

Members – Council Assessment Panel
CITY OF MARION



**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 05 July 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.

Kai Wardle
ON BEHALF OF THE ASSESSMENT MANAGER

28 June 2023

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

No items listed for discussion.

4. PDI ACT APPLICATIONS

4.1 DEVELOPMENT NO 23007124

1 KARA ROAD SEAVIEW DOWNS

Dwelling additions and alterations to an existing two-storey split level detached dwelling, resulting in a three-storey split level detached dwelling

Report Reference: CAP050723 - 4.1.....4

5. APPEALS UPDATE

Verbal update provided.

6. POLICY OBSERVATIONS

No items listed for discussion.

7. OTHER BUSINESS

7.1 Council Assessment Panel General Analysis 2022-202336

**8. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 05 JULY 2023**

9. MEETING CLOSURE

**2. GENERAL OPERATING PROCEDURES
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 JULY 2023**



No items listed for discussion.

**3. DEVELOPMENT ACT APPLICATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 JULY 2023**



No items listed for discussion.

**4. PDI ACT APPLICATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 JULY 2023**



**REPORT REFERENCE: CAP050723 – 4.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 05 JULY 2023**



Originating Officer:	Kristen Sheffield Development Officer – Planning
Applicant:	Mr Dimitrios Kyriakopoulos
Development Description:	Dwelling additions and alterations to an existing two-storey split level detached dwelling, resulting in a three-storey split level detached dwelling.
Site Location:	1 Kara Road, Seaview Downs
Zone:	Hills Neighbourhood Zone
Lodgement Date:	01/04/2023
Planning and Design Code:	30 March 2023 Version 2023.5
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>A 'Dwelling Addition' is excluded from Public Notification within the Hills Neighbourhood Zone (Table 5, Clause 3(g) EXCEPT development that exceeds the maximum building height specified in Hills Neighbourhood Zone DTS/DPF 4.1, being no greater than 9 metres and 2 levels.</i>
Application No:	23007124
Recommendation:	That Planning Consent be GRANTED subject to Conditions

Attachments

*Attachment I: Proposal Plan and supporting documentation
Attachment II: Statement of Representations
Attachment III: Applicant's Response to Representations*

SUBJECT LAND

The subject land comprises a roughly rectangular shaped allotment with angled rear and front boundaries. It has a site area measuring 917 square metres and a frontage to Kara Road of 26.6 metres in total. The site currently accommodates a two-storey split-level detached dwelling in good condition as well as a freestanding carport below and forward of the dwelling, which gains access from an existing crossover and driveway along the northern side of the land. A small shed, verandah and swimming pool are located to the rear of the dwelling. A Regulated Tree is located adjacent the front boundary on the subject land, over 18 metres from the nearest part of the existing dwelling.

The site is elevated above Kara Road and comprises a significant gradient, rising from east to west (front to rear) by some 7.3 metres. The north-eastern corner of the subject land, at 28.8, is almost 3 metres below the lower-level FFL of 31.72, while the existing upper-level FFL of 34.9 remains below that of the rear POS, at 36.1.



Figure 1: Subject land

LOCALITY

The immediate locality includes the dwellings surrounding the intersection of Kara Road and Eyre Street and extending up the lower portion of Kara Road. The wider locality includes the streets and dwellings surrounding the natural gully which extends from the Roy Lander Reserve down Eyre Street, falling from south-east to the north-west, with the gradient of the area increasing sharply in both east and south/westerly directions facing the gully.

Dwellings in the immediate locality are typically sited above the road level with garaging below and/or forward of the dwelling. Dwellings along the western side of Kara Road generally maintain an outlook towards the north-east, each being sited above the previous dwelling as the road rises to the south. Dwellings on the eastern side of Kara Road are generally oriented to the north, gaining views through the gully towards the Adelaide plains/western suburbs and distant coastline.

Dwellings within the locality are generally single and two-storey (including split-level) detached dwellings on large allotments, comprising generous, albeit somewhat inconsistent, setbacks from front boundaries. Dwellings on the western side of Kara Road often comprise limited setbacks to side boundaries. The locality comprises generous levels of vegetation including numerous large trees.

The Seaview Downs Primary School is located 200 metres to the west of the subject land, and the Roy Lander Reserve is located 150 metres to the south-east. A pedestrian walkway is located alongside the northern side boundary of the subject land, providing access between Kara Road/Eyre Street and Fowler Street to the west, and continuing further to the east where it provides a pedestrian link extending up the hillside to Morphett Road.

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



Figure 2: Locality

PROPOSED DEVELOPMENT

The proposed development seeks for additions and alterations to an existing two-storey split level detached dwelling, resulting in a three-storey split level detached dwelling.

The existing lower-level of the dwelling remains unchanged while the existing upper-level (labelled 'ground' within the proposal plans) includes an addition to the family room at the rear of the dwelling. The proposed upper-level comprises two bedrooms, a bathroom and rumpus room.

The proposed additions comprise opposing skillion roof forms and result in a maximum building height of 9.4 metres. The additions incorporate a rendered 'cream' finish and corrugated iron roofing in 'windspray'.

The additions do not conflict with the Regulated Tree on the land, being sited over 22 metres away.

PROCEDURAL MATTERS

Classification

The subject land is in the Hills Neighbourhood Zone of the Planning & Design Code (the Code) as of 30 March 2023.

The proposed development is not prescribed as 'accepted', 'deemed to satisfy' or 'restricted' development in the Zone. The proposal is therefore 'performance assessed' pursuant to Section 107 the Planning, Development and Infrastructure Act 2016 and will be assessed on its merits against the various provisions of the Code.

Notification

The proposal is for dwelling additions within the Hills Neighbourhood Zone which fail to satisfy Zone DTS/DPF 4.1 relating to maximum building height, and hence the proposal required notification in accordance with the HNZ, Table 5, Clause 3(g) exception 1.

As such, the development was processed in accordance with the Act.

