

**CITY OF MARION  
COUNCIL ASSESSMENT PANEL MINUTES  
FOR THE MEETING HELD ON  
WEDNESDAY 7 FEBRUARY 2018**

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**1.1 OPEN MEETING**

The Meeting commenced at 6.32pm

**1.2 PRESENT**

Terry Mosel - Presiding Member  
Sue Giles - Independent Member  
Nathan Sim - Independent Member  
Councillor Luke Hutchinson - Elected Member

**1.3 APOLOGIES**

Councillor Janet Byram - Elected Member  
Don Donaldson - Independent Member

**1.4 IN ATTENDANCE**

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

## 2. HEARING OF APPLICATIONS

### 2.1 Report Reference: CAP070218 – 2.1

Application No: 100/2017/39

Site Location: 15 Finness Street & 47-49 George Street, Marion

The Council Assessment Panel note receipt of the additional assessment report received via email on Friday 2 February 2018, noted as addendum A (attached) to the report for Item 2.1

- Mr Bruce James Griffin (Representor) addressed the Panel
- Bill Stefanopoulos of Town Planning Advisors and Tom Wilson of CIRQA on behalf of Mr Anthony Lenzi (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: 100/39/2017 for the construction of two single-storey buildings, one containing a childcare centre, the other comprising an office, consulting rooms and retail tenancy and incorporating a wall on the northern boundary, as well as associated car parking, fencing, bollards, landscaping, and a waste storage and collection area at 15 Finness Street & 47 - 49 George Street, Marion be GRANTED subject to the following reserved matters and conditions:

### RESERVED MATTERS

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, and the location of all existing street infrastructure and street trees.
2. Bicycle facilities shall be provided in accordance with Australian Standard AS 1742.9 2000 "Manual of uniform traffic control devices Part 9: Bicycle facilities".
3. The proposal plans shall be amended to provide appropriate 'end-of-journey' facilities in accordance with Principle of Development Control 19 of General Section: Transportation and Access of the Marion Council Development Plan.

**CONDITIONS**

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/39/2017, being drawing number(s) A-2201 'Site Plan', A-2202 'Floor Plan' and 2203 'Elevations' prepared by D'Andrea & Associates (SA) Pty. Ltd. Building Designers and received by Council 04/08/2017 and the 'Expanded tree report: 15 Finnis St & 47-49 George St, Marion, SA – Arboricultural assessment of five regulated/significant trees in relation to a proposed development' prepared by Calyptra Pty Ltd (trading as Dean Nicolle) and received by Council 13/10/2017, except when varied by the following conditions of consent.
2. Hours of operation shall be restricted to the followings times;
  - a) Childcare Centre: 6:30am to 6:30pm Monday to Friday (excluding public holidays)
  - b) The use of the external play area associated with the childcare centre shall be restricted to 7:00am to 6:30pm Monday to Friday (excluding public holidays)
  - c) Shop tenancy: 7:00am to 7:00pm on any day
  - d) Consulting rooms: 8:00am to 6:00pm on any day
  - e) Office tenancy: 8:00am to 6:00pm Monday to Friday (excluding public holidays)
3. A revised landscaping plan shall be provided that includes a greater variety of species (including eucalypts where appropriate) to the perimeter and throughout the car parking area with mature growth heights and canopies to provide meaningful shade to the car parking area.
4. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and 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.
5. Anti-graffiti treatment shall be applied to the wall on the north eastern boundary of the site adjacent the Sturt River prior to occupation of the buildings.
6. Stormwater from the structures approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with specifications contained in Council's Information Sheet "Stormwater Detention" to the reasonable satisfaction of the Council. The information sheet is available at the following address;  
<http://www.marion.sa.gov.au/webdata/resources/files/Stormwater-Detention-Brochure.pdf>
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. 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.

