

**MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF
TEA TREE GULLY HELD ON TUESDAY 16 APRIL 2019 AT 10.08AM
IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

1. Attendance Record:

1.1 Present

Mr R McBryde	<i>(Independent Member)-(Presiding Member)</i>
Mr P Dungey	<i>(Independent Member)</i>
Mr G Salmon	<i>(Independent Member)</i>
Ms B Merrigan	<i>(Independent Member)</i>
Mr D Wyld	<i>(Elected Member)</i>

Officers in Attendance

Mr N Grainger	Manager, City Development
Mrs C Gill	Team Leader, Planning
Ms C Tully	Senior Planning Officer
Mr D Oest	Senior Planning Officer
Mr T Bourner	Planning Officer
Mrs C Gustafson	Development Services Administration Officer

1.2 Apologies

Ms C Neil	Director, Community & Cultural Development
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1.3 Public Gallery

Three attendees plus two deputations

1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Mrs Merrigan, Seconded Mr Dungey

That the Minutes of the Council Assessment Panel Meeting held on 19 March 2019 be confirmed as a true and accurate record of proceedings.

Motion Carried Unanimously (69)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 CAP.070/115093/2018 - Telecommunication facility (non-complying) at Telecommunication facility (non-complying) at 172-178 Lyons Road HOLDEN HILL SA 5088

Mrs Stephanie Noyce attended the meeting and addressed Panel Members in support of her representation.

Mr S Kaldis from Visionstream attended the meeting on behalf of the applicant and addressed Panel Members in support of the application.

Moved Mr Dungey

That pursuant to the authority delegated to the Council Assessment Panel by Council, the Council Assessment Panel:

- A. RESOLVES that the proposed development is not seriously at variance with the policies in the Tea Tree Gully (City) Development Plan.
- B. RESOLVES to GRANT Development Plan Consent to the application by Telstra to Construct a Telecommunication Facility at 172-178 Lyons Road Holden Hill as detailed in Development Application No. 070/115093/2018 subject to the concurrence of the State Commission Assessment Panel, and the following conditions and advisory notes:
 1. The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/115093/2018 except where varied by any condition(s) listed below:
In particular –
 - The site plan site works and elevations submitted by Telstra Drawing Number S107277, Sheet numbers S1, S1-1, S1-2, S3, S3-1, and G8, and
 - Tree Report by Tree Environs Dated 09 July 2018
 2. The materials used on the external surfaces of the equipment shelter and monopole (including headframe) are to be painted “pale eucalypt” and be of a matte finish. The perimeter security fence shall comprise black PVC coated chainmesh, with all fence supports painted black to match. All paintwork and finishes shall be completed prior to the commencement of use of the facility and shall be maintained in good condition at all times, subject to the ongoing reasonable satisfaction of Council.
Reason: to preserve and enhance the amenity of the subject site and locality.
 3. All landscaping proposed shall be planted and in place prior to the commencement of the use of the facility, and shall remain in place for the life of the facility. All landscaping is to be maintained in good condition and be replaced should it become diseased or dies subject to the ongoing reasonable satisfaction of Council.
Reason: to preserve and enhance the amenity of the subject site and locality.
 4. Barrier fencing or bunting is required around designated work zones to prevent workers and machinery coming too close to the trees and to avoid machinery contact with tree trunks and branches
Reason: to maintain the health and integrity of existing vegetation

5. The trees affected by the development or within the development site area shall be well protected during all phases of the construction process. Areas for parking, storage, waste disposal, mixing and wash out areas shall be clearly defined, well away from the tree protection zones. No material shall be stored against trees.

Reason: to maintain the health and integrity of existing vegetation

6. Trenching shall be undertaken adjacent to the trees with care, in a controlled fashion in accordance with AS4970-2009 *Protection of trees on development sites*. A qualified arborist shall be on site to assist with this work. Any large roots encountered shall be cleanly cut by hand sharp using tree pruning tools. Excavation shall be kept to the minimum required to install the pipe.

Reason: to maintain the health and integrity of existing vegetation

7. Open trenching is acceptable past those trees that have been determined to have a minor or moderate impact rating. Open trenching within a TPZ shall be undertaken with extreme caution, and shall only be undertaken under in the presence of the project arborist as follows:

- Mark out proposed works on the soil.
 - A spotter shall work in conjunction with the excavator to avoid tree damage.
 - Assess the potential for contact by machinery on tree crowns above.
 - Take action as necessary to prevent damage to the crown. Position machinery away from the trees and avoid contact with the trunk and branches.
- Excavations shall be carried out in conjunction with the project arborist to observe and advise on management of tree roots.
- Avoid over-excavation beyond the defined trench.
- Where necessary, it is acceptable to cut tree roots within the TPZ (but not in the SRZ) below 30mm diameter with sharp tools such as secateurs, long handled pruners or handsaws.
- Trenches to be backfilled as soon as possible to prevent roots drying out, and the backfilled trench irrigated with a water tanker.

