

**MINUTES OF THE CITY OF MARION  
DEVELOPMENT ASSESSMENT PANEL HELD AT THE  
ADMINISTRATION CENTRE 245 STURT ROAD STURT  
ON  
WEDNESDAY 2 AUGUST 2017**

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**1.1 PRESENT**

Gavin Lloyd-Jones (Presiding Member), Nathan Sim, Charmaine Thredgold, Nick Westwood, Janet Byram and Luke Hutchinson

**1.2 APOLOGIES**

Graham Goss

**1.3 IN ATTENDANCE**

Alex Wright – Acting Team Leader – Planning (DAP Executive Officer)  
Robert Tokley – Acting Manager - Development and Regulatory Services  
Emma Brooks – Gap Year Team Member – Human Resources

**1.4 COMMENCEMENT**

The Meeting commenced at 6.30pm



## DAP020817

## 2. HEARING OF APPLICATIONS

- 2.1 Reference No: DAP020817 – 2.1  
*Previously deferred item DAP030517 – 2.1*  
 Application No: 100/1229/2016  
 Site Location: 19-21 Shaftesbury Terrace, Marino

- No persons addressed the Panel in relation to this application.

The Development 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 for Development Application No: 100/2016/1229 for Demolition of existing dwelling and construction of a three storey detached dwelling, swimming pool, detached garage with attached verandah, associated earthworks, retaining walls and landscaping at 19-21 Shaftesbury Terrace, Marino be GRANTED subject to the following conditions:

**CONDITIONS**

- The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1229 dated 14.07.17 and prepared by Benjamin Pitman Architects and PT Design, except when varied by the following conditions of consent.
- Amended plans (architectural and engineering) shall be provided to Council prior to the issuing of Development Approval removing reference to any and all works outside the bounds of the subject site.
- All privacy materials proposed freestanding pavilion/garage privacy screens shall be provided to Council for consideration and approval prior to the issuing of Development Approval.
- 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.
- A minimum of 50% of the trees indicated to be planted on the approved plan shall be at least 1.5 metres in height at the time of planting.

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6. 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.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. All ancillary swimming pool plant/equipment shall be located a minimum 5.0 metres from any adjoining neighbouring dwelling and shall be contained within a sound reducing enclosure.
9. The pavilion/garage has been granted consent as a domestic outbuilding only and therefore shall not be used for human habitation or for purposes not reasonably incidental to the use of the land for residential purposes, unless the further development approval of the Council is obtained.
10. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.
11. 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.
12. 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.
13. 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.

**NOTES**

1. Any variation/amendment to the plans and documentation granted Development Plan Consent will require further approval from the Council. If the amendments are deemed to be minor in nature in the opinion of the Council, they may be accepted as part of the current application pursuant to Regulation 47A of the Development Regulations 2008. Alternatively, if in the opinion of the Council, the variation(s) are not considered to be minor in nature, a new variation application must be lodged with the Council for assessment against the relevant Marion Council Development Plan.
2. You are undertaking work that may affect the stability of adjoining land. Section 60 of the Development Act 1993 and Regulation 75 of the Development Regulations 1993, prescribe that your neighbour has a right to be notified by you 28 days prior to you undertaking that



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work. This is to enable your neighbour to obtain a report for which you are obliged to pay, that specifies any work that is required to be undertaken to ensure the stability of your neighbour's property is maintained during and following the undertaking of the work you propose. You should make yourself aware of these requirements before proceeding.

3. 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 2000.
4. Before commencing any site works, a temporary vehicular access to the property for machinery, delivery of building materials and general vehicles should be provided. In the case where no driveway invert exists, the kerb can be saw cut and removed at the intended location for the new driveway invert to provide the necessary temporary access. In addition, if a paved Council footpath exists, this should also be removed in alignment with the removed section of kerb. The applicant should also take note of other information provided regarding use of, damage to and construction on Council owned land.
5. 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.
6. 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).
7. Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development, to the reasonable satisfaction of the Council (a suggested measure is to install a gravelled construction exit with wash down facilities).
8. 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.
9. 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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10. Any additional excavated material not required as fill for the site must be removed immediately after excavation to prevent bogging and soil washing away.

