

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 20 January 2021

Commencing at 6.30 p.m.

Committee Room 1 & 2

Council Administration Centre

245 Sturt Road, Sturt

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



Alex Wright
ASSESSMENT MANAGER

13 January 2021

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 20 JANUARY 2021
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATIONS

3. APPLICATIONS

**3.1 DEVELOPMENT NO 100/2020/0959
27 GARDINER AVENUE, WARRADALE
The construction of 2 single storey dwellings
Report Reference: CAP200121 - 3.1.....1**

**3.2 DEVELOPMENT NO 100/2020/1635
5 JACARANDA GROVE OAKLANDS PARK
Single storey detached dwelling incorporating wall on northern boundary
Report Reference: CAP200121 - 3.2.....15**

4. APPEALS UPDATE

4.1 APPEALS AGAINST PANEL DECISIONS

4.2 APPEALS AGAINST DELEGATED APPLICATIONS

5. POLICY OBSERVATIONS

6. OTHER BUSINESS

**7. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 20 JANUARY 2021**

8. MEETING CLOSURE

**REPORT REFERENCE: CAP200121 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 20 JANUARY 2021**



Originating Officer:	Nicholas Timotheou Senior Development Officer - Planning
Applicant:	Simonds Homes
Development Description:	The construction of 2 single storey dwellings
Site Location:	27 Gardiner Avenue, Warradale
Zone & Policy Area:	Residential Zone / Marion Plains Policy Area 8
Lodgement Date:	22/06/2020
Development Plan:	Consolidated – 21 May 2020
Referrals:	Nil
Delegations Policy:	4.1.2 <i>Any 'merit' application that has undergone Category 2 or Category 3 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>
Categorisation	Category 2 <i>Residential Zone, Public Notification section prescribes: Wall (excluding retaining wall) for residential development which exceeds a length of 8 metres and/or exceeds a height of 3 metres when measured from natural ground level where abutting a side or rear boundary (other than a common wall of semi-detached dwellings, row dwellings or residential flat buildings).</i>
Application No:	100/2020/959
Recommendation:	That Development Plan Consent be GRANTED, subject to conditions

Attachments

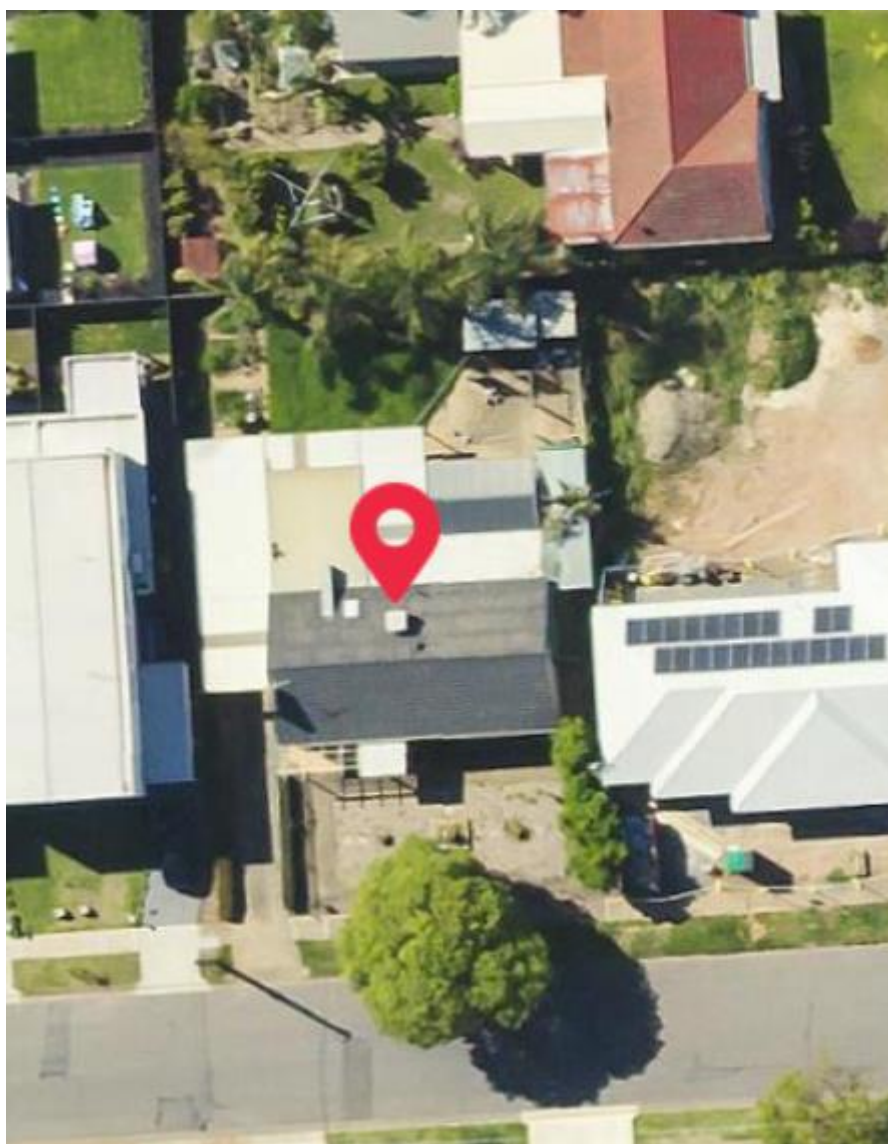
<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment III:</i>	<i>Representations</i>
<i>Attachment IV:</i>	<i>Response to Representations</i>

SUBJECT LAND

The subject land is 27 Gardiner Avenue, Warradale. The land achieves a site area of 683.12 square metres, derived from a frontage width of 21.34 metres and a site depth of 32 metres.

