

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 15 June 2022**

**Commencing at 6.15 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.

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

Alex Wright  
**ASSESSMENT MANAGER**

8 June 2022

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

**CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 15 JUNE 2022  
COMMENCING AT 6.15PM**

---



**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 22008727**

**7 Sanctuary Avenue, Sheidow Park**

**Two storey detached dwelling including incidental earthworks, retaining walls, fencing and privacy screen.**

Report Reference: CAP150622 - 4.1.....2

**5. APPEALS UPDATE**

**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 discussion

**7. OTHER BUSINESS**

**7.1 Acknowledgement of current Presiding Member's service to the panel.**

**8. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING  
HELD ON 15 JUNE 2022**

**9. MEETING CLOSURE**

**2. GENERAL OPERATING PROCEDURES  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 15 JUNE 2022**

---



No items listed for discussion.

**REPORT REFERENCE: CAP150622 – 4.1  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 15 JUNE 2022**



<b>Originating Officer:</b>	<b>Theresa James Consultant Development Officer – Planning</b>
<b>Applicant:</b>	<b>Regent Homes</b>
<b>Development Description:</b>	<b>Two storey detached dwelling including incidental earthworks, retaining walls, fencing and privacy screen.</b>
<b>Elements:</b>	<b>Housing (detached dwelling) Fences and walls (fence and retaining wall) Other residential (earthworks and privacy screen)</b>
<b>Site Location:</b>	<b>7 Sanctuary Avenue, Sheidow Park</b>
<b>Zone:</b>	<b>Hills Neighbourhood</b>
<b>Lodgement Date:</b>	<b>31/03/2022</b>
<b>Planning and Design Code:</b>	<b>17 March 2022 Version 2022.5</b>
<b>Referrals (Internal):</b>	<b>Development Engineer</b>
<b>Application Type:</b>	<b>Performance Assessed</b>
<b>Delegations Policy:</b>	<b>Instrument of Delegation – CAP, Clause 5.1.1.1</b> <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>
<b>Public Notification</b>	<b>Public Notification required</b> <i>An application that involves a dwelling wall or fence that exceeds 3.2 metres in height, measured from the natural or lower ground level, or retaining walls exceeding 1.5 metres in height requires public notification as the exceptions to the exclusion from notification is triggered per Column B in Table 5 of the Zone.</i>
<b>Application No:</b>	<b>22008727</b>
<b>Recommendation:</b>	<b>That Planning Consent be GRANTED subject to Conditions</b>

---

**Appendices**

*Appendix 1: Planning and Design Code guidelines*

**Attachments**

*Attachment I: Proposal Plan and supporting documentation*

*Attachment II: Statement of Representations*

*Attachment III: Applicant's Response to Representations*

## BACKGROUND

- 16 March 2022 an application for a two-storey detached dwelling was submitted on the PlanSA Portal.
- 22 March 2022 Council requested additional information in order to verify the application.
- 31 March 2022, when application fees were paid, the application was formally lodged.

## SUBJECT LAND

The subject land is a rectangular shaped allotment located on the eastern side of Sanctuary Avenue, a recently formed public road which was created in relation to a past development approval. That land division approval resulted in the creation of 25 allotments from 2 existing allotments.

The land is currently vacant and has a fall of approximately 4.4 metres from the front boundary towards the rear. This results in a slope of approximately 1:8, that is, for every 8 metres the land falls 1 metre.

Figure 1: Subject land - - - - -





## LOCALITY

The locality includes the entire portion of Sanctuary Avenue and Liberty Street, as well as portions of Woodend Road where it becomes Charles Tank Drive to the east and 100 metres west of its junction with Sanctuary Avenue.

Sanctuary Avenue and Liberty Street contain allotments forming part of a recently developed subdivision. Most allotments are currently vacant. Some single storey detached dwellings have been built on recently deposited allotments, with a prominent two-storey detached dwelling occupying one of the sites with direct frontage to Woodend Road.

Allotments located on the eastern side of Sanctuary Avenue fall away from road level and have established bench levels, albeit difficult to see due to ground cover. Those allotments on the western side have ground levels that are generally at road level, or higher than road level. Concrete footpaths and gravel garden beds with small shrubs separate private allotments with the newly formed road.

Established dwellings facing Woodend Road are detached and of both single storey and two storey building height. Due to the uneven topography of this locality, retaining walls form part of its character.

Front yards are generally open, which contributes to the open landscaped foothills character.

