

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 5 SEPTEMBER 2018**



1.1 OPEN MEETING

The Meeting commenced at 6.30pm

1.2 PRESENT

Terry Mosel - Presiding Member
Don Donaldson - Independent Member
Nathan Sim - Independent Member
Councillor Janet Byram - Elected Member
Gavin Lloyd-Jones - Independent Member (Deputy Member)

1.3 APOLOGIES

Sue Giles - Independent Member

1.4 IN ATTENDANCE

Rob Tokley - CAP Assessment Manager (Team Leader - Planning)
Jason Cattonar – Manager - Development & Regulatory Services

CAP050918**2. HEARING OF APPLICATIONS****2.1 Report Reference: CAP050918 – 2.1****Application No: 100/2018/641****Site Location: 113H Perry Barr Road, Hallett Cove**

- Mr Stuart Davis (Representor) addressed the Panel
- Jeff Smith (Applicant's representative) and Mr Peter Potter (Applicant) 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: 100/2018/641 for a two storey detached dwelling incorporating a wall on the western boundary and associated earthworks at 113H Perry Barr Road, Hallett Cove be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2018/641, being drawings;
 - a. 1 of 7 to 5 of 5 (inclusive) prepared by DJG Designs
 - b. Civil Plan and Details prepared by MQZ Consulting Engineersexcept when varied by the following conditions of consent.
2. The western façade of the upper level (living room) balcony, shall incorporate fixed, opaque balustrading to no less than 1700mm in height above balcony floor level.
3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
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. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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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. 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.

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2.2 Report Reference: CAP050918– 2.2
Application No: 100/2017/2421
Site Location: 459 Cross Road, South Plympton

- No persons addressed the Panel in relation to this Item

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;
- (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: 100/2017/2421 for one two storey residential flat building comprising three dwellings, and landscaping at 459 Cross Road, South Plympton, be **REFUSED** for the following reasons:
 - (1) The proposal results in a poor streetscape outcome by virtue of the extensive hard-stand areas at the front of the site and minimal landscaping available. The proposal therefore fails to satisfy Residential Zone Objective 1, Northern Policy Area Objectives 3 and 5, Design and Appearance Objective 1 and Principle 14, Residential Development Principles 6(a), Landscaping, Fences and Walls Principles Principle 3 and Transportation and Access Principles 42, 44 and 45.
 - (2) The dwellings incorporate a footprint and bulk and scale exceeding that sought to be accommodated in the Northern Policy Area 13 failing to satisfy Residential Zone Principle 9, Northern Policy Area 13 Principle 4, Residential Development Principle 14 and 15.
 - (3) The extent of garaging as viewed from the streetscape dominates the presentation of the dwellings and is at variance to Residential Zone Objective 1, Northern Policy Area 13 Objectives 3, 5 and 6, Northern Policy Area 13 Desired Character statement and Residential Development Principle 12.

CAP050918**2.3 Report Reference: CAP050918 – 2.3
Application No: 100/2018/1781
Site Location: 21 Pemberton Street, Oaklands Park**

- No persons addressed the Panel in relation to this Item

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: 100/2017/1781 for a two-storey residential flat building comprising three dwellings with associated car parking and landscaping at 21 Pemberton Street, Oaklands Park be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/1781, being drawing numbers A000 (Revision J), A001 (Revision J), A003 (Revision J), A004 (Revision J), A005 (Revision J), A006 (Revision J) A007 (Revision J) and A009 (Revision J), prepared by Yogo Design & Consulting, received by Council on 16 August 2018, and arborist report from TreeTechnique dated 29 August 2018, except when varied by the following conditions of consent.
2. All recommendations contained within the TreeTechnique arborist report under the headings, 'Predevelopment Phase', 'Development Phase' and 'Post Development', shall be undertaken in accordance with that report.
3. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
4. The existing River Red Gum tree (*Eucalyptus camaldulensis*) located in the south eastern corner of the property shall be retained. The area beneath the tree's canopy shall be retained at its existing level at all times with no excavation or fill occurring. (Please note that at any time in the future, if a property owner wishes to remove this tree, an approval from the Council must be obtained).
5. 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.

