

1. MEETING PROCEDURES

1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATIONS

No items listed for discussions

3. DEVELOPMENT ACT 1993 APPLICATIONS

**3.1 DEVELOPMENT NO 100/2020/2362 – CONFIDENTIAL ITEM
411 Morphett Road Oaklands Park**

Two (2) three storey residential flat buildings: one comprising six dwellings and one comprising five dwellings, with associated landscaping

Report Reference: CAP011221 - 3.12

4. PDI ACT APPLICATIONS

**4.1 DEVELOPMENT NO 21016900
33 Helmsdale Avenue GLENGOWRIE 5044
Upper storey dwelling additions and alterations**

Report Reference: CAP011221 - 4.13

**4.2 DEVELOPMENT NO 21025439
26 Percy Avenue, Mitchell Park**

The removal of existing transportable classrooms and outdoor basketball courts and construction of an indoor recreation facility comprising two (2) basketball courts change rooms, function/event space and ancillary spaces as well as eight (8) classrooms, covered learning area, three outdoor netball courts and associated fencing, modified vehicle and pedestrian linkages and removal of two (2) regulated trees and temporary parking and drop off.

Report Reference: CAP011221 - 4.25

5. APPEALS UPDATE

- Verbal Update Provided

5.1 APPEALS AGAINST PANEL DECISIONS

- Verbal Update Provided

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

6. POLICY OBSERVATIONS

- Verbal Update Provided/ No Items Listed for Discussion

7. OTHER BUSINESS

8. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON 1 DECEMBER 2021

9. MEETING CLOSURE

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 01 DECEMBER 2021**



1.1 OPEN MEETING

The Meeting commenced at 6.32pm

1.2 PRESENT

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

1.3 APOLOGIES

Alex Wright – CAP Assessment Manager / Team Leader - Planning

1.4 IN ATTENDANCE

Warwick Deller-Coombs – Manager Development and Regulatory Services
Nicholas Timotheou – Senior Development Officer - Planning
Kai Wardle – Development Officer - Planning

2. GENERAL OPERATIONS

3. HEARING OF DEVELOPMENT ACT APPLICATIONS

3.1 CONFIDENTIAL ITEM

Report Reference: CAP011221 - 3.1

Application No: 100/2020/2362

Site Location: 411 Morphett Road Oaklands Park

6:33PM – Bryn Adams declared an indirect professional interest with Item 3.1 and left the meeting for the duration of the applicant's address in relation to the item.

- James Levinson addressed and responded to questions of the Panel on behalf of Citify Pty Ltd (Applicant)

6:40PM – Bryn Adams re-joined the meeting.

The Panel agreed to alter the order of proceedings, with confidential discussion of Item 3.1 to occur later in the meeting following the consideration of all other items.

7:54PM – Bryn Adams declared an indirect professional interest with Item 3.1, left the meeting and did not return.

7:54PM – Pursuant to Section 13(2)(a)(ix) of the Planning, Development and Infrastructure Regulations, the Panel resolve to exclude the public from attendance for the deliberation of item 3.1.

The Council Assessment Panel resolved that;

The Council Assessment Panel having considered this matter in confidence under Section 13(2)(a)(ix) of the Planning, Development and Infrastructure Regulations determined that the decision of the Council Assessment Panel on this item be kept confidential and not available for public inspection until such time that appeal ERD – 21 000079 has concluded.

4. PDI ACT APPLICATIONS

4.1 Report Reference: CAP011221 - 4.1

Application No: 21016900

Site Location: 33 Helmsdale Avenue Glengowrie

Supporting documentation provided by KC Design and Drafting (Applicant) was accepted by the Panel and identified as Item 1.

- Rachel Dally (Representor) addressed the Panel
- Andrew Cronin on behalf of KC Design and Drafting (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 Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and**
- (c) That Planning Consent for Development Application ID: 21015900 for upper storey dwelling additions and alterations at 33 Helmsdale Avenue, Glengowrie be GRANTED subject to the following Conditions.**

CONDITIONS

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
- 2. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.**
- 3. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.**

NOTES

- 1. The owner/applicant is advised that consent from any relevant easement or encumbrance owner may be required prior to any construction. Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way. Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited**

Plan. A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at: <https://sailis.lssa.com.au/home/auth/login>.

2. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.

4.2 Report Reference: CAP011221 - 4.2**Application No: 21025439****Site Location: 26 Percy Avenue, Mitchell Park**

- Rebecca Thomas of Ekistics, Steve Byrne of Sacred Heart College and Daniel Tuckwell of Project Green on behalf of Badge Constructions (SA) Pty Ltd (Applicant) responded to questions of the Panel

The Council Assessment Panel resolved that;

RECOMMENDATION

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 Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and
- (c) That Planning Consent for Development Application ID: 21025439 for the removal of existing transportable classrooms and outdoor basketball courts and construction of an indoor recreation facility comprising (2) basketball courts, change rooms, function/event space and ancillary spaces as well as eight (8) classrooms, covered learning area, three (3) outdoor netball courts and associated fencing, modified vehicle and pedestrian linkages and removal of two (2) regulated trees and temporary parking and drop off at 26 Percy Avenue, Mitchell Park be GRANTED subject to the following Reserved Matter and Conditions.