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9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. 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 to the reasonable satisfaction of the Council.
11. 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.
12. The following measures shall occur to protect Significant Trees and Regulated Trees on adjoining land;
  - a) A suitably qualified and experienced Project Arborist is to be appointed prior to the commencement of construction works to ensure the specified Tree Protection Zones are maintained throughout the construction phase of the project.
  - b) Access to the designated Tree Protection Zones will be controlled via the erection of protective fencing which is to be fixed in place at the recommended Tree Protection Zone distances on all sides where development is proposed within the proposed development site before the commencement of demolition or site clearance and is to remain in place for the duration of the construction phase. The fencing shall consist of 2.0 metre high, solid chain-mesh, steel or similar fabrication with posts at 3 metre intervals. The fence shall incorporate on all sides, a clearly legible sign displaying the words "Tree Protection Zone" No activity is to take place within the Tree Protection Zones without prior approval of the appointed Project Arborist. Additional watering is to be applied through extended dry periods (where there is no substantial rain for four weeks) within the designated Tree Protection Zone areas.
  - c) The use of tree sensitive systems for those sections of the proposed development (building footprints) that encroach into the designated Tree Protection Zones of Trees 1 – 5 (as identified in 'Expanded tree report: 15 Finnis St & 47-49 George St, Marion, SA – Arboricultural assessment of five regulated/significant trees in relation to a proposed development' prepared by Dean Nicolle) is required to reduce the level of encroachment. Such systems must incorporate above-grade beams, linking the piers with the sub flooring and permeable surfaces where pavement and hardstand is proposed.

Natural ground must be maintained with no cut and fill occurring to natural ground levels. The following shall guide the construction of the proposed systems that occur within the designated Tree Protection Zones:

- All excavation within any Tree Protection Zone areas is to be completed using non-destructive techniques such as hydrovac or similar and under the supervision of a suitably qualified Arboriculturist. Piers are to be pre-excavated using non-destructive techniques as specified above to 1 metre to ensure no significant roots are present in the proposed area of the pier.
- Where roots are encountered, the project Arborist is to determine the significance of the root/s to tree health and treat accordingly i.e. prune or remove the root or move the pier to a more suitable location.

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- If level surfaces are required they shall be established above the existing natural ground level (and geotextile fabric) using a porous sub base material such as a structural soil such as SPACE (structurally permeable aerated compactable earth). These materials can be compacted.
  - Heavy machinery is not permitted for the removal of existing pavement or to achieve desirable levels within a Tree Protection Zone. They should work carefully from outside the Tree Protection Zone or have ground protection in place when working within the Tree Protection Zone.
  - Finished hardstand areas shall be permeable.
- d) Any existing services running through the Tree Protection Zone areas must be re-used or new services relocated outside of the Tree Protection Zone. Installation of new underground services within the Tree Protection Zone areas is undesirable, only non-invasive installation methods, such as directional boring or hand digging etc. shall be used. Trenching by machinery shall not be used under any circumstances. Any excavation within the Tree Protection Zones shall be carried out under the supervision of the project arborist to identify roots critical to tree health and stability.
- e) All undeveloped areas below the canopies of the subject trees shall be converted to soft landscaping once the proposed development has been completed. Soft landscaping could include a garden area covered with a 75 mm thick layer of organic mulch (e.g. Forest Mulch), and interplanted with small-growing, preferably local, native species.
- f) All works within the designated Tree Protection Zones shall be carried out under the guidance of a qualified arborist.

All works encroaching into the Tree Protection Zone of the subject trees must be undertaken carefully and completed with hand-tools, no machinery unless specified.

No servicing and/or refuelling of equipment and/or vehicles shall occur within the Tree Protection Zones.

No activity involving or using fuel, oil or chemicals shall be conducted within the Tree Protection Zones.

No storage of material, building rubble, construction materials, equipment or temporary buildings/structures within the Tree Protection Zones.

No changes to natural ground level within the Tree Protection Zones should be made (except those specified).

- g) All other works associated with the subject development are to follow the Tree Protection Measures outlined within the Australian Standard AS4970-2009 Protection of trees on development sites.