PUBLIC NOTIFICATION

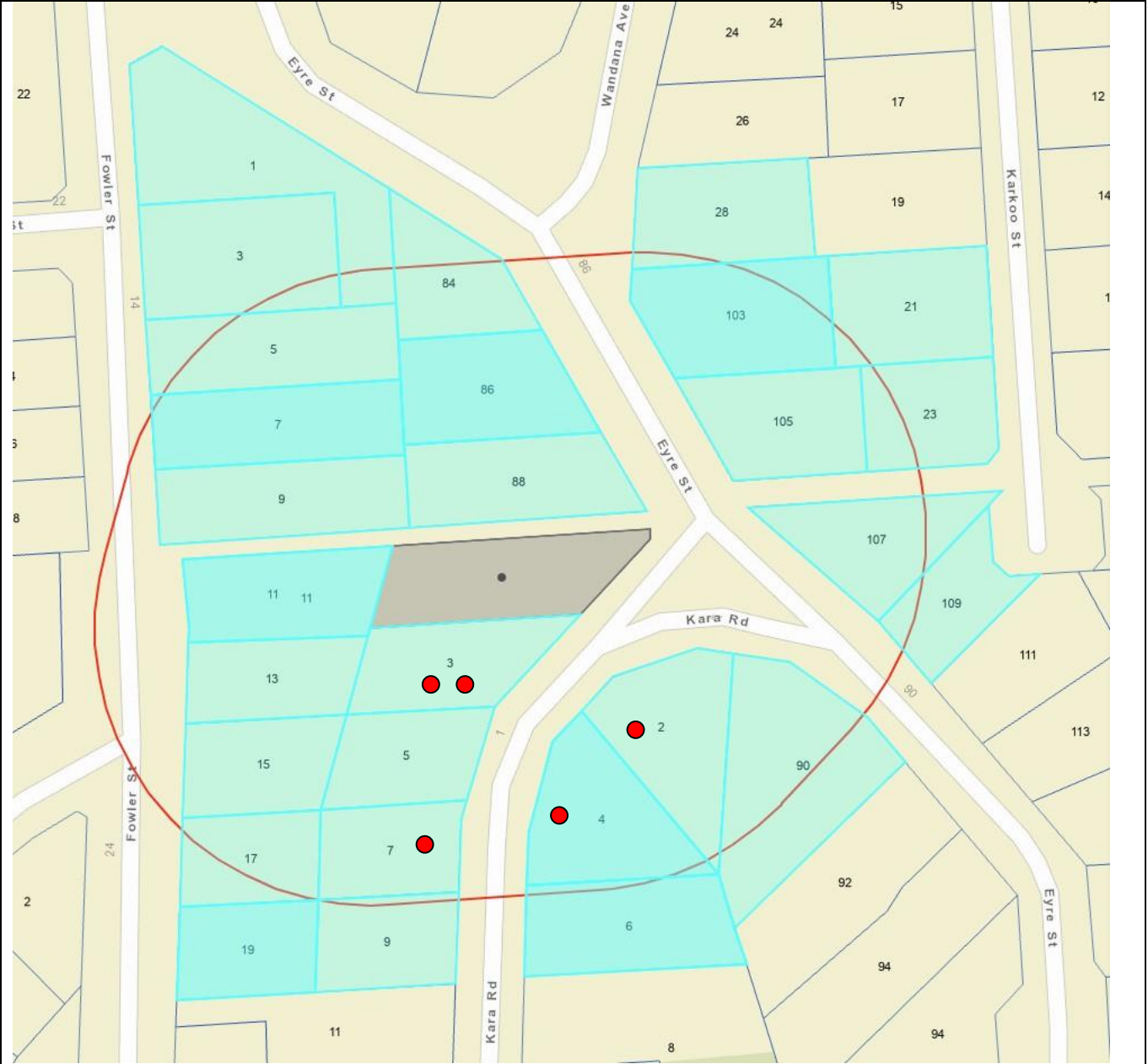


Figure 3: Public Notification Map

Properties Notified	28
Representations received	5 representations received (from 4 properties), opposing the proposed development
Representations who wished to be heard	Darren and Nicolle Snell of 3 Kara Road Marion Parente of 7 Kara Road
Applicant Response	A response by the applicant is included within the report attachments.

Approach to Assessment

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note 'Designated Performance Features' (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO, i.e. the outcome can be met in another way:

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies. (My underlining added)

A DPF provision should not be interpreted as quantitative requirements, instead they simply present one way in achieving the corresponding PO. There can be variation from DPF policies, and not just in a minor way. Emphasis should be placed on satisfying the qualitative Performance Outcome in the circumstances where a specified DPF is not met.

It is with the above approach in mind that I have assessed this development.

ASSESSMENT

Part 1 - Rules of Interpretation of the Code advises that for each Zone Table 3 specifies the policies and rules that apply to classes of development within the zone. I note:

The policies specified in Table 3 constitute the policies applicable to the particular class of development within the zone to the exclusion of all other policies within the Code, and no other policies are applicable. For the avoidance of doubt, the relevant authority may determine that one or more of the listed policies are not relevant to a particular development.

The code policies applicable to this development can be reviewed in Appendix 1.

Zone Considerations

Hills Neighbourhood Zone

DO1

Site Coverage- PO 3.1

Building Height- PO 4.1

Primary Street Setback- PO 5.1

Side Boundary Setback- PO 8.1

Rear Boundary Setback- PO 9.1

Built Form and Character- PO 10.2

Earthworks and Retaining- PO's 11.1, 11.2

Overlay Considerations

Airport Building Heights (Regulated) Overlay- DO 1, PO 1.1

General Development Policies Considerations

Clearance from Overhead Powerlines- DO 1, PO 1.1

Design in Urban Areas

DO 1

Earthworks and sloping land- PO 8.1

Overlooking/Visual Privacy- PO 10.1

Front elevations and passive surveillance- PO's 17.1, 17.2

Outlook and Amenity- PO 18.1

External Appearance- PO's 20.2, 20.3

Private Open Space- PO's 21.1, 21.2

Landscaping- PO 22.1

Car parking, access and manoeuvrability- PO 23.4

Interface between Land Uses

DO 1

Overshadowing- PO's 3.1, 3.2, 3.3

Site Contamination- DO 1, PO 1.1

Transport, Access and Parking

DO 1

Vehicle Parking Rates- PO 5.1

Quantitative snapshot

Existing site dimensions			
Site area	917m ²		
Frontage width	26.6m		
Site depth	45.51m- 56.26m		
Proposed Development			
Element	Desired	Existing	Proposed additions
Site coverage	40%	24.7% (227m ²)	26.4% (227m ²)
Building height	2 levels < 9m	2 levels (split) 6.6m	3 levels (split) 9.4m
Front setback	Average of adjoining	10.46m	15.37m- 25.87m (due to angled front boundary).
Northern side setback	1.9m	1.01m	‘Lower-level’ addition: 1.13m Upper-level addition: 6.8m
Southern side setback	Ground: 1.9m Upper: 3.1m	1.3m	Upper-level addition: 1.9m
Rear setback	Ground: 4m Upper: 6m	16.87m increasing to 25m (due to angled rear boundary).	‘Lower-level’ addition: 15.51m Upper-level addition: In line with existing
Private open space	60m ²	404.6m ²	380.3m ²
Soft landscaping	25%	36.9% (338.5m ²)	Unchanged
On-site car parking	2 spaces (1 covered)	Min 4 spaces, 2 covered	Unchanged

Assessment Discussion

In my view, the most pertinent planning considerations for this assessment relate to the proposed upper-level addition (with the 'lower-level' addition considered relatively minor). The following discussion considers the upper-level addition against provisions of the Planning and Design Code relating to:

- Building Height
- Southern side setback
- Amenity impacts
 - *Visual impact*
 - *View loss/impact on outlook*
 - *Overshadowing*
 - *Overlooking*
- External Appearance

Building Height

Performance Outcome 4.1 of the Hills Neighbourhood Zone seeks for buildings to contribute to a low-rise suburban character and complement the height of nearby buildings. The corresponding DPF provides a numeric maximum building height of 9 metres and 2 levels.

