Areas*)

Uncovered car parking space are of dimensions to be functional, accessible and convenient.

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Performance Outcome 23.3 (*Design in Urban Areas*)

Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, domestic waste collection, landscaped street frontages and on-street parking.

Performance Outcome 23.4 (*Design in Urban Areas*)

Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.

Performance Outcome 23.5 (*Design in Urban Areas*)

Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.

Performance Outcome 23.6 (*Design in Urban Areas*)

Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.

Performance Outcome 5.1 (*Transport, Access and Parking*)

Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

1. availability of on-street car parking
2. shared use of other parking areas
3. in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared
4. the adaptive reuse of a State or Local Heritage Place.

The proposed development includes a double garage for each dwelling that is accessed from a single width crossover. The dimension of each garage satisfies the Australian standards for width and depth and the long driveway (approximately 19 metres in length) can accommodate 3 visitor cars stacked one behind the other. The proposed development satisfies PO 23.1, and 23.2.

The driveways at the entrance to each site are limited to 3.1 metres in width, which maximises the front yards areas for landscaping whilst also ensuring there is sufficient space on-street (8.6 metres available for an on-street parking space). Whilst residence 2 utilises an existing crossover, residence 1 shall create a new access point which does not interfere with any street infrastructure, services or street trees. Given the above, the proposed development achieves compliance with PO's 23.3, 23.4, 23.5, 23.6.

The provision of garaging and visitor parking that enables safe and convenient access complies with PO 23.5 of the design in Urban Areas and PO 5.1 of Transport, Access and Parking.

Overshadowing

The subject land has a northern orientation to the street which ensures there is limited impact caused by overshadowing on properties located directly to the east and west of the subject land. As the largest and longest shadow is cast directly to the south, the area directly to the south of the building will receive a majority of the shadow. Given the proposed rear setback when measured to the upper level is 14.35 metres the proposal shall not result in unreasonable overshadowing and comply with the following policies.

HOME

Performance Outcome 3.1 (*Interface between land uses*)

Overshadowing of habitable room windows of adjacent residential land uses in:

- (a) a neighbourhood-type zone is minimised to maintain access to direct winter sunlight

- (b) other zones is managed to enable access to direct winter sunlight.

Performance Outcome 3.2 (*Interface between land uses*)

Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:

- (a) neighbourhood type zone is minimised to maintain access to direct winter sunlight
- (b) other zones is managed to enable access to direct winter sunlight.

Performance Outcome 3.3 (*Interface between land uses*)

Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:

- (a) the form of development contemplated in the zone
- (b) the orientation of the solar energy facilities
- (c) the extent to which the solar energy facilities are already overshadowed.

The proposed development shall not unreasonably shade habitable room windows. It shall not result in a loss of direct sunlight to neighbours areas of private open space and it will not shadow solar panels on adjoining residences. As such Performance Outcomes 3.1, 3.2 and 3.3 are satisfied.

CONCLUSION

The proposed development is considered to be an appropriate form of development within the Established Neighbourhood Zone. Whilst the proposed dwellings do not have upper levels contained in the roof space, as sought in the Character Area Overlay, the proposed built form is considered to be sympathetic to the existing character of the area in terms of building heights and massing. The dwellings have also been designed to maintain a single storey appearance from the street.

The dwellings are also setback appropriately from front, side and rear property boundaries so as to maintain the built form character and pattern of existing development within the locality.

Overall, it is considered that the proposal demonstrates compliance with a majority of the relevant policy contained in the Planning and Design Code and shall not have an unreasonable impact on the adjoining properties, character of the area or streetscape.

Given the above, it is considered that the proposal warrants Planning Consent to be granted.

The proposed development is not seriously at variance with the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016.

The development warrants Planning Consent, subject to the appropriate 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 Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and
- (c) That Planning Consent for Development Application ID: 21017377 for two, double storey semi-detached dwellings and associated fencing and landscaping at 50 Fisk Avenue, Glengowrie be GRANTED subject to the following Reserved Matter and Conditions.

RESERVED MATTERS

Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016, 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 thereof.

1. An amended siteworks and engineering plan, to the satisfaction of the Assessment Manager, shall be provided which accords with Stormwater Management Overlay DTS/DPF 1.1.

Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016 the Assessment Manager, as a sub-delegate of the Council Assessment Panel, reserves its decision on the form and substance of any further conditions of planning consent that it considers appropriate to impose in respect of the reserved matter outlined above.

CONDITIONS

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.
3. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
4. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
5. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the ~~the~~ Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

NOTES

1. The owner/applicant is advised that consent from any relevant easement or encumbrance owner may be required prior to any construction.
Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way.
Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited Plan. A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at:
<https://sailis.lssa.com.au/home/auth/login>.
2. 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.

**REPORT REFERENCE: CAP050122 – 4.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 05 JANUARY 2022**



Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	Huang Construction
Development Description:	Residential land division (Torrens title- 2 into 7 allotments)
Site Location:	19 & 20 Adelaide Terrace, Edwardstown
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Lodgement Date:	28/01/2021
Development Plan:	Consolidated – 14 January 2021
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:	100/2021/0129 (SCAP Ref 100/D009/21)
SCAP No.	100/D009/21
Recommendation:	That Development Plan Consent, Land Division Consent and Development Approval be GRANTED subject to conditions

Attachments

<i>Attachment I:</i>	<i>Certificates of Title</i>
<i>Attachment II:</i>	<i>Proposal Plan</i>
<i>Attachment III:</i>	<i>External Agency Referral Comments</i>

[HOME](#)

BACKGROUND

Members are advised that the proposed Torrens title land division application relates to two previously approved land use applications; Development Application 21025888 which was granted Planning Consent by a Private Certifier for three single-storey detached dwellings and one two-storey detached dwelling as well as Development Application 21026219 which was granted Planning Consent by Council staff for three, two-storey row dwellings, in accordance with Council's instruments of delegation relative to the Planning and Design Code which came into effect on 19 March 2021.

It should be acknowledged that implementation of the Planning and Design Code has resulted in changes to the applicable Zones of both the subject land and surrounding land. The built form application for DA 21026219 (for the three, two-storey row dwellings) have been assessed against the new Zone requirements, whereas DA 2020/2120 (new DA ID 21025888) (for three single-storey detached dwellings and one two-storey detached dwelling) as well as the subject application, being lodged prior to the implementation of the Planning and Design Code, were/are required to be assessed against the previous Development Plan requirements. Nonetheless, the proposed land division is reflective of the approved built form for the subject land.

SUBJECT LAND

The subject land is located at 19 and 20 Adelaide Terrace, Edwardstown. Each allotment is rectangular with a primary frontage of 13.11 and 16.15 metres to Adelaide Terrace respectively, with 19 Adelaide Terrace being a corner allotment and a secondary frontage of 42.67 metres to Woodlands Terrace. The combined allotments comprise a total site area of 1491 square metres.

The subject allotments each currently accommodate a single-storey detached dwelling in average condition as well as various ancillary structures. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

