

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 4 SEPTEMBER 2019**



1.1 OPEN MEETING

The Meeting commenced at 6.30pm

1.2 PRESENT

Terry Mosel - Presiding Member
Yvonne Svensson- Independent Member
Sue Giles - Independent Member
Nathan Sim - Independent Member
Councillor Maggie Duncan - Elected Member

1.3 APOLOGIES

Nil

1.4 IN ATTENDANCE

Alex Wright - CAP Assessment Manager (Team Leader - Planning)
Dylan O'Brien - Development Officer – Planning
Kristen Sheffield - Development Officer - Planning

2. HEARING OF APPLICATIONS

2.1 Report Reference: CAP040919 – 2.1 Application No: 100/2019/0702 Site Location: 2 Pleasant Avenue Glandore

- Fabian Barone on behalf of Allstate Pest Control (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. 100/702/2019 for Change in use from dwelling into an office, and construction of an ancillary carport to the rear at 2 Pleasant Avenue, Glandore be GRANTED subject to the following conditions:

RESERVED MATTER

1. Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matters. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.
 1. An engineered stormwater and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail methods of stormwater disposal from the proposed carport and paved vehicle parking and manoeuvring area, including any existing or proposed retention tanks in accordance with Council's relevant requirements.
 2. An amended landscaping plan shall be submitted to Council for consideration prior to Development Approval being issued, detailing additional landscaping of at least 2 metres in width adjacent the front boundary, including a mixture of native medium and low-level plantings.

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.

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/702/2019, except when varied by the following conditions of consent.
2. Landscaping as identified on the approved plan shall be planted prior to commencing the office use 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.

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3. A minimum of 50% of the trees indicated to be planted on the approved plan shall be at least 1.5 metres in height at the time of planting.
4. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
5. 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).
6. 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.
7. All vehicles shall enter and exit the land in a forward direction.
8. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
9. Driveways, car parking spaces, manoeuvring areas, landscaping areas and verandahs shall not be used for the storage or display of any goods, materials or waste at any time.
10. 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 (including the prevention of any materials entering the stormwater system either by wind or water), to the reasonable satisfaction of Council.
11. All waste and other rubbish shall be screened from public view, to the reasonable satisfaction of Council.
12. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
13. 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.
14. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
15. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to the office use of the premises, with the marking maintained in a clear and visible condition at all times.
16. The hours of operation of the premises shall be restricted to the following times:
 - 8:00 am to 6:00 pm on weekdays.
17. 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.

NOTES

1. 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.
2. 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.

2.2 Report Reference: CAP040919 – 2.2
Application No: 100/2019/1202
Site Location: 27 Winifred Avenue Glandore

- Mr James Levinson (Botten Levinson) on behalf of the 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 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: 100/2019/1202 for Land Division Residential Torrens 1 into 4 allotments and subsequent construction of four (4) two storey row dwellings with associated landscaping) at 27 Winifred Avenue, Glandore be GRANTED Development Plan Consent and Land Division Consent, 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 matters. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.

1. An amended landscaping and fencing plan shall be submitted to Council Administration for consideration and approval prior to Development Approval being issued, detailing a mix of native medium and low-level plantings throughout the site as well as a brick pillar fence and landscaping infill in order to provide an improved streetscape outcome to Winifred Avenue as well as privacy to the occupants of the dwelling.

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.

CONDITIONS

Development Plan Consent

1. The land division shall be carried out and maintained in accordance with the plans and details submitted with and forming part of Development Application No: 100/1202/2019 (SCAP REF: 100/D116/19) except where varied by the following conditions of consent.
2. All devices/treatments proposed and nominated on the approved plans, and forming 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.

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.
<https://cdn.marion.sa.gov.au/sp/Brochure-Stormwater-Detention-Retention.pdf>
4. 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.
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. 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.
7. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling, to the reasonable satisfaction of the Council.

Land Division Consent

1. Party/common wall(s) 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.
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
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.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

5. Payment of \$22848 into the Planning and Development Fund (3 allotment(s) @ \$7616/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of

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Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.

6. 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 State Commission Assessment Panel for Land Division Certificate purposes.

2.3 Report Reference: CAP040919 – 2.3
Application No: 1002019/1319 - 100/C130/19
Site Location: 19 Angus Avenue, Edwardstown

- No persons addressed the Panel in relation to this application.