Figure 2: The Locality — . . . —



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

The land is in the Hills Neighbourhood Zone (the Zone) of the Planning and Design Code (the Code), and the Suburban Neighbourhood Zone is located on the northern side of Woodend Road.

## PROPOSED DEVELOPMENT

The proposed development seeks to construct a new two-storey, split level, detached dwelling on a vacant site. Specifically, it includes the following features:

### Ground/entry level:

- Entry porch
- Master bedroom with robe and ensuite.
- Two-car garage.
- Study.
- Laundry.
- Powder room.
- Open kitchen/dining/living.
- Alfresco.

### Upper level:

- Two bedrooms, with individual bathrooms.

The proposed dwelling has a single-storey presentation to the street. Street level includes a master bedroom, study and garage, with the floor plan then stepping down 1.7 metres to meet the lower ground level main living space.

The upper level is positioned atop the lower living area, some 15 metres from the front boundary of the land. It has deep setbacks of 6 metres and 3 metres to its east and west side boundaries respectively and is setback 10 metres from the rear boundary.

The proposed development also includes earthworks, retaining walls and fencing. The overall height of fencing and retaining ranges from 1.9 metres to 3.55 metres along the side boundaries of the land. A 2.8 metre high privacy screen is also proposed, in the form of a timber slatted screen.

In satisfaction of the land division approval conditions, this application also includes rainwater tanks with a combined capacity of 10,000 litres. This substantially exceeds the requirements of the Planning and Design Code, however is a requirement of the land division approval.

## PROCEDURAL MATTERS

### Classification

The subject land is in the Hills Neighbourhood Zone of the Planning & Design Code (the Code) as of 17 March 2022.

The proposed development is not prescribed as “accepted”, “deemed to satisfy” or “restricted” development in the Zone.

The proposal is therefore “performance assessed development” pursuant to Section 107(1) the Planning, Development and Infrastructure Act, 2016 and will be assessed on its merits against the various provisions of the Code.

### 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.***

(underline my emphasis)

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.

### Public Notification

Clause 3 (f) and (h) of Table 5 – Procedural Matters in the Hills Neighbourhood Zone excludes notification for development comprising a dwelling and fence. Part 7 excludes retaining walls from notification.

Exemptions to the above exclusions relate to:

- Dwellings that exceed 2 building levels or 9 metres.
- Dwellings and fences that have a length exceeding 8 meters or height that exceeds 3.2 metres from natural ground level.
- Retaining walls that are higher than 1.5 metres.

Notification is required in this instance because:

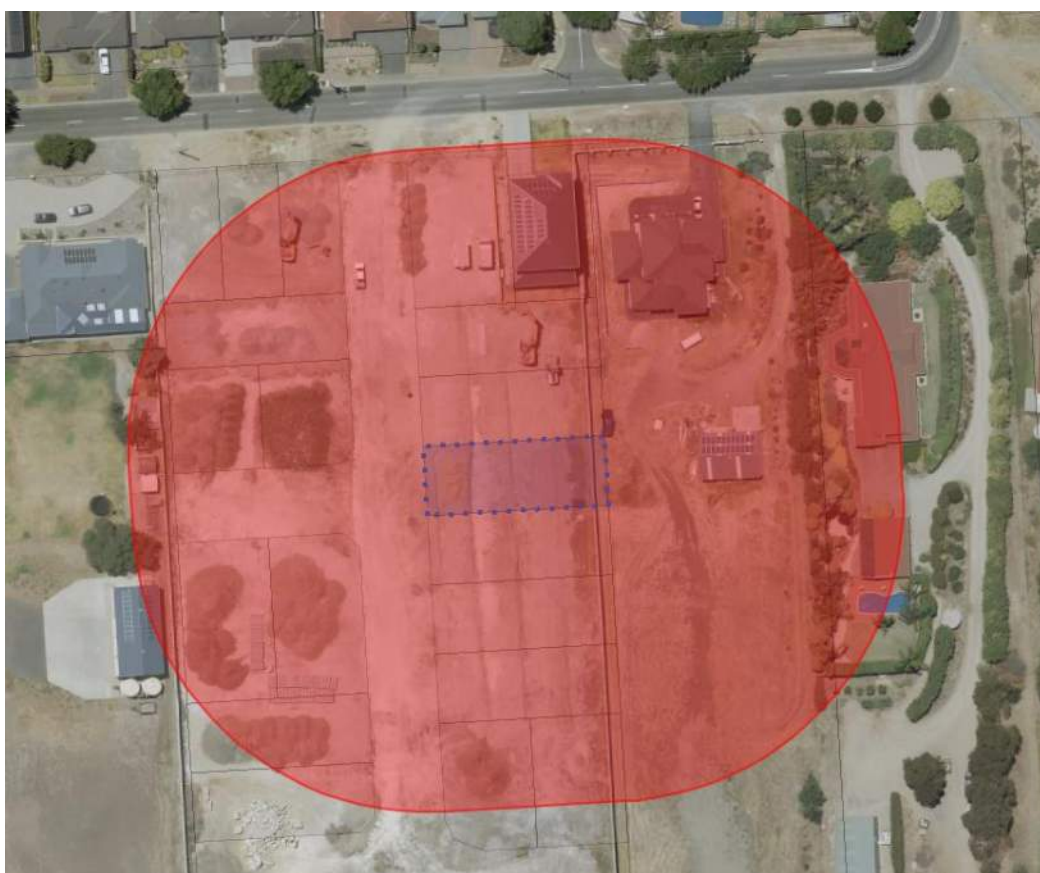
- The dwelling wall (garage) exceeds 3.2 meters in height from natural ground level.



