

**MINUTES
OF THE SPECIAL COUNCIL ASSESSMENT PANEL MEETING OF THE
CITY OF TEA TREE GULLY HELD ON TUESDAY 3 AUGUST 2021 AT 10:01AM
VIA ELECTRONIC MEANS**

1. Attendance Record:

1.1 Present

Mr M Adcock	<i>(Independent Member)-(Presiding Member)</i>
Mr G Salmon	<i>(Independent 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 T Bourner	Senior Planning Officer
Mr B O'Neil	Planning Officer
Mr C Rodgers-Falk	Development Services Administration Officer

1.2 Apologies

1.3 Public Gallery

Three (3) Members of the Public were present

1.4 Media - Nil

2. Minutes of Previous Meeting (179)

Moved Mr Salmon, Seconded Cr Wyld

That the Minutes of the Council Assessment Panel Meeting held on 15 June 2021 be confirmed as a true and accurate record of proceedings.

Motion Carried (179)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

APPLICATIONS UNDER THE DEVELOPMENT ACT 1993

4.1 CAP.070/120326/2020 - Deferred Item from 18 May 2021 Meeting - Change in Use to Meditation and Yoga Studio at Unit 1, 247 Milne Road, Modbury North

Moved Mr Mackenzie, Seconded Mr Salmon

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 Tamra Shinkfield to change the use of the subject tenancy to a meditation and yoga studio at Unit 1, 247 Milne Road Modbury North as detailed in Development Application 070/120326/2020, subject to the following conditions and advisory notes:
- (1) The development must be undertaken, completed and maintained in accordance with the plan(s) and information in Application No. 070/120326/2020 except where varied by any condition(s) listed below.
 - (2) The premises must be kept tidy and 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.
 - (3) The hours of operation herein approved are as follows:

- Monday	5:30pm – 9:15pm
- Tuesday	4:00pm – 9:15pm
- Wednesday	5:30pm – 9:15pm
- Thursday	4:00pm – 9:15pm
- Friday	5:30pm – 9:15pm
- Saturday	8:30am – 12:00pm
- Sunday	9:00am – 5:00pm

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

- (4) A maximum of 11 persons, including staff, are permitted on site between the approved opening hours of 4:00pm and 5:30pm on Tuesdays and Thursday. A maximum of 15 persons, including staff, are permitted during other approved operating times.
Reason: To ensure adequate carparking is available on the site at all times.

Note(s):

- (1) 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.
- (2) 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 do not pollute the environment in a way which causes or may cause environmental harm. This includes being mindful of minimising noise, dust and vibration impacts associated with the development.

Motion Carried Unanimously (180)

APPLICATIONS UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

4.2 CAP.21007142 - Dog boarding kennel - 8 Aristotle Close Golden Grove

Moved Mr Salmon, 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 21007142, by Mrs Emilia Jaworek 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. 21007142 except where varied by any condition(s) listed below.

Condition 2

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 3

The hours of operation herein approved are as follows:

Monday to Friday 6:30am to 6:30pm

Saturday 9am to 2pm

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

Reason: To minimise the impact on adjoining properties.

Condition 4

The keeping of animals on the premises overnight is not permitted.

Reason: To minimise the impact on adjoining properties.

Condition 5

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

Reason: To maintain safety for users.

Condition 6

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

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

Condition 7

Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the Australian Standard AS 1158 during the hours of darkness that they are in use. Such lights must 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.

Condition 8

A maximum of four employees are permitted on site at any given time.

Reason: To ensure adequate carparking is available on the site.

Condition 9

The acoustic treatments recommended for the site in the acoustic report provided by Sonus, document reference S6858C2 dated April 2021, are complied with and completed prior to commencement of the use and will remain in place and be maintained thereafter.

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 Disability Discrimination Act 1992 places obligations on the applicant/developer in relation to the provision of facilities and access for people with disabilities.

Advisory Note 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.

Advisory Note 4

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 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.

Motion Carried Unanimously (181)

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 noted progress on this matter.

5.1.2 CAP.070/120266/2020 - Land Division (1 into 3) at 13 Pope Crescent, Hope Valley

Outcome: The Panel noted the finalisation of this matter.

5.2 Policy Considerations - Nil

5.3 Pending State Commission Assessment Panel Concurrence - Nil

5.4 Feedback on Planning, Development and Infrastructure Act 2016 (PDI Act) Reports

Discussion ensued and the Panel Members provided feedback to staff regarding the report template for PDI Act items.

6. Information Reports - Nil

7. Date of Next Meeting

17 August 2021

The Presiding Member declared the meeting closed at 10:27am.

Confirmed.....
Presiding Member 17 August 2021