## 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.

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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.

## CAP070218

**2.2 Report Reference: CAP070218 – 2.2  
Application No: 100/2014/1902  
Site Location: 20 Melville Street, South Plympton**

The Council Assessment Panel note receipt of the additional assessment report and revised recommendation received via email on Friday 2 February 2018, noted as addendum B (attached) to the report for Item 2.2.

- 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:

- The Panel note this report and concur with the findings and reasons for the recommendation;
- 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
- That Development Plan Consent and Land Division Consent for Development Application No: 100/2014/1902 (100/D236/14) for a Torrens Title land division (1 into 3 allotments) and subsequent construction of three two storey row dwellings at 20 Melville Street, South Plympton be subject to the following conditions:

#### CONDITIONS

##### *Development Plan Consent*

- The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1902, except when varied by the following conditions of consent.
- A revised landscape plan shall be provided to Council for consideration and approval, detailing an increase in the number of plantings forward of the dwellings, and including a tree species with a minimum mature growth height of 5.0 metres.
- 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](http://www.marion.sa.gov.au/page.aspx?u=181)*

- 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.
- 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.

6. 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.
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. 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.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. 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.

#### *Land Division Consent*

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.
2. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
3. Payment of \$12976 into the Planning and Development Fund (2 allotments @ \$6488/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://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, 136 North Terrace, Adelaide.
4. 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. This approval has been granted on the basis of the suitability of the land for two storey row dwellings as demonstrated in Development Application No: 100/2014/1902. Should the proposed allotments be created and sold without that development occurring, new applicants/owners should be aware that any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council. Please note that the proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or row dwellings) and other dwelling layouts may not be suitable for the proposed allotments.



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2. **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.**
3. **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).**
4. **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.**
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.).**
6. **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.**
7. **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.**

## CAP070218

**2.3 Report Reference: CAP070218 – 2.3  
Application No: 100/2017/2307  
Site Location: 21 Bowden Grove, 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: 100/2017/2307 for four, single storey row dwellings at 21 Bowden Grove, 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. 100/2017/2307, except when varied by the following conditions of consent.**
- 2. 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 stormwater disposal to the street and the location of all existing street infrastructure and street trees.**
- 3. Stormwater connection to the street shall be located no closer than 2.5 metres from the face of the trunk of the existing street trees.**
- 4. 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.**
- 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.**
- 6. 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](http://www.marion.sa.gov.au/page.aspx?u=181)**

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7. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and 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.
8. 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.
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.

## NOTES

1. The applicant is reminded that payment of \$350 is required for the removal and replacement of the existing juvenile street tree adjacent proposed Dwelling 3. Payment must be received prior to the issue of Development Approval.
2. 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.
3. 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).
4. 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.
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.

**2.4 Report Reference: CAP070218 – 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**

- 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: 100/2017/947 for a dwelling in association with a retail showroom at 11L Main South Road, 1518-1522 Main South Road and Strata Plan 694 Main South Road, Sturt be REFUSED for the following reasons:**
  - 1. The proposal does not minimise potential adverse impacts from non-residential activities in the locality and does not reflect good residential design principles, failing to satisfy Northern Policy Area 13 Objectives 2 and 5**
  - 2. The proposal will result in adverse impacts upon future occupants of the dwelling, at variance to Interface Between Land Uses Objectives 1 and 3 and Principles 4 and 5.**
  - 3. The proposal provides inconvenient parking area and predictable movement of persons; failing to satisfy Crime Prevention Objective 1 and Principle 10.**
  - 4. The proposal will not provide for safe, pleasant living environment and is at variance to Residential Development Objective 1 and Principles 27, 28 and 30.**
  - 5. The private open space provided for the dwelling is considered to have limited amenity, due to the location and design of the space, and fails to satisfy Residential Development Principles 16(h), 16(j) and 22.**

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**2.5 Report Reference: CAP070218 – 2.5  
Application No: 100/2017/1948  
Site Location: 2 Paringa Avenue, Marino & 40A Jervois Terrace, Marino**