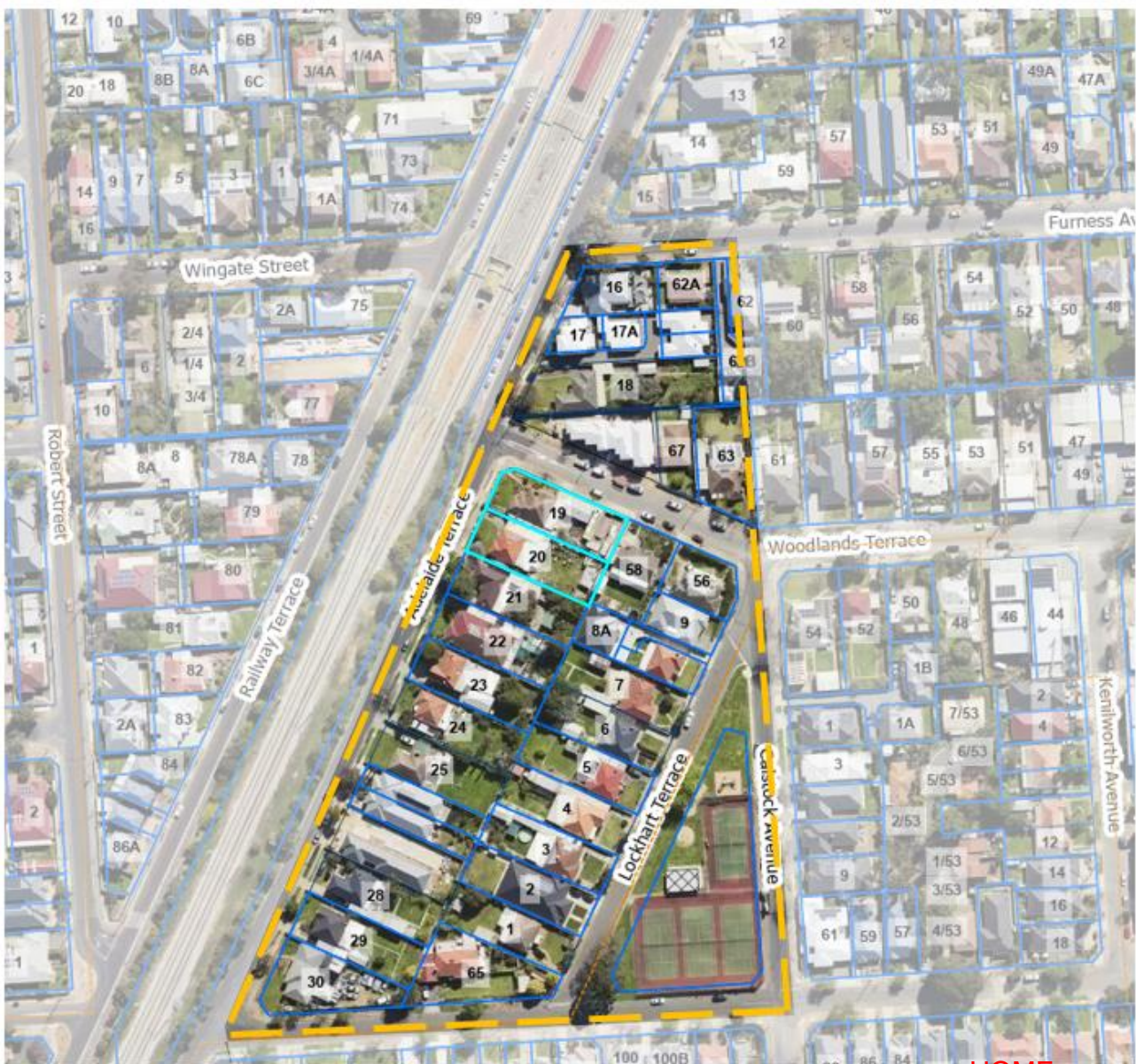


LOCALITY

The immediate locality is comprised of a mixture of residential dwelling types including original detached dwellings on large allotments as well as detached, semi-detached, row and group dwellings on smaller redeveloped allotments. Further to the east is the Strategic Employment Zone (previous Industry Zone), generally comprised of a range of industrial and warehouse uses.

The subject land is sited 100 metres to the north-west of Weaver Street reserve, which includes a children's playground and tennis courts. The Woodlands Park Railway Station is located approximately 125 metres walking distance to the north of the subject land, while a Suburban Activity Centre Zone (Castle Plaza- previously District Centre Zone) is sited 600 metres to the north-east.

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



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PROPOSED DEVELOPMENT

The application seeks to divide the subject land (comprised of two allotments) in order to create a total of seven Torrens title residential allotments, including party-wall rights between Lots 5 and 6, and Lots 6 and 7.

The associated land use applications (DA's DA 2020/2120 and 21026219) have been granted Planning Consent for single-storey detached dwellings to Lots 1, 2 and 4, a two-storey detached dwelling to Lot 3 and three, two-storey row dwellings to Lots 5, 6 and 7.

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:

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

Internal

Coordinator Arboriculture:

The street tree on Woodlands Terrace (forward of proposed Lot 2) may be removed subject to payment of \$700 to facilitate removal and replacement of the tree.

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 public open space and within an acceptable walking distance of a Suburban Activity Centre (previously a District Centre Zone), the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

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 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.

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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.

Relevant Principles of Development Control

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.

Satisfies

The proposed residential land division shall facilitate dwellings, a form of development envisaged for the Policy Area. Further, the proposal is considered to adequately satisfy the intent of Desired Character and comprises an amalgamation of two allotments to facilitate a coordinated and efficient pattern of development.

