

1.1 OPEN MEETING

The Meeting commenced at 6.34pm

1.2 PRESENT

Terry Mosel - Presiding Member
Don Donaldson - Independent Member
Sue Giles - Independent Member
Nathan Sim - Independent Member
Councillor Janet Byram - Elected Member

1.3 APOLOGIES

Nil

1.4 IN ATTENDANCE

Rob Tokley - CAP Assessment Manager (Acting Policy Planner)
Jason Cattonar – Manager - Development & Regulatory Services
Alex Wright – Acting Team Leader - Planning

2. GENERAL OPERATING PROCEDURES

The Council Assessment Panel resolved to appoint Mr Don Donaldson as Deputy Presiding Member.

The Council Assessment Panel resolve to endorse the General Operating Procedures, as attached to these Minutes as Attachment A.



3. HEARING OF APPLICATIONS**3.1 Report Reference: CAP011117 – 3.1****Application No: 100/2017/1285****Site Location: 49-51 Vennachar Drive, Hallett Cove**

- Councillor Tim Guard spoke on behalf Ms Kylie Thomas, Ms Suanne Coker, Mrs Suzanne Saliba (Representors)
- Ms Pragathi Sridhar (Representor) addressed the Panel
- Mr Robert Gagetti of Ekistics on behalf of Accord Property (Applicant) addressed the Panel

The Council Assessment Panel resolved that;

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

- (a) **The Panel note this report;**
- (b) **The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) **That Development Plan Consent for Development Application No: 100/1285/2017 for a change of use to pre-school (childcare centre), associated alterations and additions to a local heritage place, car parking, landscaping, fencing and retaining walls and removal of a Regulated Tree - Aleppo Pine at 49-51 Vennachar Drive, Hallett Cove be REFUSED for the following reasons:**
 - 1. **The proposed development does not satisfy the form and scale of non-residential development envisaged in the Residential Zone, due to the extent of built form and anticipated impacts upon adjoining land, and as such, the proposal fails to satisfy Residential Zone Principle 1 and 4(c) and Interface Between Land Uses Principle 1(h).**
 - 2. **The design of the car parking area is likely to result in conflict between vehicles, and does not encourage the safe and convenient circulation of traffic; at variance to Transportation and Access Principle 36(c) and 36(i).**
 - 3. **The built form proposed is considered to dominate the heritage-listed building and adversely affects the setting and character of the building, failing to satisfy Heritage Places Principles 3, 6(a), 6(c) and 6(d).**

3.2 Report Reference: CAP011117 – 3.2
Application No: 100/2017/981
Site Location: 42 Woodland Road, Mitchell Park

- Mr Constantine Capetanakis (Representor) addressed the Panel
- Mr Matthew Falconer on behalf of Mrs Canna Jing (Applicant) addressed the Panel

The Council Assessment Panel resolved that;

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

- (a) The Panel note this report;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/981/2017 for a building comprising three (3) two storey dwellings at 42 Woodland Road, Mitchell Park be REFUSED for the following reasons:**
 - 1. The proposed development does not result in an attractive residential environment and results in the dominance of garaging and car parking areas; failing to satisfy parts of the Desired Character and Objective 2 of the Medium Density Policy Area 12.**
 - 2. The frontage width of the allotments fail to meet that sought in Medium Density Policy Area Principle 6, resulting in a poor streetscape outcome.**
 - 3. The setback of the two storey walls do not meet that desired by Residential Zone Principle 6, and will have an unreasonable impact upon adjoining land.**



- 3.3 Report Reference: CAP011117 – 3.3
Application No: 100/2017/1251
Site Location: 49 Limbert Avenue, Seacombe Gardens

The Council Assessment Panel resolved that;

