

**MINUTES OF THE CITY OF MARION  
DEVELOPMENT ASSESSMENT PANEL HELD AT THE  
ADMINISTRATION CENTRE 245 STURT ROAD STURT  
ON  
WEDNESDAY 5 NOVEMBER 2014**

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**1. PRESENT**

Rebecca Thomas (Presiding Member), Jenny Newman, Frank Verrall, Luke Hutchinson, Phil Smith, Cherylin Connor and Wendy Bell

**2.1 APOLOGIES**

Nil

**2.2 IN ATTENDANCE**

Robert Tokley - Team Leader – Planning (DAP Executive Officer)  
Steve Hooper - Manager, Development Services  
Joanne Reid - Development Officer- Planning

**2.3 COMMENCEMENT**

The Meeting commenced at 6.30pm

## DAP051114

**3. HEARING OF APPLICATIONS****3.1 Reference No: DAP051114 – 3.1****Application No: 100/2014/1290****Site Location: 2 Boonga Street, Hallett Cove**

- Mr Marcus Mitchell (Representor) addressed the Panel
- Ms Rosana Cohen (Representor) addressed the Panel
- Matthew King from URPS on behalf of Mr Nicholas & Mrs Julie Smales (Representor) addressed the Panel
- Mr Brendan Fewster and Mr James Hilditch addressed the Panel on behalf of Zebedee William Nickolai (Applicant)

**3.2 Reference No: DAP051114 – 3.2****Application No: 100/2014/1331****Site Location: Lot 176 and 174, Lonsdale Road, Hallett Cove**

- Oliver Pfueller answered questions of the Panel on behalf of the City Of Marion (Applicant)

**3.3 Reference No: DAP051114 – 3.3****Application No: 100/2014/1540****Site Location: Adjacent 16 and 25 Egan Crescent, Mitchell Park**

- Mrs Joan Aufderheide (Representor) addressed the Panel

**3.4 Reference No: DAP051114 – 3.4****Application No: 100/2014/1483****Site Location: 36 Wolseley Terrace, Ascot Park**

- Andrew Foster speaking on behalf of Justin Mark Low (Applicant) answers questions of the Panel

**3.5 Reference No: DAP051114 – 3.5****Application No: 100/2014/880****Site Location: 22 Kodaro Road, Hallett Cove**

- No persons addressed the Panel in relation to this Item

**3.6 Reference No: DAP051114 – 3.6****Application No: 100/2014/1315****Site Location: 209 Sturt Road, Seacombe Gardens**

- Darren Starr on behalf of Wolf Wenig Nominees Pty Ltd (Applicant) answered questions of the Panel

**3.9 Reference No: DAP051114 – 3.9****Application No: 100/2014/1545**

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**Site Location: 1/838-842 Marion Road, Marion**

- Mr Matt King (Applicant) answered questions of the Panel

**3.10 Reference No: DAP051114 – 3.10**

**Application No: 100/2013/1466**

**Site Location: 1A Heron Way, Hallett Cove**

- No persons addressed the Panel in relation to this Item

**3.11 Reference No: DAP051114 – 3.11**

**Application No: 100/2014/1417 (DAC Reference:100/C181/14)**

**100/2014/1418 (DAC Reference:100/D180/14)**

**Site Location: 10 Plymouth Avenue, Sturt**

- No persons addressed the Panel in relation to this Item

**3.12 Reference No: DAP051114 – 3.12**

**Application No: 100/2013/1250**

**Site Location: 10 Plymouth Avenue, Sturt**

- No persons addressed the Panel in relation to this Item

**3.13 Reference No: DAP051114 – 3.13**

**Application No: 100/2014/749**

**Site Location: 121 Sturt Road, Dover Gardens**

- No persons addressed the Panel in relation to this Item

**3.14 Reference No: DAP051114 – 3.14**

**Application No: 100/2014/1693**

**Site Location: 816-820 Marion Road Marion**

- No persons addressed the Panel in relation to this Item

**3.15 Reference No: DAP051114 – 3.15**

**Application No: 100/2014/1514**

**Site Location: 1 Larkdale Avenue, Marion**

- No persons addressed the Panel in relation to this Item

**3.16 Reference No: DAP051114 – 3.16**

**Application No: 100/2014/377**

**Site Location: 10 Crystal Street, Seacombe Heights**

- No persons addressed the Panel in relation to this Item

**3.7 Reference No: DAP051114 – 3.7**

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**Application No: 100/2014/1782 (DAC Reference 100/C219/14)**  
**Site Location: 16 Kelmscott Street, Oaklands Park**