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

Development Plan Criteria						
Detached dwellings		Lot 1	Lot 2	Lot 3	Lot 4	
Site area	250m ²	255m ²	263m ²	220m ²	242m ²	Partially Satisfies
Frontage width	9m	8m	8m	8.9m	8m	Does Not Satisfy
Depth	20m	33.09m	32.96m	24.82m	30.26m	Satisfies
Row dwellings		Lot 5	Lot 6	Lot 7	-	
Site area	170m ²	179m ²	160m ²	172m ²	-	Partially Satisfies
Frontage width	7m	8.62m	7.62m	5.38m	-	Partially Satisfies
Depth	20m	21.23m	21.09m	20.97m	-	Satisfies
General						
On-street parking	1 per 2 allotments	4 on-street car parking spaces to remain available adjacent the subject land, three along Woodlands Terrace, and one on Adelaide Terrace (as demonstrated within the associated land use applications).				Satisfies

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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.

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.

Does Not Satisfy

Lots 1 and 2 comprise a frontage width of 8 metres and a depth of some 33 metres, slightly exceeding that sought by PDC 3. Given the land use applications have demonstrated dwellings can be appropriately accommodated on such sites, the 1 metre excess in site depth is not considered overly consequential or detrimental to the merits of the subject application.

Satisfies

Lots 3-7

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

Satisfies

Associated land use applications have been granted Planning Consent, and demonstrate that the proposed allotments are suitable for their intended use.

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.

Satisfies

The approved dwellings provide opportunities for adequate on-site car parking. Access public transport routes is readily available within close proximity, and 4 on-street car parking spaces shall be available adjacent the subject land.

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. 4 on-street park remain available adjacent the subject land.

Assessment Discussion

Consideration and discussion of the following matters in particular are 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 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 open space, a local 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

A minimum site area of 250 square metres and 170 square metres is prescribed for detached dwellings and row dwellings respectively in the Regeneration Policy Area 16. Lots 3 and 4, at 220 and 242 square metres, fall 30 and 8 square metres short of the minimum site area requirement for detached dwellings respectively, while Lot 6, at 160 square metres, comprises a shortfall of 10 square metres.

Despite the numeric shortfall in site areas, the overall density proposed is considered reflective of the medium density sought within 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 applications which demonstrate that the proposed allotments are suitable for their intended use.

Frontage width

Allotments which are to accommodate detached dwellings within the Regeneration Policy Area 16 should comprise a minimum frontage width of 9 metres. Lots 1-4 each comprise a shortfall in this regard, with Lots 1, 2 and 4 in particular (at 8 metres in width) maintaining a notable shortfall of 1 metre each (some 11%).

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It must be taken into consideration that Development Application DA 2020/2120, which was granted Planning Consent by a Private Certifier for three single-storey detached dwellings and one two-storey detached dwelling upon these allotments, was also done so prior to implementation of the Planning and Design Code. At that time, pursuant to Schedule 4-2B of the Development Regulations 2008, detached dwellings were permitted a dispensation in frontage width (and site area) equal to that required of semi-detached dwellings. Accordingly, the detached dwellings (of Lots 1, 2 and 4) were approved with frontage widths of 8 metres. I am of the view that the discrepancy in frontage widths, whilst numerically significant, is nonetheless not considered to negatively affect the streetscape or compromise the functionality of the previously approved dwellings.

Further, row dwellings require a minimum frontage width of 7 metres. It is noted that the measurement for Lot 7, at 5.38 metres, is reflective specifically of the front boundary of this allotment and does not include the corner cut off, with the width of this allotment increasing to greater than 7 metres beyond the corner cut off. This shortfall, in my opinion, is of little consequence, given the width of any future dwelling itself will nonetheless present to the streetscape appropriately.