The proposed dwelling additions seek to provide an additional level to the existing two-storey split-level dwelling, with a resulting maximum building height of 9.4 metres (increasing from 6.6 metres). It is noted that the existing dwelling, being split level, conceals the lower-level when viewing the subject land from higher ground levels to the south and west (side and rear). Accordingly, the third-level addition, will for the most part, present as a second level, with an apparent height of 6.7 metres when viewing the dwelling from these directions. Nonetheless it is acknowledged that, in totality, the proposed development results in a dwelling which is comprised of three building levels with a height of 9.4 metres, exceeding the DPF criteria.

Despite the proposed DPF variance, as outlined within the 'Approach to Assessment' section of this report, the Rules of Interpretation of the Code state that a DPF provides a guide but does not need to necessarily be satisfied for a proposed development to meet the corresponding PO.

The PO seeks for buildings to contribute to a low-rise suburban character, with 'low-rise' defined by the Planning and Design Code as up to and including 2 building levels. In this regard it is noted that the proposed additions have been generally contained to above a portion of the dwelling which currently only comprises one level, such that the proposal results in a continuous three levels on top of each other for a width of only 1.3 metres when viewed from the front as illustrated below.

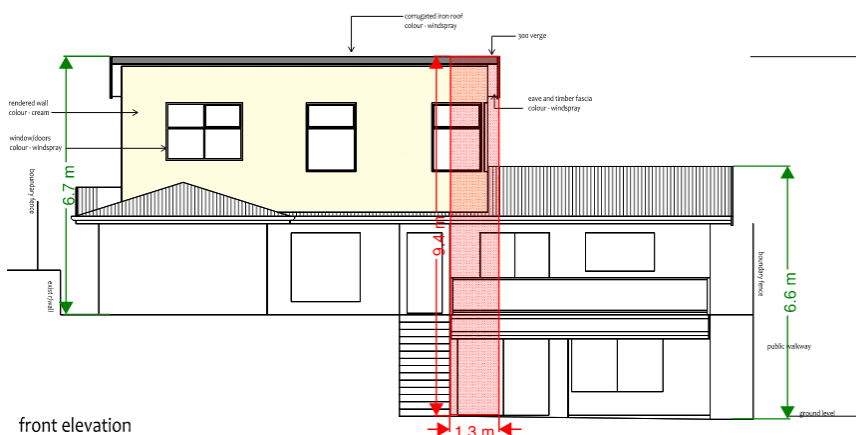


Figure 4: Continuous 3 building levels limited to a width of 1.3 metres when viewed from the front elevation

Within the eastern (front) elevation drawing, the three building levels are clearly apparent. However, the proposed upper-level additions maintain generous front setbacks of between 15.37 and 25.87 metres (due to the angled front boundary). This generous front setback, together with existing structures forward of the proposed addition (including part of the existing dwelling and the freestanding carport) and generous vegetation including a large Regulated Tree, may result in visibility of the three levels from the east being less obvious than the elevation drawing depicts.

Although the northern (side) elevation drawing also appears to present three continuous levels, the lowest level of the dwelling is partially cut into the site adjacent the pedestrian pathway to the north. Further, the upper-level addition is set back from the northern boundary by 6.7 metres, and as such will not be overly perceptible from the comparatively lower ground levels of the adjacent dwelling to the north.

When viewing the subject land from the south and west, the additions present as a second level. Importantly, due to the topography of the locality, curved nature of Kara Road, and the naturally lesser setbacks to side boundaries than front boundaries, the existing dwelling and proposed additions are most visible from the south.

Given the generous setbacks, other structures and vegetation which soften the impact of the three building levels when viewed from the east, as well as the limited width of three continuous building levels, and that the upper level as viewed from the south and west presents effectively as a second level, I am of the view that the proposed additions adequately contribute to a low-rise suburban character.

The PO also seeks for buildings to complement the height of nearby buildings. The height of nearby dwellings vary, but are generally single and two-storey, typically from the late 1970's and 1980's reflecting the era of subdivision, with very few new replacement dwellings within the immediate locality.

By comparison, the approved plans from 1988 for the two-storey dwelling at 2 Kara Road illustrate a building height of 6.9 metres. It is expected that the majority of other two-storey split level dwellings on the western side of Kara Road comprise a similar height. As such, it must be acknowledged that the proposed overall maximum building height of 9.4 exceeds that of nearby buildings.

However, the PO seeks for buildings to complement the height of nearby buildings and does not specify that buildings should be consistent with the height of nearby buildings. Were the PO to seek consistency, this would imply a higher level of desired 'sameness', whereas 'to complement' suggests a greater range to the desired similarity.

It is also considered that dwellings within the immediate locality, or 'nearby' are a part of the older dwelling stock in the area. Newer dwellings and dwelling additions within the wider locality generally comprise greater building heights to take advantage of views available to the north and west. As an example, a dwelling addition approved in March 2021 at 18 Kara Road, resulted in a total building height of 9.7 metres.

Given the above, while the proposed building height exceeds that of nearby dwellings, I am of the opinion that the building height, and particularly the 'apparent building height' when viewing the subject land from the south and west nonetheless remains complementary to the height of nearby buildings as well as the emerging building height of newer dwellings and additions of the wider locality.

Southern side setback

Performance Outcome 8.1 of the Zone outlines that buildings should be set back from side boundaries to provide '*(a) separation between dwellings in a way that complements the established character of the locality and (b) access to natural light and ventilation for neighbours.*' The corresponding DPF seeks for an upper-level southern side setback of 3.1 metres based on a wall height of 6.5 metres.

The proposed upper-level additions fail to satisfy DPF criteria in this regard, with an upper-level setback of 1.9 metres provided to the southern side boundary. The numeric shortfall is notable, representing a 39% discrepancy from the desired 3.1 metre minimum.

