



- 1.1 OPEN MEETING**
- 1.2 PRESENT**
- 1.3 APOLOGIES**
- 1.4 IN ATTENDANCE**
- 2. GENERAL OPERTIONS**
- 3. APPLICATIONS**
- 3.1 DEVELOPMENT NO 100/2020/1083
16 YALPA ROAD MARINO
domestic outbuilding with wall to be constructed on the southern boundary
Report Reference: CAP021220 - 3.1.....2**
- 3.2 DEVELOPMENT NO 100/2020/1028
142-144 MORPHETT ROAD GLENGOWRIE
demolition of all buildings, change in use and subsequent construction of a single
storey building comprising medical consulting rooms and pharmacy, with
associated car parking, landscaping and signage
Report Reference: CAP021220 - 3.2.....4**
- 4. APPEALS UPDATE.....8**
- 4.1 APPEALS AGAINST PANEL DECISIONS**
- 4.2 APPEALS AGAINST DELEGATED APPLICAITONS**
- 5. POLICY OBSERVATIONS.....8**
- 6. OTHER BUSINESS**
- 7. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL
MEETING HELD ON SECOND DAY OF DECEMBER 2020**
- 8. MEETING CLOSURE**

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 2 DECEMBER 2020**



1.1 OPEN MEETING

The Meeting commenced at 6.32pm

1.2 PRESENT

Yvonne Svensson – Independent Member
Bryn Adams – Independent Member
Gavin Lloyd-Jones – Deputy Independent Member
Raelene Telfer – Council Member

1.3 APOLOGIES

Terry Mosel – Presiding Member
Michael Davis – Independent Member

1.4 IN ATTENDANCE

Alex Wright – CAP Assessment Manager – Team Leader – Planning
Kai Wardle - Development Officer - Planning

2. GENERAL OPERATIONS

Council's Assessment Manager sought nominations to act as the Presiding Member for the duration of the meeting in the absence of the Presiding and Deputy Presiding Member.

Gavin Lloyd-Jones was nominated by the Panel to Act as the Presiding Member for the duration of this meeting.

3. HEARING OF APPLICATIONS

3.1 Report Reference: CAP021220 - 3.1
Application No: 100/2020/1083
Site Location: 16 Yalpa Road MARINO 5049

- Fiona Williams (Representor) addressed the Panel
- Warwick Covington on behalf of Align SA (Applicant) addressed the Panel

The Council Assessment Panel resolved that;

RECOMMENDATION

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: 100/1083/2020 for Domestic outbuilding with wall to be constructed on the southern boundary at 16 Yalpa Road MARINO 5049 be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/1083/2020, except when varied by the following conditions of consent.
2. Any existing vegetation nominated to be retained and/or any new vegetation proposed 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.
3. 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.
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.

NOTES

1. The applicant is reminded that Development Approval from the Council is required for any retaining wall over one metre in height, any masonry fence over one metre in height, any non-masonry fence (eg colorbond, wood paling, brush etc) over 2.1 metres in height, and any retaining wall with a fence on top with a total height over 2.1 metres in height (measured from the lower of the two adjacent ground levels).
2. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. 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 2004.
3. You are undertaking work that may affect the stability of adjoining land. Section 60 of the Development Act 1993 and Regulation 75 of the Development Regulations 1993, prescribe that your neighbour has a right to be notified by you 28 days prior to you undertaking that work. This is to enable your neighbour to obtain a report for which you are obliged to pay, that specifies any work that is required to be undertaken to ensure the stability of your neighbour's property is maintained during and following the undertaking of the work you propose. You should make yourself aware of these requirements before proceeding.
4. The Fences Act 1975 details certain requirements and procedures in order to remove, replace or repair boundary fencing. If you intend to remove or repair an existing boundary fence, you are obligated to give the other affected neighbours 30 days notice to comment and respond as per a "Form 2". If a fence is removed (even if only temporarily) by a neighbour without the consent of the adjoining owner, or without following the procedure under the Fences Act, you may be liable to compensate the other owner. For more information, please refer to the Legal Services Commission brochure titled "Fences and the Law". Copies are available at Council's Administration Centre, or online at <http://www.lawhandbook.sa.gov.au/ch31s02.php>.

