

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 16 NOVEMBER 2022**



1.1 OPEN MEETING

The Meeting commenced at 6.30pm

1.2 PRESENT

Michael Davis - Presiding Member
Yvonne Svensson- Independent Member
Ben Russ - Independent Member
Bryn Adams - Independent Member

** Due to recent Local Government Elections no Council Member is eligible to attend this meeting as a sitting member.*

1.3 APOLOGIES

Nil

1.4 IN ATTENDANCE

Tony Lines – General Manager – City Development
Alex Wright - CAP Assessment Manager - Team Leader - Planning
Joanne Reid – Acting Senior Urban Planner

2. GENERAL OPERATIONS

No items listed for discussion.

3. DEVELOPMENT ACT 1993 APPLICATIONS

**3.1 Report Reference: CAP161122 - 3.1
(Deferred at CAP070922)
Application No: 100/2021/195
Site Location: 3 and 7-9 Franklin Street, Sturt**

- Julie Jansen of Masterplan on behalf of Necia Pascale of Adelaide Benevolent Society (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 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) That Development Plan Consent for Development Application No: 100/2021/195 for the demolition of 22 existing dwellings and construction of 24 dwellings (comprising 2 x two-storey residential flat buildings each with two dwellings, 9 x single storey residential flat buildings each with two dwellings and 2 x single storey dwellings) with associated access, fencing and landscaping and the removal of two (2) significant trees and eight (8) regulated trees at 3 and 7-9 Franklin Street, Sturt be REFUSED for the following reasons:**
 - 1. The proposal does not satisfy Regulated Trees Objectives 1 and 2 and Significant Trees Objectives 1 and 2 as the proposed design does not satisfactorily seek to provide development in balance with preserving regulated and significant trees that are considered to provide an important aesthetic and environmental benefit, provide a significant contribution to the character and visual amenity of the area and provide important habitat for native fauna.**
 - 2. The proposed development does not satisfy Regulated Trees Principle of Development Control 1 as the design will have substantial adverse effects Regulated Trees 2-4 & 6-10.**
 - 3. Contrary to Regulated Trees Principle of Development Control 2, it is not considered that it has been sufficiently demonstrated that where trees form a notable visual element to the landscape of the local area they are not diseased with short life expectancy and do not represent an unacceptable risk to public or private safety, and that reasonable alternative development solutions or design options to retain regulated trees on the land have been sought.**
 - 4. Contrary to Significant Trees Principle of Development Control 1, the development has not sought to preserve the Significant Trees 1 & 5 as they are considered to make an important contribution to the character and amenity of the local area, represent an important habitat for native fauna, are important to the maintenance of biodiversity in the local environment and form a notable visual element to the landscape character of the local area.**

5. The trees are not considered to have the following characteristics that provide a case for removal in accordance with Significant Trees Principle of Development Control 3 in that they;
 - (a) are not diseased with short life expectancy
 - (b) have not been shown to present an unacceptable risk to public or private safety
 - (c) are not damaging existing buildings or structures
 - (d) could be retained through reasonable alternative development options and design solutions.
6. The proposed design and layout is not considered appropriate in accordance with Significant Trees Principle 5 which states land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree.

4. PDI ACT APPLICATIONS

4.1 Report Reference: CAP161122 - 4.1

Application No: 21021528

Site Location: 61A Woodend Road & 55A Woodend Road, Sheidow Park

- Denise De Zwart (Representor) answered questions of the Panel
- Shane Henning (on behalf of the applicant) addressed questions of 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;

(b) The application be DEFERRED to enable the applicant to provide further details having regard to Desired Outcome 1 and Performance Outcomes 2.1 and 11.3 of the Hills Neighbourhood Zone and Performance Outcomes 1.2 and 2.1 of General Policies Land Division;

- **Cross sections of the site demonstrating the extent of cut and fill north-south through the site and east-west through the site at key locations**
- **Details of the proposed retaining walls, including methods of construction, colours and material**

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

Advised appeal against CAP's refusal of application at 2 Wattle Terrace lodged with ERD Court.

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

Nil

6. POLICY OBSERVATIONS

Open Space Zone boundaries should be reviewed having regard to achieving a good urban outcome and safe and accessible open space which meets the intent of the zone.

7. OTHER BUSINESS**8. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 16 November 2022 taken as read and confirmed this sixteenth day of November 2022

9. MEETING CLOSURE

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|--|-------------------|
| • Length of meeting: | 1 Hour 42 Minutes |
| • Number of Representors appearing before the Panel: | 1 |
| • Number of Applicants appearing before the Panel: | 2 |

MEETING DECLARED CLOSED AT 8.12PM



Michael Davis
Presiding Member