

**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 15 APRIL 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
Gavin Lloyd-Jones - Independent Member
Councillor Maggie Duncan - Elected Member

1.3 APOLOGIES

Nathan Sim – Independent Member

1.4 IN ATTENDANCE

Alex Wright- CAP Assessment Manager (Team Leader - Planning)
Andrew Houlihan (Senior Development Officer - Planning)

2. HEARING OF APPLICATIONS

2.1 Report Reference: CAP150420 – 2.1

Application No: 100/2019/1861

Site Location: 216 Seacombe Road, Seaview Downs

- Tim Beazley on behalf of PC Infrastructure 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 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: 100/2019/1861 for the alterations and additions to existing petrol filling station and associated retail components including advertising and reconfiguration of car parking areas at 216 Seacombe Road, Seaview Downs be GRANTED subject to the following conditions:

RESERVED MATTER

Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matters.

1. A Landscape Plan for any impervious areas of the site indicating the location of plantings, planted height, mature height and species.
2. Amended site plans and elevations shall be provided to Council detailing the inclusion of 2.1 metre high good neighbour fencing along the western boundary.

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.100/2019/1861.
2. 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.

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3. 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.
4. Noise generated from the site, including waste disposal, the delivery of fuel and other goods, shall not exceed the maximum noise levels stipulated within the Environment Protection (Noise) Policy 2007, or subsequent legislation.
5. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
6. 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.
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.

Department of Planning, Transport and Infrastructure Conditions

9. All vehicles shall enter and exit the site in a forward direction.
10. Signage shall not contain any elements of LED or LCD displays, except for the fuel prices on the pylon sign. The fuel prices shall be white characters on a black background.
11. Signage shall not flash, scroll, move or change, with the exception of the LED fuel price signs, which may change on an as-needs basis.
12. 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. Accordingly, all illuminated signs visible from Seacombe Road shall be limited to a low level of illumination (i.e. $< 150\text{Cd/m}^2$), except in the case of electronic signage, which shall be limited to the following 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

13. Signage shall, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.

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14. **No stormwater from this development shall be permitted to discharge on-surface to adjacent roads. In addition, any existing drainage of the road is to be accommodated in the development and any alterations to road drainage infrastructure as a result of this development are to be at the expense of the applicant.**

Note

1. **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.**
2. **Any relocation of Council infrastructure will require a separate authorisation from Council and must be undertaken in accordance with specifications by the Council at the developer's expense.**

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**2.2 Report Reference: CAP150420 – 2.2
Application No: 100/2019/0857
Site Location: 33 Fowler Street SEAVIEW DOWNS SA 5049**

- 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: 100/2019/857 for a single storey split-level detached dwelling with associated earthworks, retaining walls and landscaping at 33 Fowler Street, Seaview Downs be GRANTED subject to the concurrence of the State Commission Assessment Panel (SCAP), and with 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 fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, methods of stormwater disposal (inclusive of any rainwater tanks), and the location of all existing street infrastructure and street trees.**

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.100/2019/857, except when varied by the following conditions of consent.**
- 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. 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.
4. 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.

NOTES

1. 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.
2. Before commencing any site works, a temporary vehicular access to the property for machinery, delivery of building materials and general vehicles should be provided. In the case where no driveway invert exists, the kerb can be saw cut and removed at the intended location for the new driveway invert to provide the necessary temporary access. In addition, if a paved Council footpath exists, this should also be removed in alignment with the removed section of kerb. The applicant should also take note of other information provided regarding use of, damage to and construction on Council owned land.
3. 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, stobie poles, SEP's, pram ramps etc.
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. Council encourages the installation and use of rainwater tanks to support domestic water needs.