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 and frontage width. 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 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: 100/129/2021 for Residential land division (Torrens title- 2 into 7 allotments) at 19 Adelaide Terrace, Edwardstown 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 H0109466).
- 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 \$38,805.00 into the Planning and Development Fund (5 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 Development Assessment Commission for Land Division Certificate purposes.**

NOTES

1. **Payment of \$700 shall be made to Council to facilitate the removal and replacement of the street tree forward of proposed Lot 2 on Woodlands Terrace. Council’s Open Space Operations team will issue this invoice separately.**
2. **The applicant is reminded to contact the Council when all of the Council’s conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 138 of the Planning, Development and Infrastructure Act.**
3. **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.**

**REPORT REFERENCE: CAP050122 – 4.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 05 JANUARY 2022**



Originating Officer:	Nicholas Timotheou Senior Development Officer - Planning
Applicant:	Mr Jake Scali
Development Description:	To construct a two storey detached dwelling incorporating a garage wall exceeding 3.0 metres in height along the northern side boundary with associated earthworks and retaining walls
Site Location:	25 Mariner Avenue, Seacliff Park
Zone:	Residential Zone
Policy Area:	Cement Hill Policy Area 10
Lodgement Date:	23/10/2018
Development Plan:	Consolidated – 20 February 2018
Referrals:	Nil
Delegations Policy:	Development Delegations Policy 4.1.9 <i>Any application where the Manager Development and Regulatory Services determines that the application warrants assessment by the Panel due to its significant, contentious or controversial nature.</i>
Categorisation:	Category 2 <i>Residential Zone, Public Notification section prescribes: Wall (excluding retaining wall) for residential development which exceeds a length of 8 metres and/or exceeds a height of 3 metres when measured from natural ground level where abutting a side or rear boundary (other than a common wall of semi-detached dwellings, row dwellings or residential flat buildings).</i>
Application No:	100/2018/1991
Recommendation:	That Development Plan Consent be GRANTED

Attachments

Attachment I: Minutes from Council Assessment Panel meeting held 4 August 2021
Attachment II: Proposal Plan and supporting documentation

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BACKGROUND

The subject application was considered by the Panel at its meeting of 4 August 2021, whereby a decision upon the application was deferred to enable the applicant to provide further information that would address the expressed concerns of the Panel members in respect of:

- Bulk and scale;
- Setbacks;
- Streetscape impacts;

and the opportunity to provide amendments for the Panel's further consideration at a later date.

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 Member's agenda from the 4 August 2021 meeting.

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.

The applicant has provided a list of all amendments made to the proposal. These generally involve the following:

- Lowering of finished floor levels
- Increase in front and side setbacks
- Reduction in overall building height
- Reduction in site coverage
- Introduction of colours/materials throughout the building

Quantitative snapshot comparison

The below table provides a side-by-side comparison of the main amendments to the original plans.

Criteria		Deferred Plans	Original Plans	Proposed change
Site coverage	40% <i>Policy Area PDC 3</i>	241.6sqm (53.7%)	245.93sqm (54.65%)	4.33sqm (0.95%) reduction
Front setback	Average of adjacent (5.1 and 5.5 metre setbacks on adjoining properties) <i>Design and Appearance PDC 22</i>	4.65m (upper level) 4.95m (ground floor)	4.3m (upper level Bedroom 1) 4.75m (ground floor room)	0.35m and 0.2m increase in front setback
Rear setback	6m, may be reduced to 3m for <50% rear width <i>Residential Zone PDC 6</i>	8.7m	8.7m	No change

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Rear setback (Upper)	8m <i>Residential Zone PDC 6</i>	7.34m and 8.7m	7.15m and 8.7m	0.2m increase
Side setback	0.9m <i>Residential Zone PDC 6</i>	North – 2.7m South – 0.97 – 1.14m	North – 2.55m South – 0.97 – 1.14m	North – 0.15m increase South – No change
Side setback (upper)	<p>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p>Where the wall height is greater than 6 metres: (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p><i>Residential Zone PDC 6</i></p>	<p>North 2.1m – 2.85m</p> <p>South 1.35m – 2.65m</p>	<p>North 2.1m (wall height varies between approximately 6.3m and 7.14m from existing ground level); and 2.55m (wall height varies between approximately 7.14m and 7.81m from existing ground level)</p> <p>South 1.35m; and 2.45m</p>	<p>North Rear portion of dwelling increased by 0.3.</p> <p>South Rear portion of dwelling increased by 0.2m</p>
Building height	2 storeys; 9m <i>Residential Zone PDC 6</i>	8.55m + filling of the land (1m) = 9.55m	8.67m + filling of the land (1.25m) = 9.92m	Reduction in building height by 0.37m

Streetscape Impacts and Setbacks

Streetscape Impacts and Front setback

The increase in front setbacks are considered an improvement to the dwelling's siting within the street and provides greater transition to buildings on adjoining land.