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (a) That Development Plan Consent and Land Division Consent for Development Application No: 100/1251/2017 for Land Division (Community Title - 1 into 3 allotments) and the construction of a residential flat building comprising one, two-storey dwelling and two, single-storey dwellings at 49 Limbert Avenue, Seacombe Gardens be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1251/2017, being drawing number(s) 01 'Site Plan' prepared by Structural Systems Consulting Engineers and 'Site Plan' (1 of 10), 'Title Plan' (2 of 10), 'Landscape Plan' (3 of 10), 'Ground Floor Plan - Dwelling 1 (4 of 10), Elevation Plans - Dwelling 1 (5 of 10), Floor Plan - Dwelling 2 (6 of 10), Elevation Plans - Dwelling 2 (7 of 10), Floor Plan - Dwelling 3 (8 of 10), Elevation Plans - Dwelling 3 (9 of 10), Parti-wall Detail (10 of 10) prepared by Angelyn Building Designs received 29/08/2017, except when varied by the following conditions of consent.
2. 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

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. 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.

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.
8. 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.
9. 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.

Land Division Consent

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.
2. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
3. Payment of \$13352 into the Planning and Development Fund (2 allotments @ 6676/allotment). Payment may be made by credit card via the internet at 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.
4. 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

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
 2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
 3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
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CAP011117

4. **Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, 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.**



- 3.4 Report Reference: CAP011117 – 3.4
Application No: 100/2017/1246
DAC Reference No: 100/D146/2017
Site Location: 60 Bray Street, Plympton Park

The Council Assessment Panel resolved that;

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/1246/2017 for a residential Torrens Title land division - 1 into 2 allotments and carport to western side of existing dwelling at 60 Bray Street, Plympton Park be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

- 1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No. 100/1246/2017 (100/D146/17), except when varied by the following conditions of consent.
- 2. All works to the existing dwelling, including demolition of existing carport and construction of proposed carport shall be substantially completed and available for use, prior to the Council advising the Development Assessment Commission that it raises no objection to the issue of a Certificate pursuant to Section 51 of the Development Act.
- 3. All structures/buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other material shall be cleared from proposed Lot 702, 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.
- 5. A certificate from a suitably qualified person shall be submitted confirming that the building has been adequately fire-separated in accordance with the provisions of the Building Code of Australia and/or the South Australian Housing Code, 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.

Land Division Consent

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.
2. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
3. Payment of \$6676 into the Planning and Development Fund (one allotments @ \$6676/allotment). Payment may be made by credit card via the internet at 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.
4. 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.
5. All existing buildings and paved areas on proposed Lot XXXX shall be connected to a stormwater collection and disposal system that meets the requirements of AS3500, that does not cross the boundaries of other allotments, and is connected to the street water table (or, where relevant, back of block drainage pipes in registered easements) via impervious pipe prior to Council issuing Section 51 clearance to the Development Assessment Commission. (Note, the stormwater collection and disposal system can incorporate stormwater detention or retention tanks as necessary).

NOTES

1. This approval has been granted on the basis of the suitability of the land for a detached dwelling as demonstrated in Development Application No: 100/2017/1706. Should the proposed allotments be created and sold without that development occurring, new applicants/owners should be aware that any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council. Please note that the proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or row dwellings) and other dwelling layouts may not be suitable for the proposed allotments.



- 3.5 Report Reference: CAP011117 – 3.5
Application No: 100/2017/1706
Site Location: 60 Bray Street, Plympton Park

The Council Assessment Panel resolved that;

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

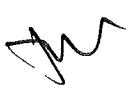
- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/1706/2017 for the demolition of existing carport, construction of carport to western side of existing dwelling and construction of a single storey dwelling to the rear of the site at 60 Bray Street, Plympton 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. 100/1706/2017, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. 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.
- 4. A landscaping plan shall be submitted to Council for consideration and approval, detailing a mix of native medium and low-level plantings throughout the front yard areas of the properties.
- 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

- 6. Landscaping shall be planted prior to the occupation of the premises and 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.

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.
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.