The land is currently devoid of any structures; however, previously accommodated a 1950's era single storey detached dwelling. No regulated trees have been identified on the subject land or on adjoining properties.

The land is generally flat with no discernible slope. Access to the subject land is presently obtained via a single width crossover on the western side of the frontage.



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LOCALITY

The locality is residential in nature, and predominantly consists of single storey detached dwellings at low densities, which are representative of the original dwelling stock. A number of redeveloped/sub-divided properties are also evident in the locality, which typically take the form of single-storey and two storey detached, semi-detached and row dwellings.

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



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PROPOSED DEVELOPMENT

The application is best described as “the construction of 2 single storey dwellings”.

The dwellings each incorporate three bedrooms (main with ensuite), laundry, bathroom and separate WC as well as open plan kitchen/living/meals areas with direct access to the associated area of private open space. Each dwelling is provided with a double width garage and an associated visitor space within the driveway. Lot 97 seeks to utilise an existing crossover, whereas Lot 98 proposes a new access point off Gardiner Avenue.

The dwellings incorporate a mixture of materials and finishes including cladding, exposed brick and panel lift doors. Each dwelling incorporates a tiled roof and a selection of landscaping within the front yard of each property.

No fencing details are provided as part of the subject application and any such fencing will be at the discretion of the future owners/occupiers (and in accordance with the relevant legislative requirements).

Procedural Matters

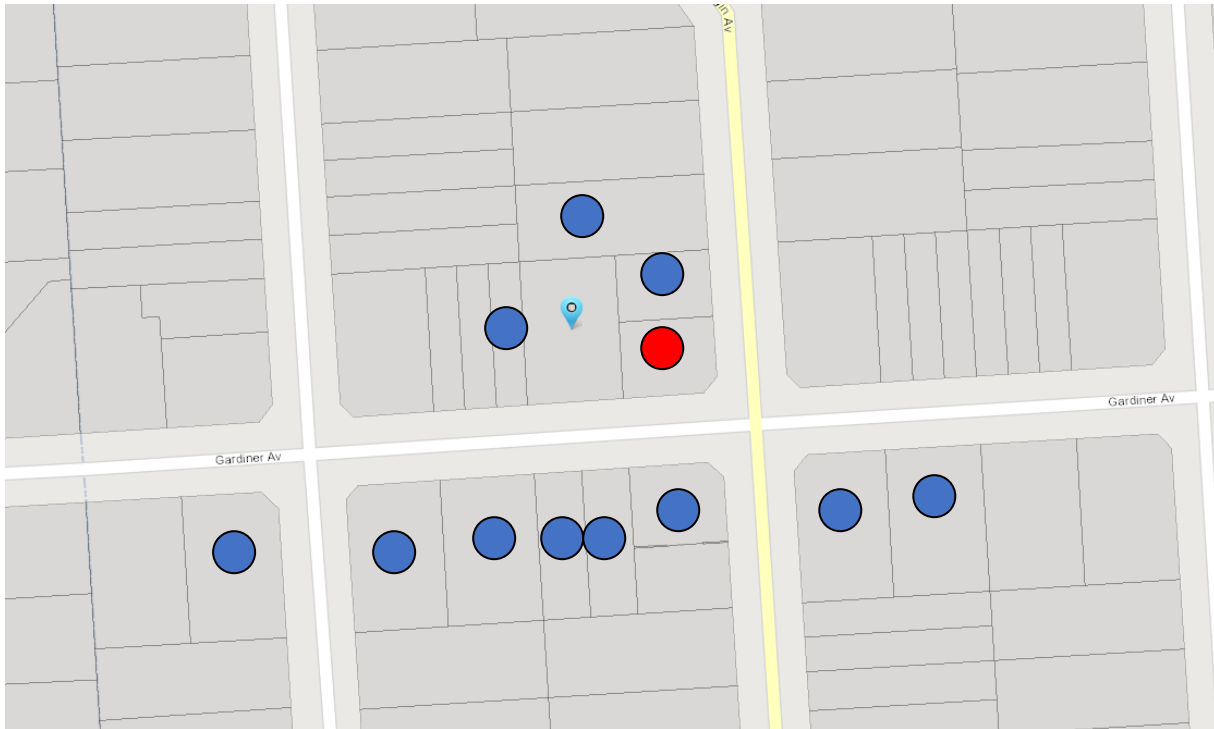
Classification

The application is listed neither as a complying nor non-complying form of development and has therefore been assessed as a ‘merit’ form of development.

