

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 6 DECEMBER 2017**



1.1 SITE INSPECTION

The Meeting commenced at 12 Ruth Court, Marino at 5.30pm, concluding at 5.50pm

1.2 PRESENT

Terry Mosel - Presiding Member
Sue Giles - Independent Member
Janet Byram - Elected Member

1.3 APOLOGIES

Don Donaldson - Independent Member
Nathan Sim - Independent Member

1.4 IN ATTENDANCE

Rob Tokley - CAP Assessment Manager (Acting Manager – Development and Regulatory Services)
Alex Wright – Acting Team Leader - Planning
Nicholas Timotheou - Development Officer - Planning

1.5 MEETING COMMENCEMENT

The meeting re-commenced at the Council chambers at 6.30pm

1.6 PRESENT

Terry Mosel - Presiding Member
Don Donaldson - Independent Member
Sue Giles - Independent Member
Nathan Sim - Independent Member
Janet Byram - Elected Member

1.7 IN ATTENDANCE

Rob Tokley - CAP Assessment Manager (Acting Manager – Development and Regulatory Services)
Alex Wright – Acting Team Leader - Planning
Nicholas Timotheou - Development Officer - Planning

2. HEARING OF APPLICATIONS**2.1 Report Reference: CAP061217 – 2.1****Application No: 100/2017/1222****Site Location: 849 Marion Road, Mitchell Park**

- Sam McInnes of Hurley Hotel Group (Applicant), Julie Jansen of Masterplan and Aaron Schintler of Studio Nine Architects 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, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;**
- (b) The proposed development is not seriously at variance to the Marion (City) Development Plan; and**
- (c) That Development Plan Consent for Development Application No: 100/2017/1222 for alterations and additions to the existing hotel, including a five storey addition, part of which shall be used for tourist accommodation (motel), advertisement displays, alterations to car parking and to remove a Regulated Tree (Corymbia citriodora (Lemon Scented Gum)) at 849 Marion Road, Mitchell Park be GRANTED subject to the following Reserved Matters and conditions:**

RESERVED MATTER

Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matter/s. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.

- 1. Provision of a landscape plan detailing the location, species and projected growing height of additional plantings to be installed throughout the development site. The species of plantings shall have a projected growing height similar to or greater than the trees sought to be removed as part of this application.**
- 2. Provision of an integrated stormwater management plan detailing the capture and reuse of roof water throughout the building and site, to the reasonable satisfaction of Council.**

Pursuant to Section 33(3) of the Development Act 1993 the Council reserves its decision on the form and substance of any further conditions of development plan consent that it considers appropriate to impose in respect of the reserved matter outlined above.

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. 100/1222/2017, being the following;**
 - **Drawing No. 0910-329-PA01, 0910-329-PA03 to 0910-329-PA12 (inclusive) and Drawing No. 0910-329-PA02 Revision B, received by Council on 27 September**

2017 and 24 November 2017 (respectively) and prepared by Studio Nine Architects

- 'Planning Report' prepared by Master Plan, received by Council 27 September 2017
 - 'Transport Impacts Assessment' prepared by GTA Consultants, received by Council 27 September 2017
 - 'Stormwater Management Plan' prepared by Wallbridge Gilbert Aztec, received by Council 27 September 2017, except where superseded by the 'Stormwater Development Plan', Sheet No. SK1 Revision C, received by Council 24 November 2017
 - 'Development Impact Report' prepared by Arborman Tree Solutions, received by Council 27 September 2017, with particular attention to the ten recommendations on page 18 of 25 of that report
- except when varied by the following conditions of consent.

2. All deliveries to and from the site (including waste collection) shall be restricted to the following times:
 - Monday to Saturday from 7:00am until 7:00pm; and
 - Sunday from 9:00am until 5:00pm.
3. Other than the Regulated *Corymbia citriodora* proposed for removal, all Regulated and Significant trees 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).
4. Prior to commencement of any site works, a "Tree Protection Area", consisting of a 2.0m high solid, chainmesh, steel or similar material fence with posts at 3m intervals, shall be erected at the distance identified in the 'Development Impact Report' prepared by Arborman Tree Solutions, received by Council 27 September 2017 for the applicable Regulated and Significant Trees. A sign displaying the words "Tree Protection Area" shall be placed on the fence and no persons, vehicles or machinery shall enter the Area and no goods, materials or waste shall be stored within the Area until after construction is complete. A layer of organic mulch (woodchips) to a depth of 100mm shall be placed over all root systems within the Area to assist with moisture retention and to reduce impact of compaction and supplementary watering shall be provided through any dry periods during the construction process.
5. Any structural roots (i.e. greater than 25mm in diameter) of any Significant OR Regulated tree to be retained that are uncovered outside of the Tree Protection Area shall be retained where possible or, if not, shall be severed by saw cutting, sharp axe or secateurs and not with a backhoe or machinery or blunt instrument. Wounds shall be immediately dressed with a commercially available tree-wound healing compound.
6. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the Environment Protection (Noise) Policy 2007, or subsequent legislation.
7. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment and shall be screened from public view to the reasonable satisfaction of Council.
8. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.

9. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
10. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
11. 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.
12. The advertisements and supporting structures shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.

Department of Planning, Transport and Infrastructure Conditions

13. The access points shall be constructed in general accordance with Studio Nine, Site Plan Proposed, Drawing No. 0910-329-PA02, Revision B, dated 22/11/2017. In particular, the northern Marion Road access point shall cater for entry only movements and the southern Marion Road access shall cater for egress movements only.
14. The separate entry and exit access points to Marion Road shall be angled 70° to the road and narrowed in width to 3.5 metres (at the property boundary) for entry movements and 4.0 metres wide (at the property boundary) for egress movements.
15. The Marion Road access points shall be suitably flared to allow convenient ingress and egress movements in order to minimise disruption to the free flow of traffic.
16. Signage and line marking shall be provided that defines and reinforces the desired traffic flow through the site, particularly at the Marion Road access points.
17. All car parking located immediately north of the drive through shall be angled parking to reinforce the one-way flow through this area of the site.
18. All parking areas required for drop off/pick up services shall be dedicated for this purpose to ensure vehicular conflict is minimised.
19. The largest delivery vehicle permitted on site shall be restricted to a vehicle 10.0 metres in length.
20. All delivery vehicles shall gain access to the site in accordance with the route shown on GTA Appendix B.
21. The dedicated loading/unloading zone (adjacent to Thorne Crescent, refer GTA Figure 6.1) shall be clearly line marked and externally signed in order to minimise vehicle/pedestrian conflict.
22. All vehicles shall enter and exit the site in a forward direction.

23. Any portions of redundant crossover shall be closed and reinstated to Council's satisfaction at the applicant's cost prior to business becoming operational.
24. All car parking areas shall be designed and constructed in accordance with AS/NZS 2890.1:2004 and 2890.6:2009.
25. The commercial parking areas shall conform to AS 2890.2-2002: Off-street commercial parking facilities.
26. All bicycle facilities shall be designed and constructed in accordance with AS2890.3:2015 - Bicycle parking facilities.
27. All signs visible from adjacent roads may use LED lighting for internal illumination of a light box only. No element of LED or LCD display shall otherwise be included in the design.
28. All signs visible from adjacent roads shall be limited to a low level of illumination so as to minimise distraction to motorists.
29. All signs visible from adjacent roads shall not contain any element that flashes, scrolls, moves or changes.
30. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
31. All stormwater generated by the development shall be appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

NOTES:

1. 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).
2. 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.
3. 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.).
4. 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. 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.

CAP061217

**2.2 Report Reference: CAP061217 – 2.2
Application No: 100/2017/1727
Site Location: 28 Percy Avenue, Mitchell Park**

- Marcus Rolfe, Peter Spain and Peter McCabe on behalf of Edge Architects (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: 100/1727/2017 for alterations and additions to an existing educational establishment including demolition of existing building and construction of one two storey building and one single storey building, various alterations and additions to existing buildings, construction of 10 temporary transportable buildings for the life of construction, alterations to existing eastern car park and access and new on-site car parking located to the western side of the site at 28 Percy Avenue, Mitchell Park be GRANTED subject to the following conditions:**

RESERVED MATTER

Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matters. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.

- 1. 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, the location of all existing street infrastructure and street trees and stormwater disposal methods and locations.**

Pursuant to Section 33(3) of the Development Act 1993 the Council reserves its decision on the form and substance of any further conditions of development plan consent that it considers appropriate to impose in respect of the reserved matter outlined above.

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1727/2017, being the following;**
 - **'Stage 1 Site Plan', 'Proposed Ground Floor', 'Proposed Upper Floor' prepared by Edge Architects, received by Council on 21/11/2017**

CAP061217

- ‘Marymount/Good Samaritan Centre Elevations’ & ‘Staff centre, Performing Arts Space & Canteen’ prepared by Edge Architects, received by Council on 18/09/2017
- ‘Stormwater Management Plan’ prepared by PT Design, received by Council on 18/09/2017

except when varied by the following conditions of consent.

