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- 1.2 PRESENT**
- 1.3 APOLOGIES**
- 1.4 IN ATTENDANCE**
- 2. APPLICATIONS**
 - 2.1 476-478 Morphett Road WARRADALE 5046**

The construction of a two storey residential flat building, comprising three (3) dwellings with associated driveway, landscaping and masonry front fence.
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 - 2.2 14 Shakespeare Avenue PLYMPTON PARK**

The construction of a two storey residential flat building comprising three dwellings with associated garages and landscaping
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 - 2.3 13 Macklin Street STURT**

Residential land division (Community Title- 1 into 3 allotments) and three, two-storey row dwellings, one of which incorporates a wall on the eastern boundary as well as associated garages and landscaping
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 - 2.4 4 Greenock Drive STURT – CONFIDENTIAL ITEM**

To construct a single storey residential flat building comprising three dwellings with associated landscaping and car parking
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- 3. OTHER BUSINESS**
 - 3.1 APPEALS UPDATE**
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- 4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON 04 MARCH 2020**
- 5. MEETING CLOSURE**

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 04 MARCH 2020**



1.1 OPEN MEETING

The Meeting commenced at 6.30pm

1.2 PRESENT

Terry Mosel - Presiding Member
Yvonne Svensson - Independent Member
Sue Giles - Independent Member
Nathan Sim - Independent Member
Councillor Maggie Duncan - Elected Member

1.3 APOLOGIES

Alex Wright- CAP Assessment Manager (Team Leader - Planning)

1.4 IN ATTENDANCE

Warwick Deller-Coombs- Manager - Development & Regulatory Services
Andrew Houlihan - Senior Development Officer - Planning
Nicholas Timotheou - Development Officer - Planning

2. HEARING OF APPLICATIONS

2.1 Report Reference: CAP040320 – 2.1

Application No: 100/201/2019

Site Location: 476-478 Morphett Road WARRADALE 5046

- Brigitta Kiss on behalf of Mrs Gizella Kiss (representor) answered questions of the Panel
- Mr Elvio Ferrara (Applicant) answered questions of the Panel

The Council Assessment Panel resolved that;

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 for Development Application No: 100/2019/201 for the construction of a two storey residential flat building, comprising three (3) dwellings with associated driveway, landscaping and masonry front fence, at 476 to 478 Morphett Road, Warradale be GRANTED Development Plan Consent, subject to the following conditions:

Conditions

Development Plan Consent

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/201/2019, being drawing number CRD/PC, prepared by TMK Consultant Engineers, and documentation titled Drainage Plan, and Plans Titled, "Morphett Rd Fence Elevation 1, Morphett Rd Front Elevation 2, Internal Rear Elevation 3, 4 and 5, Side (South) Fencing Elevation 6, Side South Elevation 7, Side (North) Elevation 8, Site & Ground Floor Plan and Site & Upper Floor Plan" (Inclusive) prepared by Elvio Ferrara Design & Construct P/L, except when varied by the following conditions of consent.
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. 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", to the reasonable satisfaction of the Council.

<https://cdn.marion.sa.gov.au/sp/Brochure-Stormwater-Detention-Retention.pdf>
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.

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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. 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.
7. All areas nominated as landscaping or garden areas on the approved plans shall be planted 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.
8. All existing vegetation nominated to be retained and all new vegetation 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.
9. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
10. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

DPTI Conditions

11. Access to Morphett Road shall be constructed in general accordance with Elvio Ferrara Design Site and Ground Floor Plan, Project No. 1725 A, Page 01/02, Issue A dated 30 July 2019.
12. The access point shall be suitably flared to Morphett Road to allow convenient ingress and egress movements in order to minimise disruption to the free flow of traffic. The flaring shall maintain 1 metre clearance from the Stobie pole located to the north of the access.
13. All vehicles shall enter and exit the site in a forward direction.
14. The shared vehicle manoeuvring area(s) shall be clear of all obstructions.
15. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Morphett Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.

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4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. 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.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Tree protection note

7. The mature tree *Corymbia maculata* (Spotted Gum) located adjacent the northern side boundary of the subject site within the neighbouring land at 474A Morphett Road, is exempt from the regulated tree provisions of the Development Act. However, this exemption does not absolved against potential civil liabilities if there is damage to the tree or damage caused by the tree in response to development activities at 476-478 Morphett Road.

Australian Standard 4970-2009 (Protection of trees on development sites) provides guidance on principles and best practices for protecting trees on or in close proximity to the land subject to development.

