

**MINUTES OF THE CITY OF MARION
DEVELOPMENT ASSESSMENT PANEL HELD AT THE
ADMINISTRATION CENTRE 245 STURT ROAD STURT
ON
WEDNESDAY 20 JANUARY 2016**

1.1 PRESENT

Gavin Lloyd-Jones (Presiding Member), Graham Goss, Ian Crossland
and Nick Kerry

1.2 APOLOGIES

Phil Smith and Wendy Bell

1.3 ABSENT

Luke Hutchinson

1.4 IN ATTENDANCE

Rob Tokley - Team Leader – Planning (DAP Executive Officer)
Stephen Both - Senior Development Officer - Planning

1.5 COMMENCEMENT

The Meeting commenced at 6.30pm



DAP200116

2. HEARING OF APPLICATIONS

2.1 Reference No: DAP200116 – 2.1

Application No: 100/2014/959

Site Location: 215 Sturt Road, Seacombe Gardens

- Mr Graham Kalisch (Representor) addressed the Panel
- Ms Mary Schumacher (Representor) addressed the Panel
- Mr Garth Heynen addressed the Panel on behalf of WC Projects Pty Ltd (Applicant)

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: 100/2014/959 for three, two storey residential flat buildings, comprising a total of 8 dwellings for the purpose of student accommodation, with associated car parking and landscaping at 215 Sturt Road, Seacombe Gardens be REFUSED for the following reasons:
 1. The proposal fails to accord with Objective 2 of the Regeneration Policy Area 16, as it shall not improve the quality of living environments.
 2. The proposal shall not contribute toward improved living conditions, and is therefore at variance with Objective 11, Principle 3 and the Desired Character of the Regeneration Policy Area 16.
 3. The proposal does not create a convenient and pleasant environment in which to live, and therefore fails to fulfil Orderly and Sustainable Development Objective 1.
 4. The number of dwellings result in an average land area substantially less than that sought for two storey residential flat dwellings, and is therefore at variance to Principle 4 of the Regeneration Policy Area 16.
 5. The proposed development does not accord with Orderly and Sustainable Development Objective 4, as the proposal prejudices the achievement of the provisions of the Development Plan.
 6. The proposal does not contribute to the provision of convenient, pleasant and healthy living environments that meet the needs and



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preferences of the community, and is therefore at variance to Residential Development Objective 1.

7. Site coverage exceeds that sought in the Regeneration Policy Area 16, and therefore fails to satisfy Policy Area Principle 5.
8. The building is likely to have an unreasonable visual impact upon adjoining properties via a lack of articulation and proximity to the side and rear boundaries; failing to satisfy Design and Appearance Principle 2(a).
9. The proposal fails to satisfy Residential Development Principle 29, as the private open space does not comprise 35 square metres (excluding Dwelling 7), and does not maintain a minimum dimension of 4 metres.
10. The proposal does not comply with Residential Development Principle 28, as the proposed private open space is not of sufficient area and shape to be functional for likely occupant needs.



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2.2 Reference No: DAP200116 – 2.2
Application No: 100/2015/1657
Site Location: 10 Thorne Crescent, 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: 100/2015/1657 for two single storey detached dwellings, incorporating garage walls on the eastern and western side boundaries at 10 Thorne Crescent, 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. 100/2015/1657 except when varied by the following conditions of consent.
2. 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

3. 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.
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 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.

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. 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.
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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2.3 Reference No: DAP200116 – 2.3
Application No: 100/2015/1974
Site Location: 43 Thomas Street South Plympton

- Mr Campbell & Mrs Julie Hopgood (Representors) addressed the Panel
- Peter and Anetta Chwaja (Applicants) 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: 100/2015/1974 for a pair of single storey semi-detached dwellings with associated garages with walls on the eastern and western property boundaries at 43 Thomas Street, South Plympton 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. 100/2015/1974, being drawing number(s) 2728.15 pages 1 to 4 (inclusive) and engineered site works plan SP B dated 12/01/2016 prepared by Inspire Design Studio and A Romaniuk Building Surveyor & Consulting Engineer, except when varied by the following conditions of consent.
2. 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

3. A landscaping plan shall be submitted to Council for consideration and approval, detailing a mix of native medium and low-level plantings throughout the front yard areas of the properties.
4. 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.



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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. 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.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. The render finish to the garage walls located on the property boundary are to be finished in a professional manner, similar to other external walls on the subject dwelling.

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. 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.
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: DAP200116 – 2.4
Application No: 100/2015/377
Site Location: 2 Crozier Terrace, Oaklands 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: 100/2015/377 to construct two, two storey dwellings and two single storey dwellings to the rear of the site with associated car parking and landscaping at 2 Crozier Terrace, Oaklands Park be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the amended plans and details prepared by Progetto Design stamped dated received 20 November 2015 and the amended Siteworks and Drainage Plan prepared by NGS Engineers stamped dated received 14 July 2015 all submitted with and forming part of Development Application No. 100/2015/377, except where varied by the following conditions of consent.
2. The site plan and engineered site works and drainage plan shall be amended to show the following;
 - The building footprint for Dwelling (2) is to be accurately plotted on the engineered site works in accordance with the site plan stamped dated received 20 November 2015.
 - The width of the central driveway and crossover servicing Dwellings (3) and (4) is to be reduced at the entry point from 5.2 to 3.0 metres in width and is to be shown as being perpendicular to the kerb.
 - The engineered site works plan stamped dated received 14 July 2015 is to be amended to show the driveways and crossovers of Dwellings (1) and (2) as being perpendicular to the kerb.