- No persons addressed the Panel in relation to this Item

**3.8 Reference No: DAP051114 – 3.8**

**Application No: 100/2014/1267**

**Site Location: 16 Kelmscott Street, Oaklands Park**

- No persons addressed the Panel in relation to this Item

**PUBLIC CLOSURE**

The Panel went into 'closed' session at **7:47pm** in order to allow for discussion and determination of the applications.



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**3. DETERMINATION OF APPLICATIONS**

- 3.1 Reference No: DAP051114 – 3.1**  
**Application No: 100/2014/1290**  
**Site Location: 2 Boonga Street, Hallett Cove**

**Resolved that;**

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

- (a) The Panel note this report;**
- (b) The Panel acknowledge inconsistencies in the Analysis/Conclusion provided in administration's report;**
- (c) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan; and**
- (d) That Development Plan Consent for Development Application No: 100/2014/1290 for a two storey detached dwelling exceeding a building height of 9 metres, and incorporating an in-ground swimming pool, associated earthworks, retaining walls and landscaping at 2 Boonga Street, Hallett Cove be GRANTED subject to the following Reserved Matter and Conditions:**

**RESERVED MATTER**

**Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matter/s. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.**

- (1) A detailed final (non-preliminary) geotechnical report prepared by a suitably qualified engineer which:**
  - a. confirms that the proposed dwelling can be constructed so as to be safe and stable;**
  - b. specifies the necessary foundation and footings design to do so;**
  - c. specifies the requirements for the formation of stable banks;**
  - d. specifies the requirements for site drainage necessary for site stability; and**
  - e. sets out any other necessary measures for site stability.**

**Pursuant to Section 33(3) of the Development Act 1993 the Council reserves its decision on the form and substance of any further conditions of development plan consent that it considers appropriate to impose in respect of the reserved matter outlined above.**

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**NOTE:** the final geotechnical report identified above may necessitate changes to the plans herein granted development plan consent. If that is so, a variation application must be submitted in relation to those changes.

#### **CONDITIONS**

- (1) The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1290, except when varied by the following conditions of consent.**
- (2) The driveway servicing the double garage shall be reduced in width to;**
  - a. Provide no less than 1.0 metre separation to the existing stobie pole; and**
  - b. Provide a width of no greater than 5.0 metres at the front property boundary.**
- (3) 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.**
- (4) 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.**
- (5) 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.**
- (6) 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.**
- (7) Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**

#### **NOTES**

- (1) The applicant/owner is reminded to contact Council's Engineering Department regarding the alteration to the existing**



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guard rail. All costs associated with the alteration shall be borne by the applicant/owner.

- (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 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).
- (4) 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.
- (5) 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.
- (6) 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.



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**3.2 Reference No: DAP051114 – 3.2**  
**Application No: 100/2014/1331**  
**Site Location: Lot 176 and 174, Lonsdale Road, Hallett Cove**

**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; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/1331 to erect 5 (five) lighting towers (12.0 metres in height) servicing the BMX facility Thursday evenings (6:00 pm - 8:30 pm) and Monday evenings during the months of April and May, at Lots 174 and 176 Lonsdale Road, Hallett Cove, 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. 100/2014/1331, except when varied by the following conditions of consent.**
- (2) The hours of operation of the proposed lighting towers shall be restricted to the following times:**
  - Thursday evenings in winter months; 6:00 pm to 8:30 pm; and**
  - Monday evenings in April and May; 6:00 pm to 8:30 pm.**





