

**MINUTES  
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF  
TEA TREE GULLY HELD ON TUESDAY 16 FEBRUARY 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 A Mackenzie | <i>(Independent Member)</i>                    |
| Mr G Salmon    | <i>(Independent Member)</i>                    |
| Mr J Rutt      | <i>(Independent Member)</i>                    |

**Officers in Attendance**

|                   |   |
|-------------------|---|
| Ms C Neil         | Director, Community & Cultural Development  |
| Mr N Grainger     | Manager, City Development                   |
| Ms C Tully        | Team Leader, Planning                       |
| Ms J O'Brien      | Planning Officer                            |
| Ms R Gagetti      | Property & Projects Facilitator             |
| Mr C Rodgers-Falk | Development Services Administration Officer |

**1.2 Apologies**

|           |                         |
|-----------|-------------------------|
| Mr D Wyld | <i>(Elected Member)</i> |
|-----------|-------------------------|

**1.3 Public Gallery**

8 attendees in person; 3 attendees via electronic means

**1.4 Media - Nil**

**2. Minutes of Previous Meeting**

Moved Mr Rutt, Seconded Mr Salmon

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

**Motion Carried Unanimously (163)**

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

#### 4. Reports and Recommendations

##### 4.1 CAP.070/119760/2020 - Construction of a Two-Storey Childcare Centre (Pre-School) with Associated Carpark, Fencing, Retaining Walls and Landscaping at 434 Milne Road and 3 Lokan Street, Redwood Park

Ms C Tully tabled additional documentation to the Panel Members in the form of a response to the late submission of a Traffic Report by Phil Weaver and Associates from Council's internal Traffic Management team.

Mr J Scully attended the meeting on behalf of himself and Mr R Sawtell, and addressed the Panel Members in support of their representation(s).

Mr J Outhred attended the meeting on behalf of Mr D & Mrs N Gjokaj, and Mr G and Mrs M Purdy, and addressed the Panel Members in support of the representation(s).

Ms L Mills attended the meeting and addressed the Panel Members in support of their representation.

Mr B Boyer MP attended the meeting via electronic means and addressed the Panel Members in support of their representation.

Mr M Duncan and Mr B Wilson attended the meeting on behalf of the Applicant and addressed the Panel Members in response to the representations.

Moved Mr Rutt, Seconded Mr Mackenzie

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 Adelaide Commercial Investments Pty Ltd ATF Adelaide Commercial Investments Unit Trust C/- Future Urban Pty Ltd to construct a two storey childcare centre (pre-school) with associated carpark, fencing, retaining walls and landscaping at 434 Milne Road and 3 Lokan Street, Redwood Park as detailed in Development Application No. 070/119760/2020 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 detailed in Application No. 070/119760/2020, in particular:
    - Site Plan prepared by Insite Architects, Drawings Numbered DA00, DA01, DA04 dated 10 September 2020 and DA02 and DA03 dated 12 November 2020;
    - Elevations prepared by Insite Architects, Drawings Numbered DA05 and DA06 dated July 2020;
    - Environmental Noise Assessment prepared by Sonus Pty Ltd, Document No. S6535C2 dated September 2020;
    - Landscape Plan prepared by Nature Play Solutions, Job No. 4160, Revision B dated October 2020;

- Traffic and Parking Report prepared by CIRQA, Version 1, dated 2 September 2020;
- Supplementary Traffic Impact Analysis prepared by CIRQA, letter dated 9 November 2020, reference 20172/BNW; and
- Site and Drainage Plan prepared by TMK Consulting Engineers Pty Ltd drawing no. 2008316-C1/PE, dated 3 February 2021;

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 must 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 Monday to Friday (excluding public holidays) - 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.*
- (4) The outdoor play spaces shall not be used prior to 7.00am on any given day.  
Reason: *To minimise the impact on adjoining properties.*
- (5) 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.*
- (6) No materials or equipment are to be stored outside except within the designated areas marked on the Site Plan prepared by Insite Architects.  
Reason: *To preserve and enhance the amenity of the site and locality.*
- (7) 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 2 months of the erection of the childcare facility and associated carpark, fences and retaining walls.  
Reason: *To preserve and enhance the amenity of the site and locality.*
- (8) 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.*
- (9) 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.*
- (10) A 150mm kerb must be constructed to separate carparking spaces and driveways from landscaping areas and other open portions of the subject land.  
Reason: *To maintain user safety and protect landscaping from damage by vehicles.*