2.3 Report Reference: CAP150420 – 2.3
Application No: 100/2019/1993
Site Location: 215 Sturt Road, Seacombe Gardens

- Fabian Barone of Future Urban addressed the Panel on behalf of the Applicant

The Council Assessment Panel resolved that;

RECOMMENDATION

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

- The Panel note this report;**
- 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**
- That Development Plan Consent for Development Application No: 100/1993/2019 for Demolition of existing structures and construction of a three-storey residential flat building comprising eight dwellings as well as associated car parking, fencing and landscaping at 215 Sturt Road, Seacombe Gardens, be REFUSED for the following reasons;**

The Proposal, having due regard to the following provisions

- 1. Suburban Activity Node Zone Objective 6 and Principles 15, 21 and 24 and the terms of the Desired Character**
- 2. General Section: Medium and High Rise Development (3 or More Storeys) Objectives 2,3,4,5 and 9 and Principles 1,9,10,18 and 27**
- 3. General Section: Design and Appearance Objective 1**
- 4. General Section: Residential Principle 31**

and the following aspects of the proposed development...

- 5. Orientation and linear form of design and layout,**
- 6. The bulk and scale of the proposed building,**
- 7. The number of dwellings within the proposed building each having the capability of each accommodating 3 bedrooms,**
- 8. The size, shape and dimensions of the subject land and its location on a heavily trafficked road with parking restrictions; and**
- 9. The low scale single residential uses of adjacent land and land in the near locality,**

the proposed development...

10. Fails, to an unacceptable extent, to achieve the goal of the Development Plan to establish in the Zone development comprising a high quality building design, high quality landscaping and high quality residential amenity,
11. Fails, to an unacceptable extent, to comply with the Development Plan's goal to provide an appropriate relationship - in terms of bulk , scale, setbacks and orientation - between the proposed development and the adjoining dwellings,
12. Fails, to an unacceptable extent, to achieve the goal of the Development Plan to establish pedestrian oriented development with entrances oriented toward the street,
13. Fails to provide landscaping that is appropriate for high density residential amenity
14. Fails to provide private open space and car parking provisions to the minimum standard expressed in the Development Plan,
15. Fails to adequately satisfy the provisions for car parking (amount and design) having due regard to the high traffic volumes and parking restrictions on the adjacent major arterial road; and
16. Fails to provide adequately satisfy the provisions in the Development Plan for the storage and disposal of waste for the proposed development comprising dwellings that are each capable of accommodating 3 bedrooms.

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**2.4 Report Reference: CAP150420 – 2.4
Application No: 100/2019/2013
Site Location: 244 Sturt Road, Marion**

- James Levinson of Botten Levinson lawyers, on behalf of the 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 for Development Application No: 100/2019/2013 for the construction of a two storey residential flat building comprising of 8 dwellings with associated landscaping and car parking at 244 Sturt Road, Marion, be REFUSED for the following reasons;**
 - 1. The proposal does not satisfy the design and appearance provisions of the Suburban Activity Node Zone Desired Character**
 - 2. Does not achieve high quality urban design in the public and private realm**
 - 3. Does not provide high quality amenity for residents.**
 - 4. Does not provide sufficient space for landscaping, pedestrian access.**
 - 5. Does not provide sufficient space for pedestrian and vehicles movements.**
 - 6. Fails to achieve the Development Plan Pedestrian Orientated Development.**
 - 7. Fails to provide suitable articulation and fails to minimise bulk appropriate to its context.**
 - 8. Fails to respect the design of the adjacent dwelling to the west.**
 - 9. Does not comply with the general design Principles of Crime Prevention 8.**

OTHER BUSINESS

3.1 APPEALS UPDATE

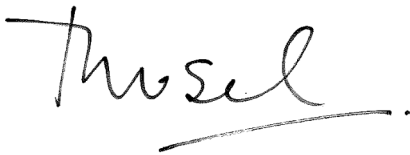
3.2 POLICY OBSERVATIONS

4. CONFIRMATION OF MINUTES

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

5. MEETING CLOSURE

MEETING DECLARED CLOSED AT 8.30PM

A handwritten signature in black ink that reads "Terry Mosel". The signature is written in a cursive style with a long horizontal stroke underneath the name.

Terry Mosel
Presiding Member