Despite this, the proposed separation to this boundary remains somewhat reflective of the established character of the locality as sought by the PO, with the majority of dwellings on Kara Road maintaining limited southern side setbacks. However, it is acknowledged that very few dwellings are truly 'two-storey', with most being split-level and set into the hillside. Those dwellings which are genuinely two-storey, generally do maintain more generous southern side setbacks.

Further, where other dwellings may comprise limited southern side setbacks, these are often directly adjacent the northern side path of the next dwelling, and result in limited visual impacts upon other dwellings and the streetscape. Along Kara Road's easterly downward curve towards the subject land, each dwelling on the western side of the street steps forward of the previous. The subject land, being the last allotment at the bottom of the street, results in the subject dwelling appearing to 'book-end' the street when viewed from the south. It is from this direction that the dwelling is most visible, and as such, shortfalls in southern side setback may result in visual impacts upon the streetscape (as discussed further within the amenity impacts section of this report).

Accordingly, while the southern side setback may remain complementary of others within the locality, the shortfall in this instance, may result in greater impacts upon the streetscape than that of other dwellings.

The requirement for a more generous upper-level setback to the southern side (as opposed to the northern side) arises from the Code's desire to mitigate overshadowing impacts upon adjacent dwellings. Given the topography of the locality, dwellings along the western side of Kara Road are each sited above the previous dwelling as the road climbs to the south. Accordingly, shortfalls in southern side setbacks are typically less impactful in relation to access to natural light.

However, the proposed upper-level dwelling addition will be sited at a similar elevation to the habitable portion of the dwelling at 3 Kara Road; whilst the representation received from the owner of 3 Kara Road has outlined concerns relating to loss of natural light arising from the proposed development. While it is acknowledged that the upper-level addition will be visible from the numerous east facing habitable room windows of 3 Kara Road, given the separation distance of more than 10 metres, it is not anticipated that the proposal would result in a loss of natural light to a significant degree (as discussed further within the Amenity Impacts - Overshadowing section of this report).

I am of the view that the proposed upper-level addition comprises a southern side setback which maintains access to natural light and ventilation for neighbours and satisfies PO 8.1(b).

Amenity impacts

PO 3.1 of the Hills Neighbourhood Zone states that building footprints should be '*consistent with the character and pattern of a low-density suburban neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation*'. I interpret this provision to apply to both the subject land and nearby properties. I am satisfied that the subject land is provided with an attractive outlook and access to light and ventilation. The following assessment therefore considers the impacts of the proposal upon adjacent and surrounding land, particularly in terms of visual impact, outlook, and potential overshadowing impacts.

Visual impact

As previously discussed, given the generous setbacks between the proposed upper-level addition and the front boundary, the limited width of three continuous building levels as well as other structures and vegetation forward of the dwelling, visual impacts when viewing the dwelling from the east are softened. Visual impacts upon the adjacent dwelling to the north are also minimised, though a generous upper-level northern side setback of 6.8 metres together with additional separation provided by the pedestrian walk way. The adjacent dwelling to the west is elevated above the subject land, maintains a separation distance of some 40 metres and in viewing the rear of the subject dwelling, will only be presented with a built form of 4.78 metres in height above the POS ground level. Accordingly, visual impacts upon to the east, north and west are considered minimal.

The greatest visual impact associated with the proposal is that of the southern elevation. As outlined above, the position of the subject land and dwelling at the end of a curved road exacerbates visual impacts upon the streetscape and adjacent dwelling.

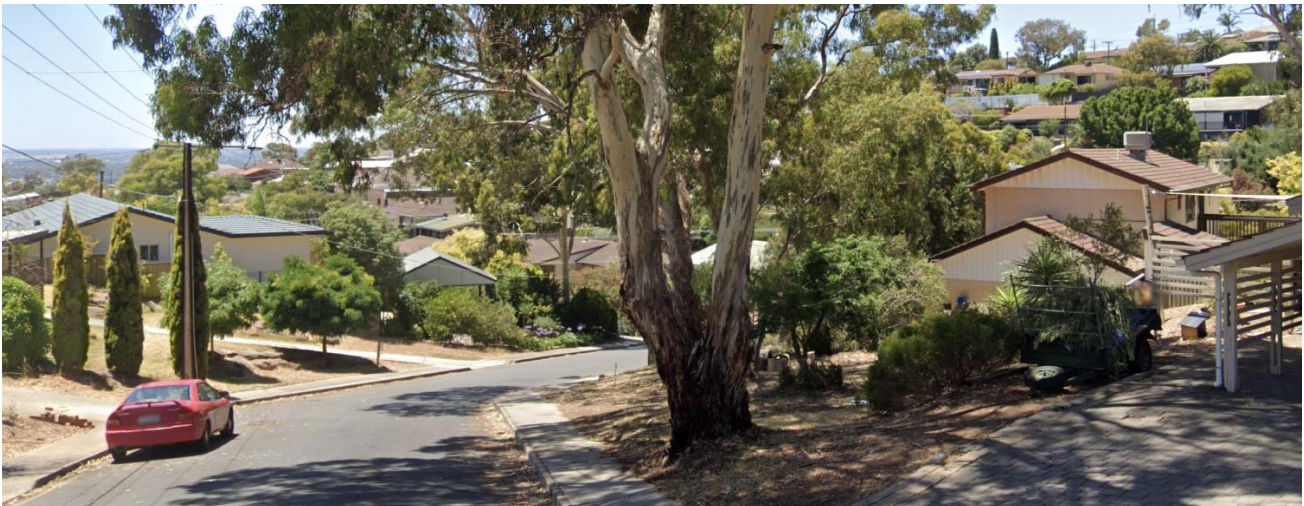
Hills Neighbourhood Zone PO 10.2 seeks for development of more than 1 building level in height to take account of its height and bulk relative to adjoining dwellings by '*(a) incorporating stepping in the design in accordance with the slope of the land and (b) where appropriate, setting back the upper level a greater distance from front and side boundaries than the lower level*'. The proposed upper-level addition is largely contained to being above a portion of the dwelling which currently only comprises one level. For the most part, the dwelling presents as two vertical levels on the northern side, stepping up to another two vertical levels on its southern side, and in this regard, the design is stepped in accordance with the land.

The proposal also incorporates a greater setback from the front and side boundaries than that of the existing dwelling, with the gable end roof form of the existing dwelling assisting to somewhat soften the bulk of walling presenting to the south. Accordingly, the proposal is considered to adequately satisfy Zone PO 10.2.