- (11) Directional signs not exceeding 0.5m<sup>2</sup> must be erected at vehicle access points to indicate the location of visitor parking.  
*Reason:* To ensure safe and convenient access is provided in accordance with approved plans.
- (12) 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.
- (13) 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.
- (14) Except where varied by the approved plans or other conditions listed below, the new or modified crossing place shall meet the requirements of Australian Standard AS 2890 in relation to flared crossover designs for Waste Collection vehicles; and the otherwise applicable minimum standard of design and construction as detailed on City of Tea Tree Gully drawings:
- 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.
- (15) 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.
- (16) All planting must be of species which will not grow to cause damage to paved or sealed areas, building foundations or underground services.  
*Reason:* To prevent damage to infrastructure.
- (17) The planting and landscaping identified on the Landscape Plan prepared by Nature Play Solutions, Job No. 4160, Revision B dated October 2020, must be completed in the first planting season concurrent with or following commencement of the use of the childcare centre facility. 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.
- (18) Plantings and landscaping materials to the front of the development site must be of species which will grow no more than 500 millimetres in height.  
*Reason:* To minimise the impact on line of sight for motorists and maintain a safe travel environment for motorists.

- (19) 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.*
- (20) 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.*
- (21) The development shall comply with the recommended acoustic treatments as listed in the Environmental Noise Assessment prepared by Sonus Pty Ltd, Document No. S6535C2 dated September 2020.  
*Reason: To maintain the amenity of the locality.*
- (22) The development shall comply with the recommendations of Arborman Tree Solutions contained within advice dated 1 February 2021, reference ATS6169-003LokSt434MilRdDIR with respect to the trees referenced therein.  
*Reason: To minimise the impact on nearby regulated and significant trees.*
- (23) The development shall comply with the following with respect to the regulated street tree identified as *Eucalyptus sideroxylon*: Red Iron Bark and located in front of the property known as 434 Milne Road, Redwood Park:
- (a) Mechanical excavation and trenching within the Tree Protection Zone must be by alternative installation methods such as directional boring, hydro-excavation, air spade or manual excavation
  - (b) All services are to be located in Lokan Street
  - (c) All areas within the tree's Tree Protection Zone is to remain as open space
  - (d) Landscaping activities must avoid disturbance to the tree's root system
  - (e) Tree protection fencing to be installed in accordance with Australian Standard AS 4970-2009 prior to commencement of development and to remain in place until conclusion of the development.
- Reason: To minimise the impact on the regulated street tree in front of 434 Milne Road, Redwood Park.*
- (24) Stormwater management and water discharge shall be undertaken in accordance with the Civil Plan prepared by TMK Consulting Engineers Pty Ltd received by Council on 3 February 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.*

- (25) The capacity and design of the sump and pump system shall be based upon the following requirements:
- for a 1 in 100 year Average Recurrence Interval (ARI) and a 10 minute storm duration; and
  - on the assumption that a power failure (preventing pumping) occurs during the storm event.
- Reason: *To minimise the impact of flooding during a major storm event.*
- (26) Discharge from the detention facility is to be restricted to four litres per second (4.5 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.*
- (27) 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.*

**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) 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.
- (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*.
- (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.
- (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.

- (6) The applicant/owner is advised that any driveway crossovers and stormwater connection works 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 further works undertaken on Council owned land (including but not limited to 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).

- (7) If access to the adjacent Council reserve is necessary to assist with the construction/installation of the development, please be advised that consent from Council via a separate application is required. Please find an 'Application for Access Over Council Land' form at [https://www.teatreegully.sa.gov.au/Council\\_documents\\_Landing/Council\\_documents/Permits](https://www.teatreegully.sa.gov.au/Council_documents_Landing/Council_documents/Permits). For any questions about this application process, please contact Council on 8397 7444.
- (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) Please be advised that the earthworks (i.e. excavation and/or fill) proposed also constitute development, and this work must not be commenced until a full development approval (planning and building consent) has first been obtained.

- (10) 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.
- (11) No signage, either portable or fixed, are to be erected or displayed on the land or on any building, structure, gate or fence. A further permission is required from Council for the erection or display of any sign.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) The applicant is reminded that any further works undertaken on Council owned land (including but not limited to 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)
- (16) It is recommended the applicant contact Council's Team Leader Street Tree Development regarding the location of any street tree plantings within the adjoining road verge by phoning 8397 7444.