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, Land Division Consent and Development Approval for Development Application No: 100/1319/2019 for Land Division Residential Community - 1 into 5 allotments at 19 Angus Avenue, Edwardstown 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. 100/1319/2019, except when varied by the following conditions of consent.
2. 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 SA Water shall be met for the provision of water supply and sewerage services. On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees. 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.
2. Payment of \$30464 into the Planning and Development Fund (4 allotments @ \$7616/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.
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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2.4 Report Reference: CAP040919 – 2.4
Application No: 100/2019/0818
Site Location: 4 Gordon Terrace, Morphettsville

- Mr Matt Woodward of Dara School (Applicant) addressed the Panel
- Mr Philip Brunning on behalf of the 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 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: 100/818/2019 for A change of use from a supported care facility to educational establishment including internal alterations to the Local Heritage Item of Cobham Hall, as well as construction of a transportable building for the purpose of toilet facilities, and associated on-site car-parking areas and driveways, signage, fencing, and landscaping at 4 Gordon Terrace, Morphettsville 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 matters. 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 landscaping plan shall be submitted to Council for consideration prior to Development Approval being issued, detailing a mix of native medium and low-level plantings throughout the site.

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.

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.100/2019/0818, being the following;
 - Drawing numbers 'DA01' dated 26/06/19, 'DA11', 'DA21' and 'DA31' dated May 2019 all prepared by Grieve Gillett Anderson, Drawing number '19333-1, Revision A' prepared by Magryn Engineering Consultants as well as the drawings titled '6x 3 Toilet' prepared by Ausco Modular Hire, 'School Sign' and 'Security Fence'.
 - 'Supporting letter' prepared by PBA, dated 14/05/2019, except where superseded by the subsequent 'supporting letter' also prepared by PBA, dated 28/06/2019.
 - 'Acoustic Assessment' prepared by WSP, dated 27/06/2019.

Hours of operation

2. The hours of operation of the premises shall be restricted to 8.00am until 5.00pm Monday to Friday (excluding public holidays).

Capacity

3. Student enrolment of the school shall be restricted to a total of 100 students at any one time.

Stormwater

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.

Waste

5. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
6. 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.
7. All waste and other rubbish shall be screened from public view to the reasonable satisfaction of Council.
8. 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.

Landscaping

9. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises and thereafter maintained to the reasonable satisfaction of the Council.
10. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.

Car park

11. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
12. 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.
13. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.

14. All car parking areas, driveways and vehicle manoeuvring areas must be sealed using an all-weather construction method and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
15. All car parking spaces shall be line-marked 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.
16. Bicycle facilities shall be provided in accordance with Australian Standard AS 1742.9-2000 "Manual of uniform traffic control devices Part 9: Bicycle facilities".

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. 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.

2.5 Report Reference: CAP040919 – 2.5
Application No: 100/2018/2146
Site Location: 4 Gordon Terrace, Morphettsville

- Simon Cross of the Cross Company 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, Land Division Consent and Development Approval for Development Application No: 100/2146/2018 for Land Division (Torrens Title - 1 into 4 allotments) at 4 Gordon Terrace, Morphettsville 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. 100/2146/2018 (100/D279/18), except when varied by the following conditions of consent.
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 proposed Lots 1, 2 and 3 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.
2. 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. (SA Water H0079155)

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries

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2. Payment of \$21759.00 into the Planning and Development Fund (3 allotment/s @ \$7253.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, 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 State Commission Assessment Panel for Land Division Certificate purposes.

Notes

1. Please be advised that the Council will be automatically notified by DAC when the final plan for the land division is uploaded to EDALA. Upon receiving this notification from DAC, Council will assume that all conditions of consent have been met, that Section 51 clearance is being requested and will arrange inspection of the property if necessary. In this instance, no further notification to Council is required. However, should the applicant wish to contact the Council directly in relation to Section 51 clearance, please email Development Services at council@marion.sa.gov.au with the address, development application number and/or DAC reference number in the subject line of the email.

OTHER BUSINESS**3.1 APPEALS UPDATE**

The following appeals against CAP's decision to refuse the application(s) are noted;

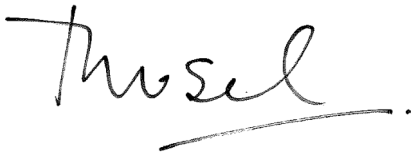
- DA 100/2016/2407 for Torrens Title Land Division - 2 into 28 allotments with associated earthworks, retaining walls, public road and pump station at 65 and 67 Woodend Road, Sheidow Park
- DA 100/2018/2065 for a single sided free-standing LED advertising sign with an overall height of 10.3 metres and a total display area of 38.3 square metres at 990-1016 South Road, Edwardstown

3.2 POLICY OBSERVATIONS**4. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 4th September 2019 taken as read and confirmed this fourth day of September 2019

5. MEETING CLOSURE

MEETING DECLARED CLOSED AT 8.14PM

A handwritten signature in black ink, appearing to read 'Terry Mosel', with a horizontal line underneath.

Terry Mosel
Presiding Member