

MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE GULLY HELD ON TUESDAY 15
NOVEMBER 2022 AT 10.04AM IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY

1. Attendance Record:

1.1 Present

Mr M Adcock *(Independent Member)-(Presiding Member)*
Mr J Rutt *(Independent Member)*
Mr A Mackenzie *(Independent Member)*

Officers in Attendance

Mr M Pereira Director, Community Services
Mr N Grainger Manager, City Development
Mr J Banks Team Leader, Planning
Mr M Rutt Planner
Mrs C Gustafson Development Services Administration Officer
Mr M Hannath Supervisor Arboriculture & Biodiversity
Mr G Salmon Strategic Project & Stakeholder Manager

1.2 Apologies

Mr D Wyld *(Elected Member)*
Ms B Merrigan *(Independent Member)*

1.3 Public Gallery

9 attendees

1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Mr Rutt, Seconded Mr Adcock

That the Minutes of the Council Assessment Panel Meeting held on 20 September 2022 be confirmed as a true and accurate record of proceedings.

Motion Carried Unanimously (214)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 Review of Assessment Manager Decision Removal of a Significant Tree (River Red Gum) at 151 Perseverance Road Vista

Mr D Scully attended the meeting and addressed panel members in support of his application.

Moved Mr Rutt, Seconded Mr Mackenzie

The Council Assessment Panel resolves to affirm the decision of the Assessment Manager: That the application is not seriously at variance with the Planning and Design Code, and that Development Application 22014549 does not warrant planning consent for the following reasons:

Regulated and Significant Tree Overlay DO 1 which seeks: *Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.*

This Objective is informed by the following Performance Outcomes:

Performance Outcome 1.2 which states that: *Significant trees are retained where they:*

- a. Make an important contribution to the character or amenity of the local area
- b. are indigenous to the local area and are listed under the *National Parks and Wildlife Act 1972* as a rare or endangered native species
- c. Represent an important habitat for native fauna
- d. Are part of a wildlife corridor or a remnant area of native vegetation
- e. Are important to the maintenance of biodiversity in the local environment and/or
- f. Form a notable visual element to the landscape of the local areas

Performance Outcome 1.3 which states that: A tree damaging activity not in connection with other development satisfies (a) and (b):

- a. Tree damaging activity is only undertaken to:
 - i. Remove a diseased tree where its life expectancy is short
 - ii. Mitigate an unacceptable risk or public private safety due to limb drop or the like
 - iii. Rectify or prevent extensive damage to a building of value as comprising of any of the following:
 - A. A local heritage place
 - B. A state heritage place
 - C. A substantial building of value
 And there is no reasonable alternative to rectify or prevent such damage other than to undertake a tree damaging activity.
 - v. Treat disease or otherwise in general interests of the health of the tree and / or
 - vi. Maintain the aesthetic appearance and structural integrity of the tree
- b. In relation to a significant tree, tree-damaging activity is avoided unless all reasonable remedial treatments and measures have been determined to be ineffective.

Motion Carried (215)

4.2 Change of use from dwelling to office, advertisements including one illuminated, freestanding sign plus associated car parking and landscaping at 1390-1400 Golden Grove Road, Golden Grove

Moved Mr Rutt, Seconded Mr Mackenzie

It is recommended that the Council Assessment Panel resolve that:

- A. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- B. Development Application Number 21041333, by Abrahams Construction Group is granted Planning Consent subject to the following conditions and advisory notes:

CONDITIONS

Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 21041333 except where varied by any condition(s) listed below.

Condition 2

The premises must be kept tidy and buildings, fences, landscaping and sealed or formed surfaces must be maintained in good condition at all times.

Reason: To maintain the amenity of the site and locality.

Condition 3

The hours of operation herein approved are as follows:

Monday to Friday 7am to 5pm (excluding public holidays).

Reason: To minimise the impact on adjoining properties.

Condition 4

All off-street car parking spaces must be linemarked in accordance with the approved plans and Australian Standards AS 2890.1:2004 and 1742.2:2009. The linemarking must be maintained to a clear and visible standard at all times.

Reason: To maintain safety for users.

Condition 5

Free and unrestricted access must be available to all the designated car parking spaces and the vehicle access ways at all times.