- The fence exceeds 3.2 metres in height from natural ground level and is more than 8 metres in length.
- The retaining wall is 1.7 meters in height.
- Earthworks are not excluded from notification.

The application was publicly notified between 8 April 2022 and 3 May 2022. During this time three representations were received, two opposed the development and one was in support of the development. The opposing representations indicated a desire to be heard by the Council Assessment Panel (the Panel) in determining this application. Pursuant to the Marion CAP Instrument of Delegations, the Panel is the Relevant Authority in regards to a determination.

The Applicant responded to the representation, namely to address privacy concerns. Their response included an additional element, a 2.8 metre high privacy screen. The structure was determined to be minor in nature and will not unreasonably impact owners/occupiers of land in the locality, pursuant to Part 1 of Table 5 of the Zone. Therefore, this element did not require the application to be re-notified.



**Properties Notified  
Representations**

39  
3 received  
1 supports the development  
2 oppose the development

**Representations  
received**

1. Timothy Hall of 71 Woodend Road, Sheidow Park
2. Umesh Kumar of 69 Woodend Road, Sheidow Park
3. Stephen Hall of 2 Liberty Street, Sheidow Park

Wish to be heard

✓  
✓  
-

**Applicant Response**

A response by the applicant is included within the Report attachments.

## 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.***

Development that does not fall within a specified class in Table 3 will be considered “All Other Code Assessed Development”, to which all relevant policies apply for the purposes of assessment.

In my view the most pertinent planning considerations for this assessment relate to:

- Land Use
- Building Footprint and Siting
- Built Form Character and Design
- Privacy

Policies relating to the above planning considerations are found in the Zone, Overlays and General sections of the Code.

## ZONE CONSIDERATIONS

***Hills Neighbourhood Zone: DO1, PO 1.1, PO 3.1, PO 4.1, PO 5.1, PO 7.1, PO 8.1, PO 9.1, PO 10.1, PO 10.2, PO 11.1, PO 11.2 & PO 11.3***

## RELEVANT OVERLAY CONSIDERATIONS

***Hazards (Flooding – Evidence Required): DO 1 & PO 1.1***

***Building Near Airfields: DO 1 & PO 1.1***

***Stormwater Management: DO 1, PO 1.1***

***Urban Tree Canopy: DO 1 & PO 1.1***

## GENERAL DEVELOPMENT POLICIES CONSIDERATIONS

***Clearance from Overhead Powerlines: DO 1 & PO 1.1***

***Design in Urban Areas: DO 1, PO1.1 – 1.5, PO 2.1 – 5.1, PO 7.1 – 10.2, PO 17.1 – 18.2 & PO 20.1 – 24.1***

***Interface between Lane Uses: DO 1, PO 1.1 - 1.2, PO 3.1 – 3.2 & PO 7.1***

***Site Contamination: DO 1, PO 1.1***

***Transport, Access and Parking: DO 1 & PO 2.1 - PO 5.1***

## Land Use

Hills Neighbourhood Zone, Performance Outcome 1.1 seeks:

***Predominantly low density residential development with complementary non-residential uses compatible with natural landforms and a low density residential character.***

The subject land is an existing allotment that was formed for residential purposes as part of a previous authorisation for land division. The size of the land qualifies as low-density.