Reason: To maintain the health and integrity of existing vegetation

Note(s)

1. This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.
2. The applicant/developer is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure the activities on the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm. This includes being mindful of and minimising off site noise, dust and vibration impacts associated with development.
3. The cost of rectifying any damage or conflict with existing services or infrastructure arising out of this development will be borne by the applicant

4. Any works undertaken on Council owned land (including but not limited to works relating to reserves, crossing places, landscaping, footpaths, street trees and stormwater connections and underground electrical connections), require a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Civil Operations department on 8397 7444.

Motion lost due to lack of a seconder

Moved Mrs Merrigan, Seconded Mr Wyld

That the above application be deferred to allow the applicant the opportunity to provide the following;

- Further information demonstrating the need for the proposed telecommunication facility in the proposed location, whilst discounting the feasibility of other sites within the adjacent Infrastructure Zone.

Motion Carried (70)

4.2 CAP. 070/116336/2018 - Complying Dwelling in Residential Zone at Non-complying Dwelling in Residential Zone at 5 Quintal Avenue MODBURY SA 5092

Moved Mr Salmon, Seconded Mrs Merrigan

That pursuant to the authority delegated to the Council Assessment Panel by Council, the Council Assessment Panel:

- A. RESOLVES that the proposed development is not seriously at variance with the policies in the Tea Tree Gully (City) Development Plan.
- B. RESOLVES to GRANT Development Plan Consent to the application by Rossdale Homes Pty Ltd to construct a single storey detached dwelling and fencing (non-complying) at 5 Quintal Avenue, Modbury, as detailed in Development Application No.070/116336/2018 subject to concurrence by the State Commission Assessment Panel, and the following conditions and advisory notes:
 1. The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/116336/2018, and in particular the plans as submitted to Council, being:
 - Stormwater Layout and Sewer Layout Plans, FMG Engineering, Job No. S40399/261075, Date 27 November 2018
 - Floor and Elevation Plan, Rossdale Homes, Job No. 18238WD, Sheet 1 of 1, Date 15/10/18
 2. The dwelling shall be finished in generally muted colours. The paintwork or pre-coloured steel finish shall be maintained in good condition at all times. This condition shall be complied with within 2 months of the erection of the dwelling.
Reason: To preserve and enhance the amenity of the site and locality.

3. The materials used on the external surfaces of the fencing and the pre-coloured steel finishes or paintwork shall be maintained in good condition at all times. All external paintwork shall be completed within 2 months of the erection of the fencing.
Reason: To preserve and enhance the amenity of the site and locality.
4. Free and unrestricted access shall be available to both the designated car parking spaces and the vehicle access ways at all times.
Reason: To ensure appropriate off street carparking is provided at all times.
5. Three Type 1 and one Type 2 (3500L capacity) Stormwater Detention Tank(s) shall be attached to the dwelling, with a minimum roof area connection of 180 square metres. The tank(s) shall be installed as part of the stormwater disposal system within two months of the erection of the dwelling and shall be maintained in good working order at all times.
Reason: The stormwater drainage system in the area surrounding the subject land has limited capacity. The reason for Condition 8 is to reduce the flow of stormwater off the subject land to a rate which does not exceed the system's capacity.

Notes:

1. The cost of rectifying any damage or conflict with existing services or infrastructure arising out of this development will be borne by the applicant.
2. This consent does not obviate the need to obtain any other necessary approvals from any/ all parties with an interest in the land.
3. The Applicant/Owner is advised that any works undertaken on Council owned land (driveways, stormwater connections, etc.) will require formal approval under the Local Government Act through Council's Civil Operations Department, prior to any works being undertaken. Please find attached the relevant application form for your convenience. For further information on this process, or the specifications and conditions relating to works on Council land, please contact Council's Civil Operations Department on 8397 7444.
4. All earthworks shall be confined to and contained entirely within the property boundaries and shall not encroach on or over the roadside verge/reserve.
5. This application involves development located on the boundary or within close proximity to the boundary of the allotment. To ensure that the proposed development is constructed within the allotment, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.
6. You are advised under the Fences Act you are legally required to give notice for the removal of a fence on the common boundary. Please refer to the Fences Act for the correct procedural requirements.

7. NBN CO. is responsible for the installation of National Broadband Network (NBN) fibre for all developments in areas where NBN Co. has already rolled out fibre. To ensure services are available when residents move in, developers and builders shall register their developments and apply to NBN Co. before building has commenced. To determine if your site is in an NBN area and to register your development, please complete the pre-qualifier forms located at www.nbnco.com.au/newdevelopmetns. For more information, please contact the NBN Co. New Developments Team on 1800 687 626 or email newdevelopmetns@nbnco.com.au.