Categorisation

The proposal includes a wall on a side boundary which exceeds a height of 3 metres when measured from natural ground level and as such, comprises a Category 2 form of development as stipulated by the Public Notification Section of the Residential Zone.

Public Notification



Properties Notified

12 properties notified.

Representations

1 representation received in support of the proposal;
and
2 representations opposing the development.

Persons wishing to be heard

Mr Paul Daniel of 25 Gardiner Avenue (circled in red).

Applicant Response

Refer Attachment V of this report.

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ASSESSMENT

The assessment is split into three main sections:

1. Zone and Policy Area Consideration, which considers relevant qualitative Zone and Policy Area Objectives, Desired Character and Principles of Development Control;
2. Quantitative Snapshot, which details the proposal's performance against relevant quantitative Principles of Development Control;
3. Assessment Discussion, which involves detailed discussion of pertinent matters.

Zone and Policy Area Considerations

Residential Zone	
Objectives	Satisfies
1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i>	Proposal consider to adequately satisfy the intent of applicable Objectives.
2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i>	
Relevant Principles of Development Control	Satisfies
1 <i>The following forms of development are envisaged in the zone: [...] ▪ dwelling including a residential flat building</i>	Proposal is an envisaged form of development.
3 <i>Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</i>	The proposal demonstrates a higher density which is compatible with adjoining residential development.
Marion Plains Policy Area 8	
Objectives	Satisfies
1 <i>A policy area primarily comprising low scale, low to medium density housing.</i>	Proposal comprises low scale, low density housing.
2 <i>Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i>	The impact of garaging is appropriately minimised through the provision of a variety in colours/materials to the main façade and stepping to assist in reducing dominance upon the streetscape.
3 <i>Development that minimises the impact of garaging of vehicles on the character of the locality.</i>	
4 <i>Development densities that support the viability of community services and infrastructure.</i>	Proposed density should support viability of community services and infrastructure.
5 <i>Development that reflects good residential design principles.</i>	Proposal incorporates good residential design principles and contributes to the Desired Character – refer to discussion.
6 <i>Development that contributes to the desired character of the policy area.</i>	
Desired Character	Satisfies
<i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i>	The proposal is considered to entirely satisfy the Desired Character.
<i>The character of streetscapes varies throughout the policy area depending</i>	

on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.

The desired character is an attractive residential environment containing low density dwellings, but at a higher density compared to that typical of the original dwelling stock in the area.

The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.

Development should seek to promote cohesive streetscapes by incorporating designs that are sympathetic to the existing streetscape character, including complementary design features such as pitched roofs, eaves, front verandahs/porches and building materials.

Buildings of up to two storeys are appropriate, provided that the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.

Buildings that present plain box-like built forms and limited detailing are generally inappropriate.

Where a new building is built adjacent original dwelling stock, a lesser setback from the primary road frontage is anticipated, provided that the new building is designed to complement the existing streetscape character with regard to building design, articulation, roof form, materials and landscaping.

Development will be interspersed with landscaping, particularly between the main road frontage and the building line, to enhance the appearance of buildings from the street, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.

Amalgamation of properties is desirable where it will facilitate appropriately designed low-to-medium density development.

Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

The proposal achieves the desired density, and should contribute to an attractive residential environment by virtue of its building design and landscaping being complementary of the existing streetscape character.

Further discussion is located within the Assessment Discussion of this report.

Relevant Principles of Development Control

Satisfies

- 1 The following forms of development are envisaged in the policy area:
 - affordable housing
 - dwelling
 - supported accommodation.
 - 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.
-

The proposal is considered to satisfy all of the relevant Zone and Policy Area considerations listed above. Zone and Policy Area provisions that are more quantitative in nature have not been listed above, and are detailed within the following Quantitative Snapshot table, and pertinent matters, including the Desired Character, are discussed further within the Assessment Discussion thereafter.

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It is worth to acknowledge Principle of Development Control 4 stipulates:

- 4 A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table:

Dwelling Type	Minimum Site Area (square metres)	Minimum Frontage Width		Minimum Site Depth (metres)
		Other Road (metres)	Arterial Road (metres)	
Detached	350	10	12	20
Semi-detached	350	10	12	20
Group	350	20	20	45
Residential flat building	350	20	20	45
Row	300	9	12	20

The application proposes to construct 2 single storey dwellings on a single allotment, thereby increasing the density of the land by one. It is acknowledged that the dwellings proposed do not hold “site exclusivity” in that the land is yet to be formally divided. This notwithstanding, I am satisfied the density proposed is in-keeping with the desired outcomes for the Policy Area. Despite the dwelling being undefined by the Development Act, it is my opinion that regard can be had to the minimum guidelines prescribed for a detached dwelling in the Marion Plains Policy Area 8 (noting this type of dwelling calls for the largest site area for a dwelling in this Policy Area).

In this regard, the total site achieves an area of 683.12 square metres, whereby the plans indicate each dwelling will achieve a site area of 341.56sqm and 10.67 metre frontage widths. When regard is had to PDC 4, the density includes a minor departure (8.4sqm or 2.4%) from the desired standard for stand alone dwellings. Each dwelling includes a frontage width and depth which exceeds those outlined in PDC 4.