2. 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.
3. Road humps conforming to the requirements of the Manual of Legal Responsibilities and Technical Requirements for Traffic Control Devices Part 2 – Code of Technical Requirements (The Code of Practice), or subsequent legislation/ Code or Requirements shall be installed along the driveway on the western side of the school (adjacent Walter Avenue).
4. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
5. Directional signs indicating the location of car parking spaces must be provided on the subject land and maintained in a clear and legible condition at all times.
6. 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.
7. 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.
8. A trap shall be installed as part of the site’s stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council’s stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order to the reasonable satisfaction of the Council.

NOTES

1. Any variation/amendment to the plans and documentation granted Development Plan Consent will require further approval from the Council. If the amendments are deemed to be minor in nature in the opinion of the Council, they may be accepted as part of the current application pursuant to Regulation 47A of the Development Regulations 2008. Alternatively, if in the opinion of the Council, the variation(s) are not considered to be minor in nature, a new variation application must be lodged with the Council for assessment against the relevant Marion Council Development Plan.
2. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. 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 2000.

3. In undertaking the subject development the applicant should consider the retention of any existing trees and the replacement of any removed with suitable species in appropriate locations.
4. 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.
5. 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).
6. Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development, to the reasonable satisfaction of the Council. (A suggested measure is to install a gravelled construction exit with wash down facilities).

CAP061217

2.3 Report Reference: CAP061217 – 2.3
Application No: 100/2016/1993
DAC Reference: 100/C241/16
Site Location: 2 Kurrajong Place, Seacombe Gardens

- James Szabo and Esmond Fok on behalf of Distinctive Housing Solutions 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: 100/1993/2016 (DAC Reference: 100/C241/16) for Land Division Residential Community Title - 3 into 10 allotments and the subsequent construction of two single storey group dwellings and eight, two storey row dwellings (two groups of four) at 2 – 4 Kurrajong Place and 18 Ramsay Avenue, Seacombe Gardens be GRANTED 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. 100/1993/2016 (DAC Reference: 100/C241/16), being drawing number(s) 1 through 22 – Revision D (inclusive) prepared by ET Design, Stormwater Disposal Sketch SW1 – Revision A prepared by CRW Consulting Engineers received by Council on 19/10/2017 and documentation titled ‘Shadow Diagrams’ and ‘Ingress Turn Paths’, ‘Egress Turn Paths’ prepared by CIRQA, except when varied by the following conditions of consent.**
- 2. The areas nominated as “impervious pavers or paving” on the Landscape Plan (Page 4 of 21) shall incorporate pervious/permeable paving. Amended plans shall be provided to Council, for consideration and approval, prior to Development Approval being issued.**
- 3. 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.**
- 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 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 Retention/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

6. 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.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. The portion of the all upper floor windows (other than those facing a public street) less than 1.7 metres above the internal floor level shall be treated prior to occupation of the building and maintained in a manner that permanently restricts views of adjoining property's yards and/or indoor areas being obtained by a person within the room, to the reasonable satisfaction of the Council.
9. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division 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.
10. 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 the subject land, 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.
11. 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.

Land Division Consent

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0051919).

For SA Water to assess this application, the developer must advise SA Water the preferred servicing option. Information can be found at:

<http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information>. For queries call SAW Land Developments on 74241119. An investigation will be carried out to determine if connections to the development will be standard or nonstandard.

The developer must inform potential purchasers of the community lots of 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 \$46,732 into the Planning and Development Fund (7 allotments @ \$6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the

Development Assessment Commission 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 Development Assessment Commission for Land Division Certificate purposes.

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.

