

**MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE
GULLY HELD ON TUESDAY 19 OCTOBER 2021 AT 10:00AM 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 T Bourner	Senior Planning Officer
Mr B O'Neil	Planning Officer
Ms C Gustafson	Development Services Administration Officer

1.2 Apologies - Nil

1.3 Public Gallery

19 attendees including 5 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 21 September 2021 be confirmed as a true and accurate record of proceedings.

Motion Carried Unanimously (188)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 CAP.21020349 - Child Care Centre including Advertising, Retaining Walls, Fencing, Outbuilding, Landscaping and the Removal of a Significant Tree at 67-69 Hamilton Road Fairview Park

Cr L Jones attended the meeting and addressed panel members in support of their representation.

K McBrien attended the meeting and addressed panel members in support of their representation.

P Roling attended the meeting and addressed panel members in support of their representation.

C and D Smith attended the meeting and addressed panel members in support of their representation.

Marc Duncan from Future Urban Pty Ltd attended the meeting and addressed panel members in support of the application.

Moved Mr Mackenzie, Seconded Mr Rutt

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 21020349, by Future Urban Pty Ltd is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

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 materials used on the external surfaces of the development 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 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

The hours of operation herein approved are as follows:

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

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

Reason: To minimise the impact on adjoining properties.

Condition 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.

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. 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

Any existing crossing places not providing vehicle access on the approved plans shall be replaced with kerb and watertable and the verge restored with materials consistent with the surrounding verge to a uniform level free of obstructions.

Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge

Condition 9

Except where varied by the approved plans or other conditions listed below, the new or modified crossing place shall meet the minimum standard of design and construction as detailed on City of Tea Tree Gully drawings (as applicable):

- ☒ 1/15/SD – ‘Concrete Vehicle Crossing Place’;
- ☒ 2/15/SD – ‘Block Paved Vehicular Crossing Place’;
- ☒ 40/15/SD – ‘Property Access Grades;’ and/or;
- ☒ 45/15/SD – ‘Commercial Concrete Vehicular Crossing Place.

Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.

Condition 10

The new crossing places must be constructed and/or modified, as per the approved plans and conditions, within six (6) months of completing the childcare centre, associated carparking, retaining walls, fencing and landscaping.

Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge

Condition 11

Stormwater management and water discharge shall be undertaken in accordance with the Stormwater Management Plan prepared by PT Design Pty Ltd dated July 2021 with works outside the boundary of the site to be undertaken to the satisfaction of Council’s engineer.

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

Condition 12

Where stormwater is to be discharged to the street gutter, the stormwater system installation shall meet the minimum requirements of City of Tea Tree Gully drawing:

- ☒ 62/15/SD – ‘Stormwater Pipe Connection to Council Kerb and Gutter’

Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.

Condition 13

Any lights on the subject land including the carpark must be installed, directed and screened in accordance with Australian Standard

AS 4282—1997 – 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

Condition 14

No materials or equipment are to be stored outside except within the designated areas marked on the approved plans prepared by ON Architecture.

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

Condition 15

The planting and landscaping identified on the Schematic Masterplan Plan prepared by DAS Studio dated 29 June 2021 herein consented to, and submitted with the application shall be, updated to include the planting of additional semi-mature trees and shrubs to further ameliorate the visual impact of the building and to 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.

Reason: To maintain amenity and site of locality.

Condition 16

The acoustic treatments recommended for the site in the acoustic report provided by Sonus, document reference S6957C2 dated July 2021, are complied with and completed prior to commencement of the use and will remain in place and be maintained to the satisfaction of Council thereafter.

Condition 17

Waste collection services shall be undertaken between 9.00am and 7.00pm on Sundays and public holidays and between 7.00am and 7.00pm on any other day.

Reason: To minimise the impact on adjoining properties.

Condition 18

A payment of \$1035 must be made to the City of Tea Tree Gully, prior to the removal of the street tree(s), to cover the cost of a replacement street tree (to be selected and planted by Council) and 3 years maintenance costs to ensure establishment.

Note: 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.

RESERVED MATTERS

The following matter has been reserved pursuant to ### for determination for finalisation prior to the issue of Development Approval:

Reserved Matter 1

Stormwater Management Plan to the satisfaction of Council showing the revised location of the proposed built form as per the approved architectural plans.

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 applicant/owner is advised that any driveway crossovers on the Council verge, and shown on the stamped plans, has been approved as part of this application. For further information on the specifications and conditions relating to crossovers and stormwater connections, please contact Council's Civil Operations Department on 8397 7444.

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.

Advisory Note 7

Public services may be present in the road and it is the property owner's responsibility to ensure these services are not damaged as a result of the work. If services require alterations, it is the property owner's responsibility to consult with the particular service agency before performing any works. (Contact "Dial Before you Dig" on telephone 1100 or their website www.dialbeforeyoudig.com.au).

At all times during the construction, removal or repair of a crossing place or stormwater pipe, sufficient barricades and signs, visible at night (where work duration exceeds daylight hours), are to be installed and maintained to give adequate warning to the public.

The applicant shall be responsible for all costs associated with:

- ☒ The construction, removal or repair of crossing places or stormwater pipes. This may include the repairs and modifications to an abutting footpath as a result of the construction or alteration of the crossing place or stormwater pipe.
- ☒ The pruning, removal and replacement of any tree as approved in accordance with Council's Tree Management Policy and the Council's Fees and Charges Register.

Advisory Note 8

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 9

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 10

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 11

Please be advised that your application involves work that may impact on the stability of neighbouring land. Pursuant to section 60 of the *Development Act 1993*, you are reminded of your obligations to:

- ☒ Twenty-eight days before the building is commenced, caused to be served on the owner of the affected land a notice of intention to perform the building work and the nature of that work; and
- ☒ Take precautions as may be prescribed to protect the affected land or premises, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the *Development Regulations 2008* to require.