3.6 Report Reference: CAP011117 – 3.6
Application No: 100/2017/1650
Site Location: 1022 and 1024-1026 South Road, Edwardstown

- Mr David Lands (Applicant) answered questions of the Panel

The Council Assessment Panel resolved that;

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/2017/1650 for Increase in customer cover in existing function centre at 1022 and 1024-1026 South Road, Edwardstown 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. 100/2017/1650, 100/2014/1583 and 100/2012/2036, being documentation dated 1 September 2017 and 6 September 2017, 27 May and 4 July 2013, and additional documentation dated 6 November 2014, except when varied by the following conditions of consent.**
- 2. The maximum capacity of the function centre is to be limited to 160 patrons.**
- 3. The function centre shall only operate during times when the business(es) operating from the land and/or building(s) at 1024-1026 South Road, Edwardstown (properties identified as Lots 1 and 2 in Certificate of Title volume 5590 folio 715 and Lot 142 in Certificate of Title volume 5514 folio 903) is not operating.**
- 4. This consent is only valid on the basis that the 22 car park spaces, within the car park area at 1024-1026 South Road, Edwardstown (property identified as Lot 142 in Certificate of Title volume 5514 folio 903) are available for the exclusive use of the function centre during the operating times of the function centre.**
- 5. The car parking area at 1024-1026 South Road, Edwardstown (property identified as Lot 142 in Certificate of Title volume 5514 folio 903) shall be appropriately lit during the operation of the function centre to provide safety and security of patrons, during non-daylight hours, to the reasonable satisfaction of Council. Details of the lighting to be installed shall be provided to Council for consideration and approval, prior to Development Approval being issued.**
- 6. All car parking spaces shall be line-marked or delineated in a distinctive fashion prior to occupation of the function centre, with the marking maintained in a clear and visible condition at all times.**



7. The existing signs to the car park shall be modified to reflect after hours use by the function centre.
8. Directional signs indicating the location of car parking spaces must be provided on the subject land and maintained in a clear and legible condition at all times. Details shall be provided to Council for consideration and approval, prior to Development Approval being issued.
9. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
10. 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.
11. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
12. 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.



- 2.7 Report Reference: CAP011117 – 3.7
Application No: 100/2017/1066
Site Location: 287 Diagonal Road, Oaklands Park

The Council Assessment Panel resolved that;

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/1066/2017 for two (2) freestanding advertisements, one of which incorporates internal illumination at 287 Diagonal Road, 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. 100/1066/2017, 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 non-illuminated sign shall utilise a material of low reflectivity to minimise the possibility of glare and enhance road safety.
- 4. Lighting associated with the signs shall be of an intensity 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.

Department of Planning, Transport and Infrastructure Conditions

- 6. Sign 1 shall be located a minimum 1.5 metres from the Diagonal Road property boundary.
- 7. The electronic sign shall be permitted to display one message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 seconds.
- 8. The signs shall not flash, scroll or move.
- 9. All messages displayed on the signs shall be self-contained messages that are simple, effective and easily assimilated by glance appreciation.

10. All messages displayed on the signs shall not imitate a traffic control device or constitute a direction to traffic in any way.
11. The signs shall not permitted to display images, texts or backgrounds that are predominantly red, yellow/amber or green in colour.
12. Sequential messages (i.e. messages that are displayed as part messages over two or more displays) shall not be permitted on the LED screen.
13. Illuminated signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, the LED component of Sign 1 shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (LUX)	Sign Luminance (Cd/m ²) Max
Sunny Day	40 000	6 300
Cloudy Day	4000	1 100
Twilight	400	300
Dusk	40	150
Night	<40	100

14. The luminance contrast between consecutive displays of the LED sign shall be limited to a maximum 2:1 (Note: For the purposes of this condition luminance contrast is defined as the ratio of the average luminance of the consecutive displays).
15. The electronic sign shall be operated by a closed circuit system that is impervious to hacking or unauthorised modification.
16. The operational system for the sign electronics shall incorporate automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction. The screen shall only be reactivated in the next available off peak period.
17. The surface of the signs shall have an effective anti-reflection coating to avoid the possibility of specular reflection.