A portion of the first floor is setback 4.65m, stepping to 4.95m and 7.23m (balcony). At the ground floor, a setback of 4.95m is achieved, which steps to 5.5m (garage). While portions of the dwelling will sit forward of buildings on adjoining land, it is my view that the proposal is appropriate for the following reasons:

- A mixture of colours and materials and substantial fenestration is provided to the main façade
- The open nature of the front facing balcony opens the appearance of the building when viewed from the street and sets the upper level back 7.2m
- Appropriate transition is provided to buildings on adjoining land through the abovementioned design elements
- The proposed front setbacks are somewhat comparable to other developments identified within the locality.

Rear setbacks

The proposed rear setbacks are largely unaltered through the revised plans, aside from the increase in the upper level from 7.15m to 7.34m and 8.7m. The original report discussed the merits of the rear setbacks which considered this separation an appropriate outcome for the land and locality.

As identified in the original report, despite the proposal resulting in negligible amenity impacts upon the adjacent Golf Course, it is important to consider the visual impact arising from the shortfall in rear setback when the building is viewed from neighbouring properties to the north and south. This will be discussed further within the “Bulk and Scale” section of this report.

Side setbacks

Ground and first floor side setbacks have slightly increased. It is acknowledged the side setbacks (in isolation), when considering potential impacts, were not considered to result in unreasonably amenity impacts and rather, greater weighting was placed on the overall bulk and scale of the building. The initial assessment in this regard is considered to remain relevant to the proposal. Nonetheless, the following comparisons are provided for the Panel’s considerations.

Ground floor (south side)	
Deferred plans 0.97 – 1.14m	Original plans 0.97 – 1.14m
Ground floor (North side)	
Deferred plans 2.7m	Original plans 2.55m

Deferred Plans

First floor (southern side setback)				
Portion of first floor	Total wall height (measured from ground level)	Development Plan setback	Proposed	Departure
Bedroom 1	5.15m – 4.75m	3m	1.35m	1.65m
Remaining portion	4.9m – 6.9m	3m – 3.9m	2.65m	0.35m – 1.25m
First floor (northern side setback)				
Portion of first floor	Total wall height (measured from ground level)	Development Plan setback	Proposed	Departure
Rumpus room	5.95m – 6.95m	2m – 2.95m	2.1m	0.85m
Family room	6.9m – 7.55m	2.9m – 3.55m	2.85m	0.05m – 0.7m

Original Plans

First floor (southern side setback)				
Portion of first floor	Total wall height (measured from ground level)	Development Plan setback	Proposed	Departure
Bedroom 1	5.4m – 5.1m	3m	1.35m	1.65m
Remaining portion	5.25m and 7.1m	3m - 4.1m	2.45m	0.55m – 1.65m
First floor (northern side setback)				
Portion of first floor	Total wall height (measured from ground level)	Development Plan setback	Proposed	Departure HOME
Rumpus room	6.15m – 7.15m	2.15m – 3.15m	2.1m	0.05m – 1.05m
Family room	7.15m – 7.81m	3.15m – 3.81m	2.55m	0.6m – 1.26m