Motion Carried (189)

Meeting adjourned 11.41am

Meeting reconvened 11.48am

4.2 CAP.21013092 - Childcare centre (pre-school) together with associated carparking, fencing, landscaping retaining walls and advertising at 548-560 Milne Road Redwood Park

Moved Mr Rutt, Seconded Mr Mackenzie

That the Council Assessment Panel resolve that:

1. 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
2. Development Application Number 21013092 by Accord Property is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

Condition 18

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in the application herein approved, 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.

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

Reason: To minimise the impact on adjoining properties.

Condition 4

No materials or equipment are to be stored outdoors.

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

Condition 5

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

Reason: To ensure useable and safe carparking.

Condition 6

All off-street 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.

Condition 7

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 8

The nominated Medium Reticulated Vehicle (MRV) 8.8m in length for waste collection must only service the site during off peak hours or after hours when children are not present on site.

Condition 9

Any existing crossing places not providing vehicle access on the approved plans shall be replaced with kerb and watertable and the verge restored with materials consistent with the surrounding verge to a uniform level free of obstructions.

Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.

Condition 10

Except where varied by the approved plans or other conditions listed below, the new or modified crossing place shall meet the minimum standard of design and construction as detailed on City of Tea Tree Gully drawings (as applicable):

- ☒ 1/15/SD – ‘Concrete Vehicle Crossing Place’;
- ☒ 2/15/SD – ‘Block Paved Vehicular Crossing Place’;
- ☒ 40/15/SD – ‘Property Access Grades;’ and/or;
- ☒ 45/15/SD – ‘Commercial Concrete Vehicular Crossing Place.’

Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.

Condition 11

The crossing place must be constructed and/or modified, as per the approved plans and conditions, within six (6) months of completing the Childcare Centre.

Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.

Condition 12

Stormwater management and water discharge shall be undertaken in accordance with the Stormwater Management Plan prepared by Sagero, project number SA200055, dated November 2020 with works outside the boundary of the site to be undertaken to the satisfaction of Council's engineer.

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

Condition 13

Where stormwater is to be discharged to the street gutter, the stormwater system installation shall meet the minimum requirements of City of Tea Tree Gully drawing:

- ☒ 62/15/SD – 'Stormwater Pipe Connection to Council Kerb and Gutter'.

Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.

Condition 14

Any lights on the subject land including the carpark must be installed, directed and screened in accordance with Australian Standard AS 4282—1997 – 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

Condition 15

The planting and landscaping identified on the plans prepared by Brown Falconer on behalf of Accord Property dated 02 June 2021 herein consented to, and submitted with the application shall be completed in the first planting season concurrent with or following commencement of the use of the land. All landscaping must be immediately replaced should it become diseased or dies subject to the ongoing reasonable satisfaction of Council.

Reason: To maintain amenity and site of locality.

Condition 16

The acoustic treatments recommended for the site in the acoustic report provided by Sonus, document reference S6699C3 dated May 2021, are complied with and completed prior to commencement of the use and will remain in place and be maintained to the satisfaction of Council thereafter.

Reason: To maintain the reasonable amenity of the locality.

Condition 17

A detailed landscaping plan for the site be provided to the satisfaction of the Assessment Manager.

ADVISORY NOTES

General Notes

Advisory Note 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.

Advisory Note 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.

Advisory Note 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

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 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 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.

Advisory Note 7

The applicant/owner is advised that any driveway crossover works on the Council verge as shown on the stamped plans, have been approved as part of this application. For further information on the specifications and conditions relating to crossovers and stormwater connections, please contact Council's Civil Operations Department on 8397 7444.

Any further works undertaken on Council owned land (including but not limited to stormwater connections, access over Council reserves to construct the development, verge landscaping, and underground electrical and other service connections), requires a separate authorisation from Council.

Further information and/or specific details can be obtained by contacting Council's Civil Operations department on **8397 7444** or accessing the web form at **https://www.teatreegully.sa.gov.au/Council_documents_Landing/Council_documents/Permits/Section_221_Application**.

Advisory Note 8

Public services may be present in the road and it is the property owner's responsibility to ensure these services are not damaged as a result of the work. If services require alterations, it is the property owner's responsibility to consult with the particular service agency before performing any works. (Contact "Dial Before you Dig" on telephone **1100** or their website **www.dialbeforeyoudig.com.au**).

At all times during the construction, removal or repair of a crossing place or stormwater pipe, sufficient barricades and signs, visible at night (where work duration exceeds daylight hours), are to be installed and maintained to give adequate warning to the public.

The applicant shall be responsible for all costs associated with:

The construction, removal or repair of crossing places or stormwater pipes. This may include the repairs and modifications to an abutting footpath as a result of the construction or alteration of the crossing place or stormwater pipe.

The pruning, removal and replacement of any tree as approved in accordance with Council's Tree Management Policy and the Council's Fees and Charges Register.

Advisory Note 9

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.

Advisory Note 10

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 11

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.

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. Further information can be obtained from the Legal Services Commission at **www.lsc.sa.gov.au**.

Motion Carried Unanimously (190)

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.

Mr Mackenzie declared a conflict of interest in the above matter and did not participate in discussion.

Panel members noted progress on the above application. Matter has been set for a directions hearing in November.

5.2 Policy Considerations – Nil

5.3 CAP membership

Vacant position is currently being advertised. Applications close 25/10/2021.

6. Information Reports -Nil

7. Date of Next Meeting

16 November, 2021

The Presiding Member declared the meeting closed at 12.07pm.

Confirmed.....
Presiding Member 16 November 2021