The proposal includes the construction of 2 single storey dwellings which are considered to assist in contributing to the existing streetscape and locality through the provision of an attractive design, appropriate separation from the allotment boundaries (discussed further within this report) and by minimising earthworks and retaining walls where appropriate.

The density is not out of character with the prevailing pattern of development in the locality and given the wide frontage of the subject land, the minor departure in site area would not be apparent when viewed from the street or fatal to the overall merits of the proposal. On balance, the proposal adequately complies with the Objectives and Principles of Development Control of the Marion Plains Policy Area 8.

Quantitative Snapshot

Criteria		Dwelling 1 (Lot 202)	Dwelling 2 (Lot 201)	
Site area	Nil (undefined dwellings)	341.56sqm	341.56sqm	Refer above discussion
Frontage width	Nil (undefined dwellings)	10.67m	10.67m	Refer above discussion
Depth	20m	32m	32m	Refer above discussion
Site coverage	40%	187.26sqm (54.8%)	187.26sqm (54.8%)	Does Not Satisfy
Site coverage excluding alfresco/porch		166.7sqm (48.8%)	166.7sqm (48.8%)	
Pervious area	20%	Total pervious area: 150sqm (21.9%)		Satisfies
Front setback	In-line with adjacent dwelling where setback difference between buildings on adjoining land is up to 2 metres Adjoining: approx. 5m and 7m.	5.45m	5.45m	Satisfies
Carport/garage setback	5.5m and behind or in-line with main face	6.9m	6.9m	Satisfies
Rear setback (ground)	6m, may be reduced to 3m for <50% rear width	4.6m and 8m	4.6m and 8m	Satisfies
Side setbacks (ground)	0.9m	1.25m	1.25m	Satisfies
Building height	2 storeys; 9m	4.6m	4.6m	Satisfies
Private open space	20%	67.5sqm (19.7%)	67.5sqm (19.7%)	Minor departure
Private open space dimension	5x5m	5.4 x 8m	5.4 x 8m	Satisfies
Garage width	6m or 50% of dwelling façade width (the lesser)	4.84m (50.89%)	4.84m (50.89%)	Minor departure
Off-street parking	2 (1 covered)	4 spaces	4 spaces	Satisfies
On-street parking	1 per 2 allotments	1 space of approx. 10m		Satisfies

Assessment Discussion

The minor variances to the following criteria, as identified within the Quantitative Snapshot table, are considered to be justified and are discussed accordingly below:

- **Site coverage**

Site coverage

The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area. The following considerations are noted with regard to the discrepancy in site coverage:

- (a) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below). Accordingly, the excess in site coverage should

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not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.

- (b) The proposal is considered to partially comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for domestic storage, outdoor clothes drying, rainwater tanks, private open space, and convenient storage of household waste and recycling receptacles.
- (c) When the alfresco and porch area are excluded from the site area calculation, the floor area of the proposed dwellings equates to 48.8% which is comparable to other developments in the locality. Further, it is acknowledged the alfresco area functions as an area of private open space.

The proposed site coverage, measured at 54.8% per dwelling exceeds the maximum sought under the Development Plan. It is also acknowledged that when the alfresco/porch is excluded from the calculation, a maximum of 48.8% coverage is proposed. It is considered that regard can be had for that site coverage calculation excluding the alfresco/porch, in that these elements could be applied at a later date under Schedule 1A (Development that does not require development plan consent) and include a maximum site coverage of 60% without any planning assessment taking place.

This figure of 48.8% is justifiable in the context of Residential Development Principle 14 and Zone Principle 9, as it is not consequential upon the amenity of adjoining properties, nor the functionality of the sites, with sufficient setbacks, private open space and pervious area provided. Further, the built area is not considered out of character to that which has occurred on nearby land in the locality and as such is considered appropriate.

Following justification of the shortfall in site coverage, consideration and discussion of the following matters, in particular, are considered pertinent in reaching a recommendation for the proposal:

- **Desired Character**

Desired Character

The proposal is an envisaged form of development within the Residential Zone, and accords with the low scale, low density housing sought by the Policy Area's Objectives and Desired Character (DC). The proposal achieves a higher density than the original dwelling stock, as sought by the Policy Area, whilst preserving the existing streetscape character in terms of built form and landscaping.

The proposed dwellings should contribute to an attractive residential environment by virtue of demonstrating good residential design principles which are consistent with those sought by the Desired Character, including detailing, pitched roofs, eaves, and front porches. Each dwelling presents towards the street with a habitable room window and front entry door.

