

**MINUTES OF THE CITY OF MARION
DEVELOPMENT ASSESSMENT PANEL HELD AT THE
ADMINISTRATION CENTRE 245 STURT ROAD STURT
ON
WEDNESDAY 1 FEBRUARY 2017**

1.1 PRESENT

Gavin Lloyd-Jones (Presiding Member), Graham Goss, Nathan Sim,
Charmaine Thredgold, Nick Westwood, Nick Kerry and Luke Hutchinson

1.2 APOLOGIES

Nil

1.3 IN ATTENDANCE

Rob Tokley - Team Leader – Planning (DAP Executive Officer)
Steve Hooper – Manager Development and Regulatory Services
Justin Clisby - Development Officer- Planning

1.4 COMMENCEMENT

The Meeting commenced at 6.30pm



DAP010217**2. HEARING OF APPLICATIONS**

- 2.1 Reference No: DAP010217 - 2.1**
Application No: 100/2016/2066
Site Location: 38, 40-42 Thirza Avenue, 21 Walter Avenue and 28 Percy Avenue, Mitchell Park

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: 100/2016/2066 for Removal of a Regulated Tree (*Eucalyptus camaldulensis*) and construction of outdoor sports courts, chain wire mesh fencing (achieving a maximum height of 3.6 metres), storage shed and verandah at 38, 40-42 Thirza Avenue and 29 Percy Avenue, Mitchell 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. 100/2016/2066, being drawing number PD-01 of Job No. 1641 prepared by Edge Architects issued on 04.11.2016, correspondence from Peter Spain dated 14 December 2016 and 5 January 2017, except when varied by the following conditions of consent.**
- 2. A minimum of two (2) replacement trees shall be planted to compensate for the removal of the regulated tree. Replacement trees must be planted in a suitable position greater than 10 metres in distance from any existing dwelling or in-ground swimming pool. The replacement tree planting shall occur within twelve months of the tree's removal and shall be maintained in good condition at all times and replaced if necessary. The replacement trees must not be exempt species listed under regulation 6A clause (5)(b) of the Development Regulations 2008, or a tree belonging to a class of plant declared by the Minister under section 174 of the Natural Resources Management Act 2004.**
- 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 use of the proposed courts, to the reasonable satisfaction of the Council.**



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4. 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.

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**2.2 Reference No: DAP010217 - 2.2
Application No: 100/2016/1815
Site Location: 14 Finnis Street, Marion**

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: 100/2016/1815 for the change of use of existing dwellings (Dwellings 1 and 2) from supported accommodation to residential flat dwellings and to construct two, two storey dwellings and eight, single storey dwellings, with associated car parking, fencing and landscaping at 14 Finnis Street, Marion 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. 100/2016/1815, except when varied by the following conditions of consent.**
- 2. Provision of letterboxes for all proposed dwellings shall be provided within either the existing or proposed walling adjacent the common driveway. Details of which shall be provided to Council, for consideration and approval, prior to Development Approval being issued.**
- 3. 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.**
- 4. 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.**



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5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

Note: A copy of the information guide can be viewed at the City of Marion webpage www.marion.sa.gov.au/page.aspx?u=181

6. All 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.
7. 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.
8. 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.
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. 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.
11. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

1. At the time the development is nearing completion, the owner/applicant is encouraged to contact Council's Engineering Services department to seek for the sign indicating the bus zone to be removed/relocated, to enable one on-street parking space north of the common driveway.
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. 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.



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2.3 Reference No: DAP010217 - 2.3
Application No: 100/2016/2084
Site Location: 52 Pildappa Avenue, Park Holme

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: 100/2016/2084 for four single storey row dwellings, including 1.5-metre-high masonry front fence, at 52 Pildappa Avenue, Park Holme, 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. 100/2016/2084, being drawing numbers 16881 SK01 and SK02 prepared by AR Co. Architecture + Interior Design, Siteworks Plan by TMK Consulting Engineers numbered 1612100 CRD/PA and Partwall detail, all received by Council on 11 January 2017, except when varied by the following conditions of consent.**
 - 2. The existing vehicle crossover on Pildappa Avenue shall be reinstated to an upright kerb at the cost of the applicant, prior to occupation of Residence 1.**
 - 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*
- 4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**
 - 5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance**



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with recognised engineering practices prior to occupation of the premises.

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

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.



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**2.4 Reference No: DAP010217 - 2.4
Application No: 100/2016/1881
Site Location: 16 Condada Avenue, Park Holme**

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: 100/2016/1881 for Single-storey detached dwelling and a single-storey residential flat building comprising two dwellings at 16 Condada Avenue, Park Holme, 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. 100/2016/1881 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, and the location of all existing street infrastructure and street trees.**
- 3. 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.**
- 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", 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



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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 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.
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.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.



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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.

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**2.5 Reference No: DAP010217 - 2.5
Application No: 100/2016/2183
Site Location: 6 Butler Crescent, Glengowrie**

- Warren Lewis (Applicant) addressed the Panel

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: 100/2016/2183 for a freestanding carport and verandah at 6 Butler Crescent, Glengowrie be REFUSED for the following reasons:**

REASONS FOR REFUSAL:

- 1. The proposed carport does not minimise the impact of garaging of vehicles on the character of the locality, does not reflect good residential design principles and is not discreetly located behind the main face of the dwelling and as such, fails to satisfy Objectives 3, 4 and 5, the Desired Character and Principle 2 of the Residential Character Policy Area 17.**
- 2. The proposal fails to be located 0.5m behind from the main face of the dwelling in accordance with Residential Zone Principle 8.**



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**3.1 CONFIDENTIAL ITEM
DAP010217 – 3.1**

- 7.04pm Nick Kerry declared a conflict of interest with Items 3.1 and 3.2 and left the room.
- 7.06pm 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 and Item 3.2 and that the meeting remain closed to the public thereafter.

