

MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE
GULLY HELD ON TUESDAY 16 NOVEMBER 2021 AT 10:03AM IN THE COUNCIL
CHAMBERS, 571 MONTAGUE ROAD, MODBURY

1. Attendance Record:

- 1.1 Present
- | | |
|----------------|--|
| Mr M Adcock | <i>(Independent Member)-(Presiding Member)</i> |
| Mr A Mackenzie | <i>(Independent Member)</i> |
| Mr J Rutt | <i>(Independent Member)</i> |
| Mr D Wyld | <i>(Elected Member)</i> |

Officers in Attendance

Mr N Grainger	Manager, City Development
Ms C Tully	Team Leader, Planning
Mr D Oest	Senior Planning Officer
Mr T Bourner	Senior Planning Officer
Mr C Rodgers-Falk	Development Services Administration Officer

- 1.2 Apologies
- | | |
|-----------|--|
| Ms C Neil | Director, Community & Cultural Development |
|-----------|--|

- 1.3 Public Gallery
6 Members of the Public Present, and 3 Deputations

- 1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Cr Wyld, Seconded Mr Rutt

That the Minutes of the Council Assessment Panel Meeting held on 19 October 2021 be confirmed as a true and accurate record of proceedings.

Motion Carried Unanimously (190)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

Applications under the Development Act 1993

Nil

Applications under the Planning, Development and Infrastructure Act 2016

4.1 CAP.21021988 - Change of Use to Light Industry at
Units 1-3, 1390-1400 Golden Grove Road, Golden Grove

Mr C Cuninghame attended the meeting and addressed the Panel Members in support of their representation.

Mr D Hutchinson attended the meeting and addressed the Panel Members in support of the application.

Moved Mr Rutt, Seconded Cr Wyld

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 21021988 by Abrahams Construction Group is GRANTED Planning Consent subject to the following conditions and advisory notes:

Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 21021988 except where varied by any condition(s) listed below.

Condition 2

That the dwelling land use is hereby rescinded as part of this application. Recommencement of land use for dwelling or another use is subject to a separate development authorisation.

Condition 3

All insulation and lining of the building as nominated in documentation and submissions forming part of the application must be installed and in place prior to the commencement of the use of the site. All insulation must be maintained in good condition at all times and be immediately replaced should it be removed.

Reason: *To minimize the impact on adjoining properties and to ensure compliance with the supporting documentation as part of the application assessment.*

Condition 4

During operation of the Light Industry land use, all doors (excluding the roller doors that directly front the internal driveway) must remain closed.

Reason: To minimise the impact on adjoining properties and reduce the likelihood of creating unaccounted noise sources.

Condition 5

All assembly of frames must use an Oil Impulse Impact Driver for the fixing together of the frames. All fixings must use a torx head screw or similar.

Reason: To minimise the impact on adjoining properties through the use of specified assembly process and associated tooling.

Condition 6

The maximum occupation of the Light Industry building is capped at a maximum of six (6) staff.

Reason: To ensure the intensity of the land use remains at a scale that is envisaged and to limit the impact on adjoining properties and nearby sensitive land uses.

Condition 7

The hours of operation herein approved, including deliveries, dispatch and waste collection, are limited to the following:

- 7:00 am to 5:00pm, Monday to Friday.

Any variation to these hours of operation will require a further consent.

Reason: To minimise the impact on adjoining properties.

Condition 8

No materials or equipment are to be stored outdoors.

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

Condition 9

All loading and unloading of goods and merchandise must be carried out upon the subject land and all loading or unloading of any goods or merchandise, or collection of waste must be carried out within the building or within designated vehicle set down areas in conjunction with the consent herein granted. The set down area must be appropriately linemarked and signed and remain clear for loading and unloading at all times.

Reason: To minimise the impact on adjacent properties, roads, road users and infrastructure.

Condition 10

Any resurfacing of existing sealed movement areas must be limited to existing areas only, and be properly drained to existing or approved discharge locations.

Reason: to limit the potential impact to existing vegetation within the site.

Condition 11

All carparking spaces must be linemarked, in accordance with the approved plans and Australian Standards AS 2890.1:2004 and 1742.2.2009. The linemarking, signposting and directional arrows must be maintained to a clear and visible standard at all times.

Reason: To maintain safety for users.

ADVISORY NOTES

GENERAL NOTES

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

PLANNING CONSENT NOTES

Advisory Note 1

This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.

Advisory Note 2

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 3

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 4

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 5

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 6

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.

Motion Carried Unanimously (191)

4.2 CAP.21017564 - Residential Flat Building, Retaining Walls and Fencing at 87 Reservoir Road, Modbury

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 21017561, by Mrs Karan Sandhu is REFUSED Planning Consent for the following reasons:

Reason 1

The proposal does not satisfy numerous performance outcomes of the Planning and Design Code. Specifically, the proposal does not satisfy design, setback, landscaping, tree planting and off-street parking requirements.

Reason 2

The proposal does not accord with Design in Urban Areas DO 1 which states that development is contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality

Reason 3

In particular, the proposal is at variance with the following provisions of the Planning and Design Code:

- i. Housing Diversity Neighbourhood Zone PO 4.1 seeks that buildings are set back from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.
- ii. Housing Diversity Neighbourhood Zone PO 7.1 seeks that buildings walls are set back from side boundaries to provide: separation between dwellings in a way that complements the established character of the locality and access to natural light and ventilation for neighbours.