Given the proposed development seeks to construct a single dwelling on the land, the proposal satisfies land use policies and is a class of development envisaged in the Zone.

## **Building Footprint and Siting**

### **Site Coverage**

Hills Neighbourhood Zone, Performance Outcome 3.1 seeks:

***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.***

The general character and pattern of building footprints in this neighbourhood are formed by dwellings in both the Hills and Suburban neighbourhood zones, to the south and north of Woodend Road respectively.

Allotment sizes on the southern side of Woodend Road vary considerably. There are six, large, original residential allotments, with a single dwelling occupying respective sites areas of between 5,000 – 8,000 square metres (approximately). Given the exceptionally large area attributed by these allotments, site coverage is relatively low.

However, most allotments within this locality are in the order of 500 – 650 square metres, with some as low as 375 square metres. Smaller allotments are located some 180 metres west of the Sanctuary Avenue subdivision area, within the Hills Neighbourhood Zone, as well as within the immediate locality. Given the smaller site areas attributed by these allotments, site coverage on these allotments is higher, at around 60 percent.

The associated Designated Performance Feature for the above Performance Outcome recommends a site coverage calculation of 50 percent to achieve a suburban neighbourhood character which provides sufficient space around buildings. The proposed dwelling has a site coverage calculation of approximately 43 percent, which is lower than the site coverage displayed by most sites on similarly sized allotments in the locality and lower than the DPF.

As such, the proposed site coverage is considered to satisfy relevant policies.

### **Setbacks**

Given the immediate locality comprises the newly formed Sanctuary Avenue residential subdivision, more vacant allotments exist than developed allotments. As such, there is no existing or cohesive building setback character in this locality. In any event, relevant provisions and discussion is provided below:

Hills Neighbourhood Zone, Performance Outcome 5.1 seeks:

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

Hills Neighbourhood Zone, Performance Outcome 7.1 seeks:

***Boundary walls are limited in height and length to manage impacts on adjoining properties.***

Hills Neighbourhood Zone, Performance Outcome 8.1 seeks:

***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.***

Hills Neighbourhood Zone, Performance Outcome 9.1 seeks:

***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.**

Front:

The subject land is oriented such that it faces west, together with vacant allotments either side. The rear boundary of these allotments share are side boundary with the adjoining land to east. That allotment is an exceptionally large allotment, with an approximate area of 7,900 square metres. The dwelling on that land is positioned closer to Woodend Road, with large areas of open space and an outbuilding located adjacent the subject land.

The main building line of the proposed dwelling, that is, the wall that faces Sanctuary Avenue, is setback 5 metres from the front boundary, with the associated garage setback 6 metres. It is acknowledged that the DPF associated with PO 5.1 above suggests an 8 metres front setback where no building exists on adjoining sites.

However, the DPF does not aid in achieving the PO because there is no consistent building setback in this streetscape. As such the DOF offers little guidance in determining an appropriate primary street setback.

Given no dwelling occupies any site that faces Sanctuary Avenue, the proposed setback has been considered in the context of the overall building design, visitor parking requirements and locality beyond Sanctuary Avenue, i.e. immediately north of the land on Woodend Road. In this regard, the proposed setback to Sanctuary Avenue is acceptable when considering:

- There is no consistent building setback in the street.
- The dwelling has a low vertical profile when viewed from Sanctuary Avenue in that it presents as a single storey dwelling. As such the siting of the dwelling does not dominate the site or the street.
- The façade is articulated with varying setbacks, varied materials and large window openings, reducing visual mass.
- The garage is subservient, setback an additional 1 metre behind the front façade of the dwelling.
- More than 5.5 metres is provided in front of the garage, enabling 2 visitor parks.
- Dwellings on Woodend Road, which form part of the immediate locality, are positioned closer than 8 metres to their respective primary streets.

It is also worthy to note that whilst the Hills Neighbourhood Zone generally seeks lower density development on larger allotments, the overarching land division was approved under the previous Development Plan's Worthing Mine Policy area, which sought smaller allotments and permitted higher density development (in terms of building size, footprint and setbacks).

Given other recently approved dwellings within the immediate locality incorporate setbacks of 5 metres, and the a new uniform streetscape character will be created, the proposed front setback is acceptable.

Side:

As discussed in the previous section, there are no existing dwellings on the western side of Sanctuary Avenue that form an established character.