However, it is acknowledged that despite the greater setback provided to the upper-level addition than that of the existing dwelling, the bulk and visual impact of the south facing wall remains considerable. Design in Urban Areas PO 20.2 seeks for dwelling elevations facing public streets to make a positive contribution to the streetscape, and PO 20.3 seeks for the visual mass of larger buildings to be reduced when viewed from adjoining allotments of public streets. Typically, side elevations of buildings are of lesser impact upon the streetscape, however in this instance, the side elevation will be the most visible within the Kara Road streetscape and from nearby dwellings. The design of the southern elevation does little to provide visual interest, with no fenestration or varied materials provided.

This being said, other dwellings and structures already impact upon the streetscape in a similar fashion. The 'undercroft' garaging of 5 Kara Road results in blank walling and garage doors in very close proximity to the front boundary. Due to the curved nature of Kara Road with dwellings stepped

forward of each other, the side elevation of 3 Kara Road is also visible from the streetscape, also with little visual interest. The western side elevation of 2 Kara Road also presents to the street, and although comprising varied materials, also does not include fenestration.



Figures 5 and 6: Existing impacts upon the Kara Road Streetscape from the dwellings of 2, 3 and 5 Kara Road.

Nonetheless, the visual impact and lack of visual interest provided to the southern elevation of the proposed upper-level addition is to be noted and considered in balance with the merits of the proposal.

View loss/impact on outlook

During notification of the application, 5 representations against the proposal were received (from 4 properties). Each representation raised issues relating to a loss of view and/or impact upon their outlook. While the relevant Planning and Design Code criteria does not explicitly refer to view loss, it is acknowledged that PO 3.1 of the Hills Neighbourhood Zone seeks for *'building footprints... [to] provide sufficient space around buildings to... provide an attractive outlook'*. As such, a site inspection was undertaken to assess impacts upon the outlook from representors' properties at 2, 3, 4 and 7 Kara Road, as well as from 5 and 6 Kara Road.

In assessing potential loss of views, it is of value to recognise that the subject allotment is a private parcel of land, of which the owners have a right to undertake development in general accordance with the Planning and Design Code. Given the fact that adjacent dwellings to the south to south-

west of the subject land take advantage of an outlook over the subject land due to the topography of the locality, it is inevitable that any increase to the building height of the dwelling on this land will have an impact upon the outlook of these adjacent properties.

2 Kara Road

The subject land is in direct view of the dwelling at 2 Kara Road. The outlook available from the representor's property is in a northerly direction through the gully which runs down Eyre Street. The 'views' available are limited, with the topography of the locality preventing any views to the north-west and west, and with vegetation both on the representors land as well as the Regulated Tree on the subject land interrupting the outlook.

It is noted that the photos above were taken from the front of the dwelling at ground level, adjacent habitable room windows. 2 Kara Road also includes an upper level from which photographs were not obtained. However, it is not anticipated that the upper level gains significant views over the subject land, with the topography of the locality thereafter continuing to rise to the west with more dwellings behind.

It is my view that the 'view-loss' in this instance is relatively minor. Certainly, the subject land is in direct view of the dwelling at 2 Kara Road, however no more than any dwelling is in view of another when located directly across a street from each other. The proposed upper level represents a change to the current outlook but does not result in any meaningful view loss.



Figures 7 and 8: View towards the subject land from 2 Kara Road

3 Kara Road

3 Kara Road is located immediately south of the subject land, and the proposed upper-level dwelling addition will be sited at a similar elevation to the habitable portion of that dwelling. The numerous east facing and one north facing habitable room windows (to the kitchen/dining/lounge areas) as well as small balcony are provided with an outlook over the subject land to the north-east.

The outlook/views currently available are of a west facing hillside and dwellings. The outlook is somewhat interrupted by a tree on their land, which the representor has advised is pruned yearly (during winter) in order to maintain views and an open outlook.

Given the proposed upper-level addition is to be at a similar elevation to the east and north facing habitable room windows of 3 Kara Road, it is acknowledged that the proposal will considerably impact upon the outlook of this dwelling. The tree forward of the balcony already restricts the outlook in a north-east direction (some months more than others, being deciduous) and will also assist to soften the visual impact of the proposal. The greatest impact is likely upon the north facing window in a north-east direction, with views of the opposite hillside to be blocked by the proposed upper-level addition.

As previously discussed, the proposed upper-level addition, whilst effectively adding a third level to the dwelling, is for the most part a second level addition to an existing portion of the building which currently comprises only one level. The building height of this portion of the proposal is generally limited to some 6.8 metres, considerably less than the prescribed maximum. Given the location of the dwellings and the topography of the land, any increase in building height would impact upon the dwelling at 3 Kara Road. Further, an increase in the southern side setback would not necessarily reduce the impact upon the outlook of 3 Kara Road.

It is acknowledged that the dwelling at 3 Kara Road is in closest proximity and most impacted by the proposed development. However, the nature of the views obtained from 3 Kara Road being of land and dwellings, are not objectively valued as highly as those of coastal or iconic (coastline/city) views¹. These views are already interrupted by vegetation on the land, and as such, I am of the opinion that the view-loss is of moderate impact.

¹ *HUTCHENS & ANOR v CITY OF HOLDFAST BAY & ANOR* [2007] SASC 238 (27 June 2007), at [11] and [26]



Figure 9: Views from southern side of small balcony at 3 Kara Road



Figure 10: View from northern side of small balcony at 3 Kara Road



Figure 11: View from east facing living area windows at 3 Kara Road



Figure 12: View from north facing living area window at 3 Kara Road

4 Kara Road

The outlook available from 4 Kara Road is in a northerly direction through the gully which runs down Eyre Street. The 'views' available are limited, with the topography of the locality preventing any views to the north-west and west, and the two-storey dwelling at 2 Kara Road blocking views to the north-east. Large trees/vegetation also interrupt the available outlook.

While the proposed upper-level addition will perhaps remove a small portion of distant horizon views, vegetation behind the subject dwelling already does just this.

It is my view that the 'view-loss' in this instance is relatively minor. Certainly, the subject land is in direct view of the dwelling at 4 Kara Road, however no more than other nearby dwellings, with the existing dwellings at 2 and 3 Kara Road arguably of greater impact upon views/outlook than the proposed development. The proposed upper-level represents a change to the current outlook but does not result in any meaningful view loss.



Figure 13: View towards the subject land from 4 Kara Road

7 Kara Road

7 Kara Road is located some 50 metres south, and elevated some 7 metres above, the subject land. The outlook/views available are in a north-easterly direction from a front balcony of a west facing hillside and dwellings. Distant views of the plains are interrupted by the side elevation of the dwelling at 3 Kara Road. North-easterly views from within the dwelling are largely prevented by the balcony/verandah structure and café blinds forward of the dwelling.