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3.3 Reference No: DAP051114 – 3.3

Application No: 100/2014/1540

Site Location: Adjacent 16 and 25 Egan Crescent, Mitchell Park

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; and
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/2014/1540 to remove two Regulated Trees (*Agonis flexuosa*) due to their poor condition and risk to pedestrians and motorists, adjacent 16 and 25 Egan Crescent, Mitchell Park, 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. 100/2014/1540, except when varied by the following condition of consent.
- (2) Four replacement trees shall be planted to compensate for the removal of the two regulated trees. Two replacement trees shall be planted in the same place as those removed, and an additional two trees planted in a nearby Council reserve.
- (3) Replacement trees must be planted in a suitable position greater than 10 metres in distance from any existing dwelling or in-ground swimming pool. The replacement trees must not be exempt species listed under regulation 6A clause (5)(b) of the Development Regulations 2008, or a tree belonging to a class of plant declared by the Minister under section 174 of the Natural Resources Management Act 2004.
- (4) The replacement tree planting shall occur within 12 months of the trees' removal and shall be maintained in good condition at all times and replaced if necessary.

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**NOTES**

- (1) The applicant is encouraged to select native tree species of local provenance that are considered suitable replacements for the tree(s) to be removed (i.e. amenity / shade trees, provision of habitat, etc.). For information on appropriate species to be planted, contact State Flora within Belair National Park on telephone 8278 7777 or visit [www.stateflora.com.au](http://www.stateflora.com.au).



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3.4 Reference No: DAP051114 – 3.4  
Application No: 100/2014/1483  
Site Location: 36 Wolseley Terrace, Ascot Park

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; and
- (c) That Development Plan Consent for Development Application No: 100/2014/1483 to construct a two storey detached dwelling incorporating a garage wall on the eastern side boundary, in-ground swimming pool and retention of the existing “granny flat” at the rear of the site at 36 Wolseley Terrace, Ascot Park, 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. 100/2014/1483, except when varied by the following conditions of consent.
- (2) If construction of the new dwelling has not substantially commenced within 12 months of demolition of the existing dwelling, the dependent accommodation “granny flat” shall also be demolished. During the period between demolition and completion of the new dwelling, the granny flat shall be used for domestic storage purposes only, and shall not be occupied or inhabited.
- (3) The dependent accommodation “granny flat” shall only be used as a habitable area when ancillary to a dwelling on the land, and shall only be used by the occupiers of that dwelling and their immediate family members, and at no time shall be used as a separately tenable building.
- (4) All ancillary swimming pool plant/equipment shall be located a minimum 5.0 metres from any adjoining neighbouring dwelling and shall be contained within a sound reducing enclosure.

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- (5) 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.
- (6) 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](http://www.marion.sa.gov.au/page.aspx?u=181)*

- (7) The portion of the upper floor windows (except the north-facing windows presenting to the street) 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. (Note, suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7m above the internal floor level or a window sill height of 1.7m above the internal floor level).
- (8) 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.
- (9) 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.
- (10) 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.
- (11) Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.



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- (12) 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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3.5 Reference No: DAP051114 – 3.5  
Application No: 100/2014/880  
Site Location: 22 Kodaro Road, Hallett Cove

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; and
- (c) That Development Plan Consent for Development Application No: 100/2014/880 for Variation to Development Application 100/2013/769 - Two storey detached dwelling and retaining walls - To extend the retaining wall along the northern side boundary (max 1.5m high) and construct an additional retaining wall adjacent the rear easement (max 1.3m high) at 22 Kodaro Road, Hallett Cove 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. 100/2014/880, except when varied by the following conditions of consent.
- (2) The portion of the upper floor windows on the northern and southern side elevations 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. (Note, suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7m above the internal floor level or a window sill height of 1.7m above the internal floor level).
- (3) 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.
- (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)


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immediately following roof completion and gutter and downpipe installation.

