

**MINUTES  
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE  
GULLY HELD ON TUESDAY 21 DECEMBER 2021 AT 10:02AM 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>
Ms N Taylor	<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**

Ms B Merrigan	<i>(Independent Member)</i>
Mr A Mackenzie	<i>(Independent Member)</i>

**1.3 Public Gallery - Nil**

**1.4 Media - Nil**

**2. Minutes of Previous Meeting**

Moved Mr Rutt, Seconded Cr Wyld

That the Minutes of the Council Assessment Panel Meeting held on 16 November 2021 be confirmed as a true and accurate record of proceedings.

**Motion Carried Unanimously (196)**

**3. Business Arising from Previous Minutes - Nil**

## 4. Reports and Recommendations

### 4.1 CAP.21021809.2021 - Three storey detached dwelling, retaining walls, swimming pool, spa with safety barriers at 5 Abbotsford Crescent Greenwith

Moved Mr Rutt, seconded Mr Wyld

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

- 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 21021809, by Mr S Kidd 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 the application herein approved, except where varied by any condition(s) listed below.

##### **Condition 2**

Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

##### **Condition 3**

Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

##### **Condition 4**

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 5**

Free and unrestricted access must be available to the driveway and this area must be available for parking at all times.

*Reason: To ensure appropriate off street carparking is provide at all times.*

**Condition 6**

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 7**

The eastern side upper level windows of dwelling must have:

- ☒ Minimum window sill heights of 1.5 metres above the upper finished floor level; or
- ☒ Fixed and obscured glass to a height of 1.5 metres (minimum) above upper floor level; or
- ☒ Obscured glass to a height of 1.5 metres (minimum) above the upper floor level, which are hinged at the top of the window panel and include a wind out mechanism to no greater than 200mm.

The obscured glass must be fitted prior to occupation of the dwelling and maintained at all times thereafter.

*Reason: To minimise overlooking of adjoining properties.*

**Condition 8**

The planting and landscaping identified on the landscaping plan submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the dwelling. Such planting and landscaping must not be removed nor the branches of any tree lopped and any plants which become diseased or die must be replaced by suitable species.

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

**Condition 9**

The swimming pool must not be filled with water and used for domestic purposes until substantial completion of a dwelling on the land.

*Reason: To maintain public and private safety and ensure that the swimming pool is only used ancillary to a dwelling.*

**Note:** The term ‘substantial completion’ refers to the lock-up stage of the dwelling.

**Condition 10**

All recommendations and tree protections considerations on pages 15-16 as identified in the Treesense Consulting arborist report be adopted and tree protection fencing to be installed prior to development.

**Condition 11**

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.*

**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 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 3**

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](https://www.teatreegully.sa.gov.au/Council_documents_Landing/Council_documents/Permits/Section_221_Application)**.

**Advisory Note 4**

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](http://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 5**

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 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.

**Advisory Note 7**

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](http://www.lsc.sa.gov.au).

**Motion carried unanimously (197)**

**4.2 CAP.070/121297/2021 - Land Division (1 into 3) and Three Row Dwellings at 16 Quintal Avenue Modbury (Non-Complying)**

Moved Mr Rutt, seconded Ms Taylor

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 Stunning Homes Pty Ltd c/- Pyper Leaker Surveying Services Pty Ltd to divide land into 3 torrens title allotments and for the construction of three row dwellings including retaining walls and fencing and landscaping (Non-Complying) at 16 Quintal Avenue, Modbury as detailed in Development Application No. 070/121297/2021 subject to the following conditions and advisory notes:

### **Conditions of planning consent**

- (1) The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/121297/21 (except where varied by any condition(s) listed below.
- (2) The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times. All external paintwork must be completed within two (2) months of the erection of the dwellings.  
*Reason: To preserve and enhance the amenity of the site and locality.*
- (3) 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.*
- (4) Free and unrestricted access must be available to the driveway and this area must be available for parking at all times.  
*Reason: To ensure appropriate off street carparking is provide at all times.*
- (5) 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.*
- (6) Except where varied by the 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.*

- (7) The new crossing places must be constructed and/or modified, as per the approved plans and conditions, within six (6) months of completing the dwellings.  
*Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.*
- (8) The new crossing places for dwelling 2 and 3 must be constructed of permeable materials and all works must be undertaken by hand or no destructive construction methods.  
*Reason: To ensure no tree-damaging activity occurs to nearby regulated trees.*
- (9) Stormwater generated on the site during the construction period and for the life of the development, must be collected, treated as necessary to ensure contaminated stormwater does not discharge directly or indirectly to any waters. Discharged water shall not contain suspended solids in excess of twenty milligrams per litre (20mg/L).
- Note: The Environment Protection Authority 'Handbook for Pollution Avoidance on Building Sites' details a range of strategies to collect, treat, store and dispose of stormwater during construction.  
*Reason: To assist and maintain water quality entering Council's drainage network.*
- (10) Two Type-1 Stormwater Detention Tank(s) must be attached to each dwelling; with the entire roof area of that dwelling connected to the respective tank(s). The tank(s) must be installed as part of the stormwater disposal system and be installed within two (2) months of the erection of the dwelling and must be maintained in good working order at all times.  
*Reason: The stormwater drainage system in the area surrounding the subject land has limited capacity. The reason for this condition is to reduce the flow of stormwater off the subject land to a rate which does not exceed the system's capacity.*
- (11) Discharge from the detention facility is to be restricted to four litres per second (4 L/s) for flows during the 1 in 100 year average recurrence interval storm event.  
*Reason: The stormwater drainage system in the area surrounding the subject land has limited capacity. The reason for this condition is to reduce the flow of stormwater off the subject land to a rate which does not exceed the system's capacity.*
- (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.*



