

**MINUTES OF THE CITY OF MARION  
DEVELOPMENT ASSESSMENT PANEL HELD AT THE  
ADMINISTRATION CENTRE 245 STURT ROAD STURT  
ON  
WEDNESDAY 18 FEBRUARY 2015**

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**1 SITE INSPECTION – 5:30PM**

1 Grey Road Hallett Cove

**2.1 SITE INSPECTION – MEMBERS PRESENT**

Wendy Bell (Acting Presiding Member), Jenny Newman, Phil Smith and Nick Westwood

**2.2 COMMENCEMENT**

The Meeting commenced on site at 1 Grey Road Hallett Cove at 5:37pm, concluding at 6:09pm and resumed at the Council office at 6:51pm.

**2.3 PRESENT**

Wendy Bell (Acting Presiding Member), Jenny Newman, Phil Smith, Jerome Appleby, Nick Westwood and Nick Kerry

**2.4 APOLOGIES**

Rebecca Thomas

**2.5 IN ATTENDANCE**

Robert Tokley - Team Leader - Planning (DAP Executive Officer)  
Kathy Jarrett - Director  
Steve Hooper - Manager - Development Services  
Stephen Both - Senior Development Officer - Planning



## DAP180215

**3. HEARING OF APPLICATIONS****3.1 Reference No: DAP180215 – 3.1****Application No: 100/2013/259****Site Location: 1 Grey Road, Hallett Cove**

- Mr Ian Rice addressed the Panel on behalf of Mr Steve Meldrum and Ms Sarah Maloney
- Mr Steve Meldrum (Representor) addressed the Panel on behalf of Ms Julie Lawrence (Representor)
- Mr Tony Hollingsworth (Representor) addressed the Panel
- Damien Ellis and Mr John Ward (Applicant) addressed the Panel

**3.2 Reference No: DAP180215 – 3.2****Application No: 100/2014/1890****Site Location: 1/2A Daws Road, Ascot Park**

- Ms Susan Lasscock (Representor) addressed the Panel
- David Hutchinson and Giuseppe Minicozzi (Applicant) addressed the Panel

**3.3 Reference No: DAP180215 – 3.3****Application No: 100/2014/2135****Site Location: In Front of 13, 15 And 21 Scarborough Terrace,  
Dover Gardens**

- No persons addressed the Panel in relation to this Item

**3.4 Reference No: DAP180215 – 3.4****Application No: 100/2014/2093****Site Location: 2 Burlington Road, Hallett Cove**

- No persons addressed the Panel in relation to this Item

**3.5 Reference No: DAP180215 – 3.5****Application No: 100/2014/1801****Site Location: 19 Austral Terrace, Morphettville**

- No persons addressed the Panel in relation to this Item

**3.6 Reference No: DAP180215 – 3.6****Application No: 100/2014/1026****Site Location: 17 Fetlar Avenue, Marion**

- No persons addressed the Panel in relation to this Item

**PUBLIC CLOSURE**

The Panel went into 'closed' session at **7:46pm** in order to allow for discussion and determination of the applications.



## DAP180215

**3. DETERMINATION OF APPLICATIONS**

- 3.1 Reference No: DAP180215 – 3.1**  
**Application No: 100/2013/259**  
**Site Location: 1 Grey Road, 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 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;**
- (c) That Development Plan Consent for Development Application No: 100/2013/259 to construct a three storey detached dwelling exceeding a building height of 9 metres and incorporating a garage wall along the western side boundary with swimming pool, car parking, landscaping and associated pool pavilion building with home office be REFUSED for the following reasons:**
  - 1. The proposed development results in an unreasonable visual impact upon the adjoining property to the east, due to the location and height of the 'pool pavilion'; failing to satisfy Objectives 2 and 3 and Principles 2 and 6(a) of the Policy Area and parts of the Desired Character statement of the Policy Area.**
  - 2. The proposed 'pool pavilion' does not relate well to the slope of the land, resulting in unreasonable visual impact upon adjoining land, and therefore failing to satisfy parts of the Desired Character statement of the Policy Area, Sloping Land Principles 2(a) and 2(b) and Siting and Visibility Principle 4(b).**
  - 3. The proposed balcony above the garage results in the overlooking of the adjoining property to the west, and result in a sense of enclosure and surveillance; failing to provide adequate privacy and amenity to that land, at variance to parts of the Desired Character and Objective 3 and Principle 2 of the Policy Area and Residential Development Principle 34.**



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**3.2 Reference No: DAP180215 – 3.2**  
**Application No: 100/2014/1890**  
**Site Location: 1/2a Daws Road, 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, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/1890 for a change in use from office to shop (pizza takeaway), with associated internal works and canopy flue at 1/2A Daws Road, 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. 100/2014/1890, except when varied by the following conditions of consent.**
- 2. All deliveries to and from the site (including waste collection and goods delivery, but excluding pizza delivery/pick-up) shall be restricted to the following times:**  
  