It is suggested that a project arborist with a sufficient level of qualification be engaged to provide advice in relation Australian Standard 4970-2009 and implement appropriate measures to protect the subject tree during and following construction.

2.2 Report Reference: CAP040320 – 2.2
Application No: 100/2019/1007
Site Location: 14 Shakespeare Avenue, Plympton Park

- Thomas Guerin (Representor) addressed the Panel

The Council Assessment Panel resolved that;

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 for Development Application No: 100/2019/1007 for the construction of a two storey residential flat building comprising three dwellings with associated garages and landscaping at 14 Shakespeare Avenue, Plympton Park, be REFUSED for the following reasons:
 1. The proposal is at variance to Northern Policy Area 13: Principles of Development Control 4 and Residential Zone: principles of Development Control 9 with respect to the non-compliance in site coverage and floor area ratio.
 2. The proposal fails to comply with the Residential Zone: Principles of Development Control 7 and General Section, Residential Development: Principles of Development Control 17 (e), due to a lack in private open space area and dimensions for Dwelling 3.
 3. The proposal fails to provide landscape areas which complement the built form and enhance the appearance of the road frontage as sought by General Section: Landscaping, Fences and Walls: Principles of Development Control 1 (a) and (b).
 4. The site area does not adequately satisfy Northern Policy Area 13: Principle of Development Control 3.
 5. The proposal does not adequately satisfy the Northern Policy Area 13: Objective 3.

CAP040320**2.3 Report Reference: CAP040320 – 2.3
Application No: 100/2019/1850 - 100/C185/19
Site Location: 13 Macklin Street, Sturt**

- Mr Yong of XG Build Pty Ltd (Applicant) answered questions of the Panel

The Council Assessment Panel resolved that;

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 and Land Division Consent for Development Application No: 100/2019/1850 for Residential land division (Community title - 1 into 3 allotments) and three two-storey row dwellings, one of which incorporates a wall on the eastern boundary, as well as associated garages and landscaping at 13 Macklin Street, Sturt, be GRANTED, subject to the following conditions:

ConditionsDevelopment Plan Consent

1. The development shall be carried out and maintained in accordance with the plans and details submitted with and forming part of Development Application No: 100/2019/1850 (SCAP REF: 100/C185/19) except where varied by the following conditions of consent.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from proposed Lots 1, 2 and 3 prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
4. 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", to the reasonable satisfaction of the Council.
<https://cdn.marion.sa.gov.au/sp/Brochure-Stormwater-Detention-Retention.pdf>
5. 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.

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6. 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.
7. 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.
8. 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.
9. 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.
10. All areas nominated as landscaping or garden areas on the approved plans shall be planted 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.
11. All existing vegetation nominated to be retained and all new vegetation 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.
12. 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, to the reasonable satisfaction of the Council.

Land Division Consent

1. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0091620)

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

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

2. Payment of \$15,232.00 into the Planning and Development Fund (2 allotment(s) @\$7,616.00/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

Notes

1. Demolition of the existing dwelling and/or other structures on the land cannot occur until a separate application has been lodged, assessed by and approved by the Council.
2. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2004.
3. 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.
4. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
5. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).

7:18pm Pursuant to Section 13(2)(a)(ix) of the Planning, Development and Infrastructure Regulations, the Panel resolve to exclude the public from attendance for the deliberation of item 2.4

XX CONFIDENTIAL ITEM

Report Reference: CAP040320 – 2.4

Application No: 100/2016/2159

Site Location: 4 Greenock Drive, Sturt

- **Konstantinos Barkoukis** (Applicant) addressed the Panel

The Council Assessment Panel resolved that;

The Council Assessment Panel having considered this matter in confidence under Section 13(2)(a)(ix) of the Planning, Development and Infrastructure Regulations determined that the decision of the Council Assessment Panel on this item be kept confidential and not available for public inspection until such time that appeal ERD -19-218 has concluded

7:37pm: Meeting re-opened to the Public

3. OTHER BUSINESS

3.1 APPEALS UPDATE

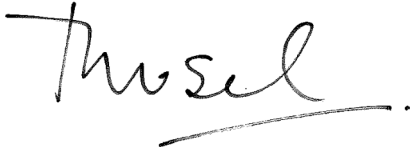
3.2 POLICY OBSERVATIONS

4. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 4 March 2020 taken as read and confirmed this fourth day of March 2020

5. MEETING CLOSURE

MEETING DECLARED CLOSED AT 7:46PM

A handwritten signature in black ink that reads "Terry Mosel". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Terry Mosel
Presiding Member