Each dwelling incorporates garage openings equal to 50.89% of the dwelling width, slightly over the maximum sought (50%). This notwithstanding, from a qualitative assessment, it is considered that an attractive streetscape outcome is achieved. The habitable portion of each dwelling is located adjacent the internal boundary. This design outcome benefits the streetscape in that the habitable room windows of each dwelling are located adjacent to one another to provide a larger overall expanse of glazing presenting to the street. Each garage is split by a feature column, complementary to the overall design and appearance. Various design elements and an attractive roof form is provided for each dwelling to enhance their overall appearance. The garage of each dwelling is setback 1.45 metres behind the main façade and features a protruding porch, which will

assist in minimising their appearance on the streetscape. On balance, the dwellings are considered to provide an appropriate level of articulation to minimise garage dominance, and to this end, I am satisfied the proposal fulfils the intent of the DC of the Marion Plains PA 8.

The proposed front setback provides ample room for landscaping between the main road frontage and the building line, including a mixture of low-medium growing plantings which are nominated on the provided landscape plan. The proposed landscaping and extent of landscaped area shall complement the existing streetscape's landscape character. It shall also enhance the appearance of the proposed buildings, soften built form, provide a transition, and reduce heat loads by virtue of providing shade.

Overall, the proposal's design features, front setback and landscaping are sympathetic to the existing streetscape character and seek to promote a cohesive streetscape. The proposed development is considered to entirely satisfy the Policy Area's Desired Character.

CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Marion Plains Policy Area 8.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains some numerical shortfalls including site coverage. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality. When these shortfalls are considered on balance with the proposal's compliance with the Development Plan, the overall merit of the proposal is considered to outweigh any discrepancies.

The density of the proposed development reasonably satisfies that desired by the Policy Area, and the design and appearance incorporates various elements which assist in minimising garage dominance. The proposal should contribute to the streetscape character and is consistent with the emerging pattern of development within the locality.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent be GRANTED for the construction of 2 single storey dwellings as proposed in Development Application No: 100/2020/959 at 27 Gardiner Avenue, Warradale, subject to the following conditions:

CONDITIONS

- 1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be undertaken in strict accordance with the details and plans submitted in Development Application No.100/2020/959 except where varied by the following conditions of consent.
- 2. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 3. Any existing vegetation nominated to be retained and/or any new vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 6. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with 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.
- 7. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.

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8. Any existing vegetation nominated to be retained and/or any new vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

REPORT REFERENCE: CAP200121 – 3.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON 20 JANUARY 2020



Originating Officer:	Mitchell Mavrinac Development Officer – Planning Assistant
Applicant:	Weeks Building Group
Development Description:	Single storey detached dwelling incorporating wall on northern boundary
Site Location:	5 Jacaranda Grove Oaklands Park
Zone & Policy Area:	Residential Zone / Marion Plains Policy Area 8
Lodgement Date:	28/09/20
Development Plan:	Consolidated – 09 July 2020
Referrals:	Development Engineer (Internal)
Delegations Policy:	4.1.2 <i>Any 'merit' application that has undergone Category 2 or Category 3 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>
Categorisation	Category 2 <i>Residential Zone, Public Notification section prescribes: Wall (excluding retaining wall) for residential development which exceeds a length of 8 metres and/or exceeds a height of 3 metres when measured from natural ground level where abutting a side or rear boundary (other than a common wall of semi-detached dwellings, row dwellings or residential flat buildings).</i>
Application No:	100/2020/1635
Recommendation:	That Development Plan Consent and be GRANTED subject to conditions.

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment III:</i>	<i>Copy of Representations</i>
<i>Attachment IV:</i>	<i>Applicant's Response to Representations</i>

SUBJECT LAND

The subject land is 5 Jacaranda Grove, Oaklands Park (Lot 33). The land incorporates a site area of 702 square metres, derived from a frontage width of 16.46 metres and a site depth of 42.67 metres.

The land presently comprises a single storey detached dwelling, with a freestanding outbuilding to the rear. No regulated or significant trees have been identified on the subject land or on adjoining properties.

The land is generally flat with no discernible slope. Access to the subject land is presently obtained via a single width crossover on the Northern side of the frontage. There is a mature street tree located in the centre of the property's frontage within the Council verge.