RECOMMENDATION

1. The Development Assessment Panel orders pursuant to Section 56A (12) of the Development Act 1993, that the public, with the exception of the Team Leader - Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Executive Officer, of the Development Assessment Panel.
2. Under Section 56A (12) of the Development Act 1993 an order be made that item 3.1 including the report, attachments and discussions having been dealt with in confidence under Section 56A (12) (ix) of the Development Act 1993, and in accordance with Section 56A(16), shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the Item is made.
- 3 (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;
- 3 (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
- 3 (c) That the Development Assessment Panel advise the Environment, Resources and Development Court that Council supports the comprise proposal submitted by Scope Development Solutions for Development Application No: 100/1032/2016 and recommends 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. 100/2016/1032, except when varied by the following conditions of consent.



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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, and the location of all existing street infrastructure and street trees.
3. The windows on the front (eastern) facades of the building shall be double glazed for sound attenuation purposes.
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", 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

5. 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.
6. 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.
7. 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.
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.

DPTI CONDITIONS

11. The site shall be served by a single shared access point direct to/from Morphett Road. No additional access shall be permitted.



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12. All obsolete crossovers or obsolete portions of crossover on Morphett Road shall be reinstated to Council standard kerb and gutter at the applicant's cost prior to habitation of the dwellings.
13. The shared access shall be a minimum of 6.5 metres in width at the property boundary and extend at that width for a minimum of 6.0 metres into the site.
14. A minimum 1.0 metre separation shall be provided between the proposed access and existing stobie pole.
15. All vehicles shall enter and exit the site in a forward direction
16. The shared driveway and on-site manoeuvring areas shall remain clear of any impediments to vehicle movements (such as meters, garden beds and parked vehicles).
17. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Morphett Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicants cost.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.



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**3.2 CONFIDENTIAL ITEM
DAP010217 – 3.2**

1. The Development Assessment Panel orders pursuant to Section 56A (12) of the Development Act 1993, that the public, with the exception of the Team Leader - Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Executive Officer, of the Development Assessment Panel.
 2. Under Section 56A (12) of the Development Act 1993 an order be made that item 3.1 including the report, attachments and discussions having been dealt with in confidence under Section 56A (12) (ix) of the Development Act 1993, and in accordance with Section 56A(16), shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the Item is made.
- 3 (a) The Panel note this report;
- 3 (b) The proposed development is not seriously at variance to the Marion Council Development Plan; and
- 3 (c) That the Development Assessment Panel advise the Environment, Resources and Development Court that Council does not support the comprise proposal submitted by SKS Surveys Pty Ltd for Development Application No: 100/2016/842 & 100/D095/16 as the proposal does not address reasons for refusal 1, 3 and 4.



DAP010217**4. OTHER BUSINESS**

- 4.1 Appeals update
- 4.2 Policy Observations
- 4.3 Amendment to Minutes of Meeting 18 January 2017

Reference No: DAP180117 – 2.6
Application No: 100/2016/842
Site Location: 87 Bells Road, Glengowrie

“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;**
- (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) Development Plan Consent pursuant to section 33(1)(d) of the Development Act 1993 is hereby REFUSED to Development Application No: 100/842/2016 (issued with Development Assessment Commission land division application number 100/D095/16) for Land Division - Community Title 1 into 3 allotments and further development of those allotments for the construction of a two (2) storey detached dwelling and a single storey residential flat building comprising two (2) dwellings and associated landscaping at 87 Bells Road, Glengowrie for the following reasons...”**

Reference No: DAP180117 – 2.1
Application No: 100/2016/1802
Site Location: 13 Glengarry Avenue, Glandore

“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: 100/2016/1802 for alterations and additions to the existing dwelling, and incorporating an outbuilding (garage) situated adjacent the northern (rear) and eastern (side) boundaries at 13 Glengarry Avenue, Glandore be GRANTED subject to the following conditions...”**

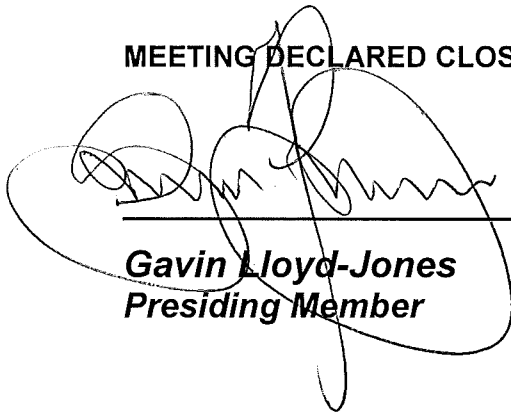


5 CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 1 February 2017 taken as read and confirmed this first day of February 2017.

6 CLOSURE

MEETING DECLARED CLOSED AT 7.20PM



Gavin Lloyd-Jones
Presiding Member

1/2/2017