

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 06 FEBRUARY 2019**



1.1 OPEN MEETING

The Meeting commenced at 6.30pm

1.2 PRESENT

Terry Mosel - Presiding Member
Don Donaldson - 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 (Acting Team Leader - Planning)
Stephen Zillante –Acting Manager - Development & Regulatory Services
Nicholas Timotheou - Development Officer - Planning

2. HEARING OF APPLICATIONS

2.1 Report Reference: CAP060219 – 2.1

Application No: 100/2015/192

Site Location: 1104-1106 and 1102 South Road, Edwardstown

- Mr Rob and Ben Barbara (Representor) answered questions of the Panel
- Mr Salvatore Rovere on behalf of Paul Howard Tonkin (Representor) answered questions of the Panel
- Mr Michael Richardson of MasterPlan, on behalf of A B Rawlings (Applicant) answered questions of 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: 100/192/2015 for Change of use from service trade premises (motor vehicle sales and service) to waste transfer station (recycling facility) and alterations to car parking at 1104-1106 and 1102 South Road, Edwardstown be GRANTED subject to the following Reserved Matters and Conditions:

RESERVED MATTER

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

1. Provision of a lighting plan detailing the location of lighting to be installed throughout the site, particularly over car parking areas. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded downwards 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 Manager of Development and Regulatory Services.
2. Fencing of the same height and style required by the Sonus report shall be provided along the boundaries abutting 92 Daws Road and 1 Lagunta Avenue, Edwardstown. Plans and elevation details shall be provided to Council to the reasonable satisfaction of the Manager of Development and Regulatory Services.

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. 100/2015/192, being the following documentation:
 - a) Planning Report dated 16 February 2018, prepared by Michael Richardson of MasterPlan;
 - b) The drawings prepared by MasterPlan comprising drawing numbers –
 - i. DS:13525_1.3 site plan;
 - ii. DS:13525_1.3 site plan (aerial photography);
 - iii. DS:13525_1.2 floor plan;
 - c) Environmental Noise Assessment report (pages 8, 9 and 12), Reference S4902C2 May 2016, prepared by Jason Turner of Sonus Pty Ltd; and
 - d) Correspondence dated 9 April 2018, (page 6), Reference: #S11568, prepared by David Kwong of GTA Consultants.
2. The hours of operation of the premises shall be restricted to the hours of 7:00am until 10:00pm of each day.
3. No more than 5 vehicles shall undergo the process of having their roofs flattened per day.
4. No more than 500 vehicles shall be received at the site per calendar year.
5. 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.
6. All existing vegetation nominated to be retained 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. 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.
8. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
9. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.
10. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
11. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
12. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
13. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

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14. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
15. 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.
16. All goods and materials placed in the area designated for the outside display of goods and materials shall be kept in a tidy manner and condition at all times.
17. 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).
18. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.
19. All fencing proposed as part of the subject application shall be maintained for the life of the approved use.
20. Non-bailed cardboard shall be stored and secured in bins until such time as it is removed from the site.

Department of Planning, Transport and Infrastructure Conditions

21. The existing two-way access point adjacent the southern property boundary shall be widened to a minimum of 11.6 metres at the property boundary, flaring to approximately 15.0 metres at the South Road kerb line. All widening beyond that shown in the GTA report dated 9 April 2018 shall be on the northern side of the access.
22. The installation of the widened access point requires relocation of infrastructure in the road reserve, including a side entry pit and speed sign. These works shall be undertaken to the satisfaction of DPTI and Council at the applicant's cost prior to operation of the development. The applicant shall contact Mr Babu Varatharaju, Asset Planning Manager via telephone 8402 1839 or email Babu.Varatharaju@sa.gov.au prior to undertaking these works.
23. The existing driveway connecting to Daws Road shall not be utilised to serve the subject development.
24. Line marking and/or signage shall be provided to reinforce the desired traffic flow to/from and through the site.
25. All vehicles shall enter and exit the site in a forward direction.
26. All car parking facilities shall be designed in accordance with *AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009*.
27. All heavy vehicle manoeuvring areas shall be consistent with *AS 2890.2:2002*.
28. Any stormwater run-off shall be collected on-site and disposed of safely without jeopardising the safety of the adjacent arterial roads. Any alterations to the existing road drainage infrastructure as a result of this development shall be at the expense of the applicant.