3.8 Report Reference: CAP011117 – 3.8
Previously deferred item – DAP150317
Application No: 100/2016/890
Site Location: 1 Vista Street, Seacombe Heights

- Alice Wright (Applicant) answered questions of the Panel

The Council Assessment Panel resolved that;

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2016/890 for a two storey detached dwelling with associated earthworks, retaining and swimming pool (including pool fencing) at 1 Vista Street, Seacombe Heights be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/890, being;**
 - 1.1. 'A-100', 'A-102', 'A-110', 'A-104', 'A-120' and 'A-100' all prepared by PSA Design,**
 - 1.2. 'A-111 received on 1/09/2017, prepared by PSA Design**
 - 1.3. 'Landscape Plan' prepared by Dimension Design Studio and**
 - 1.4. 'Drainage Plan' Revision PC prepared by TMK Consulting Engineers.****except when varied by the following conditions of consent.**
- 2. 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.**
- 3. Any deviation to the driveway design must be contained within private land and should not straddle the boundary between the subject allotment and the Council road reserve.**
- 4. The driveway crossover should be constructed at the western boundary crossing the front boundary retaining wall at 90 degrees so that any load bearing impact of earthworks on the retaining wall is minimised.**
- 5. 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 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.

NOTES

1. Any damage to the existing retaining wall on the road reserve is to be repaired to Council's satisfaction, at the owners cost.
2. A structural engineering assessment of the impact of the driveway and consideration of the maximum driveway grades should form part of the building assessment.
3. Emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
4. 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).
5. 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.
6. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
7. 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.
8. 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.



4. OTHER BUSINESS

9.00pm Pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, the Panel resolve to exclude the public from attendance for the deliberation of Item 4.1.

**4.1 CONFIDENTIAL ITEM
CAP011117 – 4.1**

The Council Assessment Panel resolved that;

- (a) The Panel note this report;**
- (b) 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 the Development Assessment Panel advise the Environment, Resources and Development Court that Council does not support the comprise proposal submitted by Mr Jack Pete for Development Application No: 100/2004/2016 at 67 Lascelles Avenue, Warradale.**



9.28pm: Meeting re-opened to the Public

4.2 SUB-DELEGATIONS TO ADMINISTRATION STAFF

That the Council Assessment Panel resolve to sub-delegate to the Manager – Development and Regulatory Services, Team Leader – Planning, Senior Development Officer – Planning and Development Officer – Planning, the powers, duties and functions of the CAP 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:

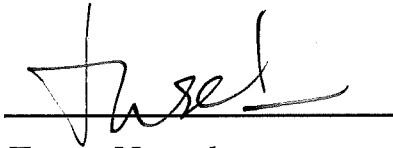
- a) Applications (land division and/or land use) for group dwellings and/or residential flat building(s); if the overall area of an allotment or site (including any common areas such as driveways, etc.) when divided by the proposed number of dwellings and/or allotments satisfies the minimum site area 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 Council Assessment Panel (CAP); that, in the opinion of the Manager Development and Regulatory Services and Team Leader - Planning, do not compromise or undermine the CAP'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.

4.3 APPEALS UPDATE**4.4 POLICY OBSERVATIONS****5. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 1 November 2017 taken as read and confirmed this first day of November 2017.

6. MEETING CLOSURE

MEETING DECLARED CLOSED AT 9.56PM

A handwritten signature in black ink, appearing to read 'Terry Mosel', is written over a horizontal line.

Terry Mosel
Presiding Member

CITY OF MARION

ASSESSMENT PANEL

General Operating Procedures

(adopted by CAP on 1 November 2017)