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**2.2 Reference No: DAP020817 – 2.2**  
**Application No: 100/1021/2017**  
**Site Location: 47 Limbert Avenue, Seacombe Gardens**

- No persons addressed the Panel in relation to this item.

**The Development 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: 100/1021/2017 to vary 100/349/2017 at 47 Limbert Avenue, Seacombe Gardens be REFUSED for the following reasons:**

**REASONS FOR REFUSAL:**

- (1) The proposal fails to achieve a setback of 5.5m from the primary street frontage and be located 0.5m behind from the main face of the dwelling in accordance with Principle of Development Control 12 of the General Section: Residential Development. As a result, the residential portion of the dwelling will become less prominent and visible from the public street and will likely be dominated in appearance by the carport structure which should be subservient and ancillary to the main building.**



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**2.3 Reference No: DAP020817 – 2.3**  
**Application No: 100/1093/2017 (100/V019/17)**  
**Site Location: 88A Morphett Road, Glengowrie**

- No persons addressed the Panel in relation to this item.

**The Development Assessment Panel resolved that;**

- (a) The Panel note this report and support the proposed development subject to the following comments being submitted to the Development Assessment Commission:**

**COMMENTS**

Pursuant to the provisions of Section 49 of the Development Act 1993, the Development Assessment Commission (DAC) is advised that, in principle, Council does not raise objection to the construction of an Ambulance Station on the subject land.

However, Council recommends that the following matters are addressed prior to the granting of Development Plan Consent:

**Car parking & Access**

An assessment by Council's Development Engineer suggests that a 60° parking arrangement for all vehicles within the Ambulance Bay may result in a more efficient layout. This would negate the need for the opening of the front door to access (reverse into) the eastern most bays.

The DAC/SPC should be satisfied the provision of on-site car parking is appropriate for future demand. Opportunities to reduce car parking in favour of additional landscaping is encouraged.

**Acoustic assessment**

An acoustic report, prepared by a suitably qualified Acoustic Engineer, should be provided which considers potential noise impacts arising from the use of emergency sirens (and in relation to existing noise sources within the locality) upon adjoining and adjacent land uses.

**Arboricultural assessment**

Council notes a large tree adjacent the rear of the site which may be Regulated pursuant to Regulation 6 of the Development Regulations 2008. It is recommended the Development Assessment Commission undertake investigations to determine whether the tree is Regulated.

**Landscaping**

It is recommended that additional landscaping be incorporated forward of the building to complement the built form and enhance the appearance of the road frontage, as well as alongside the driveway adjacent the northern boundary and



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within the car parking area in order to provide shade and reduce the thermal load of hard paved surfaces.

**WSUD**

It is encouraged for water sensitive urban design to be incorporated in the design of the carpark to satisfy Landscaping, Fences and Walls Principle 1(i) and Natural Resources Objective 6(f).

**Lighting plan**

A detailed lighting plan should be provided which demonstrates the proposed lighting scheme for the development site, including the provision of bollard lighting within the car parking area, and focusing on pedestrian and bicycle movement after dark along adequately lit routes with observable entries and exits.

**Waste Disposal**

The DAC/SPC should be satisfied the proposal permits adequate provision for the secure storage and disposal of medical waste.

**Conclusion**

Should the DAC resolve to grant consent to the proposed development, the following conditions are recommended:

**CONDITIONS**

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1093/2017 (100/V019/17), except when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided 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. 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. A trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order to the reasonable satisfaction of the Council.





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4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
5. 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.
6. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
7. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
8. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
9. All vehicles visiting the site shall enter and exit the land in a forward direction.
10. Wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping 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. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
13. 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.
14. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
15. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
16. All car parking spaces shall be line marked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.



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17. Directional signs indicating the location of car parking spaces must be provided on the subject land and maintained in a clear and legible condition at all times.
18. Bicycle facilities shall be provided in accordance with Australian Standard AS 1742.9-2000 "Manual of uniform traffic control devices Part 9: Bicycle facilities".
19. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
20. Medical waste shall be disposed of in accordance with the relevant and applicable legislation.