Motion Carried Unanimously (71)

4.3 CAP.070/115885/2018 - Garage and Retaining Wall at 14 Ellis Street, Tea Tree Gully

Mr R Perkins attended the meeting and answered questions from Panel Members.

Moved Mr Salmon, Seconded Mr Dungey

That pursuant to the authority delegated to the Council Assessment Panel by Council, the Council Assessment Panel:

- A. RESOLVES that the proposed development is not seriously at variance with the policies in the Tea Tree Gully (City) Development Plan.
- B. RESOLVES to SUPPORT the application by Richard and Sonya Perkins to construct a garage and retaining wall at 14 Ellis Street, Tea Tree Gully, as detailed in Development Application No.070/115885/2018 subject the following conditions, advisory notes and to DELEGATE the decision to GRANT Development Plan Consent to the Assessment Manager, upon receipt of appropriate plans showing internal layout of the garage.
 1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/115885/2018 except where varied by any condition(s) listed below.
 2. The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times. All external paintwork must be completed within 2 months of the erection of the Garage.
Reason: To preserve and enhance the amenity of the site and locality.
 3. The garage herein granted consent must not be used for human habitation nor any use which is not reasonably incidental to the use of the land for residential purposes.
Reason: To ensure the garage remains a Class 10 structure and is used in conjunction with the existing dwelling.

4. Two type one Stormwater Detention Tank(s) must be attached to the garage or to an equivalent roof area of the dwelling. The tank(s) must be installed as part of the stormwater disposal system at the time of cladding the roof of the garage and must be maintained in good working order at all times.
Reason: The stormwater drainage system in the area surrounding the subject land has limited capacity. The reason for this condition is to reduce the flow of stormwater off the subject land to a rate which does not exceed the system's capacity.

5. Discharge from the detention facility is to be restricted to four litres per second (4 L/s) for flows during the 1 in 100 year average recurrence interval storm event.
Reason: The stormwater drainage system in the area surrounding the subject land has limited capacity. The reason for this condition is to reduce the flow of stormwater off the subject land to a rate which does not exceed the system's capacity.

6. Stormwater generated on the site during the construction period and for the life of the development, must be collected, treated as necessary to ensure contaminated stormwater does not discharge directly or indirectly to any waters. Discharged water shall not contain suspended solids in excess of twenty milligrams per litre (20mg/L).
Note: The Environment Protection Authority 'Handbook for Pollution Avoidance on Building Sites' details a range of strategies to collect, treat, store and dispose of stormwater during construction.

Reason: To assist and maintain water quality entering Council's drainage network

Notes:

1. The cost of rectifying any damage or conflict with existing services or infrastructure arising out of this development will be borne by the applicant.
2. This consent does not obviate the need to obtain any other necessary approvals from any/ all parties with an interest in the land.
3. The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.
4. This application involves development located on the boundary or within close proximity to the boundary of the allotment. To ensure that the proposed development is constructed within the allotment, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.
5. You are advised under the Fences Act you are legally required to give notice for the removal of a fence on the common boundary. Please refer to the Fences Act for the correct procedural requirements.

6. Please be advised that any fencing attached to a retaining wall where the combined height exceeds 2.1 metres will require Development Approval from Council by way of a separate application
7. Please be advised that this application has been granted Development Plan Consent only. An application for Building Rules Consent must be lodged and approved by Council prior to Development Approval being issued by Council
8. You are advised that it is an offence to undertake *tree damaging activity* in relation to a regulated or significant tree without the prior consent of Council. *Tree damaging activity* means:
 - The killing or destruction of a tree; or
 - The removal of a tree; or
 - The severing of branches, limbs, stems or trunk of a tree; or
 - The ringbarking, topping or lopping of a tree; or
 - Any other substantial damage to a tree, (including severing or damaging any roots),
 and includes any other act or activity that causes any of the foregoing to occur, but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.

Motion Carried (72)

5. Other Business

5.1 Planning Reforms Presentation by Tom Victory from DPTI

5.2 E.R.D. Court Matters Pending

CAP.070/115705/2018 - Land Division (1 into 2) and Construction of a Single Storey Detached Dwelling and Associated Earthworks at 2-4 Honey Lane, Greenwith

Members noted that an appeal against refusal has been lodged with ERD Court.

5.3 Policy Considerations

The CAP resolved that there are no policy issues raised by the Agenda Items.

5.4 Pending State Commission Assessment Panel Concurrence – Nil

5.5 Apology

Mr Dungey will be an apology for the 21 May 2019 meeting

6. Information Reports - Nil

7. Date of Next Meeting

21 May 2019

The Presiding Member declared the meeting closed at 12:45pm.

Confirmed.....
Presiding Member 21 May 2019