

**MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE
GULLY HELD ON TUESDAY 21 SEPTEMBER 2021 AT 10:05AM IN THE
COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

1. Attendance Record:

1.1 Present

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

Officers in Attendance

Ms C Neil	Director, Community & Cultural Development
Mr N Grainger	Manager, City Development
Ms C Tully	Team Leader, Planning
Mr C Rodgers-Falk	Development Services Administration Officer
Ms A Hall	Development Services Officer

1.2 Apologies

1.3 Public Gallery

8 attendees in person

1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Cr Wyld, Seconded Mr Mackenzie

That the Minutes of the Council Assessment Panel Meeting held on 17 August 2021 be confirmed as a true and accurate record of proceedings.

Motion Carried Unanimously (184)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

Applications under the Development Act 1993

4.1 CAP.070/121219/2021 - Child Care Centre at Lot 903 and Remove Land Use Rights at Lot 901 The Golden Way, Golden Grove

A Williams attended the meeting on behalf of Helping Hand Inc., and addressed the Panel Members in support of their representation.

T White attended the meeting on behalf of the Applicant, and addressed the Panel Members in response to the representations.

Moved Mr Mackenzie, Seconded Mr Rutt

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 Fairfield Family Trust to construct a two-storey child care centre (pre-school) facility with undercroft car parking and associated retaining walls, fencing, outbuildings, solar panels and landscaping at Lot 903 The Golden Way, Golden Grove, and to remove the existing child care centre land usage rights from 207 (Lot 901) The Golden Way Golden Grove, as detailed in Development Application No.070/121219/2021 subject to the following conditions, reserved matters and advisory notes:
 - (1) The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/121219/2021 except where varied by any condition(s) listed below.
 - (2) The materials used on the external surfaces of the development and the pre-coloured steel finishes or paintwork shall be non-reflective in nature maintained in good condition at all times. All external paintwork shall be completed within 2 months of the erection of the structures herein consented to.
Reason: To preserve and enhance the amenity of the site and locality.
 - (3) The premises shall be kept tidy and all buildings, fences, landscaping and paved or sealed surfaces shall be maintained in good condition at all times.
Reason: To maintain the amenity of the site and locality.
 - (4) The hours of operation herein approved are as follows:
 - 6:30am to 6:30pm Monday to Friday.Any variation to these hours of operation will require a further consent.
Reason: To minimise the impact on adjoining properties.

- (5) All driveways, parking and manoeuvring areas shall be formed, sealed with concrete, bitumen or paving, and be properly drained. They shall be maintained in good condition thereafter.
Reason: To ensure useable and safe carparking.
- (6) All off-street carparking spaces shall 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 shall be maintained to a clear and visible standard at all times.
Reason: To maintain safety for users.
- (7) Driveways, parking and manoeuvring areas and footpaths shall be lit in accordance with the Australian Standards Association Code AS 1158 during the hours of darkness that they are in use. Such lights shall be directed and screened so that overspill of light into nearby properties is avoided and motorists are not distracted.
Reason: To minimise the impact on adjoining properties and provide a safe environment for users during darkness.
- (8) The planting and landscaping identified on the Landscape Concept Plan dated 24/02/2021 herein consented to, subject to a permit under the Local Government Act 1999, and submitted with the application shall be completed in the first planting season concurrent with or following commencement of the use of the land. Such planting and landscaping shall not be removed nor the branches of any tree lopped and any plants which become diseased or die shall be replaced by suitable species. Such trees along the western façade of the building shall be semi-mature at the time of planting.
Reason: To maintain amenity and site of locality.
- (9) No materials or equipment are to be stored outdoors.
Reason: To preserve and enhance the amenity of the site and locality.
- (10) The size of waste collection vehicles shall be limited to a Medium Rigid Vehicle (MRV) up to 8.8m in length.
Reason: To maintain safety for users

Reserved Matter(s):

The following matter has been reserved pursuant to section 33(3) of the Development Act 1993 and is sub-delegated to the Assessment Manager for determination for finalisation prior to the issue of Development Approval:

- (1) Stormwater Management Plan to the satisfaction of Council, including details of water sensitive urban design measures, detention and water quality control measures such as gross pollutant traps; and
- (2) Certification from a qualified auditor that the land at Lot 903 is suitable to be developed as a child care centre, and any remedial measures required.

Notes:

- (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) 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), shall 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.
- (3) 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.
- (4) The development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the Environmental Protection (Noise) Policy 2007.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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 must 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/newdevelopments. For more information, please contact the NBN Co. New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au.

Motion Carried Unanimously (185)

Applications under the Planning, Development and Infrastructure Act 2016

4.2 Limited Amendment to Instrument of Delegation - Assessment Manager

Moved Mr Mackenzie, Seconded Mr Rutt

That the following items be endorsed by the Council Assessment Panel—

- A. In exercise of the power contained in section 100 of the *Planning, Development and Infrastructure Act 2016 (PDI Act)* the following powers and functions under the PDI Act and statutory instruments made thereunder are hereby delegated this **Twenty-first day of September 2021** to the City of Tea Tree Gully Assessment Panel (**Council Assessment Panel**) subject to the conditions and/or limitations, if any, specified below—
- (1) The power pursuant to section 102(1)(a) of the PDI Act to grant or refuse planning consent, including the associated powers to reserve matters and/or impose conditions.
- B. The exercise of the powers and functions delegated in paragraph 'A' is to be limited to the assessment of Development Application 21013734 for variations to the built form of a dwelling and the removal of a regulated tree at 25 Somerset Avenue, Redwood Park.

Motion Carried Unanimously (186)

4.3 CAP.21013734 - Variation to Existing Application to Flip House and Remove Street Tree at 25 Somerset Avenue Redwood Park

Moved Mr Rutt, Seconded Mr Mackenzie

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 21013734, by Bruno and Alexandra Jouana is REFUSED Planning Consent subject to the following reasons:

Reason 1

The regulated street tree provides an important aesthetic and environmental benefit, and is worthy of preservation.

Reason 2

The regulated tree does not meet the criteria for removal under the Planning and Design Code.

Reason 3

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

- i. **Regulated and Significant Tree Overlay PO 1.1** which seeks the retention of regulated trees that make an important visual contribution to local character and amenity
- ii. **Regulated and Significant Tree Overlay PO 1.3** which states that tree damaging activity should only be undertaken to remove a diseased tree where its life expectancy is short, to mitigate an unacceptable risk to public or private safety due to limb drop or the like, to rectify or prevent extensive damage to a substantial building of value, to reduce an unacceptable bushfire hazard, to treat disease or in the general interests of the tree, and/or maintain the aesthetic appearance and structural integrity of the tree.
- iii. **Regulated and Significant Tree Overlay PO 1.4** which states that tree damaging activity in conjunction with other development should satisfy that all reasonable development on the land in accordance with the zone is accommodated where reasonable development might not otherwise be possible.
- iv. **Regulated and Significant Tree Overlay DO** which seeks to conserve regulated trees to provide aesthetic and environmental benefits and mitigate tree loss.

Motion Carried (187)

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: Members noted the process on the above application.

5.2 Policy Considerations - Nil

6. Information Reports - Nil

7. Date of Next Meeting

19 October 2021

The Presiding Member declared the meeting closed at 11:13am.

Confirmed.....
Presiding Member 19 October 2021