

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

1.1 PRESENT

Gavin Lloyd-Jones (Presiding Member), Graham Goss, Phil Smith,
Wendy Bell, Ian Crossland, Nick Kerry and Luke Hutchinson

1.2 APOLOGIES

Nil

1.3 IN ATTENDANCE

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

1.4 COMMENCEMENT

The Meeting commenced at 6.30pm



DAP200416**2. HEARING OF APPLICATIONS****2.1 Reference No: DAP200416 – 2.1****Application No: 100/2015/2410****Site Location: 93 Raglan Avenue, South Plympton**

- 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:

- The Panel note this report and concur with the findings and reasons for the recommendation;**
- 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**
- That Development Plan Consent for Development Application No: 100/2015/2410 to erect six (6) light towers, incorporating a maximum height of 25.15 metres (excluding light fixture atop) at 93 Raglan Avenue, South Plympton be GRANTED subject to the following conditions:**

CONDITIONS

- The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/2410/2015 except when varied by the following conditions of consent.**
- All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.**
- The maximum operable days and times the lights herein approved shall be limited to Monday to Saturday (inclusive): 7:00am to 10:00pm.**

NOTES

- 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.**
- Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be**



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repaired / reinstated to Council's satisfaction at the developer's expense.

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2.2 Reference No: DAP200416 – 2.2
Application No: 100/2015/1682
Site Location: 507 Marion Road, South Plympton

- Mr Andrew Evangelou (Representor) 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: 100/2015/1682 for a two storey residential flat building, comprising three, two storey dwellings and a single storey dwelling, with associated car parking, masonry wall and landscaping at 507 Marion Road, South Plympton be REFUSED for the following reasons:**

REASONS FOR REFUSAL

- 1. The development results in a dwelling density that does not comply with that sought within the Northern Policy Area 13 and is at variance to Objective 1 and 3, Principle 2 and the Desired Character of the Policy Area.**
- 2. The site areas of the proposed dwellings fail to satisfy the minimum of 300 square metres prescribed by Principle of Development Control 3 of the Northern Policy Area 13.**
- 3. The amount of private open space provided for Dwellings 2 and 3 is significantly less than that sought by Residential Development Principle 17 and is unlikely to be appropriate for likely occupant needs.**
- 4. The location of on-site car parking does not provide for the safe and convenient movement of vehicles and fails to satisfy Transport and Access Principles 26, 27, 36(c) and 36(g).**
- 5. Access to the site and the location of the western visitor parking spaces may result in unreasonable interference with the flow of traffic on the adjoining road and therefore fails to satisfy Transport and Access Principle 23(a).**
- 6. Dwellings 1, 2 and 3 do not incorporate appropriate privacy treatments and are likely to unreasonably compromise the privacy of**



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adjoining land. As such, the proposal does not comply with Design and Appearance 12.

7. The proposed dwellings are likely to result in the north-facing habitable room window of the adjacent dwelling not achieving adequate solar access during winter months, and therefore fails to satisfy Design and Appearance Principle 9.



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2.3 Reference No: DAP200416 – 2.3
Application No: 100/2015/1054
Site Location: 356 Sturt Road Clovelly Park

- Martin Ayles on behalf of BAM Pty Ltd (Applicant) answered questions of the Panel

The Development Assessment Panel resolved that;

Having considered all relevant planning matters in relation to the subject development application:

- The Panel note this report and concur with the findings and reasons for the recommendation;**
- 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**
- That Development Plan Consent for Development Application No: 100/2015/1054 for Two, two storey residential flat buildings, one comprising two dwellings and the other comprising four dwellings all with associated garages and balconies, landscaping and front fence at 356 Sturt Road, Clovelly Park be GRANTED subject to the following conditions:**

CONDITIONS

- The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1054, being the Site Plan, Lower Floor Plan Lots 1 & 2, Upper Floor Plan Lots 1 & 2, East and West Elevations Lots 1 & 2, South and North Elevation Lot 1 & 2 and Street Elevation Boundary Fence, Lower Floor Plan Lots 3 & 4, Upper Floor Plan Lots 3 & 4, Lower Floor Plan Lots 5 & 6, Upper Floor Plan Lots 5 & 6, South and North Elevation Lots 3-6, West and East Elevation Lot 3 & 6, Siteworks Plan and Landscaping Plan (inclusive) prepared by Holliday Design & Drafting received by Council on the 7 April 2016, except when varied by the following conditions of consent.**
- No gate or other fencing structure shall be placed across the common driveway.**
- Cross-sections or similar detail of the balcony screening is to be provided to Council for consideration and approval prior to Development Approval being issued.**
- 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.**



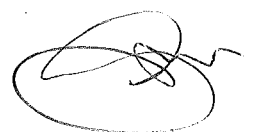
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Note: A copy of the information guide can be viewed at the City of Marion webpage www.marion.sa.gov.au/page.aspx?u=181

5. The portion of the upper floor windows to the northern elevation of Dwelling 2, the western elevation of Dwelling 3, the eastern elevation of Dwelling 6 and the southern elevation of Dwellings 3, 4, 5 and 6 (except the south-facing windows presenting to the street for Dwelling 1) less than 1.7m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council.
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. 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.

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.



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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.