- (5) 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.
- (6) 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.
- (7) 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.
- (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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3.6 Reference No: DAP051114 – 3.6  
Application No: 100/2014/1315  
Site Location: 209 Sturt Road, Seacombe Gardens

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; and
- (c) That Development Plan Consent for Development Application No: 100/2014/1315 for a change of use from bank to shop and consulting rooms with ancillary offices at 209 Sturt Road, Seacombe Gardens be GRANTED subject to concurrence from the Development Assessment Commission and 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. 100/2014/1315, except when varied by the following conditions of consent.
- (2) A landscaping plan shall be provided to Council for consideration and approval which provides for plantings within the car parking area, prior to Development Approval being granted.
- (3) 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.
- (4) The Sturt Road access shall cater for ingress movements only. All egress movements shall be via the Glamis Avenue access.
- (5) The Sturt Road ingress and Glamis Avenue egress shall be appropriately signed and/or line marked to encourage the desired traffic flow outlined in Condition 2.
- (6) Car park no. 2 as delineated on the site plan, shall be allocated as a staff car park and marked accordingly.



- (7) All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- (8) All vehicles visiting the site shall enter and exit the land in a forward direction.
- (9) Wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council.
- (10) Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
- (11) Any new car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS2890 – Parking facilities.
- (12) All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
- (13) The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
- (14) All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
- (15) 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.
- (16) At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.
- (17) All deliveries to and from the site (including waste collection) shall be restricted to the following times
  - a. 7am to 7pm Monday to Friday
- (18) The hours of operation of the premises shall be restricted to the following times:



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- 9am to 5.30pm on Monday, Tuesday, Wednesday and Friday  
(Excluding public holidays)
- 9am to 9pm Thursday (Excluding public holidays)
- 9am to 5pm Saturday (Excluding public holidays)
- 11am to 5pm Sundays and public holidays.

- (17) All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment to the reasonable satisfaction of the Council.
- (18) 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.

## NOTES

- (1) 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.
- (2) The applicant is advised that this approval does not include permission for signage that is deemed 'development' pursuant to Schedule 3 of the Development Regulations. 2008. Should you decide to proceed with this work you will need to seek a separate Development Approval.



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3.9 Reference No: DAP051114 – 3.9  
Application No: 100/2014/1545  
Site Location: 1/838-842 Marion Road, Marion

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; and
- (c) That Development Plan Consent for Development Application No: 100/2014/1545 seeking retrospective approval for the erection of additional advertising signage and to establish an outdoor display area to the front of an existing retail showroom tenancy at 838-842 Marion Road Marion be REFUSED for the following reasons:
  - (1) The proposal fails to satisfy the Desired Character and Objective 4 of the Industry/Commerce Policy Area 4, as the signs do not promote an attractive frontage, nor do they enhance the visual qualities and streetscape of Marion Road;
  - (2) The siting and design of the signage is not consistent with the predominant character of the locality, nor coordinated with or complementary to the form and design of the building they are affixed; contrary to Advertisements Objective 3 and Principle 1(a) and 1(c);
  - (3) The extent of signage is excessive resulting in a disfigured urban landscape; at variance to Advertisements Objectives 1 and 3;
  - (4) The signage extends beyond the parapet and alters the silhouette of the building, and as such, is at variance to the Industry/Commerce Policy Area 4, Principle 7(d) and Advertisements Principles 7 and 9;
  - (5) The signage does not contribute to a coordinated approach to signage adopted by other tenants in the building contrary to Advertisements Principle 3.

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3.10 Reference No: DAP051114 – 3.10  
Application No: 100/2013/1466  
Site Location: 1A Heron Way, Hallett Cove

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 (City) Development Plan; and
- (c) That Development Plan Consent for Development Application No: 100/2013/1466 proposing alterations and additions to the existing “Boatshed Café” building including an expansion to the upper level deck and provision of disabled access via new lift and stairs at 1A Heron Way Hallett Cove be GRANTED subject to the following conditions:

**CONDITIONS:**

- (1) That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans as submitted in Development Application Number 100/1466/2013.
- (2) That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road.
- (3) That 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
- (4) That all external materials and finishes of the new building work shall match or complement those of the existing building to the reasonable satisfaction of the Council.
- (5) That the building shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.