Reason: To ensure useable access and appropriate off-street carparking is provided.

Condition 6

The freestanding sign and any lights on the subject land including the carpark must be installed in accordance with Australian Standard AS 4282—2019 – Control of Obtrusive Effects of Outdoor Lighting.

Reason: To ensure that overspill of light into the nearby properties is avoided and motorists are not distracted and to minimise the impact on adjoining properties and motorists

PLANNING CONSENT NOTES

Advisory Note 1

The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations.

Advisory Note 2

The development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the *Environmental (Noise) Policy 2007*.

Advisory Note 3

The applicant/developer is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, 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.

Advisory Note 4

The cost of rectifying any damage or conflict with any existing services or infrastructure arising out of this development will be borne by the applicant.

Advisory Note 5

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.

Advisory Note 6

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.

Advisory Note 7

You are advised that under the *Fences Act 1975* you are legally required to give notice for the removal of a fence on the common boundary. Please refer to the *Fences Act 1975* for the correct procedural requirements.

Advisory Note 8

Once development approval is granted, the development must be:

- a) Substantially commenced within 24 months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of 24 months from this date (unless Council extends this period), and a new development application shall be required; and
- b) Fully completed within 3 years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of 3 years from this date (unless Council extends this period), and a new development application shall be required; and
- c) Any request for an extension of time must be lodged through the Plan SA portal prior to the expiry of the above-mentioned periods.

Advisory Note 9

Pursuant to Section 202 of the Planning, Development and Infrastructure Act 2016, you have the right of appeal to the Environment, Resources and Development Court against either (1) a refusal of consent or (2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Ph. 8204 0289).

Motion Carried Unanimously (216)

4.3 Removal of a Regulated Tree (South Australian Bluegum) on Council verge (located on secondary street frontage on Hobart Crescent adjacent 18 Davenport Street Banksia Park)

Mr and Mrs Denton attended the meeting and addressed panel members in support of their application.

Moved Mr Mackenzie, Seconded Mr Adcock

That pursuant to the authority delegated to the Council Assessment Panel, 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 G. & K. Denton for removal of the Regulated Tree located in the road reserve adjacent to 18 Davenport Street, Banksia Park SA 5091, as detailed in Development Application No. 22027438 subject to the below conditions.
 - 1. In lieu of planting 2 replacement trees, \$312 (\$156 per tree) must be paid into the City of Tea Tree Gully Urban Trees Fund within one month of the tree(s) being removed.
Payment may be made in person at the Civic Centre or by completing the 'Credit Card Authorisation' form <http://cttg.sa.gov.au/development> and posting to PO. Box 571 MODBURY SA 5092.

Motion Carried (217)

Meeting adjourned at 11.48

Meeting resumed at 11.53

4.4 Construction of a new multi-use community building and club room facility with integrated grandstand, plaza incorporating nature play elements, vehicular and pedestrian entry points from Golden Grove Road and Crouch Road with additional car parking, landscaping and removal of a significant Eucalyptus camaldulensis (River red gum) at 39 One Tree Hill Road & 1477-1487 Golden Grove Road, Golden Grove

Moved Mr Mackenzie, Seconded Mr Rutt

The Council Assessment Panel:

- A. RESOLVES that the proposed development is not seriously at variance with the provisions of the South Australia Planning and Design Code.
- B. RESOLVES to **GRANT** Planning Consent to the application by City of Tea Tree Gully Council for the Construction of a new multi-use community building and club room facility with integrated grandstand, plaza incorporating nature play elements, vehicular and pedestrian entry points from Golden Grove Road and Crouch Road with additional car parking, landscaping and removal of a significant Eucalyptus camaldulensis (River red gum), at 39 One Tree Hill Road, AND 1477 - 1487 Golden Grove Road Golden Grove SA 5125 as detailed in Development Application No.22023870 subject to the following conditions and advisory notes:

CONDITIONS

Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 22023870 except where varied by any condition(s) listed below.

Condition 2

The materials used on the external surfaces of the development and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times. All external paintwork must be completed within 3 months of the erection of the structures herein consented to.

Reason: To preserve and enhance the amenity of the site and locality.

