

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 06 SEPTEMBER 2023**



1.1 OPEN MEETING

The Meeting commenced at 6.30pm

1.2 PRESENT

Michael Davis - Presiding Member
Yvonne Svensson- Independent Member
Ben Russ - Independent Member
Bryn Adams - Independent Member
Cr Matt Taylor– Deputy Council Member

1.3 APOLOGIES

Cr Nathan Prior – Council Member

1.4 IN ATTENDANCE

Alex Wright – CAP Assessment Manager – Team Leader - Planning
Christopher Izzo - Acting Development Officer – Planning
David Barone – Senior Policy and Strategic Officer

2. GENERAL OPERATIONS

No items listed for discussion.

3. DEVELOPMENT ACT 1993 APPLICATIONS

3.1 Report Reference: CAP060923 - 3.1

Application No: 100/2020/1106

Site Location: 20 & 22 Trott Grove Oaklands Park

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

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 variance¹ 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: 100/2020/1106 for Residential land division (Community Titles 2 into 9 allotments plus the creation of community driveway) be GRANTED subject to the following conditions:**

CONDITIONS

Development Plan Consent

- 1. The development granted Development Approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
- 2. 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 State Planning Commission that it has no objection to the issue of a certificate pursuant to Section 138 of the Planning, Development and Infrastructure Act.**
- 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 the subject land, prior to the Council advising the State Planning Commission that it has no objection to the issue of a certificate pursuant to Section 138 of the Planning, Development and Infrastructure Act.**
- 4. The final survey plan shall be available to the Council, prior to the Council advising the State Planning Commission that it has no objection to the issue of a certificate pursuant to Section 138 of the Planning, Development and Infrastructure Act.**

¹ Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016 (or Section 35(2) of the Development Act 1993 for applications under that Act), a "development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code" (or the Development Plan if under the Development Act).

What is 'seriously at variance' is not a defined legislative term and is not synonymous with a proposal that is merely 'at variance' with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

Land Division Consent

5. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services (SA Water H0100343).

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.

The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

6. 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
7. 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.
8. Payment of \$53,312.00 into the Planning and Development Fund (7 allotment/s @ \$7,761.00 /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 Department of Infrastructure and Transport 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
9. 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 Commission for Land Division Certificate purposes.

NOTES

1. The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 138 of the Planning, Development and Infrastructure Act.
2. Any future proposed crossover/access must be constructed clear of the remaining existing street trees and setback the required distances from the tree(s) in accordance with Council requirements.

5. APPEALS UPDATE**APPEALS AGAINST PANEL DECISIONS**

No items listed for discussion.

6. POLICY OBSERVATIONS

The panel notes the desired character statements were a useful mechanism to guide desired development outcomes and could be revisited by the code.

7. OTHER BUSINESS

Senior Strategic and Policy Planner provided the panel with an overview of the Greater Adelaide Regional Plan.

8. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 6 September 2023 taken as read and confirmed this sixth day of September 2023.

9. MEETING CLOSURE

- Length of meeting: 18mins
- Number of Representors appearing before the Panel: 0
- Number of Applicants appearing before the Panel: 0

MEETING DECLARED CLOSED AT 6.48PM



Michael Davis
Presiding Member