

**CITY OF MARION  
COUNCIL ASSESSMENT PANEL MINUTES  
FOR THE MEETING HELD ON  
WEDNESDAY 17 MAY 2023**

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**1.1 OPEN MEETING**

The Meeting commenced at 6.26pm

**1.2 PRESENT**

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

**1.3 APOLOGIES**

Councillor Nathan Prior – Council Member  
Alex Wright – CAP Assessment Manager – Team Leader - Planning

**1.4 IN ATTENDANCE**

Kai Wardle - Senior Urban Planner

**2. GENERAL OPERATIONS**

No items listed for discussion

**3. DEVELOPMENT ACT 1993 APPLICATIONS**

No Items listed for discussion.

#### 4. PDI ACT APPLICATIONS

##### 4.1 Report Reference: CAP170523 - 4.1

Application No: 22034431

Site Location: 6 Beadnall Terrace, Glengowrie

- Alex Dickinson on behalf of Chris Dickinson (Representor) addressed the Panel
- Phil Harnett of URPS on behalf of Mr Casey Sprick, Design House SA (Applicant) and Mr Madhan Dhami (property owner) addressed 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 note 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<sup>1</sup> 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: 22034431 to construct a two storey detached dwelling incorporating a wall on the western boundary at 6 Beadnall Terrace, 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. 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.
3. 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.

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<sup>1</sup> 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.

4. 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.
5. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.
6. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
7. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

## 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.
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>.

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.

4. If you are a developer or owner-builder, there are important Commonwealth telecommunications rules you need to comply with. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)
  
5. 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).

**CAP170523****4.2 Report Reference: CAP170523 - 4.2****Application No: 23000395****Site Location: 500 Morphett Road Warradale & 156-162 Sturt Road Warradale  
(comprising 4 allotments)**

- Shikha Chhikara on behalf of Amit Chhikara (Representor) addressed the Panel
- Mr Robert McBryde (Applicant) addressed 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<sup>1</sup> 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: 23000395 for the Change of Use and Construct New Single Storey Office Building Including Associated Carpark, Carport, Landscaping, Fences, and Move Existing Light Pole, at 500 Morphett Road and 156-162 Sturt Road Warradale, be GRANTED subject to the following Reserved Matter and Conditions.

**RESERVED MATTER**

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval:

1. An amended engineered siteworks plan shall be provided to the Council Assessment Manager detailing the proposed Finished Floor Levels at 100.20.

**CONDITIONS OF CONSENT**

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. The operating hours shall be limited within the following times:  
Monday to Friday (inclusive) 7:00am to 9:00pm (excluding public holidays) and  
Saturday 8:00am to 5.00pm (excluding public holidays)
3. All landscaping shall be undertaken in accordance with the approved landscaping plan(s) and detail(s), with all planting to be established within the first planting season following practical completion of building work, and shall thereafter be maintained in healthy condition, to the satisfaction of the Council Planning Authority, with any diseased or dying plants being replaced as / where required.

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4. All waste and other rubbish shall be stored in a manner so that it does not, in the reasonable opinion of the Council, create:
  - insanitary conditions on or off the site;
  - an unreasonable nuisance off the site; or
  - pollution to the environment (including by pollution caused by substances, materials or things entering the stormwater system either by wind or water).
5. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
6. 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.
7. All external lighting must be designed and constructed in accordance with Australian Standard (AS 4282-1997).

**CONDITIONS OF CONSENT (Department of Infrastructure & Transport)**

1. Vehicular access to serve the site shall be in accordance with the Site Plan by Aspek Building Designers, drawing number PD02, revision number D, date 31/12/2022.
2. All vehicles shall enter and exit Morphett Road in a forward direction. All onsite vehicle manoeuvring areas shall remain clear of any impediments.
3. The redundant crossover on Morphett Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.
4. Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

**ADVISORY NOTES**

1. The Local Nuisance and Litter Control Act 2016 has restrictions relating to the control of noise, dust, smoke, odours and unsightly conditions in the urban environment. Please note that conditions of this nature which unreasonably affect the amenity of neighbours may contravene the Act.
2. Before commencing any site works, a temporary vehicular access to the property for machinery, delivery of building materials and general vehicles should be provided. In the case where no driveway invert exists, the kerb can be saw cut and removed at the intended location for the new driveway invert to provide the necessary temporary access. In addition, if a paved Council footpath exists, this should also be removed in alignment with the removed section of kerb. The applicant should also take note of other information provided regarding use of, damage to and construction on Council owned land.

<sup>1</sup> 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. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly. 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 (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). Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development (a suggested measure is to install a gravelled construction exit with wash down facilities).
4. Any 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.
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.

**ADVISORY NOTES (Department of Infrastructure & Transport)**

1. Future Advertising signage should be consistent with DIT's publication 'Advertising Signs: Assessment Guidelines for Road Safety'.



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

Verbal update provided.

**6. POLICY OBSERVATIONS**

No items listed for discussion.

**7. OTHER BUSINESS**

No items listed for discussion.

**8. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 17 May 2023 taken as read and confirmed this seventeenth day of May 2023.

**9. MEETING CLOSURE**

- Length of meeting: 56 minutes
- Number of Representors appearing before the Panel: 2
- Number of Applicants appearing before the Panel: 2

**MEETING DECLARED CLOSED AT 7.22PM**



***Michael Davis***  
***Presiding Member***