



- 1.1 OPEN MEETING**
- 1.2 PRESENT**
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- 2. APPLICATIONS**
 - 2.1 ADDRESS – 82 BRADLEY GROVE MITCHELL PARK
PROPOSAL – Two storey residential flat building comprising five dwellings with associated garages
Report Reference: CAP200520 – 2.1.....2**
 - 2.2 ADDRESS – 32 LAURENCE STREET DOVER GARDENS
PROPOSAL – Single storey residential flat building comprising three dwellings
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 - 2.3 ADDRESS – 21 BOWDEN GROVE OAKLANDS PARK
PROPOSAL – Land Division Residential Community - 1 into 4 allotments
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 - 2.4 ADDRESS – 18 TROTT GROVE OAKLANDS PARK
PROPOSAL – Residential Land division (Torrens Title- 1 into 2 Allotments) as well as the construction of a two-storey detached dwelling and a single-storey residential flat building comprising two dwellings, all with associated driveways and landscaping.
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 - 2.5 ADDRESS – 333-335 MORPHETT ROAD OAKLANDS PARK
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- 3. OTHER BUSINESS**
 - 3.1 APPEALS UPDATE**
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- 4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON 20 MAY 2020**
- 5. MEETING CLOSURE**

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 20 MAY 2020**



1.1 OPEN MEETING

The Meeting commenced at 6.29pm

1.2 PRESENT

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

1.3 APOLOGIES

Nil

1.4 IN ATTENDANCE

Alex Wright – CAP Assessment Manager (Team Leader - Planning)
Kai Wardle – Development Officer - Planning

2. HEARING OF APPLICATIONS

**2.1 Report Reference: CAP200520 – 2.1
Application No: 100/2019/1957
Site Location: 82 Bradley Grove, Mitchell Park**

- Matthew Falconer of Urban Planning and Design (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 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 Development Plan Consent for Development Application No: 100/2019/1957 for the construction of a two storey residential flat building comprising 5 dwellings with associated carports and landscaping at 82 Bradley Grove, Mitchell Park, be REFUSED for the following reasons:**

REASONS FOR REFUSAL

- 1. Having regard to the proximity of the proposed development to the low scale, low density development in the Residential Zone, it fails to achieve the required transition of development in terms of scale, massing and land use intensity.**
- 2. Having regard to the penetration of Dwelling 1 into the Bradley Grove streetscape, it fails to establish a coherent private/public realm.**
- 3. In light of the elongated orientation of the building form, long and unremitting driveway, and inadequate landscaping, it fails to achieve a high quality urban design required for its setting, and a high quality amenity for its residents.**
- 4. The car parking and pedestrian access conflict to the extent that traffic and pedestrian safety are compromised.**

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**2.2 Report Reference: CAP200520 – 2.2
Application No: 100/2018/1
Site Location: 32 Laurence Street, Dover Gardens**

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 Development Plan Consent for Development Application No: 100/1/2018 for a single storey residential flat building comprising three dwellings, retaining and fencing exceeding 2.1 metres in height and landscaping at 32 Laurence Street, Dover Gardens be DEFERRED to enable the applicant to consider the matters identified below, with a view to amending the proposal to bring it more in conformity with the relevant provisions:**
 - 1. The proposal in its present form fails to adequately satisfy the provisions in the Development Plan in respect of (a) site coverage and site area (PDCs 4 and 3 respectively); (b) failure to properly identify pedestrian entry points as required in the statement of Desired Character; and (c) fails to minimise the visual impact in the locality of the garaging of vehicles (Policy Area Objective 3 and Desired Character).**

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- 2.3 Report Reference: CAP200520 – 2.3
Application No: 100/2020/43 (100/C003/20)
Site Location: 21 Bowden Grove, Oaklands Park

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 and concur 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, Land Division Consent and Development Approval Development Application No: 100/2020/43 for Residential Land Division (Community Title - 1 into 4 allotments) at 21 Bowden Grove, Oaklands Park, 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. 100/2020/43, except when varied by the following conditions of consent.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from proposed Lots 1, 2 and 3 prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees. The developer must inform potential purchasers of the community lots 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 \$22848 into the Planning and Development Fund (3 allotments @ \$7616/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, 136 North Terrace, 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. The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issuance of a certificate pursuant to Section 51 of the Development Act.