- 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: 100/1948/2017 for Land Division Residential Torrens - 2 in to 2 allotments (boundary realignment) at 2 Paringa Avenue, Marino be GRANTED subject to the following conditions:**

#### CONDITIONS

##### *Development Plan Consent*

- 1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No. 100/1948/2017, except when varied by the following conditions of consent.**
- 2. 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 SA Water shall be met for the provision of water supply and sewerage services. The alteration of internal drains to the satisfaction of SA Water is required.**

**Subject to our new process, 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.**

**On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.**

- 2. 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.**

**3. OTHER BUSINESS**

Mr Rob Gagetti (on behalf of the applicant) answered question of the Panel

7.29pm 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.

**3.1 CONFIDENTIAL ITEM  
CAP070218 - 3.1**

7.53pm: Meeting re-opened to the Public

**3.2 APPEALS UPDATE**

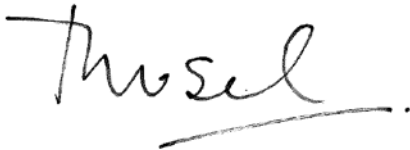
**3.3 POLICY OBSERVATIONS**

**4. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 7 February 2018 taken as read and confirmed this seventh day of February 2018.

**5. MEETING CLOSURE**

**MEETING DECLARED CLOSED AT 8.00PM**

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 line.

***Terry Mosel***  
***Presiding Member***

**REPORT REFERENCE: CAP070218 – 2.1  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 7 FEBRUARY 2018**



ADDENDUM TO ITEM 2.1

The following Marion Council Development Plan Principles of Development Control were omitted from the published *Notice of Council Assessment Panel Meeting for Wednesday 7 February 2018* and should be inserted after the 'Significant Trees' section on page 21 and before the 'Table Discussion' on page 21.

Centres and Retail Development	
<p><i>Shopping, administrative, cultural, community, entertainment, educational, religious and recreational facilities located in integrated centres and mixed use zones.</i></p> <p><i>General Section: Centre and Retail Development: Obj 1</i></p>	<p><b>Does Not Comply</b></p> <p>The proposed development includes a childcare centre and a commercial tenancy comprising a shop, an office and consulting rooms which are not located within an integrated centre or mixed use zone</p>
<p><i>Other than in relation to the <b>Suburban Activity Node Zone</b>, a shop or group of shops located outside of zones that allow for retail development should:</i></p> <p><i>(a) be of a size and type that will not hinder the development, function or viability of any centre zone</i>  <i>(b) not demonstrably lead to the physical deterioration of any designated centre</i>  <i>(c) be developed taking into consideration its effect on adjacent development</i>  <i>(d) incorporate a road or thoroughfare at the rear for the use of vehicles which is not less than 6 metres wide and which communicates with a public road at each end</i>  <i>(e) incorporate a site having a depth of not less than 24 metres.</i></p> <p><i>General Section: Centre and Retail Development: PDC 7</i></p>	<p><b>Partially Complies</b></p> <p>(a) &amp; (b) It is acknowledged the proposed commercial tenancies are adjacent a Local Centre Zone, which accommodates small-scale shops of varying patronage. The establishment of the proposed commercial tenancies may impact upon the viability of the shops in the Local Centre. Alternatively, a successful shop/tenant on the subject land may have a positive impact on the viability of the Local Centre by creating an additional attractor to the locality.            (c) Refer the <i>Interface between Land Uses</i> section of this report            (d) Complies            (e) Complies</p>
Heritage Places	
<p><i>New buildings should not be placed or erected between the front street boundary and the façade of existing State or local heritage places.</i></p> <p><i>General Section: Heritage Places: PDC 5</i></p>	<p><b>Complies</b></p>
<p><i>Development that materially affects the context within which the heritage place is situated should be compatible with the heritage place. It is not necessary to replicate historic detailing, however design elements that should be compatible include, but are not limited to:</i></p> <p><i>(a) scale and bulk</i>  <i>(b) width of frontage</i>  <i>(c) boundary setback patterns</i>  <i>(d) proportion and composition of design elements such as rooflines, openings, fencing and landscaping</i>  <i>(e) colour and texture of external materials.</i></p> <p><i>General Section: Heritage Places: PDC 6</i></p>	<p><b>Complies</b></p> <p>Whilst there are no heritage places within the boundaries of the subject land, local heritage places Annie Doolan's Cottage and St Anns Catholic Church are on adjoining land at 45 George Street and 17 Finnis Street respectively. The proposed development is considered to be sufficiently setback from the local heritage items so as to not obscure views of them from Finnis Street and George Street. The permeable nature of the palisade fencing proposed along the Finnis Street frontage and the southern boundary with the heritage items is likely to improve views of both heritage items when viewed from Finnis Street.</p>