Environmental Protection Authority Conditions

29. Any material stored on-site which has the potential or is likely to degrade water (such as oils/lubricants, solvents, coolants, petroleum products, degreasing agents and similar substances) and all chemicals, must be stored within a bunded compound/area suitable for preventing the escape of material/liquids into surface or underground water resources.
30. All fluids such as fuels, oil and coolant which have been drained from vehicles is considered waste and must be removed by an EPA licensed waste transporter to an appropriate waste depot licensed to receive such waste.
31. The site must only operate between 7am and 10pm each day.
32. Prior to occupation, the existing sheet steel fence on the southern boundary must be upgraded or re-clad to be 2.1 metres high, sealed airtight at all joints (including at the ground) and extended to the east as identified on pages 8 and 9 of the *AB & SM Rawlings Pty Ltd 1102 South Road Edwardstown - Environment Noise Assessment*, prepared by Sonus Pty Ltd, dated May 2016 (reference number: S4902C2).
33. Car and scrap metal handling activities must only occur within the designated "Handling & Laydown Area" shown in Appendix B of the *AB & SM Rawlings Pty Ltd 1102 South Road Edwardstown - Environment Noise Assessment*, prepared by Sonus Pty Ltd, dated May 2016 (reference number: S4902C2).
34. Material handling activity must not occur within the exclusion zone shown on Appendix B of the *AB & SM Rawlings Pty Ltd 1102 South Road Edwardstown - Environment Noise Assessment*, prepared by Sonus Pty Ltd, dated May 2016 (reference number: S4902C2).
35. The roller doors at the western end of the existing building must remain shut at all times apart from when required for ingress and egress.

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. 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.
3. 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.
4. 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.
5. 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

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

6. The access regime serving the site will be reviewed should the site be redeveloped or additional land uses proposed upon the site. The reinstatement of access via the existing crossover on South Road adjacent the northern property boundary and closure of the southern South Road crossover will be required in such a scenario.
7. The applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
8. An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence.
9. A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
10. A groundwater monitoring and management plan (GMMP) exists for the site (Allotment 38). The preservation and ongoing accessibility of existing groundwater monitoring wells is necessary to annually monitor the status of groundwater contamination onsite in accordance with the GMMP.
11. If, in carrying out the activity, contamination is identified which poses actual or potential harm to the health or safety of human beings or the environment that is not trivial (taking the land use into account), the applicant may need to remediate the contamination in accordance with EPA guidelines.
12. If, at any stage, contamination is identified which poses actual or potential harm to water that is not trivial, a notification of contamination which affects or threatens groundwater (pursuant to section 83A of the *Environment Protection Act 1993*) must be submitted the EPA. Further information is available at: http://www.epa.sa.gov.au/business_and_industry/what_you_need_to_know/site_contamination
13. The EPA *Guideline for Bunding and Spill Management* provides guidance on appropriate design and management of bunded areas, can be accessed here: http://www.epa.sa.gov.au/pdfs/guide_bunding.pdf.
14. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>

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2.2 Report Reference: CAP060219 – 2.2
Application No: 100/2018/2041
Site Location: 8 – 10 Sturm Court, Oaklands Park

- **Fabian Barone on behalf of Southern Cross Care** (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: 100/2041/2018 for supported accommodation in the form of: one residential flat building, comprising three dwellings and three single storey group dwellings with associated parking, masonry fencing and landscaping at 8 Sturm Court, Oaklands Park be APPROVED subject to a Reserved Matter and the following conditions:

RESERVED MATTER

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

1. Prior to the issue of full Development Approval the applicant shall lodge and have approved an amended site and drainage works plan showing an increased stormwater retention tank capacity of 3000L, to the satisfaction of Council.
2. An amended Site and Landscape and Floor Plans shall be submitted to Council such that the lounge and dining/kitchen area of Dwelling 6 faces north.

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. 100/2041/2018, except when varied by the following conditions of consent.
2. Landscaping as identified on the approved plan 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.

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3. 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. 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. OTHER BUSINESS

In light of the rapid progress of the State Government's legislative reform of planning and related institutional arrangements and in particular the implications to Panel Members of the Government's requirements as to professional indemnity and accreditation the Members of the Panel have sought further direction from Council on the following issues:

- Will Panel Members be fully covered by the Council's Professional Indemnity insurance arrangements;
- Will the Council fully cover the financial costs for Panel Members including the initial and on-going costs of accreditation/registration and also the cost of satisfying the on-going training requirements.

3.1 APPEALS UPDATE

3.2 POLICY OBSERVATIONS

4. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 6 February 2019 taken as read and confirmed this sixth day of February 2019.

5. MEETING CLOSURE

MEETING DECLARED CLOSED AT 8:36PM

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

Terry Mosel
Presiding Member