Given the distance from and elevation above the subject land, I am of the view that the proposed development is of little to no impact upon the outlook available from 7 Kara Road. The upper-level addition will remove a small portion of the hillside view. The proposed skillion roof matches the slope of that hillside, minimising the impact. The proposed upper-level will be in view, but this dwelling will maintain a largely unaffected outlook.



Figures 14 and 15: Views/outlook from balcony of 7 Kara Road

5 and 6 Kara Road

While representations from 5 and 6 Kara Road were not received, some consideration of the proposed development's impact upon their outlook is also warranted.

The impact upon the outlook of 5 Kara Road will be most pronounced from the eastern portion of the 'balcony'/garage roof and from the southern side of the pool. Access to the dwelling was not available, but it is anticipated that the impact upon the outlook from the east facing windows will be negligible, given this is already impeded by the dwelling at 3 Kara Road.

Being elevated well above the subject land and at a distance of over 50 metres to the south, the impact upon the outlook of 6 Kara Road will be similar to that of number 7: largely inconsequential.



Figure 16: View towards the subject land from 5 Kara Road



Figure 17: View towards the subject land from 6 Kara Road

Overshadowing

Interface between Land Uses POs 3.1 and 3.2 seek for overshadowing of habitable room windows and primary areas of private open space of adjacent residential land uses to be minimised to maintain access to direct winter sunlight.

The only property which is likely to experience overshadowing impacts from the proposed development is 3 Kara Road. While shadow diagrams have not been provided (nor were they requested), given the position of the subject dwelling and proposed additions in relation to 3 Kara Road it is clear that any overshadowing impacts will be limited to the driveway/front yard area of this dwelling and will have little impact upon habitable room windows and the POS to the rear. Accordingly, PO's 3.1 and 3.2 are satisfied.

Overlooking

Upper-level side and rear facing windows incorporate obscured glazing to 1.5 metres above the finished floor level, and adequately mitigate direct overlooking from upper-level windows to habitable rooms and private open spaces of adjacent dwellings as sought by Design in Urban Areas PO 10.1.

External Appearance

The proposed dwelling additions comprise a modern appearance which remain complementary to the existing dwelling as well as the varied housing character in the locality. While many dwellings in the area incorporate pitched roof forms, a skillion roof is proposed (amended from a pitched roof form at lodgement) in an attempt to minimise the proposed building height.

The upper-level addition incorporates windows facing the primary street frontage to enable passive surveillance and make a positive contribution to the streetscape when viewed from the east, adequately satisfying Design in Urban Areas PO 17.1.

Although the front elevation is attractively designed, it is acknowledged that the quality of the southern side elevation is left wanting, given the lack of visual interest and fenestration which is visible from the Kara Road streetscape in that direction.

CONCLUSION

The proposed development seeks for additions and alterations to an existing two-storey split level detached dwelling, resulting in a three-storey split level detached dwelling. The proposed building footprint (including front, northern-side and rear setbacks) are consistent with the character and pattern of a low-density suburban neighbourhood as sought by Hills Neighbourhood Zone PO 3.1 and the POS remains of a suitable size in accordance with Design in Urban Areas PO 21.1. Soft landscaping and on-site car parking remain unchanged.

While the proposed development results in a dwelling which is comprised of three building levels with a height of 9.4 metres (exceeding DPF 4.1 of the Zone), practically, the extent to which the building comprises a continuous 3 levels is limited to a width of only 1.3 metres when viewed from the front elevation. Further, a maximum building height of 9.4 metres represents a relatively minor excess of 4.4% to the DPF. The proposal nonetheless adequately satisfies Hills Neighbourhood Zone PO 4.1 in contributing to a low-rise suburban character, given the majority of the dwelling remains below 9 metres in height when measured vertically at a given point, and given that the dwelling is most readily perceived from the south and west, to which it presents as a two-storey dwelling. While the proposed building height is not consistent with that of nearby dwellings, it nonetheless remains complementary to those dwellings as well as the emerging building height of newer dwellings and additions of the wider locality.

The upper-level southern side setback of 1.9 metres represents a substantial disparity from the minimum numeric guideline of the DPF, being 3.1 metres. Despite this, the proposed separation to this boundary remains somewhat reflective of the established character of the locality as sought by PO 8.1(a) of the Zone, albeit it is acknowledged that the shortfall in this instance, may result in greater impacts upon the streetscape than that of other dwellings. The shortfall in side setback does not impede access to natural light and ventilation for neighbours and satisfies Hills Neighbourhood Zone PO 8.1(b), as well as Interface between Land Uses POs 3.1 and 3.2.

The impact upon the outlook/views of nearby dwellings vary. For the most part, the proposed development represents a change to the current outlook of the surrounding dwellings but does not result in any meaningful view loss. The outlook of 3 Kara Road is most impacted by the proposed development, and while this impact is considerable from the north facing living room window, as a whole, the view loss impact is considered moderate due to the presence of a tree which in part blocks this view already, and due to the objectively lesser value placed upon a view of land and dwellings. In any case, it is acknowledged that the relevant Planning and Design Code criteria does not explicitly refer to view loss.

In my view, the most significant impact of the proposal relates to the visual impact arising from the southern elevation upon Kara Road and the surrounding dwellings, particularly that of 3 Kara Road. The position of the subject land and dwelling at the end of a curved road exacerbates visual impacts upon the streetscape and adjacent dwelling.

While the proposal satisfies Hills Neighbourhood Zone PO 10.2 by stepping its design in accordance with the slope of the land and providing greater setbacks to boundaries than that of the lower level of the dwelling, the lack of visual interest/fenestration provided to the southern elevation of the upper-level addition results in a considerable amount of blank walling facing the adjacent dwelling and streetscape. In this regard, Design in Urban Areas PO 20.2 which seeks for dwelling elevations facing public streets to make a positive contribution to the streetscape, and PO 20.3, which outlines that the visual mass of larger buildings to be reduced when viewed from adjoining allotments of public streets, may not be fully satisfied.

However, it is noted that other dwellings and structures also impact upon the character of the streetscape. The garaging structure (with pool above) of 5 Kara Road protrudes into the streetscape while the side elevations of the dwelling at 2 and 3 Kara Road present similarly 'blank' dwelling walls

to Kara Road. To this end, while the southern elevation lacks visual interest which exacerbates the bulk of the upper level, the resulting visual impact is not considered to warrant refusal of the application.

Following consideration of matters pertinent to the application, I am ultimately of the view that the proposals merits outweigh the discrepancies, and that Planning Consent is warranted.

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: 23007124 for dwelling additions and alterations to an existing two-storey split level detached dwelling, resulting in a three-storey split level detached dwelling at 1 Kara Road, Seaview Downs be GRANTED subject to the following Conditions.