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**2.4 Report Reference: CAP200520 – 2.4
Application No: 100/2020/510 (100/D053/20)
Site Location: 18 Trott Grove, Oaklands Park**

- Matthew Falconer of Urban Planning and Design on behalf of XJ Future Homes (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 notes this report and concur 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 and Land Division Consent for Development Application No: 100/2020/510 for Residential Land division (Torrens Title- 1 into 2 Allotments) and subsequent construction of a two-storey detached dwelling and a single-storey residential flat building comprising two dwellings, all with associated driveways and landscaping at 18 Trott Grove, Oaklands Park, 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.100/2020/510, except when varied by the following conditions of consent.**
- 2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from proposed Lots 1, 2 and 3 prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**
- 3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention- POST DPA", to the reasonable satisfaction of the Council.**
- 5. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.**
- 6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**

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7. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
8. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
9. All devices/treatments proposed 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.
10. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
11. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

Land Division Consent

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

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, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

2. Payment of \$7616 into the Planning and Development Fund (1 allotment @ \$7616/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, 136 North Terrace, 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. The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issuance of a certificate pursuant to Section 51 of the Development Act.

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- 2. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2004.**
- 3. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- 4. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

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7:47pm In light of a historic association between the applicant for Item 2.5 and the Presiding Member, which association may give rise to an apprehension of bias, Mr Terry Mosel declared a Conflict of Interest and left the room.

Ms Sue Giles replaced Mr Mosel as Acting Presiding Member.

2.5 Report Reference: CAP200520 – 2.5
Application No: 100/2019/541 (100/C049/19)
Site Location: 333-335 Morphett Road, Oaklands Park

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 and concur 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, Land Division Consent and Development Approval for Development Application No: 100/2019/541 for Land Division Residential Community - 2 into 7 allotments and common property at 333-335 Morphett Road, Oaklands Park be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

1. The land division shall be carried out and maintained in accordance with the plans and details submitted with and forming part of Development Application No: 100/2019/541 (SCAP REF: 100/C049/19) except where varied by the following conditions of consent.
2. 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.
3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

1. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0083807)

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

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

2. Payment of \$36,175.00 into the Planning and Development Fund (5 allotment/s @ \$7,253.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

DPTI Conditions

4. All access shall be gained via the common property designated as 'C1' on the plan of division (amended plan dated 6/4/20).
5. All vehicles shall enter and exit the site in a forward direction.
6. The shared manoeuvring area shall remain clear of any impediments.
7. The redundant Morphett Road crossovers shall be permanently closed and reinstated to Council's kerb and gutter standards prior to occupation of the dwellings at the applicant's cost.
8. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

NOTES

1. The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 2.13 metres in width from the Morphett Road frontage, together with a 4.5 metres x 4.5-metres cut-off at the Morphett Road/Jewell Street corner, for the possible future upgrading of the adjacent section of Morphett Road. The consent of the CoH is required under the Metropolitan Adelaide Road Widening Plan Act 1972 for all new building works located on or within 6 metres of the possible requirements.
2. This approval has been granted on the basis of the suitability of the land for a two storey residential flat building comprising seven dwellings, with associated freestanding garaging, landscaping and fencing as demonstrated in Development Application No: 100/2019/450. 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.
3. The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the

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Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

- 4. The existing street trees are to be retained. Any future proposed crossover/access must be constructed clear of the existing street trees and setback the required distances from the tree in accordance with Council requirements.**
- 5. The Development Assessment Commission is advised that:**
 - (i) The buildings are being erected in 2020; and**
 - (ii) The postal address of the newly created units/allotments are:
2A, 2B, 2C, 2D, 2E, 2F, 2G Jewell Street, Oaklands Park**

7:55pm Mr Terry Mosel re-entered the room and resumed role of Presiding Member.

OTHER BUSINESS

3.1 APPEALS UPDATE

- The Panel were advised appeals for development applications previously considered by the CAP at 244 Sturt Road, Marion and 215 Sturt Road, Seacombe Gardens have been lodged with the ERD Court

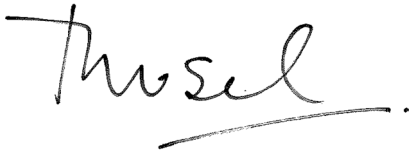
3.2 POLICY OBSERVATIONS

4. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 20 May 2020 taken as read and confirmed this twentieth day of May 2020

5. MEETING CLOSURE

MEETING DECLARED CLOSED AT 8.14PM

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

Terry Mosel
Presiding Member