**NOTES**

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. 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 applicant's expense.
5. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.



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## OTHER BUSINESS

3.1 CONFIDENTIAL ITEM  
DAP020817 – 3.1

- Mr Damien Dawson of Planning Chambers and Mr James Levinson of BottenLevinson Lawyers addressed and answered questions of the Panel.

7:08pm Pursuant to Section 56A(12)(ix) of the Development Act, 1993, the Panel resolve to exclude the public from attendance for the deliberation of Items 3.1 & 3.2.

- (a) The Panel note this report;
- (b) The proposed development is not seriously at variance to the Marion Council Development Plan in accordance with Section 35(2) of the Development Act 1993; and
- (c) That the Development Assessment Panel advise the Environment, Resources and Development Court that Council is supports the compromise proposal submitted by Urban Infill Group for Development Application No: 100/1965/2016 at 1-3 Warren Court and 308 Diagonal Road Oaklands Park for two, three storey residential flat buildings, comprising a total of 19 dwellings, with associated car parking, communal open space and landscaping, subject to the following 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.100/1965/2016 (being Job No. 007-05-16 PD01 – PD02 and PD04 – PD11 (inclusive) prepared by Three Six Five Design Studio, received by Council on 7/07/2017, except when varied by the following conditions of consent.
  2. An amended stormwater and siteworks plan shall be provided for consideration and approval which provides a finished floor level of 100.5 to Residence 19 prior to granting Development Plan Consent.
  3. A revised landscape plan shall be provided to Council prior to the issuing of Development Approval detailing the following;
    - A substantial increase in the number and variety of native and indigenous plantings throughout the site;
    - Provision of eatable plants, such as citrus and herbs in areas adjacent high movement areas;
    - A minimum of 50% tree plantings shall be semi-mature and of a 1.5 metre height at planting; and
    - An increase in the number of plantings throughout the site with an anticipated growing height upon maturity of 5 metres.
  4. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be



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installed and in use prior to occupation of the premises and maintained for the life of the building.

5. 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.
6. 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
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. 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.
9. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
10. 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)*

11. 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.

**NOTES**

1. The applicant is encouraged to consider incorporating a rain garden on the site to minimise stormwater run-off from the site and allow for stormwater retention and re-use.
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



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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. 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, street trees, stobie poles, SEP's, 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.

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8.01pm Councillor J Byram declared a conflict of interest with Item 3.2, and subsequently left the room.

**3.2 INFORMATION ONLY ITEM**

7 Hutt Close, Sheidow Park  
Construction of a telecommunications facility including a 35m high monopole and ancillary equipment

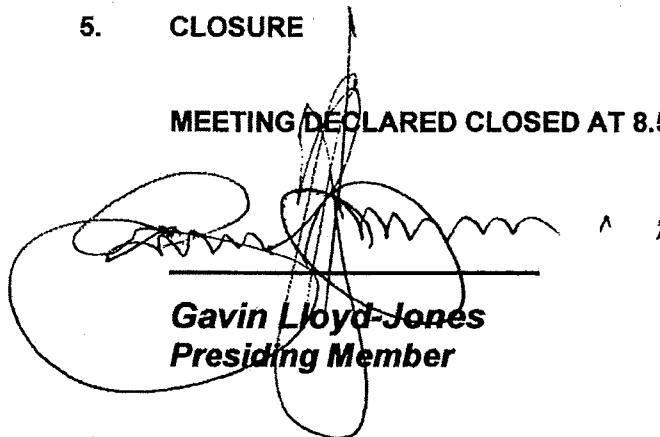
- 3.3 Appeals update
- 3.4 Policy Observations
- 3.5 PDI Act changes to CAP
- 3.6 Should the application at 1-3 Warren Court, Oaklands Park be approved it is suggested Council investigate modifications to Warren Court be undertaken to incorporate greater landscaping.

**4. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 2 August 2017 taken as read and confirmed this second day of August 2017.

**5. CLOSURE**

**MEETING DECLARED CLOSED AT 8.50PM**



**Gavin Lloyd-Jones**  
**Presiding Member**