CONDITIONS

- 1. The development granted Development Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below
- 2. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details, with on-site water retention systems connected to collect roof stormwater from each dwelling, prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 3. 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.

APPENDIX 1- Applicable Planning & Design Code Policies

Part 2- Zones and Sub Zones

Hills Neighbourhood Zone							
Desired Outcomes							
DO 1	Development provides a complementary transition to adjacent natural and rural landscapes. Low density housing minimises disturbance to natural landforms and existing vegetation to mitigate the visible extent of buildings, Earthworks and retaining walls.						
Performance Outcomes		Designated Performance Features					
Site Coverage							
PO 3.1	Building footprints consistent with the character and pattern of a low-density suburban neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.	DPF 3.1	The development does not result in site coverage exceeding: (a) on sites with a gradient more than 1-in-8, 40% (b) On sites with a gradient less than 1-in-8, 50%				
Building Height							
PO 4.1	Buildings contribute to a low-rise suburban character and complement the height of nearby buildings.	DPF 4.1	Building height (excluding garages, carports and outbuildings) is no greater than the following: <table><tr><td>Maximum Building Height (metres)</td></tr><tr><td>Maximum building height is 9m</td></tr><tr><td>Maximum Building Height (levels)</td></tr><tr><td>Maximum building height is 2 levels</td></tr></table>	Maximum Building Height (metres)	Maximum building height is 9m	Maximum Building Height (levels)	Maximum building height is 2 levels
Maximum Building Height (metres)							
Maximum building height is 9m							
Maximum Building Height (levels)							
Maximum building height is 2 levels							
Primary Street Setback							
PO 5.1	Buildings are set back from primary street boundaries consistent with the existing streetscape.	DPF 5.1	DTS/DPF 5.1 The building line of a building set back from the primary street boundary: (b) Where there is only one existing building on adjoining sites which face the same primary street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment), not less than the setback of the building line of that building or (c) not less than 8m where no building exists on an adjoining site with the same primary street frontage.				
Side Boundary Setback							
PO 8.1	Buildings are set back from side boundaries to provide: (a) separation between dwellings in a way that complements the established character of the locality (b) access to natural light and ventilation for neighbours.	DPF 8.1	Building walls not sited on side boundaries set back from the side boundary: (c) on sites with a site gradient of less than 1-in-8 (i) at least 900mm where the wall height is up to 3m measured from the top of the footings (ii) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m measured from the top of the footings				

			and (iii) for walls facing a southern side boundary, at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings
<i>Rear Boundary Setback</i>			
PO 9.1	Buildings are set back from rear boundaries to provide: (a) separation between dwellings in a way that complements the established character of the locality (b) access to natural light and ventilation for neighbours (c) private open space (d) space for landscaping and vegetation	DPF 9.1	Buildings are set back from the rear boundary at least: (a) 4m for the first building level (b) 6m for any second building level
<i>Built Form and Character</i>			
PO 10.2	Development of more than 1 building level in height takes account of its height and bulk relative to adjoining dwellings by: (a) Incorporating stepping in the design in accordance with the slope of the land (b) Where appropriate, setting back the upper level a greater distance from front and side boundaries than the lower level.	DPF 10.2	None are applicable.
<i>Earthworks and Retaining</i>			
PO 11.1	Buildings sited and designed to integrate with the natural topography of the land using measures such a split-level building construction and other approaches that minimise the extent of cut and fill.	DPF 11.1	None are applicable.
PO 11.2	Vegetation is used to screen buildings and excavation or filling from view.	DPF 11.2	None are applicable.

Part 3- Overlays

Airport Building Heights (Regulated) Overlay	
DO 1	Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.
PO 1.1	Building height does not pose a hazard to the operation of a certified or registered aerodrome.

Part 4- General Development Policies

Clearance from Overhead Powerlines			
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.		
PO 1.1	Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DPF 1.1	One of the following is satisfied: (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996 there are no aboveground powerlines adjoining the site that are the subject of the proposed development.
Design in Urban Areas			
Desired Outcomes			
D0 1	Development is: (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area (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.		
Performance Outcomes		Designated Performance Features	
Earthworks and sloping land			
PO 8.1	Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.	DPF 8.1	Development does not involve any of the following: (a) Excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total excavation and filling vertical height of 2m or more
Overlooking/Visual Privacy			
PO 10.1	Development mitigates direct overlooking from upper-level windows to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.	DPF 10.1	DTS/DPF 10.1 Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone: (a) are permanently obscured to a height of 1.5 metres above finished floor level and are fixed or not capable of being opened more than 125mm (b) have sill heights greater than or equal to 1.5m above finished floor level (c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5m above the finished floor level.

<i>Front elevations and passive surveillance</i>			
PO 17.1	Dwellings incorporate windows facing primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.	DPF 17.1	Each dwelling with a frontage to a public street: (a) includes at least one window facing the primary street from a habitable room that has a minimum internal room dimension of 2.4m (b) has an aggregate window area of at least 2m ² facing the primary street.
PO 17.2	Dwellings incorporate entry doors within street frontages to address the street and provide a legible entry point for visitors.	DPF 17.2	Dwellings with a frontage to a public street have an entry door visible from the primary street boundary.
<i>Outlook and Amenity</i>			
PO 18.1	Living rooms have an external outlook to provide a high standard of amenity for occupants.	DPF 18.1	A living room of a dwelling incorporates a window with an external outlook of the street frontage, private open space, public open space, or waterfront areas.
<i>External Appearance</i>			
PO 20.2	Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.	DPF 20.2	Each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway: (a) a minimum of 30% of the building wall is set back an additional 300mm from the building line (b) a porch or portico projects at least 1m from the building wall (c) a balcony projects from the building wall (d) a verandah projects at least 1m from the building wall (e) eaves of a minimum 400mm width extend along the width of the front elevation (f) a minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm (g) a minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with a maximum of 80% of the building elevation in a single material or finish.
PO 20.3	The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.	DPF 20.3	None are applicable.
<i>Private Open Space</i>			
PO 21.1	Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.	DPF 21.1	Private open space is provided in accordance with Design in Urban Areas Table 1 - Private Open Space.