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- (6) That all trade waste and other rubbish shall be stored in covered containers kept screened from public view and collected on a regular basis to avoid nuisance to adjoining owners and occupiers of land, patrons of the kiosk / functions area and visitors to the foreshore.
- (7) That all external lighting affixed to the building shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no nuisance, overspill or loss of amenity is caused to any person beyond the site.
- (8) That no additional signs shall be displayed upon the subject land other than those identifying the parking area access points and those shown on the approved plans. If any further signs are required, these shall be the subject of a separate application.
- (9) The capacity of the first floor shall not exceed 80 persons at any one time.
- (10) The hours of operation of the premises shall be restricted as follows:
  - a) Monday to Thursday 9:00am to 9:30pm
  - b) Friday, Saturday, Sunday and any day preceding a public holiday 9:00am to 10:00pm.
- (11) The premises shall not be used for functions where amplified music is required for entertainment such as parties and receptions.
- (12) Music shall only be played through the in-house sound system, by way of background music.
- (13) There shall be no live or recorded or other entertainment, including a performance, show, live music, disk jockey or karaoke music or other similar type of noise, in any part of the premises.
- (14) There shall be no loud speakers placed on or in the fascia of the premises, any external balcony or any adjacent outdoor area or footpath (whether temporary or secure).
- (15) The licensee shall at all times ensure that noise levels are in accord with EPA Guidelines and the Liquor Licensing Regulations.



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- (16) The licensee shall have displayed at all exits from the premises clearly visible signs with wording that reflects that patrons shall leave the premises as quickly and quietly as possible to reduce the disturbance to nearby residents.



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## 3.11 Reference No: DAP051114 – 3.11

Application No: 100/2014/1417 (DAC Reference:100/C181/14)

100/2014/1418 (DAC Reference:100/D180/14)

Site Location: 10 Plymouth Avenue, Sturt

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;
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/2014/1418 for a Residential Land Division - Torrens Title 1 into 2 allotments at 10 Plymouth Avenue, Sturt be GRANTED subject to conditions; and
- (d) That Development Plan Consent and Development Approval for Development Application No: 100/2014/1417 for a Residential Land Division - Community Title 1 into 2 allotments at 10 Plymouth Avenue, Sturt be GRANTED subject to conditions

**CONDITIONS (Development Application 100/2014/1418)**

- (1) The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1418 being drawing reference number 13038 prepared by Lock Surveys (Licensed Engineering Surveys) except when varied by the following conditions of consent.
- (2) All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- (3) The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

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- (4) The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

## LAND DIVISION CONSENT

### Conditions of Consent

- (1) The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0021678).
- (2) Payment of \$6488 into the Planning and Development fund (1 lot @ \$6488 /lot). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
- (3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

### NOTES:

### Conditions of Consent

- (1) This approval has been granted on the basis of the suitability of the land for a two story dwelling and two single storey dwellings with associated landscaping as demonstrated in Development Application No 100/1250/2013. However should the proposed allotments be created and sold without the construction of that development occurring or different dwellings are proposed, new applicants/owners should be aware that new Development Application(s) need to be lodged with and assessed by the Council, noting that other dwelling layouts may be difficult to site on the proposed allotments.
- (2) The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.



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**CONDITIONS (Development Application 100/2014/1417)**

- (1) The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1417 being drawing reference number 13038 prepared by Lock Surveys (Licensed Engineering Surveys) except when varied by the following conditions of consent.
- (2) All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- (3) The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- (4) The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

**LAND DIVISION CONSENT****Conditions of Consent**

- (1) The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0021678).
- (2) Payment of \$6488 into the Planning and Development fund (1 lot @ \$6488 /lot). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
- (3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.