RESERVED MATTERS

Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016, Council RESERVES its decision in relation to the following matters. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent thereof.

1. Final stormwater pipe layout, sizes and connection details shall be provided, to the reasonable satisfaction of the Assessment Manager.
2. A Construction Environmental Management Plan (CEMP) which demonstrates compliance with AS4970 2009 shall be provided, to the reasonable satisfaction of the Assessment Manager.

Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016 the Council reserves its decision on the form and substance of any further conditions of planning consent that it considers appropriate to impose in respect of the reserved matter outlined above.

CONDITIONS

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

2. Replacement trees must be planted within 12 months of completion of the development at the following rates:
 - i. if the development relates to a regulated tree—2 trees to replace a regulated tree; or
 - ii. if the development relates to a significant tree—3 trees to replace a significant tree.

Replacement trees cannot be within a species specified under regulation 3F(4)(b) of the Planning, Development and Infrastructure (General) Regulations 2017, and cannot be planted within 10 metres of an existing dwelling or inground swimming pool.

3. Prior to commencement of any site works, a Tree Protection Zone, including tree protection zone fencing, shall be established around the Trees to be retained in accordance with the tree protection plan contained within the tree report prepared by Project Green.
4. Prior to commencement of any site works, a “Tree Protection Zone”, consisting of a 2.0m high solid, chainmesh, steel or similar material fence with posts at 3m intervals, shall be erected in accordance with the report prepared by Project Green. A sign displaying the words “Tree Protection Zone” shall be placed on the fence and no persons, vehicles or machinery shall enter the Area and no goods, materials or waste shall be stored within the Area until after construction is complete. A layer of organic mulch (woodchips) to a depth of 100mm shall be placed over all root systems within the Area to assist with moisture retention and to reduce impact of compaction and supplementary watering shall be provided through any dry periods during the construction process.
5. Any structural roots (i.e. greater than 25mm in diameter) of the Trees to be retained that are uncovered outside of the Tree Protection Zone shall be retained where possible or, if not, shall be severed by saw cutting, sharp axe or secateurs and not with a backhoe or machinery or blunt instrument. Wounds shall be immediately dressed with a commercially available tree-wound healing compound.
6. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.
7. Wheel stopping devices shall be placed and maintained within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009).
8. 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.
9. Designated accessible (disabled) car parking spaces shall be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.6.2009).
10. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and 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.

11. All car parking spaces shall be linemarked 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.
12. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
13. All waste and other rubbish shall be stored in the designated areas and screened from public view in accordance with the approved plans.
14. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
15. All external lighting must be designed and constructed in accordance with Australian Standard (AS 4282-1997).
16. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 "Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines". Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.
17. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.

NOTES

1. It is recommended a Project arborist be engaged to ensure all tree damaging activity be undertaken in strict accordance with AS4970 2009; and
 - a. Works within or adjacent an SRZ to be undertaken with extreme care under the supervision of the Project Arborist
 - b. Construction of buildings within the TPZ should be 'pier and beam' to reduce the need for trenching for footing beams.
 - c. Paving within the TPZ should comprise of permeable paving.
 - d. Paving within the TPZ should be installed above grade, or with manual excavation, to reduce impacts on the trees root system.
 - e. Underground services are to be routed outside the TPZ if possible, where this cannot occur, soft dig methods such as hydro-excavation or direction boring may occur under the guidance of the project arborist; and
2. The owner/applicant is advised that consent from any relevant easement or encumbrance owner may be required prior to any construction. Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way. Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited Plan. A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at: <https://sailis.lssa.com.au/home/auth/login>.

3. **The Fences Act 1975 details certain requirements and procedures in order to remove, replace or repair boundary fencing. If you intend to remove or repair an existing boundary fence, you are obligated to give the other affected neighbours 30 days notice to comment and respond as per a "Form 2". If a fence is removed (even if only temporarily) by a neighbour without the consent of the adjoining owner, or without following the procedure under the Fences Act, you may be liable to compensate the other owner.**
For more information, please refer to the Legal Services Commission brochure titled "Fences and the Law". Copies are available at Council's Administration Centre, or online at <http://www.lawhandbook.sa.gov.au/ch31s02.php>.
4. **As the proposal involves work on or near the boundary, it is recommended that the boundaries are clearly defined by a Licensed Surveyor prior to the commencement of any building work.**
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.**
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. **Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016, the matter(s) listed as Reserved Matters are reserved for further assessment to the satisfaction of the relevant authority prior to the granting of Development Approval.**

5. APPEALS UPDATE**5.1 APPEALS AGAINST PANEL DECISIONS**

Administration provided a verbal update.

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

Administration provided a verbal update.

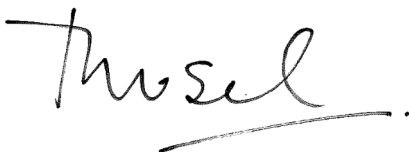
6. POLICY OBSERVATIONS**7. OTHER BUSINESS****8. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 01 December 2021 taken as read and confirmed this first day of December 2021

9. MEETING CLOSURE

- **Length of meeting:** 1 hour 36 minutes
- **Number of Representors appearing before the Panel:** 1
- **Number of Applicants appearing before the Panel:** 3

MEETING DECLARED CLOSED AT 8.08PM

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

Terry Mosel
Presiding Member