Condition 3

The premises must be kept tidy and buildings, fences, landscaping and paved or sealed surfaces must be maintained in good condition at all times.

Reason: To maintain the amenity of the site and locality.

Condition 4

External lighting affixed to buildings herein approved shall be restricted to that necessary for safe access & egress and security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties, consistent with the following:

- Australian Standard AS4289 - 2019: - Obtrusive Effects of Outdoor Lighting
- The lighting layout will be designed to ensure that no external light fittings impact neighbouring properties i.e. through use of honeycomb diffusers to direct light and reduce glare while retaining adequate lighting levels

Reason: To minimise the impact on adjoining properties.

Condition 5

All driveways, parking and manoeuvring areas must be formed, sealed with concrete, bitumen or paving, and be properly drained prior to occupation. They must be maintained in good condition thereafter.

Reason: To ensure useable and safe carparking.

Condition 6

All off-street car parking spaces must be linemarked in accordance with the approved plans and Australian Standards AS 2890.1:2004 and 1742.2:2009. Excluded parking areas such as the disabled access car parking and turn around bays shall be marked with diagonal yellow bars in accordance with Part 11 of AS 1742 Manual of uniform traffic control devices.

The linemarking, signposting and directional arrows must be maintained to a clear and visible standard at all times.

Reason: To maintain safety for users.

Condition 7

Free and unrestricted access must be available to all the designated car parking spaces and the vehicle access ways at all times.

Reason: To ensure useable access and appropriate off-street carparking is provided.

Condition 8

All roof runoff and runoff from the car-park shall be managed on-site in accordance with the approved Civil / Stormwater plan to the satisfaction of Council's Engineering Department.

Reason: To assist and maintain water quality entering Council's drainage network and minimise the impact of development on neighbouring properties.

Condition 9

All solid waste of any kind shall be stored in closed containers having a close-fitting lid with containers stored in a concealed location and in a manner, which must mitigate the occurrence of offensive odours emanating from the site or attraction of animals or insects to the stored waste. Waste shall not be stored on the land in areas delineated for use as car parking.

Reason: To maintain the amenity of the site and locality

Condition 10

The development herein approved shall be carried out in accordance with the detail contained in the Arborman Tree Solutions Report dated 7 July 2022 for the purposes of protection of the retained Regulated and/or Significant trees, for and during the development works.

Reason: To maintain and preserve the existing Regulated Trees on site

Condition 11

In accordance with the State Planning Commission Practice Direction 12, replacement trees must be planted within 12 months of completion of the development at the following rates:

- i. if the development relates to a regulated tree—2 trees to replace a regulated tree; or
- ii. if the development relates to a significant tree—3 trees to replace a significant tree.

Replacement trees cannot be within a species specified under regulation 3F(4)(b) of the Planning, Development and Infrastructure (General) Regulations 2017.

PLANNING CONSENT NOTES**Advisory Note 1**

The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations.

Advisory Note 2

The development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the *Environmental (Noise) Policy 2007*.

Advisory Note 3

The applicant/developer is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, 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.

Advisory Note 4

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.

Advisory Note 5

Once development approval is granted, the development must be:

- a) Substantially commenced within 24 months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of 24 months from this date (unless Council extends this period), and a new development application shall be required; and
- b) Fully completed within 3 years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of 3 years from this date (unless Council extends this period), and a new development application shall be required; and

- c) Any request for an extension of time must be lodged through the Plan SA portal prior to the expiry of the above-mentioned periods.

Advisory Note 6

Pursuant to Section 202 of the Planning, Development and Infrastructure Act 2016, you have the right of appeal to the Environment, Resources and Development Court against either (1) a refusal of consent or (2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Ph. 8204 0289).

Motion Carried Unanimously (218)

5. Other Business

5.1 E.R.D. Court Matters Pending - Nil

5.2 Policy Considerations

Mr J Rutt suggested that Council consider a tree maintenance support scheme to financially support residents to retain and maintain regulated and significant trees on private property.

6. Information Reports - Nil

7. Date of Next Meeting

20 December, 2022

The Presiding Member declared the meeting closed at 12.20pm.

Confirmed.....
Presiding Member 20 December 2022