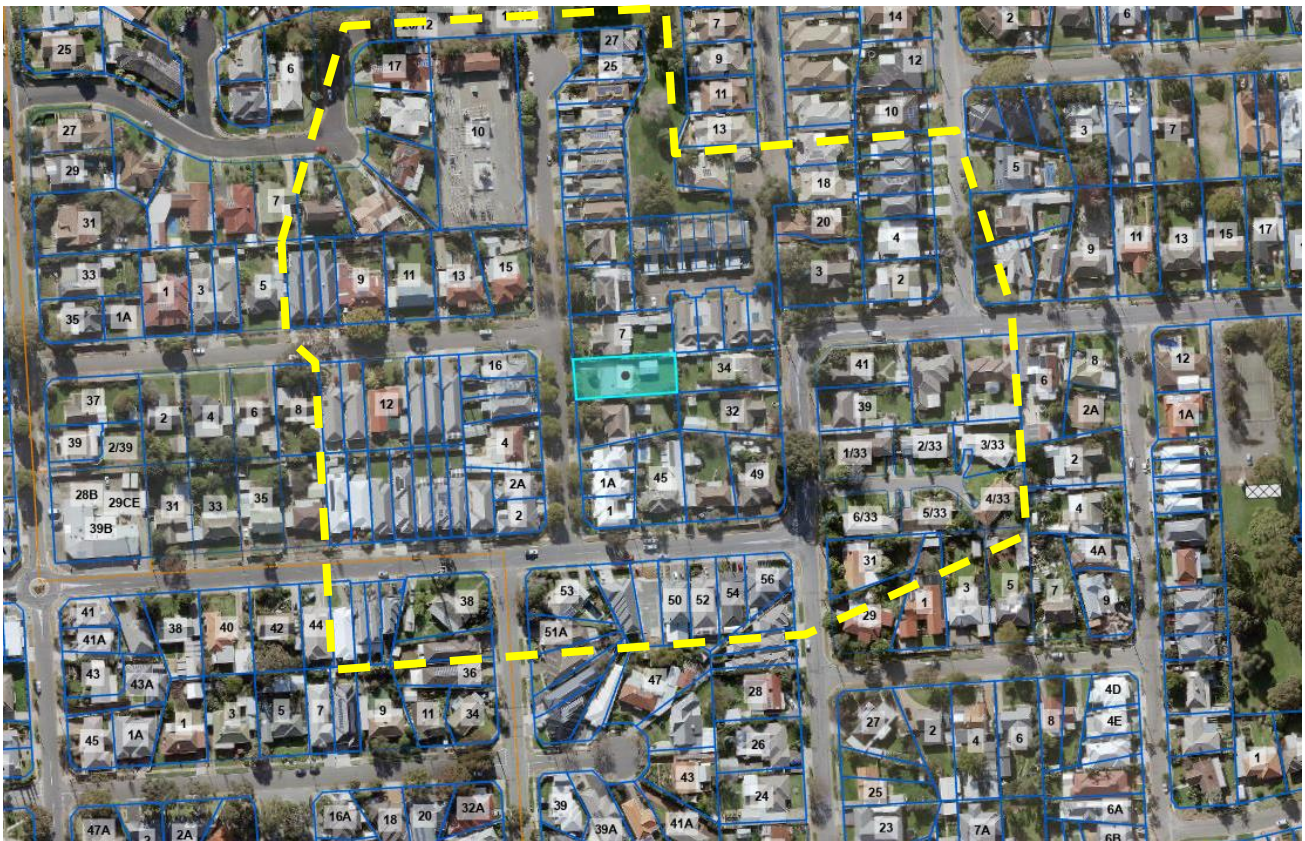


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LOCALITY

The subject land is located in Oaklands Park, equal distance from Diagonal Road, Oaklands Crossing and Sturt River Drain. The immediate streetscape comprises a mix of mostly original dwelling stock and new dwellings, typified by single storey detached dwellings on generous allotments which are comparable in size to the subject land and that which is derived from recent development plans in the form of higher density in comparison to the original dwelling stock. The broader residential locality comprises a greater variety of dwellings, including semi-detached dwellings and residential flat buildings, including those in battle-axe style configurations. The locality also comprises some non-residential uses. These are varied in nature, form, bulk and scale.

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



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PROPOSED DEVELOPMENT

The application is best described as “The application proposes to erect a new single storey dwelling incorporating a wall on the northern boundary on the existing allotment”.

The dwellings each incorporate three bedrooms (main with ensuite), laundry, bathroom and separate WC as well as open plan kitchen/living/meals areas with direct access to the associated area of private open space. Each dwelling is provided with a double width garage and an associated visitor space within the driveway. Lot 97 seeks to utilise an existing crossover, whereas Lot 98 proposes a new access point off Gardiner Avenue.

The dwellings incorporate a mixture of materials and finishes including cladding, exposed brick and panel lift doors. Each dwelling incorporates a tiled roof and a selection of landscaping within the front yard of each property.

No fencing details are provided as part of the subject application and any such fencing will be at the discretion of the future owners/occupiers (and in accordance with the relevant legislative requirements).

Procedural Matters

Classification

The application is listed neither as a complying nor non-complying form of development and has therefore been assessed as a ‘merit’ form of development.

Categorisation

The proposal includes a wall on a side boundary which exceeds a height of 3 metres when measured from natural ground level and as such, comprises a Category 2 form of development as stipulated by the Public Notification Section of the Residential Zone.

REFERRALS

Development Engineer (Internal):

Regarding required finished floor levels for the purpose of allotments subject to flooding: Engineer satisfied with proposed FFL's given depth of flooding, no other concerns raised.

PUBLIC NOTIFICATION



Properties Notified

25

Representations

1 received

1 opposing the development

Representations received

1. Mr V I Cameron of 7 Jacaranda Grove, Oaklands Park

Applicant Response

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

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ASSESSMENT

The assessment is split into three main sections:

1. Zone and Policy Area Consideration, which considers relevant qualitative Zone and Policy Area Objectives, Desired Character and Principles of Development Control;
2. Quantitative Snapshot, which details the proposal's performance against relevant quantitative Principles of Development Control;
3. Assessment Discussion, which involves detailed discussion of pertinent matters.