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**NOTES:****Conditions of Consent**

- (1) This approval has been granted on the basis of the suitability of the land for a two story dwelling and two single storey dwellings with associated landscaping as demonstrated in Development Application No 100/1250/2013. However should the proposed allotments be created and sold without the construction of that development occurring or different dwellings are proposed, new applicants/owners should be aware that new Development Application(s) need to be lodged with and assessed by the Council, noting that other dwelling layouts may be difficult to site on the proposed allotments.
- (2) The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.



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3.12 Reference No: DAP051114 – 3.12

Application No: 100/2013/1250

Site Location: 10 Plymouth Avenue, Sturt

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; and
- (c) That Development Plan Consent for Development Application No: 100/2013/1250 for the construction a two storey dwelling and two single storey dwellings to the rear in a hammer head configuration with associated driveways parking and landscaping at 10 Plymouth Avenue, Sturt be GRANTED subject to the deposit of the Plan of Division with the Lands Titles Office and 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. 100/2013/1250, being drawing number/revision(s) 13622 -01B and plans titled "Site Plans and Elevations", prepared by Carumag, received by Council on 12/5/2014, and plans titled "Drainage Plan" prepared by TMK Consulting Engineers, received by Council on 12/5/2014, except when varied by the following conditions of consent.
- (2) Stormwater from all structures 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 Sheet "Stormwater Detention" to the reasonable satisfaction of the Council (copies of relevant documents are attached).
- (3) 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.
- (4) 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.

- (5) 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.
- (6) All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
- (7) 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.
- (8) 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.
- (9) 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.
- (4) The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point,



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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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3.13 Reference No: DAP051114 – 3.13  
Application No: 100/2014/749  
Site Location: 121 Sturt Road, Dover Gardens

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; and
- (c) That Development Plan Consent for Development Application No: 100/2014/749 for a residential flat building, comprising three dwellings and removal of a significant tree (WA Willow Myrtle - *Agonis Flexuosa*) at 121 Sturt Road, Dover Gardens 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. 100/2014/749, being sheet numbers 1 of 3, 2 of 3 and 3 of 3 (inclusive) prepared by Softec Homes Pty Ltd, and received by Council on 24 October 2014, except when varied by the following conditions of consent.
- (2) The Sturt Road access shall be physically restricted to left-in/left-out movements only via the installation of a splitter island within the access, thereby reducing the risk of vehicular conflict at the Sturt Road/ Struan Avenue junction.
- (3) The Sturt Road access shall match into two crossovers that are each angled at 70 degrees to the road. The construction of these crossovers and reinstatement of any obsolete portion of the existing crossover to upright kerb and gutter shall be undertaken to Council standards at the applicant's cost.
- (4) All vehicles shall enter and exit the site in a forward direction.
- (5) Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

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- (6) The landscaping strip along the western side boundary be planted with low level shrubs and be 500mm in width.
- (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) 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.
- (9) All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- (10) 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](http://www.marion.sa.gov.au/page.aspx?u=181)*

- (11) 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.
- (12) 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.
- (13) Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
- (14) The windows on bedroom 2 and the dining room of Dwelling 1, bedrooms 1 and 2 of Dwelling 2 and bedroom 1 of Dwelling 3 shall be double glazed for sound attenuation purposes.



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- (15) 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.

## 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) 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.
- (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.
- (5) 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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3.14 Reference No: DAP051114 – 3.14  
Application No: 100/2014/1693  
Site Location: 816-820 Marion Road Marion

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; and
- (c) That Development Plan Consent for Development Application No: 100/2014/1693 for Illuminated and non-illuminated fascia signage at 816-820 Marion Road, 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. 100/2014/1693, except when varied by the following conditions of consent.
- 2. 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.
- 3. The proposed signage shall not include any element that scrolls, flashes, moves or changes.
- 4. Lighting associated with the signs shall be of an intensity not exceeding lighting in adjacent public streets and that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of Council.
- 5. The proposed signs shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.
- 6. The illumination of the sign shall be limited to a low level in order to minimise the impact of the sign on the safety and conspicuity of the adjacent traffic signals.