The proposed dwelling has been designed with deep setbacks to side boundaries and includes one garage wall on the southern side boundary. The ground level of the dwelling is setback 1.5 metres from each side boundary and 6.1 metres and 3 metres at the upper level (north and south side boundaries respectively).

These setbacks satisfy the associated DPF and are generally larger than building setbacks displayed by existing dwellings in the locality. I note the recently constructed two-storey dwelling, which formed part of this subdivision at 67 Woodend Road which has shorter side boundary setbacks, particularly at the upper level:

**Figure 3: Two-storey dwelling at 67 Woodend Road**



The proposed development includes one boundary wall, which spans for a length of 6.39 metres. Due to the slope of the ground level, the boundary wall ranges in height from 3 metres to 3.8 metres. The relevant DPF anticipates boundary walls that are 8 metres long and 3.2 metres high.

In this instance the proposed boundary wall is considered acceptable due to its short span along the boundary and location adjacent vacant land. Further to this, its position towards the front of the land ensures minimal amenity impact on future adjoining residents given the boundary wall will likely lay adjacent a garage or bedroom wall as is typically the case for new dwellings.

#### Rear:

The proposed building wall is setback 10.2 metres from the rear boundary of the land, which is greater than the associated DPF and in any event provides adequate private open space, sunlight and ventilation and landscaping opportunities.

#### Building Height

Hills Neighbourhood Zone, Performance Outcome 4.1 seeks:

***Buildings contribute to a low-rise suburban character and complement the height of nearby buildings.***

Technical Numeric Variations apply to the site, which includes a building height of 9 metres and 2 building levels.

Building height is measured from the lowest point of ground level beneath the dwelling to the highest part of the roof. In this instance, the verandah is positioned on at the lowest point of the ground level. The highest point of the roof is therefore taken from this ground level as pictured below:





It is acknowledged that a portion of proposed retaining walls exceed the height anticipated by DPF 11.3, however the portion of retaining wall that exceeds 1.5 metres relates to a short length of 390 millimetres along the rear section of the southern side boundary. Reducing this small section of retaining wall from 1.74 metres to 1.5 metres, a decrease of 24 centimetres would be inconsequential.

Further, it is anticipated that a new dwelling will be constructed on the adjoining vacant land. It is likely that fill will be required alongside the subject retaining wall on the adjoining land given that land has a similar topography as the subject land.

For the reasons outlined above, the extent and height of retaining walls is considered acceptable.

### **Built Form Character**

Performance Outcomes 9.1, 10.1 and 10.2 of the Zone, and 20.1, 20.2 and 20.3 of the Design in Urban Areas - General Development Policies provide relevant policies for performance assessment of built form character and the external appearance of buildings.

The general theme of these policies is that development:

- Achieves a profile that blends with the land.
- Avoids use of bright and highly reflective materials.
- Incorporates additional landscaping to reduce apparent bulk and scale.
- Reduces garaging dominance.
- Positively contributes to streetscape character.

The proposed dwelling and fencing appropriately responds to applicable built form and design provisions of the Code, noting the following features:

- The dwelling includes a stepped floor plan, to minimise the extent of earthworks and resultant retaining walls.
- This translates to stepped retaining walls and fencing along side boundaries.
- The dwelling appears as a single storey dwelling from the public street.
- The taller portion of the dwelling is positioned towards the rear of the dwelling footprint, at the lower end of the land, such that it is an inconspicuous two-storey dwelling and does not impose on visual amenity.
- Grey roofing, rendered walls, and stone feature piers ensures that materials will not be highly reflective.
- Garaging is a subservient feature, noting it is setback 1 meter from the main dwelling façade and the door comprises only 35% of the frontage of the allotment.
- High quality finishes, such as texture coated render, stone piers, dark modern garage door and wooden entry door assists in contributing to improved streetscape character.

The proposed privacy screen spans along the rear boundary of the land. Existing fencing is maintained with only a small portion (one metre) of the screen visible above the fence line, as viewed from the neighbours' land.

Whilst the proposed privacy screen is not physically part of the fence, it does present similarly as it is an upright structure that forms a barrier to an area. PO 9.1 of Design in Urban Areas seek fencing of a sufficient height to maintain privacy and security without unreasonably impacting visual amenity and access to sunlight.

The proposed privacy screen structure satisfies this policy in that:

- It spans for a short distance of 14 metres along the neighbour's 184 metre boundary (i.e. 7% of their boundary length).
- It improves privacy in that it is a structure rather than just vegetation, providing a better perception of privacy.