<b>Monday to Saturday:</b>	<b>7:00am – 7:00pm</b>
<b>Sunday:</b>	<b>9:00am – 5:00pm</b>
- 3. The hours of operation of the premises shall be restricted to the following times:**  
  

<b>All days:</b>	<b>4:00pm – 10:00pm</b>
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- 4. The colorbond bin screen shall incorporate a dark colour ('Grey Ridge' or similar) to minimise the opportunity for graffiti. The screen shall be erected prior to the commencement of the operations.**



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5. Semi-mature (minimum 500mm in height) landscape plantings of a bush or hedge species (*Adenanthos sericeus* (Woolly Bush) or similar) shall be planted at intervals of 800mm or less around the eastern and southern sides of the colorbond bin screen prior to the commencement of the operations.
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. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
8. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.
9. At no time shall any stored goods, products or materials be visible above the height of the fence and/or screen surrounding the storage area(s).
10. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.

## NOTES

1. The applicant is reminded that consent from the Strata is required for the grease arrestor, bin enclosure and landscaping on the common land.
2. The applicant is advised to ensure the hand washing basin as a single faucet tap with access to warm running water.
3. The applicant is advised to contact Council's Environmental Health Department prior to commencing operations to ensure compliance with relevant legislation.
4. 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



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information is available by phoning the Environment Protection  
Authority on 8204 2000.

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**3.3 Reference No: DAP180215 – 3.3**  
**Application No: 100/2014/2135**  
**Site Location: In Front of 13, 15 And 21 Scarborough Terrace,**  
**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, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/2014/2135 to remove two Regulated Trees in front of 13 and 21 Scarborough Terrace and one Significant Tree in front of 15 Scarborough Terrace (all WA Willow Myrtles) due to risk to pedestrians and motorists, 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. 100/2014/2135, except when varied by the following condition of consent.**
- 2. Seven (7) replacement trees shall be planted to compensate for the removal of the regulated and significant trees. Three (3) replacement trees shall be planted in Scarborough Terrace to replace each of the three trees being removed, and the remaining trees shall be planted in a nearby Council reserve.**

**Replacement trees must be planted in a suitable position greater than 10 metres in distance from any existing dwelling or in-ground swimming pool. In the event that the replacement tree within the road reserve is located within 10 metres of an existing dwelling or in-ground swimming pool, an additional replacement tree shall be planted in a nearby Council reserve.**



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3. The replacement tree planting shall occur within twelve months of the tree's removal and shall be maintained in good condition at all times and replaced if necessary.
4. 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.

**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: DAP180215 – 3.4**  
**Application No: 100/2014/2093**  
**Site Location: 2 Burlington 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, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/2093 for a single storey detached dwelling and garage at 2 Burlington Road, Hallett Cove be GRANTED, subject to seeking the concurrence of the Development Assessment Commission and 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. 100/2014/2093, except when varied by the following conditions of consent.**
- 2. The driveway crossover shall be constructed no closer than 1.5 metres from the existing street tree located within the road reserve. Amended plans shall be provided to Council, prior to Development Approval being issued.**
- 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 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.**



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5. 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.
6. 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. 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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**3.5 Reference No: DAP180215 – 3.5**  
**Application No: 100/2014/1801**  
**Site Location: 19 Austral Terrace, Morphettville**

**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: 100/2014/1801 to construct three (3) single storey dwellings, with Dwelling 1 incorporating a wall abutting the eastern side boundary, at 19 Austral Terrace, Morphettville, 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. 100/2014/1801, being drawings prepared by Dimension Design Studio received by Council on 19 December 2014, correspondence from Megan Hayward dated 6 January 2015, and siteworks plan by FMG Engineering received by Council on 19 December 2014, except when varied by the following conditions of consent.**
- 2. Mail box facilities shall be provided close to the major pedestrian entrance to the site, prior to occupation of the dwellings.**
- 3. All paved pathways shall incorporate a minimum width of 1.5 metres.**
- 4. The common waste storage area located at the front of the site shall be appropriately screened prior to occupation of the dwellings. Details shall be provided to Council for consideration and approval, prior to the issue of Development Approval.**



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5. 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)*

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

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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: DAP180215 – 3.6  
Application No: 100/2014/1026  
Site Location: 17 Fetlar Avenue, 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, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2014/1026 for four single storey dwellings (two to the rear of the site), all with associated car parking and landscaping at 17 Fetlar Avenue, Marion be GRANTED, subject to the following conditions of consent:

**CONDITIONS**

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1026, except when varied by the following conditions of consent.
- 2. An amended, fully engineered siteworks and drainage plan shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
- 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 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.

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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. 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.
7. 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.
8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. 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.



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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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**4. OTHER BUSINESS**

- 4.1 Appeals update
- 4.2 Policy Observations

**5. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 18 February 2015 taken as read and confirmed this eighteenth day of February 2015.

**6. CLOSURE****MEETING DECLARED CLOSED AT 8.50PM**

**Wendy Bell**  
**Acting Presiding Member**