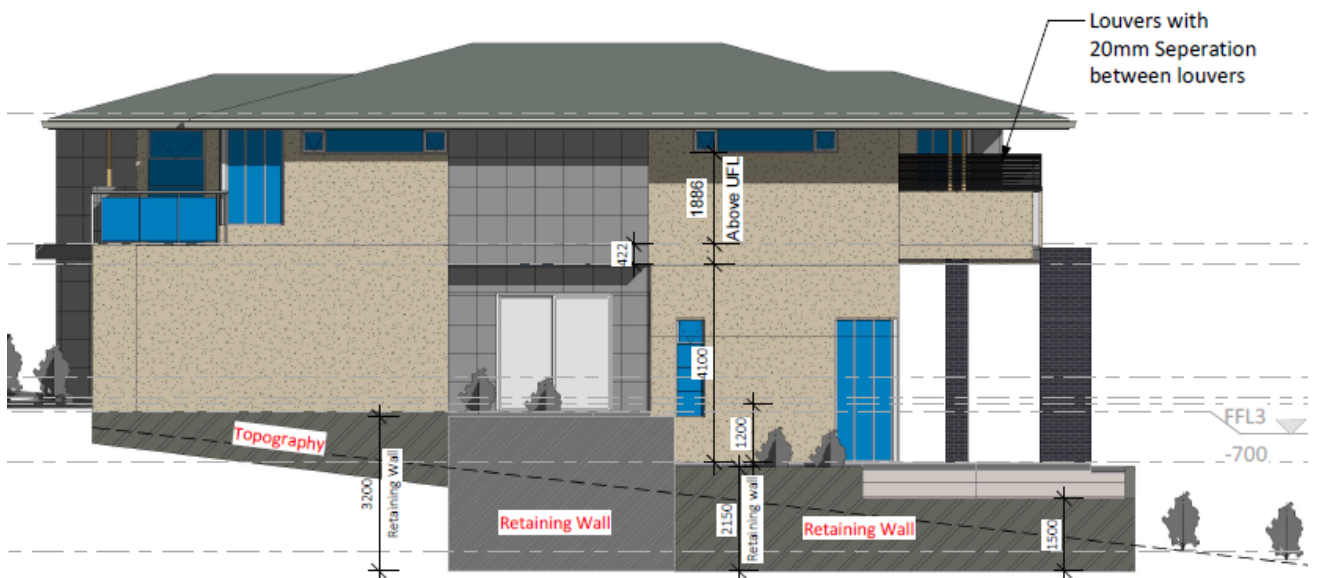
Bulk and scale

The deferred plans have sought to reduce the bulk and scale of the building through a reduction in overall building and wall heights, when measured from the existing ground level, and an increase in side and rear setbacks. Further to this, amended colours schemes have been adopted to the first floor whilst the rear balcony's supporting column has been reduced to a slimline design. A comparison between the original and deferred plans are shown below.

Deferred plans



Original plans



Whether the overall bulk and scale has reduced to a point where support is recommended is finely balanced. The deferred plans maintain tall wall heights towards the rear of the site and side setbacks which fail to accord with quantitative guidelines. This is however, partially balanced as a result of the increased upper level side and rear setbacks and introduction of additional colours and materials.

The southern façade, while substantial, is considered to appropriately address interface concerns previously raised with the proposal. The following points are noted as identified in the original report:

- The setback requirement quoted above relates to a boundary with a wholly southern orientation, however the subject boundary maintains a south-eastern orientation. If the boundary were considered wholly eastern, a setback between 2 and 2.9m would be required.
- The finished floor level of the south-eastern neighbouring property is sited approximately 1.6m above the finished floor level of the proposed dwelling. Consequently, the effective wall height of the upper storey as viewed from adjoining land ranges between 3.3m and 5.3m.

The mixture of materials, increased setbacks and fenestration is considered appropriate to minimise the overall bulk and scale of the building as viewed from the adjacent property located at 23 Mariner Avenue, Seacliff Park.

The northern elevation shares similar considerations with respect to its bulk and scale and presentation to adjoining land. Notably, the finished floor levels have reduced from 98.25 to 98.1. This in combination with increased upper level side setbacks and the addition of a new material to the first floor assists in minimising the appearance of a tall, upright two storey wall.

It is also relevant to consider the locality and other development which has occurred on nearby land. The land generally falls in a north-westerly direction and as such, it is common for dwellings on the higher side of the road to be elevated above adjacent properties on the lower side.

Due to the sloping topography of the locality, split-level designs are a common feature. Side setbacks similar to that proposed are somewhat common and dwelling sizes are often large, noting the majority of dwellings in the locality would fail to accord with site coverage guidelines. Dwellings commonly extend closer to the rear boundary and incorporate filling of the land to provide elevated platforms.

These characteristics of the locality are noted and provide context to the development. To my mind, the locality features are of particular relevance to the assessment of the proposal and contribute to the recommendation.