- Evenly spaced timber slats ensures that it is not a dominant structure.
- It is located on the neighbours' western boundary such that overshadowing will only occur during the afternoon, and only over a small area. This is due to the low overall height of 2.8 metres, and the orientation of the land and the way overshadowing is cast.

### **Privacy**

Performance Outcome 10.1 of Design in Urban Areas - General Development Policies seeks:

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

Performance Outcome 10.2 of Design in Urban Areas - General Development Policies seeks:

***Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.***

The subject land has a 4.4 metre fall from the front of the land to the rear. This fall carries through to land further eastbound to where a gully is formed at the location of Field River. This means that land on Sanctuary Avenue is naturally elevated above land to its east. There is some degree of overlooking on many sites within this locality, due to its topography. It is somewhat part and parcel of a hills locality.

Notwithstanding the relevant policy only seeks privacy measures be applied to upper level windows/balconies, the Applicant has mitigated overlooking at the ground level also by including the following features:

- Fill beneath the dwelling footprint only, i.e. not to the rear boundary.
- Stepped ground floor plan, which also reduces necessity for earthworks and retaining walls.
- Large hedge planting along the rear boundary with an expected mature height of 5 metres.
- 2.8 metre high timber slat privacy screen between the existing fence and hedge.

The Applicant provided sight-line diagrams to illustrate how proposed screening and plantings negate potential for direct overlooking from the alfresco area, which is the closest part of the building to the eastern boundary. The line of site drawing demonstrates that the 2.8 metre screen prevents downward views towards the adjoining residential land.

Another option to mitigate ground level overlooking, which is commonplace throughout this locality, is to build a large retaining wall with fence atop and have it span along the entire rear boundary. Whilst this might provide the perceived privacy sought by adjoining neighbours, it would be to the detriment of their amenity, as such a structure is generally dominant and visually displeasing. See example of this between 67-69 Woodend Road, pictured below:

**Figure 5: Retaining wall and fencing on boundary - 67-69 Woodend Road**



## **CONCLUSION**

The proposed development seeks to construct a modest two-storey detached dwelling on recently created land in the Hills Neighbourhood Zone. The land is currently vacant and includes a slope in the order of 1-in-8, which is considered a modest fall from the front to the rear of the land.

The dwelling has been designed with a low vertical profile, such that it will not impose on streetscape character. Further it includes a variety of features creating visual interest, reduces monotony and enhances streetscape character, such as varied setbacks to façade walls, a high degree of fenestration, use of stone piers and modern front entry and garage doors.

Building footprint is appropriately positioned to ensure suitable space around the dwelling achieves light, ventilation and patterns of space that is expected in a suburban environment. Whilst no dwellings are located on adjoining land, the setbacks displayed by the proposal will ensure this is adequately achieved.

To ensure privacy of adjoining residents is maintained, the Applicant has included a timber slat privacy screen between the existing rear boundary fence and new hedge planting. This screen prevents views from the alfresco area, negating downward views beyond the eastern boundary.

On balance the proposed development exhibits sufficient merit when assessed against the relevant Desired Outcomes and Performance Outcomes of the Code. As such I recommend the application be granted Planning Consent.

## **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<sup>1</sup> 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: 22008727 for two-storey detached dwelling, earthworks, retaining wall, fencing and privacy screen at 7 Sanctuary Avenue, Shiedow Park be GRANTED, subject to the following Conditions:**

---

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

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



## **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. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling.**
- 5. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.**
- 6. 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.**

## **NOTES**

- 1. 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.**

**5. APPEALS UPDATE  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 15 JUNE 2022**



**5.1 APPEALS AGAINST PANEL DECISIONS**

*New Appeals*

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
---------------	----------------	--------------------------	-----------------------	-----------------	---------------------------

*On-going Appeals*

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
21012625	10 & 12 Renown Avenue Clovelly Park	10/11/21	APPROVE	REFUSE	Settlement offer being finalised with ERD Court
21012619	1 & 3 Freya Avenue Hallett Cove	10/11/21	APPROVE	REFUSE	Full hearing scheduled for 9 June 2022

**5.2 APPEALS AGAINST DELEGATED APPLICATIONS**

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
---------------	----------------	--------------------------	-----------------------	-----------------	---------------------------

**6. POLICY OBSERVATIONS  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 15 JUNE 2022**

---



No items listed for discussion.

**7. OTHER BUSINESS  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 15 JUNE 2022**

---



Acknowledgement of current Presiding Member's service to the panel.