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3. The upper level west facing bedroom windows of Dwellings (1) and (2) hereby approved shall be double glazed for sound attenuation purposes.
4. A landscaping plan shall be submitted to Council for consideration prior to Development Approval being issued, detailing a mix of native medium and low-level plantings throughout the site of the development, including maximum growth heights. The landscaping plan should be designed to enhance the appearance of road the frontage and to complement built form (eg taller and broader plantings against taller and bulkier building components).
5. Stormwater from the dwellings 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.
12. All mortar joints on any face brickwork including any external wall surfaces located on the property boundary are to be finished in a professional manner, similar to other external brickwork or wall surfaces on the subject dwelling.



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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. 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.
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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**2.5 Reference No: DAP200116 – 2.5
Application No: 100/2015/1717
Site Location: 9 Clark Avenue, Glandore**

- Ms Judy Bellati (Representor) addressed the Panel
- Mr Grant Ebert and Mrs Juanita O'Neill addressed the Panel on behalf of the Applicant

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: 100/2015/1717 to construct a single storey detached dwelling featuring a garage wall on the northern side boundary, incorporating retention of the existing freestanding garage and swimming pool, and to remove a significant tree located in Council's road reserve, at 9 Clark Avenue, Glandore 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. 100/2015/1717, including Siteworks Plan by RCI Consulting Engineers received by Council on 13 November 2015, drawings by Adelaide Designer Homes received by Council on 18 September 2015, and landscaping plan and email correspondence from Grant Ebert received by Council on 12 January 2016, except when varied by the following conditions of consent.**
- 2. The driveway crossover shall not exceed 5 metres in width, shall be constructed perpendicular to the kerb as it passes through Council's road reserve, and shall be set back a minimum 1 metre from the existing power pole and Telstra pit. Amended plans shall be provided to Council for consideration and approval prior to the issue of Development Approval.**
- 3. Payment of \$252 shall be made into the City of Marion Urban Tree Fund to compensate for the removal of the significant tree.**
- 4. Payment of \$650 + GST shall be made to the City of Marion to fund the tree removal and replacement works.**



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5. The existing shed/garage will be used for domestic storage purposes only, which are reasonably incidental to residential use. The existing shed/garage will not be used as a store (for items not ancillary to the dwelling) or commercial transactions.
6. If construction of the new dwelling has not substantially commenced within 12 months of the existing dwelling being demolished, the shed/garage must also be demolished.
7. 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

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. 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.
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.
12. 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.
13. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
14. 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.

NOTES



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1. Pursuant to the Development Act 1993, if the Council determines that a regulated or significant tree may be removed, the approval must be subject to a condition that replacement trees be planted, or that payment of \$82.00 for each replacement tree that is not planted is made into an Urban Trees Fund. The number of replacement trees required to be planted is 2 trees to replace a regulated tree, 3 trees to replace a significant tree.
2. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
3. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
4. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
5. 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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2.6 Reference No: DAP200116 – 2.6
Application No: 100/2015/813
Site Location: 53 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) To advise the ERD Court that Council is supportive of the compromise plans for Development Application No: 100/2015/813 for a two storey residential flat building comprising two dwellings and a single storey residential flat building to the rear comprising two dwellings with associated garages, car parking, common driveway and landscaping at 53 Limbert Avenue, Seacombe Gardens 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. 100/2015/813, dated as received by Council on 6 January 2016, 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. Stormwater from all structures 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 Sheet "Stormwater Detention" to the reasonable satisfaction of the Council (copies of relevant documents are attached).
4. 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.



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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 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. 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).
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.
11. 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.

NOTES

1. The applicant is encouraged to consider incorporating 3,000 litre retention tanks, connected to no less than 80% of the roof area and fully plumbed to a toilet and the laundry of each dwelling, in lieu of providing separate retention and detention tanks.
2. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
3. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).



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4. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
5. 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.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a cursive name.

3. OTHER BUSINESS

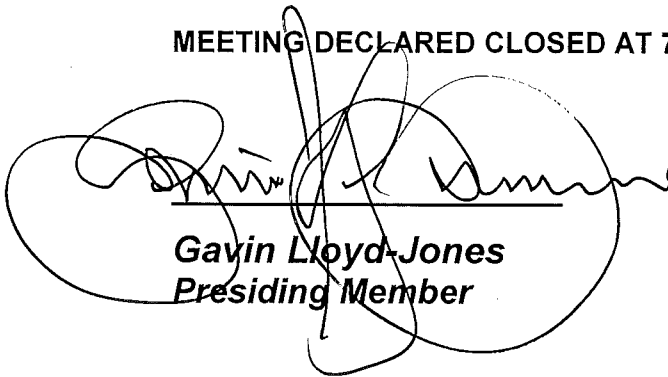
- 3.1 Appeals update
- 3.2 Policy Observations

4. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 20 January 2016 taken as read and confirmed this twentieth day of January 2016.

5. CLOSURE

MEETING DECLARED CLOSED AT 7.41PM



Gavin Lloyd-Jones
Presiding Member

20/1/16.