



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. APPLICATIONS

2.1 14 COMMERCIAL ROAD SHEIDOW PARK

An integrated service station, operating over 24 hours, 7 days a week, comprising control building with retail display and sales areas, fast food outlet with drive through facilities, fuel canopies and pump stations, fuel storage tanks, freestanding and facade illuminated signage, associated car parking, access and landscaping

Report Reference: CAP150120 - 2.1.....2

2.2 752-756 MARION ROAD, MARION

Partial demolition and subsequent alterations and additions to existing integrated service station comprising new control building and mechanical equipment with shop, drive-through and advertisement display, fuel bowsers and associated re-fuelling infrastructure/canopy, car parking, landscaping, car wash and fencing

Report Reference: CAP150120- 2.28

2.3 46 THOMAS STREET, SOUTH PLYMPTON

Land Division Residential Torrens Title - 1 into 3 allotments and the subsequent construction of three, two storey row dwellings

Report Reference: CAP150120- 2.3.....14

2.4 3 AND 5A KERSLEY AVENUE, GLENGOWRIE

To undertake a staged development - Stage 1: Land Division Residential Torrens - 2 into 3 allotments; Stage 2: The construction of three two storey row dwellings with associated garages and landscaping

Report Reference: CAP150120- 2.4.....15

2.5 2 KING GEORGE CLOSE, SEACLIFF PARK

Previously Deferred at CAP041219
 Single storey dwelling incorporating a garage wall on the south-eastern boundary with associated earthworks and retaining walls

Report Reference: CAP150120- 2.5.....16

2.6 11 WOOTON ROAD, EDWARDSTOWN

Previously Deferred at CAP041219
 Residential land division (Torrens-title 1 into 3 allotments) and three single-storey row dwellings, one of which incorporates a wall on the western boundary, as well as associated garages and landscaping.

Report Reference: CAP150120- 2.6.....17

2.7 355 DIAGONAL ROAD, SEACOMBE GARDENS – CONFIDENTIAL ITEM
Land Division Residential Torrens Title - 1 into 3 allotments; and the subsequent
construction of three single storey detached dwellings
Report Reference: CAP150120- 2.7.....20

3. OTHER BUSINESS

3.1 APPEALS UPDATE

3.2 POLICY OBSERVATIONS

**4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL
MEETING HELD ON 06 MARCH 2019**

5. MEETING CLOSURE

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 15 JANUARY 2020**



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)
Warwick Deller-Coombs – Manager – Development Services
Ilia Houridis – General Manager – City Development
Nicholas Timotheou - Development Officer – Planning
Andrew Houlihan – Senior Development Officer - Planning

CAP150120

2. HEARING OF APPLICATIONS**2.1 Report Reference: CAP150120 – 2.1****Application No: 100/2019/1411****Site Location: 14 Commercial Road Sheidow Park**

- Jarred Haynes of Adelaide Nominees Pty Ltd (Applicant) and Rob Gagetti of Ekistics 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: 100/2019/1411 for an integrated service station, operating over 24 hours, 7 days a week, comprising control building with retail display and sales areas, fast food outlet with drive through facilities, fuel canopies and pump stations, fuel storage tanks, freestanding and facade illuminated signage, associated car parking, access and landscaping at 14 Commercial Road, Sheidow Park be GRANTED subject to concurrence of the State Commission Assessment Panel (SCAP) and 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. Amended plans and elevations be provided to Council illustrating an amended freestanding sign no greater than 7.2 metres in height, to the satisfaction of Council staff.
2. An amended landscaped plan detailing an increase in the range of medium to high level plantings throughout the subject site shall be provided to Council staff 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 proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2019/1411,

CAP150120

being the following site plans drawn by Brown Falconer Architects with Job No 2019021:

- Site plan with drawing no. DA 002 Rev M
 - Floor Plans and Elevations with drawing no. DA 003 Rev I
 - Signage Plan and Schedule with drawing no. DA 004 Rev G
2. An invoice for the Council street tree removal shall be issued to the applicant and paid prior to Development Approval.
 3. All measures identified in the Environmental Noise Assessment report by Sonus dated August 2019 and with no. S6177C2, to limit noise emissions from the building and the site shall be implemented prior to commencement of the development herein approved and maintained for the life of the development.
 4. All deliveries to and from the site (including waste collection) shall be restricted to the following times:
 - Monday to Friday (excluding public holidays) – 7am to 7pm
 - Weekends and Public Holidays – 9am to 7pm
 5. Fuel Delivery shall be restricted to the hours of 7am to 10pm.
 6. Noise generated from the site shall not exceed the maximum noise levels stipulated within the Environment Protection (Noise) Policy 2007, or subsequent legislation.

Stormwater

7. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details drawn by Sagero with Project no. SA190015 Drawing Numbers C01, C02 and C03 Issue B, prior to the occupation of the premises to the reasonable satisfaction of the Council.
8. 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.
9. 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.

Landscaping

10. Landscaping as identified on the approved plan by Brown Falconer, titled Landscape Plan with drawing no. DA 005 Rev G, 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.
11. 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).

CAP150120

12. 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.

Vehicle Movements and Car parking

13. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
14. 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.
15. 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.
16. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003. 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.
17. 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.
18. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
19. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
20. 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.

Lighting

21. 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.
22. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of the Council.
23. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 "Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines". Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.

Signage

24. 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.
25. The proposed sign(s) shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.

Department of Planning, Transport and Infrastructure Conditions

25. The access points to Commercial Road shall be constructed in general accordance with Brown Falconer, Site Plan, Job No. 2019021, Drawing No. DA 002, Revision M, dated 6 January 2020. No access to Lonsdale Road will be permitted.
26. Chevron line-marking shall be incorporated in the design of the entry access to reduce the width of the access for passenger vehicles while still permitting access for delivery vehicles.
27. All vehicles shall enter and exit the site in a forward direction.
28. Appropriate signage and line marking shall be installed to reinforce the desired traffic flow at the Commercial Road access points.
29. The redundant crossover on Commercial Road shall be closed and reinstated to Council's satisfaction at the applicant's cost prior to operation of the proposed development.
30. All off-street parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the Commercial Road property line.
31. All off-street commercial vehicle facilities shall be designed in accordance with *AS 2890.2:2018*.
32. The illuminated signage shall be constructed in general accordance with Brown Falconer, Signage Plan, Drawing DA 004, Revision E dated 13 September 2019.
33. The digital pylon sign (S1) shall not flash, scroll, move, change or imitate a traffic control device. The LED shall be white on a black background only.
34. Illuminated signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, the LED components of the sign/s shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m ²) Max
Sunny Day	40,000	6,300
Cloudy Day	4,000	1,100
Twilight	400	300
Dusk	40	200
Night	<4	150

CAP150120

35. The operational system for the LED sign shall incorporate an automatic error detection system that will turn the display off or to a blank, black screen should the screen or system malfunction.
36. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent arterial road network. Any alterations to road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Environment Protection Authority Conditions

37. Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.
38. Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that directs vapours back into the tank during vehicle refuelling.
39. All underground fuel storage tanks must be double-walled and fitted with a leak detection system.
40. Prior to use, all fill lines between the underground storage tanks and fuel dispensers must double-contained and fitted with a leak detection system.
41. All runoff from hardstand areas (including the refuelling and fuel delivery areas) of the site (refer to Stormwater Plan and Grading Plan prepared by Sagero, Project No. SA190015, Drawing No. C01 & C02, Issue A dated August 2019) must be directed via grates and grade changes to a forecourt full retention oil/water separator (no bypass function) that:
 - a. has as a minimum spill capture capacity of 10,000 litres
 - b. reduces oil content in the outlet to less than 5 mg/L (as confirmed by independent third party scientific testing)
 - c. operates effectively in the event of a power failure.
 - d. has an alarm connected by telemetry to appropriate maintenance personnel.
42. Any sludge or residues collected within the forecourt full retention oil/water separator is considered waste and must be removed by an EPA licensed waste transporter.

