

**MINUTES OF THE CITY OF MARION
DEVELOPMENT ASSESSMENT PANEL HELD AT THE
ADMINISTRATION CENTRE 245 STURT ROAD STURT
ON
WEDNESDAY 16 MARCH 2016**

1.1 SITE INSPECTION – 5:30PM

The Meeting commenced on site at 1 Nottingham Crescent, Glandore and 634 South Road, Glandore at 5:30pm, concluding at 5:46pm.

1.2 PRESENT

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

1.3 COMMENCEMENT

The meeting commenced at 6:30pm

1.4 IN ATTENDANCE

The meeting resumed at the Council Offices at 6:34pm.

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

Rob Tokley - Team Leader – Planning (DAP Executive Officer)
Emily Nankivell – Senior Development Officer - Planning

1.5 APOLOGIES

Nil



DAP160316**2. HEARING OF APPLICATIONS**

**2.1 Reference No: DAP160316 – 2.1
Application No: 100/2015/1301
Site Location: 45 Myer 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:

- (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, subject to support from Full Council to waiver compliance with the Land Management Agreement, the Granting of Development Plan Consent be sub-delegated to the Manager – Development and Regulatory Services Development Application No: 100/2015/1301 for two single storey residential flat buildings comprising two dwellings each and a two storey residential flat building comprising six dwellings, with associated car parking, fencing and landscaping at 45 Myer Road, Sturt subject to 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. 100/2015/1301, being job number 1026.14 drawing number(s) PD01, PD02, PD03, PD04, PD05, PD06, PD07, PD08, PD09, PD10, PD11 (inclusive) prepared by House & Land SA, received by Council on 7 March 2016, except when varied by the following conditions of consent.**
- 2. A fully engineered site works and drainage 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, driveway gradients, and the location of all existing street infrastructure and street trees.**
- 3. Stormwater from Residences 3, 4, 5, 6, 7 and 8 approved herein shall be collected and directed into a 3000 litre rainwater tank rainwater retention tank fully plumbed into the toilet and laundry of the associated dwelling and connected to at least 80% of each dwellings roof area, to the reasonable satisfaction of the Council.**



DAP160316

4. Stormwater for Residences 1, 2, 9 and 10 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

5. 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.
6. 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.
7. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, 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).



DAP160316

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.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a cursive or semi-cursive script.

DAP160316

2.2 Reference No: DAP160316 – 2.2
Application No: 100/2015/1816
Site Location: 79 Finnis Street, Marion

- Mr Mark Kwiakowski addressed the Panel on behalf of Geoff & Mrs Joy Mills, Mark Walter, Andrea & Geoff Brice and Mr Robert Wells (Representors)
- Mr Robert Wells (Representor) addressed the Panel
- Mr Matthew Falconer addressed the Panel on behalf of In Property Design (Applicant)

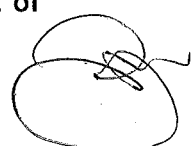
The Development Assessment Panel resolved that;

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: 100/2015/1816 for three, two storey row dwellings, incorporating a garage wall on the eastern side boundary at 79 Finnis Street, Marion be GRANTED subject to 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. 100/2015/1816, except when varied by the following conditions of consent.**
2. **A revised landscape plan shall be provided to Council, for consideration and approval prior to Development Approval being issued, detailing the following;**
 - (a) **A substantial increase in the number and variety of plantings throughout the front and side yard areas of all three dwellings, including the planting of at least two species that have a mature growing height exceeding 3.0 metres; and**
 - (b) **The fencing adjacent the Finnis Street boundary shall incorporate no less than one indented landscape bay, with a minimum depth of 600mm and length of 2.0 metres.**
3. **A revised, fully engineered site works and drainage 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**



DAP160316

cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.

4. 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

5. 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.
6. 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.
7. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, 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.
11. 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



DAP160316

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.
7. 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.