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	<p>In addition, the proposed childcare centre building is single storey only and employs a form, scale and materials similar to residential properties in the locality and as such is unlikely to detract from the heritage value of the heritage places.</p>
<b>Natural Resources</b>	
<p><i>Retention, protection and restoration of the natural resources and environment.</i></p> <p><i>General Section: Natural Resources: Obj 1</i></p>	<p><b>Complies</b></p> <p>Whilst there is no vegetation of note on the subject land, Conditions of Consent to protect the health of significant and regulated trees on adjoining land are recommended at the end of this report.</p>
<p><i>Protection of the quality and quantity of South Australia's surface waters, including inland, marine and estuarine and underground waters.</i></p> <p><i>General Section: Natural Resources: Obj 2</i></p>	<p><b>Complies</b></p>
<p><i>Development consistent with the principles of water sensitive design.</i></p> <p><i>General Section: Natural Resources: Obj 5</i></p>	<p><b>Does Not Comply</b></p> <p>Stormwater detention, retention and reuse has not been considered or identified on the proposal plans.</p> <p>Stormwater retention and detention that complies with Council requirements has been recommended as a Condition of Consent at the end of this report.</p> <p>Whilst the outdoor play area associated with the childcare centre does not form part of the application, it is likely that this area will be substantially landscaped and comprise a limited area of non-permeable paving to assist in the natural drainage of surface water.</p>

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<p><i>Development sited and designed to:</i></p> <ul style="list-style-type: none"> <li><i>(a) protect natural ecological systems</i></li> <li><i>(b) achieve the sustainable use of water</i></li> <li><i>(c) protect water quality, including receiving waters</i></li> <li><i>(d) reduce runoff and peak flows and prevent the risk of downstream flooding</i></li> <li><i>(e) minimise demand on reticulated water supplies</i></li> <li><i>(f) maximise the harvest and use of stormwater</i></li> <li><i>(g) protect stormwater from pollution sources.</i></li> </ul> <p><i>General Section: Natural Resources: Obj 6</i></p> <p><i>Development should be sited and designed to:</i></p> <ul style="list-style-type: none"> <li><i>(a) capture and re-use stormwater, where practical</i></li> <li><i>(b) minimise surface water runoff</i></li> <li><i>(c) prevent soil erosion and water pollution</i></li> <li><i>(d) protect and enhance natural water flows</i></li> <li><i>(e) protect water quality by providing adequate separation distances from watercourses and other water bodies</i></li> <li><i>(f) not contribute to an increase in salinity levels</i></li> <li><i>(g) avoid the water logging of soil or the release of toxic elements</i></li> <li><i>(h) maintain natural hydrological systems and not adversely affect:</i> <ul style="list-style-type: none"> <li><i>(i) the quantity and quality of groundwater</i></li> <li><i>(ii) the depth and directional flow of groundwater</i></li> <li><i>(iii) the quality and function of natural springs.</i></li> </ul> </li> </ul> <p><i>General Section: Natural Resources: PDC 7</i></p>	<p><b>Partially Complies</b></p> <p>Whilst the proposed uses of the site are unlikely to produce large quantities of contaminants that will pollute land or water sources, provision for stormwater collection and reuse has not been included as part of the proposal.</p> <p>Stormwater retention and detention that complies with Council requirements has been recommended as a Condition of Consent at the end of this report.</p>
<p><i>Water discharged from a development site should:</i></p> <ul style="list-style-type: none"> <li><i>(a) be of a physical, chemical and biological condition equivalent to or better than its pre-developed state</i></li> <li><i>(b) not exceed the rate of discharge from the site as it existed in pre-development conditions.</i></li> </ul> <p><i>General Section: Natural Resources: PDC 8</i></p>	<p><b>Complies</b></p>