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.

CAP150120

4. 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.
5. 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.
6. 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.
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. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be access on the following website: <http://www.epa.sa.gov.au>.
8. To demonstrate the general environmental duty has been met, the design of the leak detection systems associated with the fuel storage tanks and fuel lines should meet the requirements of Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems.
9. 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 to the EPA.
10. The property abuts sections of Lonsdale Road and Commercial Road that were proclaimed as controlled-access road on 13 April 1989 pursuant to Part 2A of the Highways Act 1926. Departmental records show that there is no proclaimed or permitted means of access by which persons and vehicles may directly enter or leave the controlled-access road from/to this site. All access is to be gained via Commercial Road and the department has indicated a preparedness to permit access corresponding with the proposed entry point in conjunction with this development proposal.

Upon gaining development approval, the applicant must contact DPTI Transport Assessment on dpti.luc@sa.gov.au to apply for the issue of permits for access.

CAP150120

2.2 Report Reference: CAP150120 – 2.2
Application No: 100/2019/585
Site Location: 752-756 Marion Road, Marion

- Mr Robin Pike and on behalf of Paula Collinson (Representor) addressed the Panel
- Mr Tim Beazley of Planning Chambers on behalf of PC Infrastructure (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: 100/2019/585 for Partial demolition and subsequent alterations and additions to existing integrated service station comprising new control building and mechanical equipment with shop, drive-through and advertisement display, fuel bowsers and associated re-fuelling infrastructure/canopy, car parking, landscaping, car wash and fencing at 752-756 Marion Road, Marion 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. Amended plans and elevations shall be provided to Council illustrating an increased fence height to provide increased security to the neighbouring properties to the satisfaction of Council staff.
2. An amended landscaped plan detailing a greater intensity in the range of medium to high level plantings adjacent Marion Road and along the western boundary shall be provided to Council staff 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 proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2019/585, being the following:

CAP150120

- Site plan dated 19.06.19, drawing no. 10/JN1003/sk01c;
 - Elevations dated 24.06.19, drawing no. 10/JN1003/sk02d;
 - Elevations dated 24.06.19, drawing no. 10/JN1003/sk03d;
 - Landscape Plan dated 11.02.19, drawing no. 15.047.50;
 - Stormwater Plan, Project no. SA190019, drawing no. C01, Issue A;
 - Concrete Grading Plan and Detail, Project no. SA190019, drawing no. C02, Issue A; and
 - Pages 10, 11, 12, 13 and 14 of the Environmental Noise Assessment report by Sonus dated April 2019 and with no. S5903C1.
2. All deliveries to and from the site, excluding fuel deliveries, shall be restricted to the following times:
Monday to Saturday (excluding public holidays) – 7am to 7pm
Sundays and Public Holidays – 9am to 7pm
 3. All fuel deliveries shall be restricted to the following times:
7:00am to 10:00pm
 4. The operating hours of the automatic carwash and vacuums shall be restricted to the following times:
7:00am to 8:00pm
 5. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details drawn by Sagero with ref no. SA190019, prior to the occupation of the premises to the reasonable satisfaction of the Council.
 6. 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.
 7. 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.
 8. Landscaping as identified on the approved plan by Oxigen, titled Landscape Plan with drawing no. 15.047.050, draft A 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.
 9. 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).
 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.
 11. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
 12. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.

CAP150120

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 AS1428 - 2003.
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.
17. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
18. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
19. 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.
20. 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.
21. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of the Council.
22. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 "Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines". Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.

Department of Planning, Transport and Infrastructure Conditions

23. The proposed access shall be in general accordance with the Site Plan dated 5 February 2019, Numbered 10/JN1003/sk01a.
24. All vehicles shall enter and exit the site in a forward direction.
25. Signage and/or line marking shall be installed as required to reinforce the desired flow of traffic to, from and through the site.
26. Any section of obsolete crossover on Marion Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.