PO 21.2	Private open space is positioned to provide convenient access from internal living areas.	DPF 21.2	Private open space is directly accessible from a habitable room.										
Landscaping													
PO 22.1	Soft landscaping is incorporated into development to: (a) minimise heat absorption and reflection (b) contribute shade and shelter (c) provide for stormwater infiltration and biodiversity (d) enhance the appearance of land and streetscapes.	DPF 22.1	Residential development incorporates soft landscaping with a minimum dimension of 700mm provided in accordance with (a) and (b): (a) a total area as determined by the following table: table: <table><tr><th>Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th><th>Minimum percentage of site</th></tr><tr><td><150</td><td>10%</td></tr><tr><td>150-200</td><td>15%</td></tr><tr><td>>200-450</td><td>20%</td></tr><tr><td>>450</td><td>25%</td></tr></table> (b) at least 30% of any land between the primary street boundary and the primary building line	Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150-200	15%	>200-450	20%	>450	25%
Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site												
<150	10%												
150-200	15%												
>200-450	20%												
>450	25%												
Car parking, access and manoeuvrability													
PO 23.4	Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.	DPF 23.4	Vehicle access to designated car parking spaces satisfy (a) or (b): (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: i. 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner ii. 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance iii. 6m or more from the tangent point of an intersection of 2 or more roads iv. outside of the marked lines or infrastructure dedicating a pedestrian crossing.										
Interface between Land Uses													
Desired Outcomes													
D0 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.												
Performance Outcomes		Designated Performance Features											
PO 3.1	Overshadowing of habitable room windows of	DPF 3.1	North-facing windows of habitable rooms 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.		adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.
PO 3.2	Overshadowing of the primary area of private open space or communal open space 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.	DPF 3.2	Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following: a. for ground level private open space, the smaller of the following: i. half the existing ground level open space or ii. 35m2 of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m) b. for ground level communal open space, at least half of the existing ground level open space.
PO 3.3	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.	DPF 3.3	None are applicable.
Site Contamination			
Desired Outcomes			
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.		
Transport, Access and Parking			
Desired Outcomes			
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.		
Performance Outcomes		Designated Performance Features	
Vehicle Parking Rates			
PO 5.1	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: (a) availability of on-street car parking (b) shared use of other parking areas (c) 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 (d) the adaptive reuse of a State or Local Heritage Place.	DPF 5.1	Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant: (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.

**5. APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 JULY 2023**



APPEALS AGAINST PANEL DECISIONS

New Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
22003132	216-220 Seacombe Road, Seaview Downs	20/02/2023	GRANTED	REFUSE	Conference scheduled.

On-going Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status

**6. POLICY OBSERVATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 JULY 2023**



No items listed for discussion.

**7. OTHER BUSINESS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 JULY 2023**



7.1: OTHER BUSINESS – General Analysis
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 JULY 2023



Originating Officer:	Alex Wright Team Leader – Planning / Council Assessment Manager
Report:	Council Assessment Panel General Analysis
Report Type:	General Business
Recommendation:	Council Assessment Panel NOTES the report.

The Marion Council Assessment Panel was appointed as a relevant authority under Section 82 and 83 of the Planning, Development and Infrastructure Act 2016 by Council resolution in August 2017. The Council Assessment Panel first met on 1 November 2017.

This report provides members with a snapshot of the CAP operations over the last five years. The report includes statistical data on the following:

- Number of applications presented to the CAP and their general type.
- Number of representors and applicants present.
- Average length of CAP meetings.
- Reason for delegation to the CAP.
- Administration recommendation to CAP.
- Panel Decisions, including the percentage of decisions not in line with administration recommendation.

Delegations

Following commencement of the Planning & Design Code, the Council Assessment Panel is the 'Relevant Authority' for any application which requires Public Notification. The Panel has delegated the assessment of all applications to the Assessment Manager (or delegate) with the exception of those which have received one or more representation against, and the representor has indicated a desired to be heard by the Panel.

As indicated below, the number of applications considered by the Panel remains on par with the recent historical average.

The following tables provide a summary and comparison of key indicators relating to Development Applications assessed by the Panel since inception.

In line with a change in Council reporting requirements, and to align the figures with the CAP term, the figures for the 2022/2023 financial year have been reported. The 2022 figures therefore only consider the meetings held between 1 January 2022 and 30 June 2022. In addition, new reporting data has been provided.

General Meeting Statistics

Meetings	2019	2020	2021	2022 ¹	22/23
No of Meetings	10	15	12	4	11
Ave duration (hours)	1:42	1:44	0:38	0:47	1:18
Average No. Reports per meeting	3.2	2	2.54	2.25	2.73
Avg Applicants Per Meeting	2.5	2	1.8	2	1.55
Average Reps per Meeting	3.2	2	1.8	0.75	1.65
Total Items	32	50	33	9	30
Total No. of Dev Act Reports					4
Total No. of PDI Act Reports					21
Total Administration Reports					5
Items in Confidence					2
Total Site Visits	1	3	1	1	1

Generalised Types of Applications Considered by the Panel.

Meetings	2019	2020	2021	2022	22/23
Residential (Dwellings/Land Divisions)	20	32	16	3	11
Residential (Additions/ancillary structures)	0	1	1	3	3
Commercial/Industrial	6	8	5	0	7
Other (School, Signage, Phone towers etc)	6	9	7	3	4
Total Items	32	50	29	9	25

It is noted most applications presented to the Panel comprise residential forms of development, typically single, multi-dwelling or additions to existing dwellings.

Additional forms of development, in the form of school additions, childcare centres and commercial type uses have also been considered during the previous financial year.

Recommendations & Decisions

Administration Recommendations

Decisions	2019	2020	2021	2022	22/23	Total
Approve Application	29	48	28	8	22	135
Refuse Application	3	2	1	0	3	9

¹ From January to June 2022

Panel Decisions

Decisions	2019	2020	2021	2022	22/23	Total
Approve Application	20	35	22	6	17	100
Refuse Application	9	13	5	2	5	34
Defer Application	3	2	2	0	2	9
Decisions not in line with recommendation	9/32	15/50	6/29	0/6	6/25	36/142
Percentage of decisions not in line with recommendation	28%	30%	20.6%	0%	24%	25.6%
Application withdrawn	0	0	0	0	1	1

It is noted approximately 25.6% of decisions made by the Panel were not in-line with the recommendation of administration. Of the decisions made; the Panel deferred 9 applications, refused 34 and approved 100.

Appeals

Of the five applications refused in the 22/23 financial year, three were appeal by the applicant.

- One appeal was withdrawn following the Panel's refusal of a compromise proposal.
- One appeal was withdrawn without a formal compromise being submitted.
- One appeal is currently active, with the Panel yet to receive or consider a compromise proposal.

Assessment Manager Review

The Panel received one application seeking a review of a Decision of the Assessment Manager (or delegated). The Panel resolved to reaffirm the Decision of Assessment Manager (or delegate) to refuse the proposal.

Conclusion

In summary, these statistics are provided for the panel to gain an understanding of the types and nature of applications that are delegated to CAP for decision.

Recommendation

1. That the Panel **NOTE** the report.