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 Change in land use from office to consulting rooms and sleep study clinic with associated alterations and additions to the existing building and car parking
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 MEETING HELD ON SEVENTEENTH DAY OF FEBRUARY 2021**
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**CITY OF MARION
COUNCIL ASSESSMENT PANEL MINUTES
FOR THE MEETING HELD ON
WEDNESDAY 17 FEBRUARY 2021**



1.1 OPEN MEETING

The Meeting commenced at 6.30pm

1.2 PRESENT

Terry Mosel - Presiding Member
Yvonne Svensson- Independent Member
Michael Davis - Independent Member
Bryn Adams - Independent Member
Raelene Telfer – Council Member

1.3 APOLOGIES

Alex Wright – CAP Assessment Manager – Team Leader - Planning

1.4 IN ATTENDANCE

Warwick Deller-Coombs - Manager - Development & Regulatory Services
Nicholas Timotheou – Senior Development Officer - Planning
Joanne Reid - Development Officer – Planning

2. GENERAL OPERATIONS

3. HEARING OF APPLICATIONS

- 3.1 Report Reference: CAP170221 – 3.1
Application No: 100/2020/2087
Site Location: 1138A South Road, Clovelly Park

- Dr Dimitar Sajkov (Applicant) answered questions of the Panel

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 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. 100/2020/2087 for a change in land use from office to consulting rooms and sleep study clinic with associated alterations and additions to the existing building and car parking at 1138a South Road, Clovelly 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. 100/2020/2087, except when varied by the following conditions of consent,**
- 2. The hours of operation of the premises shall be restricted to the following times:
- 8:00 am to 9:00 pm of each day of the week.**
- 3. No more than three employees of the business shall be on-site at any one time and no more than two consulting rooms shall become established within the building.**
- 4. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**
- 5. 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.**
- 6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**
- 7. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.**

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- 8. 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 and shall be screened from public view to the reasonable satisfaction of Council.**
- 9. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.**
- 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.**

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6.44pm Bryn Adams declared a conflict of interest in relation to item 3.2 and left the room.

3.2 Report Reference: CAP170221 - 3.2
Application No: 100/2020/3
Site Location: 97A McInerney Avenue, Mitchell Park

- Mr Marc Duncan of Future Urban Group on behalf of Caziopia Pty Ltd (Applicant) addressed the Panel

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 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: 100/3/2020 for a change in land use from shops to a Torrens Title Land Division - 1 into 5 allotments and the subsequent construction of 5 single storey detached dwellings with associated car parking and landscaping at 97A McInerney Avenue, Mitchell Park be GRANTED subject to concurrence of State Commission Assessment Panel, 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 revised site plan, landscape plan and engineered siteworks and drainage plan shall be submitted to Council detailing all crossovers being perpendicular to the kerb and a minimum 1m from the existing stobie pole adjacent to Lot 4 and Lot 5, to the reasonable satisfaction of the Administration.**

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.100/2020/3, 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.
5. 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.
6. 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.
7. 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.

Land Division Consent

8. 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.
9. 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.
10. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0093547)

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.

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.

11. **Payment of \$30,464.00 into the Planning and Development Fund (4 allotment/s @ \$7,616.00 /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.**
12. **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.**

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6.53pm Bryn Adams re-entered the room.

3.3 Report Reference: CAP170221 - 3.3
Application No: 100/2020/1419
Site Location: 1 Berrima Road Sheidow 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 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: 100/1419/2020 for a Freestanding illuminated sign in association with school at 1 Berrima Road, Sheidow Park be GRANTED subject to the following conditions:**

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.100/1419/2020, except when varied by the following conditions of consent.**
- 2. The advertisement and supporting structure 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.**
- 3. The proposed sign shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.**
- 4. The display messaging on the sign shall be related to the primary use of the associated land and shall not incorporate third party advertising without obtaining further development authorisation from Council.**

Department of Infrastructure and Transport Conditions

- 5. The LED sign shall display a self-contained message every 45 seconds. The time taken for consecutive displays to change should be no more than 0.1 second. The sign should not flash, scroll, move, change or imitate a traffic control device.**

6. 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

7. 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.

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6.58pm Bryn Adams declared a conflict of interest in relation to item 3.4 and left the room.

**3.4 Report Reference: CAP170221 - 3.4
Application No: 100/2020/1500
Site Location: 14 Commercial Road Sheidow 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;**
- (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: 100/1500/2020 for Freestanding, illuminated, 12m high pylon sign at 14 Commercial Road, Sheidow Park be REFUSED for the following reasons:**

REASONS FOR REFUSAL

- 1. The height, width and scale of the proposed sign is so excessive as to bring it into unacceptable conflict with Objective 3 and Principles 1(c), 2, 9 and 18(b).**

7.19pm Bryn Adams re-entered the room.

4. APPEALS UPDATE**4.1 APPEALS AGAINST PANEL DECISIONS****4.2 APPEALS AGAINST DELEGATED APPLICATIONS****5. POLICY OBSERVATIONS****6. OTHER BUSINESS**

- Update on Elected Member forum and Planning and Design Code.
- Discussions around Terms of Reference of the Panel.

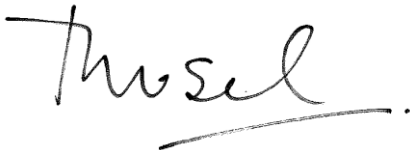
7. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 17 February 2021 taken as read and confirmed this seventeenth day of February 2021

8. MEETING CLOSURE

- Length of meeting: 1 hour and 2 minutes
- Number of Representors appearing before the Panel: 0
- Number of Applicants appearing before the Panel: 2

MEETING DECLARED CLOSED AT 7.32PM

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

Terry Mosel
Presiding Member