- iii. Urban Tree Canopy Overlay PO 1.1 seeks that trees are planted or retained to contribute to an urban tree canopy.
- iv. Design in Urban Areas PO 11.1 seeks that development provides a dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.
- v. Design in Urban Areas PO 11.2 seeks that communal waste storage and collection areas are located, enclosed and designed to be screened from view from the public domain, open space and dwellings.
- vi. Design in Urban Areas PO 11.3 seeks that communal waste storage and collection areas are designed to be well ventilated and located away from habitable rooms.
- vii. Design in Urban Areas PO 20.2 seeks that dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.
- viii. Design in Urban Areas PO 20.3 seek the visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.
- ix. Design in Urban Areas PO 31.2 seeks the orientation and siting of buildings minimises impacts on the amenity, outlook and privacy of occupants and neighbours.
- x. Design in Urban Areas PO 33.4 seeks that residential driveways that service more than one dwelling or a dwelling on a battle-axe site are designed to allow passenger vehicles to enter and exit and manoeuvre within the site in a safe and convenient manner.
- xi. Design in Urban Areas PO 33.5 seeks that dwellings are adequately separated from common driveways and manoeuvring areas.
- xii. Design in Urban Areas PO 34.1 seeks that soft landscaping is provided between dwellings and common driveways to improve the outlook for occupants and appearance of common areas.
- xiii. Design in Urban Areas PO 34.2 seeks that battle-axe or common driveways incorporate landscaping and permeability to improve appearance and assist in stormwater management.
- xiv. Design in Urban Areas PO 35.3 seek that provision is made for suitable household waste and recyclable material storage facilities which are: located away, or screened, from public view, and conveniently located in proximity to dwellings and the waste collection point.

- xv. Design in Urban Areas PO 35.4 seeks that waste and recyclable material storage areas are located away from dwellings.
- xvi. Transportation, Access and Parking PO 5.1 seeks sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as availability of on-street car parking.

Motion Carried Unanimously (192)

5. Other Business

5.1 E.R.D. Court Matters Pending

- 5.1.1 CAP.070/120611/2020 – Removal of a Significant Tree (SA Blue Gum) at 12 Deering Crescent, Banksia Park

Outcome: The Panel Members noted the progress of this application.

Mr A Mackenzie declared a conflict of interest for Item 7.1, and left the chambers and their immediate vicinity at 10:44am.

The Panel deferred Items 5.2, 5.3 and 6. until after Mr Mackenzie had returned to the Chambers.

5.2 Policy Considerations – Nil

5.3 CAP Membership Update

The Assessment Manager provided the Panel Members with an update on the vacancy in membership.

6. Information Reports - Nil

7. Section 56A(12) Development Act 1993 – Confidential Items

A record must be kept on the grounds that this decision is made.

7.1. CAP.070/120611/2020 - Appeal Settlement Offer - Removal of a Significant Tree at 12 Deering Crescent Banksia Park

Recommendation for Moving into Camera

Moved Cr Wyld, Seconded Mr Rutt

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

- A. RESOLVES that pursuant to Section 56A(12)(a)(ix) of the Development Act 1993 that the public with the exception of staff on duty and representatives of the applicant be excluded from the meeting to enable discussion on the application by Joey Carbone C/- Heynen Planning Consultants to consider an appeal compromise in relation to the removal of a Significant Tree (SA Blue Gum) at 12 Deering Crescent Banksia Park (070/120611/2020) on the basis that the matter relates to:
 - (ix) information relating to actual litigation, or litigation that the Panel believes on reasonable grounds will take place; and
- B. the Panel is satisfied with the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion of this matter confidential.

Motion Carried Unanimously (193)

The following staff members on duty remained at the meeting for the following item(s):

Mr N Grainger	Manager, City Development
Ms C Tully	Team Leader, Planning
Mr D Oest	Senior Planning Officer
Mr T Bourner	Senior Planning Officer
Mr C Rodgers-Falk	Development Services Administration Officer

The following members of the public remained at the meeting at the request of the Panel:

Mr J Carbone	Applicant for Item 7.1
Ms L Dillon	Applicant's Representative for Item 7.1

- 7.1 CAP.070/120611/2020 – Appeal Settlement Offer – Removal of a Significant Tree at 12 Deering Crescent, Banksia Park

Confidential Page Removed

The Confidential Minute 194 has been withdrawn from the public minute record in accordance with minute 193.

Retention of confidential documents:

Moved Cr Wyld, Seconded Mr Rutt

That the **Officer’s Report (including attachments) and the related Minute be retained in confidence** and excluded from the public record pursuant to section 56A(12)(a)(ix) of the Development Act 1993 until the finalisation of the current court matter, or at such other time that the Panel determines appropriate, whichever may arrive earliest. This does not preclude staff from discussing relevant matters with the appellant prior to the conference and with the ERD Court as necessary.

Motion Carried Unanimously (195)

Mr A Mackenzie returned to the meeting at 11:22am, and the Presiding Member resumed the agenda at Item 5.2.

8. Date of Next Meeting

21 December 2021

The Presiding Member declared the meeting closed at 11:30am.

Confirmed.....
Presiding Member 21 December 2021