- (13) All vehicle movements and parking including loading and unloading during the construction of the approved dwelling must be via the Quintal Avenue street frontage. No access or parking shall occur from the Ruth Court street frontage.  
*Reason: To restrict construction vehicle movement's in Ruth Court and maintain the amenity of the site and locality.*
- (14) The planting and landscaping identified on the Landscape Plan submitted with the application must be completed prior to occupation of the dwellings. Such plantings and landscaping must not be removed nor the branches of any tree lopped, and any plants which become diseased or die must be replaced by a suitable species to the satisfaction of Council.  
*Reason: To maintain the amenity of the site and locality.*
- (15) Any excavation within the TPZ of the regulated tree located in the Quintal Avenue street verge, must be undertaken by hand or using a non-destructive method such as Air-Spade, HydroVac or similar.  
*Reason: To ensure no tree-damaging activity occurs to nearby regulated trees.*
- (16) The applicant/developer shall provide Council written notice 30 days prior to the commencement of construction so that Council can install secure protective fencing within the adjoining Council road reserve (Quintal Avenue).  
*Reason: To prevent tree damaging activities occurring the Council street trees*

#### **Conditions of land division consent**

- (1) A final certified survey plan shall be lodged with Council prior to final clearance of the land division.
- (2) All existing structures and deleterious material shall be cleared from all allotments prior to the final clearance of the land division.

#### **Conditions imposed by prescribed body under section 122 of the act**

- (1) The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

On approval of the application, it is the developer's/owner's responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developer's/owner's cost to ensure that the pipework relating to each allotment is contained within its boundaries.

- (2) Payment of \$15,522 into the Planning and Development Fund (2 allotment(s) @ \$7,761 per allotment).

Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.

- (3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

### **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) This consent or approval will lapse at the expiration of 12 months from its operative date, subject to the below.
- (4) An approved development must be substantially commenced within 12 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.
- (5) 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**

- (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) All earthworks must be confined to and contained entirely within the property boundaries and must not encroach on or over the roadside verge/reserve.
- (3) The applicant/owner is advised that any driveway crossovers works on the Council verge as 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 further works undertaken on Council owned land (including but not limited to stormwater connection, 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](https://www.teatreegully.sa.gov.au/Council_documents_Landing/Council_documents/Permits/Section_221_Application).

- (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.
- (5) 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.
- (6) 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.
- (7) Please be advised that your application involves work that may impact on the stability of neighbouring land. Pursuant to section 139 of the *Planning Development and Infrastructure (PDI) Act 2016* (previously section 60 of the *Development Act 1993*), you are reminded of your obligations to:
  - 28 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 and carry out work in accordance with the Act.
- (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](http://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.
- (9) 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](http://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](mailto:newdevelopments@nbnco.com.au).

#### **Land Division Consent Notes**

- (1) With regards to Condition 2 of 'Council's Requirements', you may wish to provide Council with photographic evidence confirming compliance with this condition. This should assist Council with expediting final clearance of the land division. Photos can be uploaded to the 'Land Division Clearance Request' form available on Council's website: <http://cttg.sa.gov.au/development>.

**Motion carried unanimously (198)**

## **5. Other Business**

### **5.1 E.R.D. Court Matters Pending**

#### **5.1.1 CAP.070/120611/2021 - Removal of a Significant Tree (SA Blue Gum) at 12 Deering Crescent, Banksia Park**

Outcome: Panel members noted the outcome of this matter.

**5.2 Cancellation of January meeting**

The meeting scheduled for January is likely to be cancelled. Notification will be provided.

Mr Adcock advised he will be an apology if there is a January meeting.

**5.3 Thank you and Merry Christmas**

Mr Grainger thanked the panel members for their work throughout the year and wished everyone a merry Christmas.

**6. Policy Considerations**

Mr Rutt raised a matter for consideration regarding standard size requirements for garages.

**7. Information Reports – Nil**

**8. Date of Next Meeting**

18 January 2022

The Presiding Member declared the meeting closed at 10.33 am.

Confirmed.....  
Presiding Member 18 January 2022