CAP021220

3.2 Report Reference: CAP021220 - 3.2
Application No: 100/2020/1028
Site Location: 142 -144 Morphett Road GLENGOWRIE SA 5044

- G & Lorraine Vaccaro (Representor) addressed the Panel
- B R & L A McCormick (Representor) addressed the Panel
- Anthony Gatti of INTRO on behalf of the Applicant – Addressed the Panel

The Council Assessment Panel resolved that;

RECOMMENDATION

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: 100/2020/1028 for Demolition of all buildings, change in use and subsequent construction of a single storey building comprising medical consulting rooms and pharmacy, with associated car parking, landscaping and signage at 142-144 Morphett Road, Glengowrie be GRANTED subject to the following reserved matter and conditions:

RESERVED MATTER

Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following 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 preliminary site investigation (PSI) shall be provided to Council for consideration. If the PSI identifies the site has been used for a potential contaminating activity, targeted sampling will be required. If contamination issues are identified at the site the risks will need to be remedied/managed as necessary to ensure the site is suitable and safe for the intended use. The site contamination investigation and reporting shall be undertaken by a certified site contamination practitioner, in accordance with EPA Publication 665/20.
2. An amended site plan nominating the location of bollards between the western boundary adjacent the boundary wall of 1 Stanley Street, Glengowrie and the relevant car parking spaces shall be provided to Council for review and consideration.

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.100/2020/1028, being:
 - Drawing numbers SK01 to SK07, SK20 and SK30 by Intro Design, Revision 3 dated 21 October 2020; and,
 - Drawing number CF5, 'Site & Drainage Plan' by Zafiris & Associates, Issue A, plot date 4 November 2020;except when varied by the following conditions of consent.
2. Payment of \$1375 (including GST) shall be made to Council prior to Development Approval, for the purposes of removing and replacing the affected Council street tree on Stanley Street.
3. The hours of operation of the premises shall be restricted to the following times:
 - Monday to Friday from 8am to 8pm
 - Saturday from 8am to 6pm
 - Sunday and Public Holidays from 10am to 6pm
4. All deliveries to and from the site shall be restricted to the following times:
 - Monday to Friday from 8am to 7pm
 - Saturday from 8am to 6pm
5. 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.
6. Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the Australian Standards Association Code AS 1158 during the hours of darkness that they are in use. Such lights must be directed and screened so that overspill of light into the nearby properties is avoided and motorists are not distracted. Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.
7. 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.
8. All waste and other rubbish shall be screened from public view, to the reasonable satisfaction of Council.
9. 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.
10. Waste collection and service vehicles (operated by private contractor/s) required to enter and exit the subject land shall be scheduled to occur outside of peak usage periods for the approved land use(s) and peak traffic periods for the local road network.
11. Noise generated from the site shall not exceed the maximum noise levels stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.

12. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
13. 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.
14. 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.
15. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS 2890.6.2009.
16. 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 and maintained in a good condition at all times.
17. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
18. The car parking spaces herein approved shall be available free of charge to any individual visitor to the site or employee of the site during the business hours of the premises.
19. Bicycle parking facilities be provided that are designed and constructed in accordance with Australian Standard, or subsequent standards. The facilities shall be located to ensure ease of access to users.
20. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained 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.
21. 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.
22. Any existing vegetation nominated to be retained and/or any new vegetation proposed 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.
23. 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).
24. 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.

CAP021220

25. A trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order to the reasonable satisfaction of the Council.
26. 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.
27. 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.
28. The advertisement(s) and supporting structure(s) 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.

DIT Conditions

29. All vehicular access shall be gained in accordance with the Site Plan produced by Adroit Developers, Drawing No. SK02, Revision 2, dated 10 September 2020.
30. All vehicles shall enter and exit the site in a forward direction.
31. The obsolete crossover on Morphett Road shall be closed and reinstated to Council's kerb and gutter standards.
32. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Morphett Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

4. APPEALS UPDATE

7:20pm Ms Telfer left the room.

4.1 APPEALS AGAINST PANEL DECISIONS

Staff provided an update on the current appeals.

7:23pm Ms Telfer re-entered the room.

4.2 APPEALS AGAINST DELEGATED APPLICATIONS

Nil.

5. POLICY OBSERVATIONS**6. OTHER BUSINESS****7. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 02 December 2020 taken as read and confirmed this second day of December 2020

8. MEETING CLOSURE

- Length of meeting: 0:55
- Number of Representatives appearing before the Panel: 3
- Number of Applicants appearing before the Panel: 2

MEETING DECLARED CLOSED AT 7.27PM



Gavin Lloyd-Jones
Acting Presiding Member