1. TIMING & NOTICE OF MEETINGS

- 1.1. CAP meetings will be scheduled by the CAP to occur in the first week of every month (except the first week of January), with a second meeting to occur on the third week of the month, on an as need basis.
- 1.2. The CAP will meet in the Council Administration Centre at 245 Sturt Road, Sturt or at such other place as the CAP may determine.
- 1.3. The Assessment Manager must provide written notice detailing the date, time and place of a meeting to all CAP members at least three working days before the meeting. The notice shall include the Agenda for the meeting. The Presiding Member may include late items in the Agenda of a meeting with the leave of the meeting.
- 1.4. Notice of CAP meetings may be given to CAP members by email to an address nominated by a CAP Member, or by personal delivery or post to the usual residence of a CAP Member, or via such other means as authorised in writing by a CAP Member.
- 1.5. A copy of the Agenda for every meeting of the CAP shall be available for viewing by the public on the Council's web site at least three working days before the meeting of the CAP.
- 1.6. A special meeting of the CAP may be convened by the Presiding Member at any time to consider urgent business by giving not less than forty eight hours written notice to all CAP Members.
- 1.7. Notice of a Special Meeting must be accompanied by an Agenda stating the item(s) of business for which the meeting has been convened. A Special Meeting must only deal with the business for which the meeting has been convened.

2. COMMENCEMENT OF MEETINGS & QUORUM

- 2.1. CAP Meetings will be conducted in accordance with the *Planning, Development and Infrastructure Act* ('the Act') and Regulations ('the Regulations') and these Operating Procedures.
- 2.2. Meetings will commence on time and as soon as a quorum is present. If a quorum is not present within thirty minutes of the time for commencement, the Presiding Member may adjourn the meeting to the next scheduled meeting time and date, or to another time and date.
- 2.3. A quorum for a meeting of the CAP is three (3) CAP Members.
- 2.4. If the number of apologies received by the Assessment Manager in advance of a meeting indicate that a quorum will not be present at a meeting, the Presiding Member may, by notice from the Assessment Manager provided to all CAP Members in advance of the meeting, (a copy of which will be placed on the Council's website) adjourn the meeting to a future time and date specified in the notice.

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- 2.5. If a meeting is required to be adjourned by the Presiding Member, the reason for the adjournment, and the date and time to which the meeting is adjourned will be recorded in the minutes.
- 2.6. A Deputy Presiding Member of the CAP must be appointed by resolution of the CAP at its first meeting, and will preside at any meeting or part thereof when the Presiding Member is not present.
- 2.7. The Presiding Member will preside at all CAP meetings, however, in the absence of the Presiding Member, the Deputy Presiding Member will preside at the meeting (or part thereof).
- 2.8. If both the Presiding Member and Deputy Presiding Member are absent from a CAP meeting (or part thereof), a CAP Member chosen from those present will preside at the meeting and will have all of the powers and duties of the Presiding Member.
- 2.9. Subject to the Act, the Terms of Reference and these Operating Procedures, the Presiding Member will facilitate the meeting in a manner which promotes healthy, orderly, constructive, respectful and expeditious discussion, but not repetitious or irrelevant discussion.
- 2.10. The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by a CAP Member, an applicant, a representor or any other person present at the CAP meeting until such time as the disruption or disturbance ceases.
- 2.11. The Presiding Member may ask a member of the public who is present at a meeting of a CAP who is:
 - 2.11.1 behaving in a disorderly manner; or
 - 2.11.2 causing an interruption; or
 - 2.11.3 using audio and video recording devices, without the prior agreement of the Presiding Member;
to leave the meeting.

3. DECISION MAKING

- 3.1. In the interest of raising accountability and promoting transparency in local government decision making, the CAP will conduct its meetings and undertake all considerations in accordance with Section 83 and 85 of the Act and Part 3 of the Regulations, and will only exclude the public from attendance when one or more of the requirements of Clause 13(2)(a) or 13(2)(b) of the Regulations are met.
- 3.2. Each CAP Member present at a meeting is entitled to one vote on any matter arising for decision and, if the votes are equal, the Member presiding at the meeting is entitled to a second or casting vote.
- 3.3. All decisions of the CAP shall be made on the basis of a majority decision of the Members present (subject to clause 3.2) and the minutes shall record that decision only (votes for/against will not be recorded and are not relevant once the majority is determined).
- 3.4. The CAP must use the Development Plan as the basis for its decisions, having had regard to any written and verbal representations made in accordance with the provisions of the Development Act 1993 and Development Regulations 2008.
- 3.5. The CAP must, for each and every application, determine whether the proposal is seriously at variance with the Development Plan and expressly record its determination

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on this matter in the minutes. If the CAP determines that the proposal is seriously at variance with the Development Plan, the CAP must provide reasons for its determination and must expressly record those reasons in the minutes.