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6. A landscaping plan shall be submitted to Council for consideration and approval, detailing a mix of native medium and low-level plantings throughout the front yard areas of the properties.
7. 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.

Note: A copy of the information guide can be viewed at the City of Marion webpage www.marion.sa.gov.au/page.aspx?u=181

8. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
9. 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.
10. 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.
11. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

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.
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.

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7. Regarding the significant tree which is to be retained, the applicant is advised to consult Australian Standard AS 4970 – 2009 Protection of Trees on Development Sites to ensure the incorporation of protective fencing, mulch and appropriate remedial treatments.

Requirements of the new standard include:

- The establishment of Tree Protection Zones to restrict activities including the dumping of waste, machine excavation, storage and preparation of chemicals, and physical damage to trees;
- The erection of protective fencing around a Tree Protection Zone prior to machinery or materials brought onto the site;
- The use of approved signs to identify the Tree Protection Zone;
- Mulching, watering and weed removal recommendations to maintain the tree protection zone.

Regular monitoring of tree protection measures should be undertaken throughout the development and construction process to ensure that any trees to be retained on the site are carefully managed to ensure their long-term survival and growth.

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7.31pm Janet Byram declared a conflict of interest with Item 2.5 and 2.6 and left the meeting.

2.5 Report Reference: CAP050918 – 2.5
Application No: 100/2017/2075 – 100/D258/2017
Site Location: 22 Moor Crescent, Hallett Cove

- No persons addressed the Panel in relation to this Item

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, Land Division Consent and Development Approval for Development Application No: 100/2075/2017 for Land Division Residential Torrens Title - 1 in to 2 allotments at 22 Moor Crescent, Hallett Cove be REFUSED subject to the following conditions:

REASONS FOR REFUSAL

1. Allotment 1 does not meet the minimum site area and site depth requirements for dwellings in the Southern Policy Area 18 and is at variance with Principle of Development Control 4 of Southern Policy Area 18 and Principles of Development Control 2(a) & 2(f) of the Land Division section of the Development Plan.
2. The retention of the existing dwelling results in no or limited rear boundary setbacks for the ground floor and first floor components of the dwelling thereby not satisfying Objective 2 and 3 of the Land Division section of the Development Plan with regards to integration with adjacent land uses.

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7.33pm 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 Items 2.6, 2.7 and the remainder of the meeting where development applications subject to an appeal are being considered.

2.6 CONFIDENTIAL ITEM

Report Reference: CAP050918 – 2.6

Application No: 100/2017/1127

Site Location: 22 Moor Crescent, Hallett Cove

- No persons addressed the Panel in relation to this Item

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-18-97 has concluded

CAP050918

7.35pm Janet Byram re-entered the meeting

7.35pm Gavin Lloyd-Jones declared a conflict of interest with Item 2.4 and left the meeting.

2.4 CONFIDENTIAL ITEM

Report Reference: CAP050918

Application No: 100/2017/2290

Site Location: 15 Beaumont Street, Clovelly Park

- No persons addressed the Panel in relation to this Item

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-18-135 has concluded

CAP050918

7.48pm Gavin Lloyd-Jones re-entered the meeting.

2.7 CONFIDENTIAL ITEM

Report Reference: CAP050918 – 2.7

Application No: 100/2017/2097

Site Location: 10 Tennyson Avenue, Plympton Park

- No persons addressed the Panel in relation to this Item

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-18-111 has concluded

7:50pm The meeting was re-opened to the public

OTHER BUSINESS

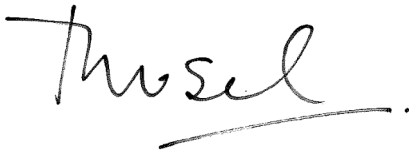
- 3.1 ACCREDITED PROFESSIONAL SCHEME
- 3.2 APPEALS UPDATE
- 3.3 POLICY OBSERVATIONS

4. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 5 September 2018 taken as read and confirmed this fifth day of September 2018.

5. MEETING CLOSURE

MEETING DECLARED CLOSED AT 8.11PM

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