Zone and Policy Area Considerations

Residential Zone	
Objectives	Satisfies
1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i>	The proposal is considered to contribute towards an attractive residential zone.
2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i>	Albeit not an increase in density the land remains within close proximity to Oaklands Train Line. The land is also within 200 metres of a small Local Centre Zone and 750 metres of 1 Neighbourhood Centre Zone and Marion Regional Centre Zone. Additionally within 250 metres of a public reserve.
Relevant Principles of Development Control	Satisfies
1 <i>The following forms of development are envisaged in the zone:</i> [...] ▪ <i>dwelling including a residential flat building</i>	Proposal is an envisaged form of development.

Marion Plains Policy Area 8	
Objectives	Satisfies
1 <i>A policy area primarily comprising low scale, low to medium density housing.</i>	Proposal is the low scale, low density housing sought.
2 <i>Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i>	The impact of garaging will be minimal, a double garage is proposed at 6.12m in width which is an increase over maximum prescribed 6m however is a minor excess and remains less than 50% the width of the dwelling at 39%.
3 <i>Development that minimises the impact of garaging of vehicles on the character of the locality.</i>	Proposed density shall support viability of community services and infrastructure.
4 <i>Development densities that support the viability of community services and infrastructure.</i>	Proposed density shall support viability of community services and infrastructure.
5 <i>Development that reflects good residential design principles.</i>	Proposal incorporates good residential design principles and contributes to the Desired Character – refer to discussion.
6 <i>Development that contributes to the desired character of the policy area.</i>	Proposal incorporates good residential design principles and contributes to the Desired Character – refer to discussion.

Desired Character	Satisfies
<i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i>	The proposal is considered to entirely satisfy the Desired Character.
<i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i>	The proposal achieves the desired density, and shall contribute to an attractive residential environment by virtue of its building design and landscaping being complementary of the existing streetscape character.
<i>The desired character is an attractive residential environment containing low density dwellings, but at a higher density compared to that typical of the original dwelling stock in the area.</i>	
<i>The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i>	Further discussion is located within the Assessment Discussion of this report.
<i>Development should seek to promote cohesive streetscapes by incorporating designs that are sympathetic to the existing streetscape character, including complementary design features such as pitched roofs, eaves, front verandahs/porches and building materials.</i>	
<i>Buildings of up to two storeys are appropriate, provided that the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i>	
<i>Buildings that present plain box-like built forms and limited detailing are generally inappropriate.</i>	
<i>Where a new building is built adjacent original dwelling stock, a lesser setback from the primary road frontage is anticipated, provided that the new building is designed to complement the existing streetscape character with regard to building design, articulation, roof form, materials and landscaping.</i>	
<i>Development will be interspersed with landscaping, particularly between the main road frontage and the building line, to enhance the appearance of buildings from the street, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i>	
<i>Amalgamation of properties is desirable where it will facilitate appropriately designed low-to-medium density development.</i>	
<i>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i>	

Relevant Principles of Development Control	Satisfies
<p>1 The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling ▪ supported accommodation. <p>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	

The proposal is considered to satisfy all of the relevant Zone and Policy Area considerations listed above. Zone and Policy Area provisions that are more quantitative in nature have not been listed above, and are detailed within the following Quantitative Snapshot table, and ~~pertinent~~ **HOME** matters, including the Desired Character, are discussed further within the Assessment Discussion thereafter.

Allotment Dimension

Site area	350m ²	Existing at 702.35m ²
Frontage width	10m	Existing at 16.46m
Depth	20m	Existing at 42.67m

Quantitative Snapshot

Criteria		Dwelling (Lot 33)	
Site coverage	40%	48.33% - 8.33% excess	Does Not Satisfy
Pervious area	20%	31%	Satisfies
Front setback	Average of, or in-line with adjacent Adjoining: approx. 7.6m North and 9.2m South. 7.6m required	7.4m	Minor departure
Carport/garage setback	5.5m and behind or in-line with main face	8.4m; 1m behind main face	Satisfies
Rear setback (ground)	6m, may be reduced to 3m for <50% rear width	13.882m; 16.402m	Satisfies
Side setbacks (ground)	0.9m	0.989m 1.2m	Satisfies
Wall on boundary	8 length, 3 height 1 side boundary	6.59m Length – 2.7m + 0.45m (NGL to FFL) = 3.15m Height 1 Side Boundary	Minor departure
Building height	2 storeys; 9m	1 storey; 6.9m from FFL	Satisfies
Private open space	20%	36% (254m ²)	Satisfies
Private open space dimension	5x5m	Rear yard 13.88m x 16.46m	Satisfies
Garage width	6m or 50% of dwelling façade width (the lesser)	6.12m (39%)	Minor departure
Off-street parking	2 (1 covered)	4 (2 covered)	Satisfies
On-street parking	1 per 2 allotments	Maintains existing arrangement	Satisfies

Assessment Discussion

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

- Site Coverage
- Wall on boundary

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Site coverage

The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area. The following considerations are noted with regard to the discrepancy in site coverage:

- (a) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below). Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.
- (b) The proposal is considered to partially comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for domestic storage, outdoor clothes drying, rainwater tanks, private open space, and convenient storage of household waste and recycling receptacles.
- (c) When the alfresco and verandah/porch area are excluded from the site area calculation, the floor area of the proposed dwellings equates to 45.09% which is comparable to other developments in the locality. Further, it is acknowledged the alfresco area functions as an area of private open space.