CAP150120

27. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Environment Protection Authority Conditions

28. Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.
29. All underground fuel storage tanks must be double-walled and fitted with an Automatic Tank Gauging (ATG) detection system.
30. Prior to use, all fill lines between the underground storage tanks and fuel dispensers must be double-contained and fitted with a pressure leak detection system.
31. All runoff from hardstand areas (including the refuelling and fuel delivery areas) of the site (refer to *Stormwater Plan* and *Concrete Grading Plan* prepared by Sagero, Project No. SA190019, Drawing No. C01, Issue A dated 13 September 2019) must be directed via grates and grade changes to a forecourt full retention oil/water separator (no bypass function) that:
 - a. has as a minimum spill capture capacity of 10,000 litres
 - b. reduces oil content in the outlet to less than 5 mg/L (as confirmed by independent third party scientific testing)
 - c. operates effectively in the event of a power failure.
 - d. has an alarm connected by telemetry to appropriate maintenance personnel.
32. Any sludge or residues collected within the forecourt full retention oil/water separator is considered waste and must be removed by an EPA licensed waste transporter.
33. The development (which includes the removal and disposal of all underground storage tanks (USTs)) must be undertaken in accordance with relevant standards and guidelines and the *Construction Environment Management Plan, On The Run (OTR) Marion South, 752-756 Marion Road, Marion, SA'* (dated 12 November 2019) prepared by Fyfe Pty Ltd and a suitably qualified and experienced site contamination consultant be engaged to :
 - a. Manage and dispose of contaminated soil in accordance with EPA and other relevant guidelines, and
 - b. Validate UTS excavations in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (as amended in 2013) and other EPA guidelines prior to backfilling or replacement of the UTS.

NOTES

1. The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act*, 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.

CAP150120

2. 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>
3. 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 into account the land use, or harm to water that is not trivial, the applicant may need to remediate the contamination in accordance with EPA guidelines.
4. A copy of the validation report for the excavation of the underground storage tanks should be provided to the EPA and planning authority prior to occupation of the redeveloped site.
5. 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 to the EPA.

At the request of the Presiding Member the hearing of applicant for Item 2.7 was brought forward for consideration by the Panel.

- Mr Game of Botten Levinson Lawyers and Mr Skinner of URPS addressed the Panel in relation to this item.

Following answering questions of the Panel, consideration of Item 2.3 occurred.

CAP150120

2.3 Report Reference: CAP150120 – 2.3
Application No: 100/2019/1219 - 100/D117/19
Site Location: 46 Thomas Street, South Plympton

- No person addressed the Panel in relation to this item

The Council Assessment Panel resolved that;

RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel notes this report;**
- (b) The Panel concurs 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 be REFUSED for the following reasons:**
 - 1. The land division is refused because the proposed site areas and depth of all allotments are inconsistent with that expressed for the Northern Policy Area 13 to such an extent as would produce dwellings that do not meet the expressed Desired Character for the Policy Area.**
 - 2. The proposed development of the land fails to adequately meet the following provisions of development control:**
 - a. General Section, Design and Appearance Principle 1(a), 21 and 22**
 - b. Residential Zone, Principle 6 in relation to side setback and rear upper level setbacks**
 - c. Policy Area Objective 1 and Principles 2, 3 and 4**

CAP150120

2.4 Report Reference: CAP150120 – 2.4
Application No: 100/2019/1833 - 100/D180/19
Site Location: 3 and 5A Kersley Avenue, Glengowrie

- No person addressed the Panel in relation to this item

The Council Assessment Panel resolved that;

RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel notes this report;**
- (b) The Panel concurs 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 be REFUSED for the following reasons:**
 - 1. The land division is refused because the proposed site areas and depth of all allotments are inconsistent with that expressed for the Marion Plains Policy Area 8 to such an extent as would produce dwellings that do not meet the expressed Desired Character for the Policy Area.**
 - 2. The proposed development of the land fails to adequately meet the following provisions of development control:**
 - a. General Section, Design and Appearance Principle 1(a), 21 and 22**
 - b. Residential Zone, Principle 6 in relation to side setback and rear upper level setbacks**
 - c. Policy Area Objective 1 and 3 and Principles 2 and 4**

CAP150120

**2.5 Report Reference: CAP150120 – 2.5
Application No: 100/2019/270
Site Location: 2 King George Close, Seacliff Park
Previously Deferred at CAP041219**

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

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: 100/270/2019 for Single storey dwelling incorporating a garage wall on the south-eastern boundary with associated earthworks and retaining walls at 2 King George Close, Seacliff Park be GRANTED 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. 100/270/2019, being the following:**
 - a. Site plan dated 18.12.19, Drawing No. WD01, Rev B;**
 - b. Floor Plan dated 18.12.19, Drawing No. WD03, Rev B;**
 - c. Elevation plans dated 18.12.19, Drawing No WD04 and WD05, Rev B;**
 - d. Siteworks Plan, Job No. C26040, prepared by RCI Consulting Engineers, Issue F.**
- 2. 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.**
- 3. 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.**

CAP150120

**2.6 Report Reference: CAP150120 – 2.6
Application No: 100/2019/1659 (100/D168/19)
Site Location: 11 Wooton Road, Edwardstown
Previously Deferred at CAP041219**

- No persons addressed the Panel in relation to this item

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 and Land Division Consent for Development Application No: 100/2019/1659 for Residential land division (Torrens-title 1 into 3 allotments) and three single-storey row dwellings, one of which incorporates a wall on the western boundary, as well as associated garages and landscaping at 11 Wooton Road, Edwardstown, be GRANTED, subject to the following conditions:**

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: 100/2019/1659 (SCAP REF: 100/D168/19) except where 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 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.**
- 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. 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.**

CAP150120

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. 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.
8. All areas nominated as landscaping or garden areas on the approved plans shall be planted 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.
9. All new vegetation 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.
10. 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. 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. A sewer extension will be required for lot 102 & 103.

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.

2. Payment of \$15232 into the Planning and Development Fund (2 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 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 State Commission Assessment Panel for Land Division Certificate purposes.

Notes

1. Demolition of the existing dwelling and/or other structures on the land cannot occur until a separate application has been lodged, assessed by and approved by the Council.

CAP150120

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. **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. **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.).**

CAP150120

8:37pm Pursuant to Section 13(2)(a)(ix) of the Planning, Development and Infrastructure Regulations, the Panel resolve to exclude the public from attendance for the deliberation of Item 2.7.

2.7 CONFIDENTIAL ITEM

Report Reference: CAP150120 – 2.7

Application No: 100/2019/403 - 100/D034/19

Site Location: 355 Diagonal Road, Seacombe Gardens

The Council Assessment Panel resolved that;

The Council Assessment Panel having considered this matter in confidence under Section 13(2)(a)(ix) of the Planning, Development and Infrastructure Regulations determined that the decision of the Council Assessment Panel on this item be kept confidential and not available for public inspection until such time that appeal ERD 19-221 has concluded

OTHER BUSINESS**3.1 APPEALS UPDATE**

Nil

3.2 POLICY OBSERVATIONS

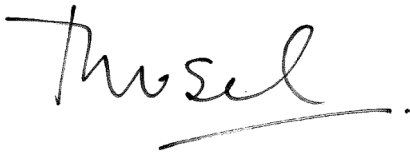
- Manager of Development and Regulatory Services - Update on the Planning and Design Code

4. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 15 January 2020 taken as read and confirmed this fifteenth day of January

5. MEETING CLOSURE

MEETING DECLARED CLOSED AT 9:12PM

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

Terry Mosel
Presiding Member