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3.15 Reference No: DAP051114 – 3.15  
Application No: 100/2014/1514  
Site Location: 1 Larkdale Avenue, Marion

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 Development Plan Consent for Development Application No: 100/2014/1514 for Variation to DA 2013/1806 (four, two-storey dwellings) to include face brick at lower level, deletion of alfresco and amendment to balcony at 1 Larkdale Avenue, 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. 100/2013/1806, being drawing number 01 of 09 to 09 of 09 (inclusive) prepared by Qattro, and documentation received 7 October 2014, except when varied by the following conditions of consent.
- (2) Screening shall be provided to the window of 'Bedroom 3' to restrict side views to both the northern side for Residence 1 and to the southern side of Residence 4, prior to the occupation of the dwelling, and shall be maintained for the life of the development, to the reasonable satisfaction of Council.
- (3) The width of the driveway at the property boundary shall be no greater than 3m.
- (4) A fully engineered site works plan detailing top of kerb level, proposed finished floor levels, any cut/fill and/or retaining walls proposed, shall be provided to Council for consideration and approval, prior to Development Approval being issued.
- (5) Stormwater from all structures 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 Sheet "Stormwater Detention" to the

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reasonable satisfaction of the Council (copies of relevant documents are attached).

- (6) All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of Council.
- (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 portion of the upper floor windows to northern and southern elevations of all dwellings 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. (Note, suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7m above the internal floor level or a window sill height of 1.7m above the internal floor level).
- (9) 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.
- (10) 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.
- (11) 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.
- (12) Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
- (13) 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.

**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) 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.**
- (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.**
- (5) 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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3.16 Reference No: DAP051114 – 3.16  
Application No: 100/2014/377  
Site Location: 10 Crystal Street, Seacombe Heights

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 Mr Daniel Van Gasteren for Development Application No: 100/2014/377, subject to the following conditions:

#### CONDITIONS

- (1) The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/377/2014, 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 onto land of adjoining owners, lie against any building or create insanitary conditions.
- (4) 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 and maintained for the life of the building.



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Luke Hutchinson declared a conflict of interest with Items 3.7 and 3.8 and left the room.

**3.7 Reference No: DAP051114 – 3.7**  
**Application No: 100/2014/1782 (DAC Reference 100/C219/14)**  
**Site Location: 16 Kelmscott Street, Oaklands Park**

**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; and**
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/2014/1782 for Residential land division (Community Title) 1 into 4 allotments at 16 Kelmscott Street, Oaklands Park 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. 100/2014/1782, except when varied by the following conditions of consent.**
- (2) Party/common walls associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**
- (3) All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**
- (4) The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**



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**LAND DIVISION CONSENT****GRANTED****Conditions of Consent**

- (1) The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. The internal drains shall be altered to the satisfaction of the SA Water Corporation.
- (2) Payment of \$19464 into the Planning and Development Fund (3 lots @ \$6488/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
- (3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Note: The SA Water Corporation will, in due course, correspond directly with the applicant/agent regarding the details of the above condition No 1.

**NOTES:****General:**

- (1) This approval has been granted on the basis of the suitability of the land for four row dwellings as demonstrated in Development Application No: 100/1267/2014. Existence of a party wall should therefore be shown on the plan of division to be lodged with the Land Titles Office. However should the proposed allotments be created and sold without the construction of that development occurring or different dwellings are proposed, new applicants/owners should be aware that new Development Application(s) need to be lodged with and assessed by the Council, noting that the proposed allotments may not meet Council's standard minimum allotment sizes for other forms of dwellings (e.g. the Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or group dwellings) and other dwelling layouts may be difficult to site on the proposed allotments.



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- (2) The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.





