

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 16 APRIL 2025**



1.1 OPEN MEETING

The Meeting commenced at 6.30pm

1.2 PRESENT

Michael Davis - Presiding Member
Yvonne Svensson - Independent Member
Benjamin Russ - Independent Member
Bryn Adams - Independent Member
Councillor Nathan Prior - Elected Member (Deputy Member)

1.3 APOLOGIES

Alex Wright- CAP Assessment Manager – Unit Manager Planning & Development
Councillor Matt Taylor - Elected Member

1.4 IN ATTENDANCE

Gary Brinkworth - Manager - Development & Regulatory Services
Katherine Thrussell - Team Leader – Planning
Kristen Sheffield – Senior Urban Planner
Kuki Kinyanjui – Development Officer – Planning

2. GENERAL OPERATIONS

No items listed for discussion.

3. HEARING OF APPLICATIONS

DEVELOPMENT ACT 1993 APPLICATIONS

No items listed for discussion.

4. PDI ACT APPLICATIONS

- 4.1 Report Reference: CAP160425 – 4.1
Application No: 24030118
Site Location: 44 Gertrude Street, Glandore

The Council Assessment Panel resolved that;

In accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016 the Council Assessment Panel;

- (a) Notes the assessment and recommendation(s) made by the report author;
- (b) Resolves that the proposed development, pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, IS NOT seriously at variance¹ with the Planning and Design Code; and
- (c) Resolves that, pursuant to Section 102 (1) *Planning, Development and Infrastructure Act 2016*, Development Application 24030118 seeking planning consent for Partial demolition of existing dwelling and subsequent construction of a single storey dwelling addition, including a wall abutting the southern boundary, and internal building alteration at 44 Gertrude Stret, Glandore 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. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling.

¹ Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* (or Section 35(2) of the *Development Act 1993* for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the *Development Plan* if under the *Development Act*).

What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

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.
4. 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.
5. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.

NOTES

1. Street tree removal requires further action from you (the applicant). Council's Open Space team will send you a letter explaining the process associated with payment, street tree removal and street tree replacement. Following Development Approval, please contact Council's Open Space team to arrange for payment to be made. Please note that removal/replacement may only be undertaken by Council, and removal/replacement will not occur until after payment has been received. Please see Council's 'Development and Street Trees' Factsheet for further information.
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 applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

4. The owner/applicant is advised that infrastructure located within Council road reserve (i.e. area between the kerb and allotment boundary) should be designed and constructed (including modified) in accordance with relevant / current Council standards. This includes, but is not limited to, driveway crossovers, alterations to kerbing and footpaths, stormwater easement connections and domestic stormwater connection to the street watertable.

Further information on the standards can be obtained via Council's website.
marion.sa.gov.au > Search Civil engineering > Click 'Civil engineering infrastructure - standard drawing index'

5. If excavating, it is recommended you contact *Before You Dig Australia (BYDA)* (www.byda.com.au) to keep people safe and help protect underground infrastructure.
6. 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>.

7. 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.
8. 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.
9. 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.
10. The applicant is reminded that Development Approval is required for any retaining wall over one metre in height, any masonry fence over one metre in height, any non-masonry fence (e.g. colorbond, wood paling, brush etc) over 2.1 metres in height, and any retaining wall with a fence on top with a total height over 2.1 metres in height (measured from the lower of the two adjacent ground levels).

4.2 CONFIDENTIAL ITEM**Report Reference: CAP160425 – 4.2****Application No: 24018745****Site Location: 17 Petrel Close, Hallett Cove**

- Amy Roberts of URPS (Applicant) addressed the Panel

6:48pm – 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 4.2

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-25-000019 has concluded.

6:59pm: Meeting re-opened to the Public

5. APPEALS UPDATE

APPEALS AGAINST PANEL DECISIONS

Verbal update provided.

6. POLICY OBSERVATIONS

Verbal update provided.

7. OTHER BUSINESS

No items listed for discussion.

8. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 16 April 2025 taken as read and confirmed this sixteenth day of April 2025.

7. MEETING CLOSURE

- **Length of meeting: 38 minutes**
- **Number of Representors appearing before the Panel: nil**
- **Number of Applicants appearing before the Panel: 1**

MEETING DECLARED CLOSED AT 7:08PM

A handwritten signature in blue ink, appearing to read 'Michael Davis', with a long horizontal stroke extending to the right.

Michael Davis
Presiding Member