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*Development should include stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure the carrying capacities of downstream systems are not overloaded.*

*General Section: Natural Resources: PDC 11*

*Stormwater management systems should:*

- (a) maximise the potential for stormwater harvesting and reuse, either on-site or as close as practicable to the source*
- (b) utilise, but not be limited to, one or more of the following harvesting methods:*
  - (i) the collection of roof water in tanks*
  - (ii) the discharge to open space, landscaping or garden areas, including strips adjacent to car parks*
  - (iii) the incorporation of detention and retention facilities*
  - (iv) aquifer recharge.*

*General Section: Natural Resources: PDC 14*

*On land north of Seacombe Road, all new buildings and building extensions of 40 square metres or more in floor area, should incorporate sufficient on-site stormwater detention/retention to limit the rate of stormwater runoff from the subject land so that flows determined using the following runoff coefficients are not exceeded:*

- (a) within residential zones*
  - (i) 5 year average return interval flood event (runoff coefficient 0.25)*
  - (ii) 100 year average return interval flood event (runoff coefficient 0.45)*

*General Section: Natural Resources: PDC 17*

**Does Not Comply**

Stormwater detention, retention and reuse has not been considered or identified on the proposal plans.

Stormwater retention and detention that complies with Council requirements has been recommended as a Condition of Consent at the end of this report.

**REPORT REFERENCE: CAP070218 – 2.2**  
**CITY OF MARION**  
**COUNCIL ASSESSMENT PANEL AGENDA**  
**FOR MEETING TO BE HELD ON**  
**WEDNESDAY 7 FEBRUARY 2018**



ADDENDUM TO ITEM 2.2

The following Marion Council Development Plan Principles of Development Control were omitted from the published Notice of Council Assessment Panel Meeting for Wednesday 7 February 2018 and should be inserted after the 'Landscaping, Fences and Walls' section on page 648 and also replaces the 'Recommendation' on pages 651 and 652.

<b>Land Division</b>	
<p><i>When land is divided:</i></p> <p>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</p> <p>(b) a sufficient water supply should be made available for each allotment</p> <p>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</p> <p>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</p> <p><i>General Section: Land Division: PDC 1</i></p>	<p><b>Complies</b></p> <p>a) Stormwater is capable of being drained safely and efficiently from the allotment, subject to recommended conditions of consent.</p> <p>b) SA Water have confirmed that water supply is available (subject to conditions).</p> <p>c) SA Water have confirmed that sewerage connection is available (subject to conditions).</p> <p>d) N/A</p>
<p><i>Land should not be divided if any of the following apply:</i></p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <p style="margin-left: 20px;">(i) an existing road</p> <p style="margin-left: 20px;">(ii) a proposed public road</p> <p style="margin-left: 20px;">(iii) access to a public road via an internal roadway in a plan of community division</p> <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p> <p><i>General Section: Land Division: PDC 2</i></p>	<p><b>Partially Complies</b></p> <p>a) The shortfall in frontage width is acknowledged. Whilst the streetscape outcome forward of the dwellings is unfortunate, the dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use.</p> <p><b>Complies</b></p> <p>b) All allotments will have a frontage to the public road.</p> <p>c) Minor cut/fill is required.</p> <p>d) Erosion is unlikely.</p> <p>e) The area is sewerred.</p> <p>f) The intended use of the allotments is consistent with the zone objectives.</p> <p>g) The allotments are located wholly within the zone and policy area.</p>
<p><b>Design and Layout</b></p> <p><i>Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p> <p><i>General Section: Land Division: PDC 3</i></p>	<p><b>Does Not Comply</b></p> <p>The depth of each allotment is approximately six times the width.</p>