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3.8 Reference No: DAP051114 – 3.8  
Application No: 100/2014/1267  
Site Location: 16 Kelmscott Street, Oaklands Park

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; and
- (c) That Development Plan Consent for Development Application No: 100/2014/1267 for a two storey building comprising four dwellings, one of which incorporates a garage wall on the western side boundary at 16 Kelmscott Street, Oaklands Park 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. 100/2014/1267, being drawing numbers WD 01, 02, 03, 04, 05 Revision B and 26761 (inclusive) prepared by Weeks and Macklin Homes, except when varied by the following conditions of consent.
- (2) Amended plans shall be provided to Council, for consideration and approval, detailing the following;
  - a. That clear glazing be incorporated in the front doors of Dwellings 1 and 4 and/or in adjacent side lights to provide for improved street passive surveillance and light;
  - b. Clear glazing be provided to the Bedroom 2 windows of Dwellings 2 and 3, and the area of openable window be increased from that nominated on the plans;
  - c. The western side of the driveway of Dwelling 4 shall be tapered to provide a minimum distance of 6.0 metres to the driveway of Dwelling 3, to enable an on-street parking space;
  - d. A schedule of colours and materials of all facades of the dwellings, ensuring appropriate variety to accentuate the articulation of the building, and including varying treatments to the garage doors to increase visual interest and reduce their dominance upon the street elevation;

- (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](http://www.marion.sa.gov.au/page.aspx?u=181)*

- (4) 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.
- (5) A detailed landscaping plan specifying the species and location of plantings on the site shall be provided for consideration and approval, prior to Development Approval being issued. 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
- (10) All mortar joints on any face brickwork and/or render work on the property boundary are to be finished in a professional manner, similar to other external finishes 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.

Luke Hutchinson re-entered the room



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**OTHER BUSINESS**

- 3.11 Appeals update**
- 3.12 Policy Observations**
- 3.13 Resolution of Delegations**

**The Development Assessment Panel resolve to endorse the following:**

That the Development Assessment Panel (DAP) sub-delegate to the Manager Development Services, Team Leader Planning, Senior Development Officer Planning and Development Officer Planning the powers, duties, and functions of the DAP to assess a proposed development against the provisions of the Marion Council Development Plan and to grant or refuse consent to that application, in relation to the following:

- a) Applications (land division and/or land use) for group dwellings and/or residential flat building(s); if the overall area of an allotment or site (including any common areas such as driveways, etc.) when divided by the proposed number of dwellings and/or allotments satisfies the minimum site area designated for that dwelling type as prescribed within the relevant zone and/or policy area in the Marion Council Development Plan;
- b) Applications for advertisements; which do not exceed the maximum height and display area/panel size requirements as prescribed within the relevant zone and/or policy area and/or within the General Section: Advertisements in the Marion Council Development Plan;
- c) Applications (land division and/or land use) for dwelling(s) (including detached dwellings, semi-detached dwellings, row dwellings, group dwellings and residential flat buildings); where the proposed allotment(s)/site area(s) are no greater than 5% less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan;
- d) Applications (land division and/or land use) for, or that include, detached dwelling(s); that propose allotment/site area(s) for the detached dwelling(s) which satisfy the minimum site area required for semi-detached dwelling(s), as designated in the relevant zone and/or policy area in the Marion Council Development Plan;
- e) Applications for land divisions; that relate to a previously approved land use application where the allotment(s)/site(s) proposed are less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan;
- f) Applications that seek variations to applications previously determined by the Development Assessment Panel (DAP); that, in



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the opinion of the Manager Development Services, Team Leader Planning, Senior Development Officer Planning or Development Officer Planning, do not compromise or undermine the DAP's decision; and

- g) Applications for dwellings; where the application delineates that the development will comprise detached, semi-detached or row dwelling(s) once a plan of division has been deposited with the Lands Titles Office, and where the allotments either satisfy the site area requirements for the above-mentioned applicable form of development, or are no greater than 5% less than the applicable minimum allotment or site area, as designated in the relevant zone and/or policy area in the Marion Council Development Plan.

**4 CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 5 November 2014 taken as read and confirmed this fifth day of November 2014

**5 CLOSURE**

**MEETING DECLARED CLOSED AT 9.06PM**



**Rebecca Thomas**  
**Presiding Member**