The proposed site coverage, measured at 339 square metres (total roofed area), is 61 square metres or 8.33% in excess. Elements such as verandah's, alfresco's and other outbuildings could be applied at a later date under Schedule 1A (Development that does not require development plan consent) and include a maximum site coverage of 60% without any planning assessment taking place.

This figure of 48.33% is justifiable in the context of Residential Development Principle 14 and Zone Principle 9, as it is not consequential upon the amenity of adjoining properties, nor the functionality of the sites, with sufficient setbacks, private open space and pervious area provided. Further, the built area is not considered out of character to that which has occurred on nearby land in the locality and as such is considered appropriate.

Wall on boundary

The garage wall proposed on the northern boundary of the subject allotment is beyond the prescribed height criteria of 3 metres specified within the Development Plan by an additional 150 millimetres. The effect of the boundary wall will only be of consequence to the adjoining property of 7 Jacaranda Grove, Oaklands Park as the boundary wall is sited on their common southern boundary. 7 Jacaranda Grove is setback approximately 2.66 metres at the closest point and set back to a further 5 metres towards the façade of 7 Jacaranda grove.

An condition has been included as part of the recommendation to ensure the boundary wall is finished in a professional manner, thus minimising any amenity impact on adjoin properties.

The Development Plan permits the construction of structure which incorporates a boundary wall with a maximum length of 8.0 metres and height of 3.0 metres, with no consideration attributed to the impact on the amenity of adjoining land. As discussed above, the excess in height when assessed against the Development Plan is unlikely to be visually obtrusive and will not have an unreasonable visual impact on the adjoining property.

The minor variances to the following criteria, as identified within the Quantitative Snapshot table, are considered to be justified and are discussed accordingly below:

- **Garage width**
- **Front setback**

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Garage width

Design and Appearance Principle 12 seeks that the maximum frontage width of garage or carport with an opening facing the street be 6 metres or 50 per cent of the width of the front façade of the dwelling (whichever is the lesser), the proposed garage exceeds this provision by a minor extent of 120mm.

The excess is considered to be minor and therefore inconsequential to the merits of the proposal. Furthermore, it should also be noted the garage opening width, at 39% of the dwelling façade, is in keeping with the portion of the provision which seeks garaging not exceed 50% the dwelling width.

Front setback

Where the setback difference between adjoining buildings is less than 2 metres, Design and Appearance Principle 22 seeks for the main face of a building to have the same setback as one of the adjoining buildings. The adjoining buildings have a front setback of approximately 7.6 and 9.2 metres. The proposed front setback is 7.4 metres, therefore 0.2 metres short of the numerical minimum. This shortfall is minor and inconsequential, as the proposed front setback maintains setback compatibility with the adjoining buildings and those of other buildings within the streetscape.

Further, Design and Appearance Principle 22 should not be viewed in isolation. The Policy Area's Desired Character envisages a lesser front setback where new buildings are built adjacent to original dwelling stock, provided that the new building complements existing streetscape character. As detailed further elsewhere within this report, the design features and landscaping of the proposal are considered to be sympathetic to the existing streetscape character, and as such, the proposed marginally lesser front setback is considered to have substantial merit.

CONCLUSION

On balance, the proposal achieves the majority of applicable Principles of Development Control contained within the Marion Council Development Plan. The only departure of note is the proposed boundary wall exceeding a height of 3 metres (when measured from existing ground level and site coverage). As discussed within this report, the departures from the quantitative guidelines are considered acceptable as they do not result in unreasonable impacts on occupants of adjacent allotments, nor the future occupants of the dwelling. The proposed development shall provide positive contribution to the streetscape character and is consistent with the emerging pattern of development in the locality.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993.

Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent, subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent be GRANTED for a single storey detached dwelling incorporating wall on northern boundary, of Development Application No: 100/1635/2020 at 5 Jacaranda Grove, Oaklands Park, subject to the following conditions:

CONDITIONS

- (1) The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/2020/1635 except when varied by the following conditions of consent.
- (2) Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention / Retention", to the reasonable satisfaction of the Council.
- (3) All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- (4) The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- (5) Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
- (6) All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with 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.
- (7) All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

**4. APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 20 JANUARY 2021**



4.1 APPEALS AGAINST PANEL DECISIONS

New Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status

On-going Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
100/2020/568	373 Diagonal Road, Sturt	3/11/20	Granted	Refused	Conference set 4th February 2021.

4.2 APPEALS AGAINST DELEGATED APPLICATIONS

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
100/2017.2090	79-81 Thomas Street, South Plympton	2/10/2020	Refused	Refused / Appeal Dismissed	Matter heard in the Supreme Court 10/11/20. Awaiting outcome.

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**5. POLICY OBSERVATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 20 JANUARY 2021**

