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**THE CITY OF MARION
COUNCIL ASSESSMENT PANEL HELD AT THE
ADMINISTRATION CENTRE 245 STURT ROAD STURT
ON
WEDNESDAY 7 AUGUST 2019**

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 7 AUGUST 2019**



1.1 OPEN MEETING

The Meeting commenced at 6.31pm

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)
Warwick Deller-Coombs – Manager Development & Regulatory Services
Joanne Reid - Development Officer - Planning

2. HEARING OF APPLICATIONS

2.1 Report Reference: CAP070819 – 2.1
Application No: 100/2016/2407 - 100/D302/16
Site Location: 65 and 67 Woodend Road Sheidow Park

- Mrs Zwart (Representor) addressed the Panel
- Mr Voss of Buildco Constructions Pty Ltd (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;
- (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: 100/2407/2016 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 be REFUSED for the following reasons:

REFUSED

The Proposal has insufficient regard to certain provision of the Development Plan, namely;

1. In respect to the Desired Character of the Worthing Mine Policy Area 20 the allotment density and dimensions do not sufficiently reflect the natural topography of the subject land or have sufficient regard to adjoining land.
2. The proposed cut and fill is not minimised, it vastly exceeds the minimum stated and is of such an extent as would have significant impediments to the future development the land and adjoining land.
3. The proposed allotment widths are insufficient having regard to the topography of the subject and solar orientation as stated by Principle of Development Control 6.

**2.2 Report Reference: CAP070819 – 2.2
Application No: 100/2019/796
Site Location: 7 Penn Corner Glengowrie**

- Mrs Trayhorn on behalf of D J Wood & Mrs W A Wilson (Representor) addressed the Panel
- Mr Joshua Goldfinch (Applicant) answered questions of the Panel. Mr Goldfinch proposed to reduce the wall height to 2.7 metres.

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: 100/796/2019 for a freestanding domestic garage with a 10m wall located on the southern boundary at 7 Penn Corner Glengowrie be SUB-DELEGATED to the Manager Development and Regulatory Services for Development Plan Consent following the provision of amended elevations which illustrates a wall height of 2.7 metres, and thereon 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. 100/796/2019, except when varied by the following conditions of consent.**
- 2. 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.**
- 3. Stormwater must be disposed of in such a manner that does not flow or discharge into land of adjoining owners, lie against any building, or create insanitary conditions.**
- 4. The structure has been granted consent as a domestic outbuilding only and therefore shall not be used for human habitation or for purposes not reasonably incidental to the use of the land for residential purposes, unless the further development approval of the Council is obtained.**

2.3 Report Reference: CAP070819 – 2.3
Application No: 100/2019/18 - 100/C329/18
Site Location: 3 and 5 Mocalta Street, Glengowrie

- Daniel Harris of DLH Projects (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, Land Division Consent and Development Approval for Development Application No: 100/2019/18 for Land Division Residential Community Title - 2 into 3 allotments at 3 and 5 Mocalta Street, Glengowrie 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. 100/18/2019 (100/C329/18), except when varied by the following conditions of consent.
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 the issue of a certificate pursuant to Section 51 of the Development Act.
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.

Land Division Consent

1. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0080845)

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.

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.

- 2. Payment of \$21,759.00 into the Planning and Development Fund (3 allotment/s @ \$7,253.00 /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 Planning, Transport and Infrastructure 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.**

CAP070819

2.4 Report Reference: CAP070819 – 2.4
Application No: 100/2019/388 - 100/C029/19
Site Location: 36 De Laine Avenue, Edwardstown

- **Cohen Developments (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, Land Division Consent and Development Approval for Development Application No: 100/388/2019 to divide land (1 into 5) allotments at 36 De Laine Avenue, Edwardstown be Granted subject to the following conditions:**

CONDITIONS

Development Plan Consent

- 1. The development shall be undertaken in accordance with the amended plan of division dated submitted with and forming part of Development Application No. 100/388/2019 (SCAP ref: 100/C029/19), except when varied by the following conditions of consent.**
- 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 Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development 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 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.**

Land Division Consent

- 1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.**

CAP070819

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 \$29,012.00 into the Planning and Development Fund (4 allotments @ \$7,253.00/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 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.
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.

NOTES

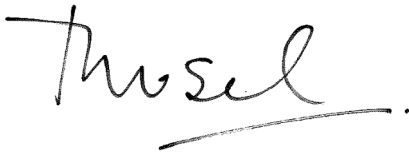
1. This approval has been granted on the basis of the suitability of the land to construct five (5) single storey dwellings with associated car parking and landscaping as demonstrated in Development Application No: 100/2018/2343. Should the proposed allotments be created and sold without that development 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.
2. It is recommended the following condition be incorporated as part of the By-Laws of the Community Corporation *"The Owners of Lots 303 & 304 (Dwellings 4 & 5) shall not construct a dividing fence at the front of their properties between the garage of Lot 303 and the turning area allowance for Lot 304 on the Community Plan"*.

OTHER BUSINESS**3.1 APPEALS UPDATE****3.2 POLICY OBSERVATIONS****4. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 8 August 2019 taken as read and confirmed this eighth day of August 2019

5. MEETING CLOSURE

MEETING DECLARED CLOSED AT 7.59PM

A handwritten signature in black ink that reads "Terry Mosel". The signature is written in a cursive style and is underlined with a single horizontal line.

Terry Mosel
Presiding Member