**Motion Carried Unanimously (161)**



#### 4.2 CAP.070/120185/2020 - Construction of a Single Storey Detached Dwelling and Fencing with Minor Retaining (Non-Complying) at 2A Hotham Street, Hope Valley

Moved Mr Salmon, Seconded Mr Mackenzie

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 Rivergum c/o URPS Pty Ltd to construct a single storey detached dwelling and fencing with minor retaining at 2A Hotham Street, Hope Valley, as detailed in Development Application No.070/120185/2020 subject to the following conditions and advisory notes:
- (1) The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/120185/2020.
  - (2) The entire structure shall be finished in an unobtrusive, natural, earthy colour. The paintwork or pre-coloured steel finish shall be maintained in good condition at all times. This condition shall be completed within two (2) months of the erection of the dwelling.  
Reason: To preserve and enhance the amenity of the site and locality.
  - (3) Free and unrestricted access shall be available to both the designated car parking spaces and the vehicle access ways at all times.  
Reason: To ensure appropriate off street carparking is provided at all times.
  - (4) Two Type-1 and one Type-2 (2,500L capacity) Stormwater Detention Tank(s) shall be attached to the dwelling, with a minimum roof area connection of 160 square metres. The tank(s) shall be installed as part of the stormwater disposal system within two (2) months of the erection of the dwelling and shall 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.
  - (5) A payment of \$1,035 must be made to the City of Tea Tree Gully, prior to the removal of the street tree, to cover the cost of removal and a replacement tree (to be selected and planted by Council) and three (3) years maintenance cost 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.

**Note(s):**

- (1) The cost of rectifying any damage or conflict with existing services or infrastructure arising out of this development will be borne by the applicant.
- (2) This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.
- (3) The Applicant/Owner is advised that any works undertaken on Council owned land (driveways, stormwater connections, etc.) will require a formal approval under The Local Government Act through Council's Civil Operations Department, prior to any works being undertaken. Please find attached the relevant application form for your convenience. For further information on this process, or the specifications and conditions relating to works on Council land, please contact Council's Civil Operations Department on 08 8397 7444.
- (4) All earthworks shall be confined to and contained entirely within the property boundaries and shall not encroach on or over the roadside verge/reserve.
- (5) This application involves development located on or close to 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 under the Fences Act that you are legally required to give notice for the removal of a fence on a common boundary. Please refer to the Fences Act for the correct procedure requirements.
- (7) NBN Co. is responsible for the installation of the National Broadband Network (NBN) fibre for all developments in the 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)

**Motion Carried Unanimously (162)**

## 5. Other Business

### 5.1 Council Assessment Panel - Delegations and Policy for Review of Assessment Manager Decision

Moved Mr Salmon, Seconded Mr Mackenzie

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 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation contained in Attachment 1 of the report titled “Council Assessment Panel - Delegations and Policy for Review of Assessment Manager Decision” and dated 16 February 2021 are hereby delegated this 16 of February 2021 to the person(s) occupying the positions of Assessment Manager (or person(s) ‘acting’ in the above mentioned positions) except where otherwise indicated in the Attachment, subject to the conditions and/or limitations, if any, specified herein.
- B. Such powers and functions may be further delegated by the Assessment Manager (or persons occupying the positions) in accordance with Section 100(2)(c) of the Planning Development and Infrastructure Act 2016 as the Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
- C. The Council Assessment Panel resolves to adopt the Policy for Assessment Panel Review of a Decision of the Assessment Manager dated July 2020 contained in Attachment 2.
- D. The Council Assessment Panel determines to act under Section 99(1)(b) of the Planning, Development and Infrastructure Act 2016 in relation to all development applications received by it that involve the performance of building work.
- E. Pursuant to Section 99(1)(c) of the Act, where the Panel has determined to act under Section 99(1)(b) of the Act, the Council Assessment Panel refers the assessment of the development in respect of the Building Rules to the City of Tea Tree Gully.
- F. The Council Assessment Panel adopts the updated Operating and Meeting Procedures and the updated Terms of Reference contained in Attachment 6.

**Motion Carried Unanimously (164)**

**5.2 E.R.D. Court Matters Pending**

**5.2.1 CAP.070/118168/2019** - Land Division (1 Allotment into 2) Torrens Title at 104 Green Valley Drive, Greenwith

Outcome: The Panel noted progress on this matter.

**5.3 Policy Considerations**

*Planning Policy Considerations will be recorded in the minutes following discussion by Members*

**5.4 Pending State Commission Assessment Panel Concurrence - Nil**

**5.5 Member's Leave of Absence and Membership Updates**

Mr Nathan Grainger welcomed Mr Alex Mackenzie to the Panel, as he is filling in a leave of absence for appointed member Ms Beth Merrigan.

Mr Nathan Grainger further provided an update that Council has endorsed the extension of existing Panel Members Mr Greg Salmon and Ms Beth Merrigan to align their membership to the current sitting term.

**6. Information Reports - Nil**

**7. Date of Next Meeting**

16 March 2021

The Presiding Member declared the meeting closed at 11:34am.

Confirmed.....  
Presiding Member 16 March 2021