The proposal incorporates a split-level design, noting two splits in the ground floor plate. Collectively, a 1.25 metre split is achieved between the front of the dwelling (study) and the lower open plan kitchen/meals/living.

The ground level of the dwelling is generally concealed from adjoining land and is not considered to result in any significant amenity impacts.

The first floor and its extension towards the rear boundary, together with the departure in side setbacks are the main factors contributing to the buildings overall bulk and scale. This notwithstanding, the locality is not that of a typical low density residential setting on sloping land.

The Development Plan seeks development on sloping land to integrate and compliment the natural topography and minimise the need for earthworks. The proposal achieves a general balance in cut and fill, while earthworks and retaining walls are similar to that on adjoining land. This outcome is not uncommon for the locality and the design has aimed to minimise the presentation of the building to adjoining land where appropriate.

The proposal remains finely balanced in this respect. Although the proposal accommodates a number of departures from the Development Plan guidelines; greater weight has been provided to the characteristics of the locality and development which has occurred on nearby land.

HOME

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 Mariner Avenue and the external outlook from 23 and 27 Mariner Avenue.

Increases in front setbacks provide improved transition to dwellings on adjoining land and the streetscape. The design of the dwelling maintains an articulated façade to promote an attractive streetscape outcome and pattern of development.

Side setbacks have increased at both ground and first floor of the dwelling. The original assessment found setbacks from boundaries to result in appropriate outcomes upon adjoining land. Whilst upper storey side setbacks fail to accord with the Development Plan guidelines, the impact on adjoining land was not found to be fundamental. This comes as a result of the following key points:

- The "southern boundary" maintains a south-eastern orientation
- The finished floor level of the south-eastern neighbouring property is sited 1.6m above the finished floor level of the proposed dwelling
- The dwelling on adjoining land to the north-west does not incorporate any habitable room windows/doors on its southern façade

Despite setbacks from boundaries being deemed an appropriate outcome, greater weighting was previously placed on the overall bulk and scale of the dwelling upon adjoining land. The original proposal accommodated excessive wall heights, paired with an elevated platform and reduced setbacks from boundaries. The application was deferred at the previous CAP meeting to provide the applicant the opportunity to address these items.

The application plans have responded to the Panel's shared with the proposal through a combination of:

- Lowering the finished floor levels of the dwelling
- Increasing side setbacks at ground and upper level
- Lowering the overall building height
- Introduction of additional colours and materials to the first floor
- Reducing the bulk of the rear balcony supporting column

Dwellings within the locality commonly accommodate some form of elevated platform, large footprints, reduced setbacks from rear boundaries and upright two storey walls. The proposal is in-keeping with the development pattern and key characteristics of the locality.

The introduction of additional colours and materials to the first floor assist in minimising the bulk of the upper level as viewed from adjoining land and disrupts the upright appearance. When combined with the lowered finished floor levels and wall heights, I am of the view that the proposal warrants the grant of Development Plan Consent.

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 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: 100/2018/1991 to construct a two storey detached dwelling incorporating a garage wall exceeding 3.0 metres in height along the northern side boundary with associated earthworks and retaining walls at 25 mariner Avenue, Seacliff Park be GRANTED subject to 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 revised fully engineered site works and drainage plan shall be provided to Council for its consideration and approval prior to Building Rules Consent being granted. 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 Team Leader Planning.

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 granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 3. 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.
- 4. 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.

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5. 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.
6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

**5. APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 05 JANUARY 2022**



5.1 APPEALS AGAINST PANEL DECISIONS

New Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
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On-going Appeals

DA No.	Address	Appeal Lodged	Recomm- endation	Decision	Current Status
100/2020/2362	411 Morphett Rd, Oaklands Park	9/6/2021	Approve	REFUSE	CAP supported compromise proposal on 1/12/21; draft Minutes of Order sent and now with the Court to finalise appeal
21012625	10 & 12 Renown Avenue, Clovelly Park	10/11/21	Approve	Refuse	Directions Hearing set for 17/01/2022
21012619	1 & 3 Freya Avenue, Hallett Cove	10/11/21	Approve	Refuse	Directions Hearing set for 17/01/2022

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
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**6. POLICY OBSERVATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 05 JANUARY 2022**



Verbal Update Provided

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