DAP160316

2.3 Reference No: DAP160316 – 2.3
Application No: 100/2016/109
Site Location: 1/9 Moy Avenue, Warradale

- Mr Martin Douglas (Representor) addressed the Panel
- Mr Tim Searle (Applicant) 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: 100/2016/109 for a garage (7.9m x 6.2m x 3.05m wall height) located on the southern side boundary at 1/9 Moy Avenue, Warradale be GRANTED subject to 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. 100/2016/109, except when varied by the following conditions of consent.**
- 2. 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.**
- 3. Stormwater must be disposed of in such a manner that does not flow or discharge into land of adjoining owners, lie against any building, or create insanitary conditions.**
- 4. The structure has been granted consent as a domestic outbuilding only and therefore shall not be used for human habitation or for purposes not reasonably incidental to the use of the land for residential purposes, unless the further development approval of the Council is obtained.**



DAP160316

7:08pm Luke Hutchinson declared a conflict of interest of with Item 2.4 and left the room

2.4 Reference No: DAP160316 – 2.4
Application No: 100/2015/571
Site Location: 634 South Road, Glandore

- 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, 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 Vodafone Hutchinson Australia for Development Application No: 100/2015/571 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. 100/2015/571, being drawing numbers 580030-G1 (Rev C), 580030-G3 (Rev C), 580030-G4 (Rev C), 580030-G5 (Rev C) received by Council on 18 August 2015 and 580030-G6 Rev D received by Council on 3 March 2016, except when varied by the following conditions of consent.
2. The telecommunications tower must not exceed a maximum height of 51.232 metres AHD.
3. The tower must be obstacle lit with low intensity steady red lighting in accordance with the Manual of Standards (MOS) for Part 139 of the Civil Aviation Safety Regulations 1998 (Part 139 MOS) Section 9.4. Obstacle lights are to be arranged to ensure the lighting can be observed in a 360 degree radius as per subsection 9.4.3 of Part 139 MOS. Characteristics for low intensity lights are stated in subsection 9.4.6.
4. Adelaide Airport or the structure's owner is to monitor the ongoing availability of the obstacle lighting. For detailed requirements for the monitoring of obstacle lights within the OLS area of aerodromes, refer to subsection 9.4.10 of MOS Part 139.



DAP160316

5. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the tower. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.
6. The proponent must provide AAL with the finished height of the tower in metres AHD from a certified surveyor upon completion.
7. The electricity and optical cables shall be directed to Nottingham Street, via the right-of-way at the rear of the site, then to South Road to minimise the future impact on these cables as a result of any upgrading of South Road.
8. The structure herein approved shall be maintained, kept tidy, free of graffiti and in good repair and condition at all times.
9. The finished colour of the subject tower hereby approved shall be of light grey hues and non-reflective hues.
10. If the subject telecommunications facility and/or any associated equipment become obsolete or unused, it shall be removed and, where applicable, the site restored to its original condition within a period of 12 months from the date when the facility or equipment becomes obsolete or unused.
11. All buildings and paved areas shall be connected to a stormwater collection and disposal system that is connected to the street watertable or, where relevant, back of block drainage pipes.
12. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.

NOTES

1. Breaches of approval conditions are subject to significant penalties under sections 185 and 187 of the Airports Act 1996.
2. 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.
3. All 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. 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.



DAP160316

5. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.
6. As part of the North-South Corridor planning, on the 13 December 2013, the Australian Government approved and \$8.5 million South Road Planning Study from Anzac Highway to the Southern Expressway. This included the planning that resulted in \$620 million of funding being committed towards the Darlington Upgrade Project from both the Australian and South Australian Governments.

The study is identifying a broad range of options and associated risks that will inform the next phase of planning for the corridor from Anzac Highway to Darlington. This will help inform decisions on the timing and funding commitments to deliver the North-South Corridor.

For further information, please contact the North South Corridor Project Team via email at dpti.southroad@sa.gov.au.



DAP160316

7:16 Luke Hutchinson re-entered the room

OTHER BUSINESS

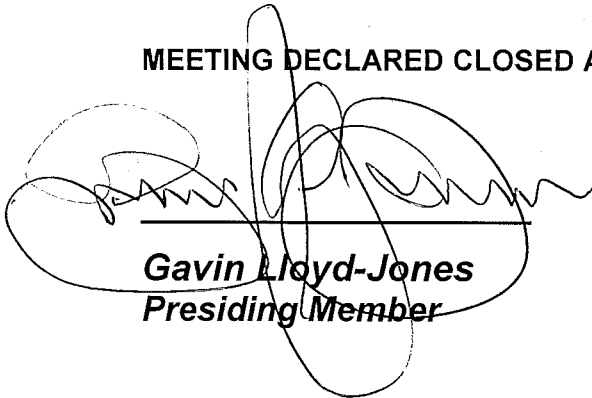
- 3.1 Appeals update
- 3.2 Policy Observations

4. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 16 March 2016 taken as read and confirmed this sixteenth day of March 2016

5. CLOSURE

MEETING DECLARED CLOSED AT 7.19PM



Gavin Lloyd-Jones
Presiding Member

16/3/16