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- 1.2 PRESENT**
- 1.3 APOLOGIES**
- 1.4 IN ATTENDANCE**
- 2. GENERAL OPERTIONS**
- 3. APPLICATIONS**
 - 3.1 51 TRUMARA ROAD, MARINO**
Alterations and additions to existing detached dwelling to a maximum of three stories and construction of an associated garage under the main roof with wall located on the southern boundary
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 - 3.2 20A GERTRUDE STREET, GLANDORE**
Single storey detached dwelling incorporating a wall on the eastern boundary, roof mounted air-conditioning, landscaping and fencing
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 - 3.3 4 CHERUB STREET, HALLETT COVE**
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**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 7 OCTOBER 2020**



1.1 OPEN MEETING

The Meeting commenced at 6.30pm

1.2 PRESENT

Terry Mosel - Presiding Member
Yvonne Svensson - Independent Member
Michael Davis - Independent Member
Bryn Adams - Independent Member
Councillor Raelene Telfer - Council Member

1.3 APOLOGIES

Nil

1.4 IN ATTENDANCE

Alex Wright – CAP Assessment Manager; Team Leader – Planning
Harry Stryker – Development Officer – Planning
Nick Lupo - Planning Student

2. GENERAL OPERATIONS

Nothing to report.

CAP071020**3. HEARING OF APPLICATIONS**

6.33pm: At the direction of the Presiding Member, the Public Hearing of Item 3.5 was brought forward.

- Tom Game of Botten Levinson Lawyers on behalf of Enduring Group PTY LTD (Applicant) addressed the Panel

3.1 Report Reference: CAP071020 – 3.1
Application No: 100/2020/206
Site Location: 51 Trumara Road, Marino

- M L & V S Silvestri (Representor) addressed the Panel
- Trevor John Graham (Applicant) addressed the Panel

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: 100/206/2020 for alterations and additions to existing detached dwelling to a maximum of three stories and construction of an associated garage under the main roof with wall located on the southern boundary at 51 Trumara Road, Marino 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. 100/2020/206, except when varied by the following conditions of consent.**
- 2. 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.**
- 3. 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.**
- 4. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.**
- 5. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling, to the reasonable satisfaction of the Council.**

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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.**

NOTES

1. **Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2004.**
2. **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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3.2 Report Reference: CAP071020 – 3.2
Application No: 100/2020/1035
Site Location: 20A Gertrude Street, Glandore

- E & C O'Sullivan (Representor) represented by Robert Kleeman addressed the Panel
- Stuart Coles (Applicant) addressed the Panel
- *The Panel accepted supplementary information from the applicant in regards to design and materials.*

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

- (a) The Panel note this report and concurs with the findings and reasons for the recommendation;**
- (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 Development Plan Consent for Development Application No: 100/2020/1035 for a single storey detached dwelling incorporating a wall on the eastern boundary, roof mounted air-conditioning, landscaping and fencing at 20A Gertrude Street, Glandore be GRANTED subject to 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 matters. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.

- **An amended eastern elevation incorporating a light coloured render to the boundary wall shall be provided to Council for further consideration.**

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.100/2020/1035 except when varied by the following conditions of consent.**
- 2. All areas nominated as landscaping or garden areas on the approved plans shall be planted prior to the occupation of the premises. Vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.**

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3. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via retention tanks) immediately following roof completion and gutter and downpipe installation.
5. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
6. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling, to the reasonable satisfaction of the Council.
7. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.

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3.3 Report Reference: CAP071020 – 3.3
Application No: 100/2020/759
Site Location: 4 Cherub Street, Hallett Cove

- Surjeet Singh Kamboj (Applicant) represented by Mr B Singh addressed the Panel

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: 100/759/2020 for 2 x Two storey dwellings with associated earthworks, retaining and fencing at 4 Cherub Street, Hallett Cove be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/759/2020, being drawing number(s)**
 - **Drawing number PD 04, dated 22/06/2020, by Atelier 18 Designs, 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 and maintained in a good condition at all times.**
- 3. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.**
- 4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.**
- 5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**
- 6. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.**
- 7. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.**

NOTES

1. Any existing driveway crossover that becomes redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
2. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, stobie poles, SEP's, pram ramps etc. Any service covers affected by the crossover should be upgraded to trafficable grade covers.
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 developers expense.
4. The Fences Act 1975 details certain requirements and procedures in order to remove, replace or repair boundary fencing. If you intend to remove or repair an existing boundary fence, you are obligated to give the other affected neighbours 30 days' notice to comment and respond as per a "Form 2". If a fence is removed (even if only temporarily) by a neighbour without the consent of the adjoining owner, or without following the procedure under the Fences Act, you may be liable to compensate the other owner.
5. For more information, please refer to the Legal Services Commission brochure titled "Fences and the Law". Copies are available at Council's Administration Centre, or online at <https://lsc.sa.gov.au/resources/FencesandtheLawBooklet.pdf>.

**3.4 Report Reference: CAP071020 – 3.4
Application No: 100/2020/1200
Site Location: 20 The Triangle, Warradale**

- Ben Pinnington of Lofty Building Group (Applicant) answered questions of the Panel

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

- (a) The Panel note 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 Development Plan Consent for Development Application No: 100/1200/2020 for Residential Torrens Title Land Division - 1 into 3 allotments and three (3), single storey row dwellings with associated landscaping at 20 The Triangle, Warradale be REFUSED for the following reasons:**

REASONS FOR REFUSAL

- 1. Proposed development fails to adhere to minimum frontage widths and site area as outlined within the Marion Plains Policy Area 8 Principle 4.**
- 2. Proposed development exceeds to an unacceptable extent the maximum site coverage of 40% as expressed in the Marion Plains Policy Area Principle 5.**
- 3. The proposed development exceeds to an unacceptable extent the maximum width of garaging of 50% width of dwelling front façade as expressed by the General - Residential Development Principle 12.**
- 4. The proposed development fails to meet the minimum 20% private open space as outlined in Residential Zone Principle 7.**
- 5. The proposed development does not satisfactorily meet front setback provisions contained within the General - Design and appearance Principle 22.**

CAP071020**3.5 Report Reference: CAP071020 – 3.5**

8.15pm: Pursuant to Section 13(2)(a)(ix) of the Planning, Development and Infrastructure Regulations, the Panel resolve to exclude the public from attendance for the deliberation of Item 3.5

3.5 CONFIDENTIAL ITEM

Report Reference: CAP071020 – 3.5

Application No: 100/2019/1957

Site Location: 82 Bradley Grove, Mitchell Park

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 has concluded

8.26pm: Meeting re-opened to the Public

4. APPEALS UPDATE

4.1 APPEALS AGAINST PANEL DECISIONS

Staff provided an update on on-going appeals.

4.2 APPEALS AGAINST DELEGATED APPLICATIONS

Staff provided an update on on-going appeals.

5. POLICY OBSERVATIONS

6. OTHER BUSINESS

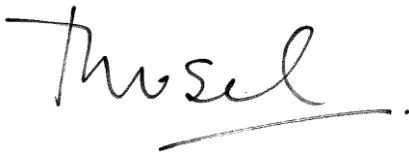
7. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 7 October 2020 taken as read and confirmed this seventh day of October 2020

8. MEETING CLOSURE

- Length of meeting: 2 hours 7 minutes
- Number of Representors appearing before the Panel: 2
- Number of Applicants appearing before the Panel: 4

MEETING DECLARED CLOSED AT 8:37PM

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

Terry Mosel
Presiding Member