DAP200416**2.4 Reference No: DAP200416 – 2.4****Application No: 100/2015/2190 & 100/2015/2189****DAC Reference Numbers: 100/D271/2015 & 100/C272/2015****Site Location: 14 Larkdale Avenue, Marion**

- 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;
- (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: 100/2015/2190 for Torrens Title Land Division - 1 into 2 allotments at 14 Larkdale Avenue Marion be REFUSED for the following reasons:
- (d) That Development Plan Consent for Development Application No: 100/2015/2189 for Community Title Land Division - 1 into 2 allotments at 14 Larkdale Avenue Marion be REFUSED for the following reasons:

REASONS FOR REFUSAL

1. The development results in a dwelling density that does not comply with that sought within the Northern Policy Area 13 and is at variance to Objective 1 and 3, Principle 2 and the Desired Character of the Policy Area.
2. The site areas fail to satisfy the minimum of 375 square metres and 300 square metres prescribed by Principle of Development Control 3 of the Northern Policy Area 13 for detached and residential flat dwellings, respectively.
3. The proposal results in a shortfall in on-street car parking and fails to satisfy Land Division Principle 22.



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2.5 Reference No: DAP200416 – 2.5
Application No: 100/2015/1418
Site Location: 14 Larkdale Avenue, Marion

- 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**
- (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: 100/2015/1418 to construct a two storey detached dwelling and a single storey residential flat building containing two dwellings with associated car parking and landscaping at 14 Larkdale Avenue, Marion, be REFUSED for the following reasons:**

REASONS FOR REFUSAL

- 1. The development results in a dwelling density that does not comply with that sought within the Northern Policy Area 13 and is at variance to Objective 1 and 3, Principle 2 and the Desired Character of the Policy Area.**
- 2. The site areas of the proposed dwellings fail to satisfy the minimum of 375 square metres and 300 square metres prescribed by Principle of Development Control 3 of the Northern Policy Area 13 for detached and residential flat dwellings, respectively.**
- 3. The site coverage demonstrated by Dwellings 2 and 3 significantly exceeds that sought in the Northern Policy Area and does not satisfy Northern Policy Area 13 Principle 4.**
- 4. The rear setback demonstrated by Dwellings 2 and 3 fails to satisfy that sought in the Northern Policy Area and does not satisfy Residential Zone Principle 7.**
- 5. The rear setback demonstrated by Dwellings 2 and 3 fails to satisfy that sought in the Northern Policy Area and does not satisfy Residential Zone Principle 7.**
- 6. The proposal does not provide additional on-site parking to compensate for the loss in on-street parking, at variance to Transport and Access Principle 43.**



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2.6 Reference No: DAP200416 – 2.6
Application No: 100/2015/2067
Site Location: 51A Angus Avenue, Edwardstown

- No persons addressed the Panel in relation to this Item

The Development Assessment Panel resolved that;

- (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;
- (b) The proposed development is not seriously at variance to the Marion Council Development Plan; and
- (c) That the Development Assessment Panel advise the Environment, Resources and Development Court that Council supports the comprise proposal submitted by Brightspace Homes for Development Application No: 100/2015/2067 and recommends 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. 100/2015/2067, being Sheet 1 of 3, 2 of 3, 3 of 3 prepared by Brightspace Homes, and received by Council 31/04/2016, except when varied by the following conditions of consent.
2. A fully engineered site works 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, and the location of all street infrastructure and street trees.
3. 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

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.
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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2.7 Reference No: DAP200416 – 2.7
 Application No: 100/2016/425
 Site Location: 233-245 Sturt Road and 318 Diagonal Road, Sturt

- 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:

- The Panel note this report and concur with the findings and reasons for the recommendation;
- 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
- That Development Plan Consent for Development Application No: 100/2016/425 for attached and freestanding replacement advertising signage at 233-245 Sturt Road and 318 Diagonal Road, Sturt, be GRANTED subject to the following conditions:

CONDITIONS

- The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/425, including plans prepared by Core SPX dated received by Council on 9 March 2015, and email correspondence from Dale Fitzpatrick dated 12/04/2016, except when varied by the following conditions of consent.
- The illumination of the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road, to the reasonable satisfaction of the Council.
- The control system of the LED sign shall be programmed to adopt to a minimum of four levels of stepped dimming to suit a range of ambient light levels, in accordance with AS 4852.1:2009, as summarised in the below table:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	All Colours	
		Sign Luminance (Cd/m ²) Max	Sign Luminance (Cd/m ²) Min
Sunny Day	40,000	6,300	2,800
Cloudy Day	4,000	1,100	500
Twilight	400	300	200
Dusk	40	200	100
Night	<4	Site specific veiling	60

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		luminance or 200, whichever is the lower	
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4. The image/message displayed on the LED sign shall not change more than 5 times per day.
5. The messages/images displayed shall not incorporate, or be have the ability to be interpreted as a traffic control device (such as traffic lights, stop signs and the like).
6. All messages displayed shall change instantaneously, and not 'scroll', 'fly in', 'flash' or the like, to minimise distraction to motorists.
7. The messages/images displayed on the sign shall relate only to the lawful use of the land and services available from that land.
8. The advertisements and supporting structures shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
9. The proposed non-illuminated signs shall utilise a material of low reflectivity to minimise the possibility of glare and enhance road safety

NOTES

1. The applicant is advised that easements for sewerage purposes, drainage purposes and rights of way runs through the subject land. Care shall be exercised during construction to ensure that encroachment into the easements does not occur, and that all underground infrastructures are adequately protected.



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3. OTHER BUSINESS**3.1** Appeals update**3.2** Policy Observations

The Panel recommend that Council explore further wording regarding 'boundary-to-boundary development', having regard to crime prevention, resident amenity and streetscape outcomes.

4. CONFIRMATION OF MINUTES

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

5. CLOSURE**MEETING DECLARED CLOSED AT 7.23PM**

Gavin Lloyd-Jones
Presiding Member

20/4/16.