- 3.6. A development application that is assessed by the CAP as being seriously at variance with the Development Plan will not be granted approval.
- 3.7. The CAP must, for each and every application, provide reasons for granting or refusing Development Plan Consent and expressly record those reasons in the minutes.
- 3.8. If the CAP determine to defer making a decision on an application, the reasons for that deferral must be clearly articulated and recorded in the Minutes. Reasons to defer making a decision must be limited to;
 - 3.8.1 a need for additional information/clarification regarding a matter(s) to be considered; and/or
 - 3.8.2 an opportunity to address concerns of the CAP that will not alter the essential nature of the development, and where the applicant/proponent has indicated a willingness to undertake such amendments.
- 3.9. Subject to the Act and Instrument of Delegation under the Development Act 1993 and Development Regulations 2008 endorsed at the General Council meeting 10 October 2017, a person who has lodged a development application or a valid representation and wishes to be heard by the CAP in relation to a matter, is entitled to appear before the CAP and be heard in support of the application or representation, in person or by an agent. Representors and applicants will be allowed 5 minutes each to address the CAP, unless a longer time is allowed by the Presiding Member.
- 3.10. At the discretion of the Presiding Member, any new or additional material to be submitted to the CAP by a person who has made a development application or a valid representation in relation to a matter may be accepted and considered by the CAP.
- 3.11. At the discretion of the Presiding Member, a CAP Member may ask questions of any person appearing before the CAP. The Presiding Member may refuse any such question posed by a CAP Member if in his/her opinion it is not relevant to the subject development application. The Presiding Member's determination in this regard is final.

4. MINUTES

- 4.1. The Assessment Manager is responsible for ensuring that accurate minutes are kept of CAP meetings and that they are confirmed by the CAP and signed by the Presiding Member.
- 4.2. The minutes of the proceedings of a CAP meeting will record:
 - 4.2.1 the names of the CAP Members present;
 - 4.2.2 the name and time that a CAP Member enters or leaves the meeting;
 - 4.2.3 the name of a person who has made a representation to the CAP at the meeting;
 - 4.2.4 the decision of the CAP, including an express opinion on whether the proposed development is seriously at variance with the Development Plan (including reasons as appropriate);
 - 4.2.5 detailed reasons for granting or refusing Development Plan Consent;
 - 4.2.6 in the absence of a decision, the deferral of the application including the reasons for the deferral;
 - 4.2.7 any disclosure of interest made by a CAP Member and the nature of the interest;
 - 4.2.8 a decision to exclude public attendance; and
 - 4.2.9 a notation, describing the confidential nature of the information and matter, in the event that a matter has been excluded from the minutes.

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- 4.3. Minutes of the meeting shall be adopted prior to the conclusion of the meeting.
- 4.4. On the confirmation of the Minutes, the Presiding Member will:
 - 4.4.1 initial each page of the Minutes, which pages are to be consecutively numbered;
and
 - 4.4.2 place his or her signature and the date of confirmation on the last page of the Minutes.
- 4.5. The Minutes of a CAP meeting must be forwarded to the Council and must be publicly available within two business days after their confirmation by the CAP.

5. CAP PROCEDURES & SUPPORT

- 5.1. Insofar as the Act and Regulations, the Terms of Reference and these Operating Procedures do not prescribe the procedure to be followed at a CAP meeting, the CAP may determine the procedure at that time. Any such determination will be added to these Operating Procedures.
- 5.2. The CAP will permit and encourage the active participation of Council staff in attendance at a meeting in providing advice to the CAP.
- 5.3. The CAP may call for and consider such professional assistance from Council staff and other professional advisors as it deems necessary and appropriate.
- 5.4. The CAP will undertake an Annual Performance Review (APR), examining the composition of the CAP from a 'needs' perspective, the contribution, behaviour and conduct of CAP Members, the function and procedures of the CAP, and other relevant matters.