CAP061217

- 2.4 Report Reference: CAP061217 – 2.4**
Application No: 100/2017/947
Site Location: 11L Main South Road, 1518-1522 Main South Road and Strata Plan
694 Main South Road, Sturt

This application was withdrawn from consideration prior to the commencement of the meeting

CAP061217

**2.5 Report Reference: CAP061217 – 2.5
Application No: 100/2017/1786
Site Location: 30 Nelson Street, South Plympton**

- Mr. Jankovic on behalf of Ms Vedrana Damjanic (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 notes this report;**
- (b) The Panel concurs 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 a decision for Development Application No: 100/1786/2017 for one single storey detached dwelling and one single storey residential flat building comprising two dwellings at 30 Nelson Street, South Plympton be DEFERRED for the following reason:**
 - 1. For the purpose of the applicant being given the opportunity to reconsider the design with the overall objective to reduce the total site coverage.**

OTHER BUSINESS**3.1 CONFIDENTIAL ITEM
CAP061217 - 3.1**

- Mr John Adam (Applicant) answered questions of the Panel
- Daniel Harris on behalf of Mr Jack Pete (Applicant) answered questions of the Panel (for item 3.2)

8.50pm Pursuant to Section 56A(12)(ix) of the Development Act, 1993, the Panel resolve to exclude the public from attendance for the deliberation of Item 3.1 & 3.2 and the meeting remain closed thereafter.

The Council Assessment Panel resolved that;

- (a) **The Panel notes this report, has considered all relevant planning matters and concurs with the findings and reasons for the recommendation;**
- (b) **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;**
- (c) **The Panel advises the Court that its support for the compromise proposal as detailed hereunder has taken into account the impact of the southern elevation of the building and its re-siting on the subject land on the visual amenity now available to the occupants of 12 Ruth Court, Marino; and**
- (d) **That the Council Assessment Panel advise the Environment, Resources and Development Court that Council supports the compromise proposal submitted by Mr John Adam for Development Application No: 100/745/2016 at 6 George Court, Marino and recommends the following Reserved Matter and Conditions:**

RESERVED MATTER

Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matter/s. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.

1. **A detailed final (non-preliminary) geotechnical report prepared by a suitably qualified engineer which:**
 - a. **Confirms the footing designs are consistent with the Geotechnical Report recommendations submitted as part of the original land division process 100/C001/01 and 100/DA49/98.**
 - b. **confirms that the proposed dwelling can be constructed so as to be safe and stable;**
 - c. **specifies the necessary foundation and footings design to do so;**
 - d. **specifies the requirements for the formation of stable banks;**
 - e. **specifies the requirements for site drainage necessary for site stability; and**
 - f. **sets out any other necessary measures for site stability.**

Pursuant to Section 33(3) of the Development Act 1993 the Council reserves its decision on the form and substance of any further conditions of development plan consent that it considers appropriate to impose in respect of the reserved matter outlined above.

NOTE: the final geotechnical report identified above may necessitate changes to the plans herein granted development plan consent. If that is so, a variation application must be submitted in relation to those changes.

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/745, being drawing numbers A101, A102, A103, A104, A105, A106, A107, A201, A202, A203, A204, A205, A301, A302 - Revision I prepared by John Adam Architects, except when varied by the following conditions of consent.**
- 2. 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 and maintained for the life of the proposed development, to the reasonable satisfaction of the Council.**
- 3. 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.**
- 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.**
- 7. All ancillary swimming pool plant/equipment shall be located a minimum 5.0 metres from any adjoining neighbouring dwelling and shall be contained within a sound reducing enclosure.**

**3.2 CONFIDENTIAL ITEM
CAP061217 - 3.2**

The Council Assessment Panel resolved that;

- (a) The Panel notes this report and has considered all relevant planning matters;
- (b) 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 the Council Assessment Panel advise the Environment, Resources and Development Court that Council does not support the compromise proposal submitted by Mr Jack Pete for Development Application No: 100/2016/2004 at 67 Lascelles Avenue, Warradale.

3.3 AMENDMENT TO CAP OPERATING PROCEDURES

The Council Assessment Panel resolve to;

3.3.1. Amend clause 4.4 of the General Operating Procedures to read, "On the confirmation of the Minutes, the Member presiding at the meeting will"; and

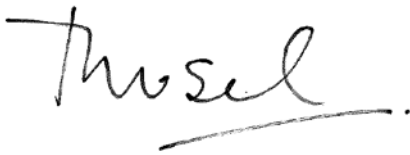
3.3.2. Remove clause 4.4.1 of the General Operating Procedures, which required the Presiding Member to "initial each page of the Minutes..." and the general operating procedures re-numbered accordingly

3.4 APPEALS UPDATE**3.5 POLICY OBSERVATIONS****4. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 6 December 2017 taken as read and confirmed this sixth day of December 2017

5. MEETING CLOSURE

MEETING DECLARED CLOSED AT 9.36PM

A handwritten signature in black ink, appearing to read "Terry Mosel", with a horizontal line underneath.

Terry Mosel
Presiding Member