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<p><i>The design of a land division should incorporate:</i></p> <p><i>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</i></p> <p><i>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</i></p> <p><i>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</i></p> <p><i>(d) suitable land set aside for useable local open space</i></p> <p><i>(e) public utility services within road reserves and where necessary within dedicated easements</i></p> <p><i>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</i></p> <p><i>(g) protection for existing vegetation and drainage lines</i></p> <p><i>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</i></p> <p><i>(i) the preservation of significant trees.</i></p> <p><i>General Section: Land Division: PDC 7</i></p>	<p><b>Complies</b></p> <p>(a) N/A</p> <p>(b) Complies</p> <p>(c) N/A</p> <p>(d) N/A</p> <p>(e) N/A</p> <p>(f) N/A</p> <p>(g) N/A</p> <p>(h) N/A</p> <p>(i) N/A</p>
<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p><i>(a) minimises the need for earthworks and retaining walls</i></p> <p><i>(b) maintains natural drainage systems</i></p> <p><i>(c) faces abutting streets and open spaces</i></p> <p><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></p> <p><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p> <p><i>General Section: Land Division: PDC 10</i></p>	<p><b>Complies</b></p> <p>(a) Complies – relatively flat site</p> <p>(b) N/A</p> <p>(c) Complies</p> <p>(d) N/A</p> <p>(e) Complies</p>
<p><i>The layout of a land division should provide for efficient solar access.</i></p> <p><i>General Section: Land Division: PDC 11</i></p>	<p><b>Does Not Comply</b></p> <p>As a result of being situated on the southern side of a street, the layout of the land division provides poor solar access to the dwellings and private open space areas. However, given the depth of the allotments, adequate areas of private open space (albeit not directly adjacent the associated dwelling) will achieve adequate solar access throughout the day.</p>
<p><b>Roads and Access</b></p> <p><i>The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p> <p><i>General Section: Land Division: PDC 21</i></p>	<p><b>Complies</b></p> <p>a) Adequate on-site parking available</p> <p>b) Public transport services are accessible in the wider locality</p> <p>c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p><b>Does Not Comply</b></p> <p>1 on-street car parking space is provided for the proposed allotments, which is 1 less than that sought by PDC 22.</p>

## 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 and Land Division Consent for Development Application No: 100/2014/1902 (100/D236/14) for a Torrens Title land division (1 into 3 allotments) and subsequent construction of three two storey row dwellings at 20 Melville Street, South Plympton be 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. 100/2014/1902, except when varied by the following conditions of consent.
2. A revised landscape plan shall be provided to Council for consideration and approval, detailing an increase in the number of plantings forward of the dwellings, and including a tree species with a minimum mature growth height of 5.0 metres.
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.

*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](http://www.marion.sa.gov.au/page.aspx?u=181)*

4. 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.
5. 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.
6. 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.
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.

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8. 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.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. 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.

*Land Division Consent*

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.
2. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
3. Payment of \$12976 into the Planning and Development Fund (2 allotments @ \$6488/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://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, 136 North Terrace, Adelaide.
4. 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. This approval has been granted on the basis of the suitability of the land for two storey row dwellings as demonstrated in Development Application No: 100/2014/1902. Should the proposed allotments be created and sold without that development occurring, new applicants/owners should be aware that any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council. Please note that the proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or row dwellings) and other dwelling layouts may not be suitable for the proposed allotments.
2. 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.
3. 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).

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4. 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.
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.).
6. 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.
7. 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.

## Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph &amp; Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment VI:</i>	<i>External Agency Referral Comments</i>