

**MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE
GULLY HELD ON TUESDAY 20 SEPTEMBER 2022 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> |
| Ms B Merrigan | <i>(Independent Member)</i> |
| Mr J Rutt | <i>(Independent Member)</i> |

Officers in Attendance

| | |
|----------------|---|
| Mr N Grainger | Manager, City Development |
| Ms C Tully | Team Leader, Planning |
| Mr J Banks | Senior Planner |
| Ms C Gustafson | Development Services Administration Officer |

1.2 Apologies

| | |
|----------------|--|
| Mr A Mackenzie | <i>(Independent Member)</i> |
| Mr D Wyld | <i>(Elected Member)</i> |
| Ms C Neil | Director, Community & Cultural Development |

1.3 Public Gallery - 3

1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Mr Rutt, Seconded Ms Merrigan

That the Minutes of the Council Assessment Panel Meeting held on 21 June 2022 be confirmed as a true and accurate record of proceedings.

Motion Carried Unanimously (212)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 22022011 - Construction of a two-storey child care centre with non-illuminated signage, retaining walls, acoustic fencing and ancillary car parking and landscaping at 59 & 61 Tristania Terrace Dernancourt

Moved Ms Merrigan, Seconded Mr Rutt

Mr M Duncan attended the meeting and answered questions from panel members.

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 22022011 by Future Urban Pty Ltd 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 Application No. 22022011 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 must be maintained in good condition at all times. All external paintwork must 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 (excluding public holidays).

Reason: To minimise the impact on adjoining properties.

Condition 5

All driveways, parking and manoeuvring areas must be formed, sealed with concrete, bitumen or paving, and be properly drained prior to occupation. They must 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 7

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

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

Condition 8

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 9

Any existing crossing places not providing vehicle access on the approved plans must 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 must 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

Stormwater management must be undertaken in accordance with the Stormwater management report by FMG Engineering (Job Number S58646 – 280183) with the exception of stormwater discharge being restricted to 4L/s. If multiple discharge points are nominated then 3m separation between points is required, and any works outside the boundary of the site to be undertaken to the satisfaction of Council.

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

Condition 12

Waste collection services must be undertaken outside of operating hours of the child care centre and in accordance with relevant EPA noise guidelines.

Reason: To minimise the impact on adjoining properties.

Condition 13

Where stormwater is to be discharged to the street gutter, the stormwater system installation must 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 Landscape Design prepared by daStudio (Project 2210_Dernancourt Childcare Centre dated 27 June 2022) must be completed in the first available planting season concurrent with or following commencement of the use of the land. Such planting and landscaping must 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 Environmental Noise Assessment report provided by Echo Acoustic Consulting (Reference ID 9-5 dated 27 June 2022) 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 amenity minimise noise impacts on adjoining properties.

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 139 of the *Planning, Development and Infrastructure (PDI) Act 2016*, you are reminded of your obligations to:

- 20 business 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 Section 139 of the Act.

Advisory Note 12

Once development approval is granted, the development must be:

- a) Substantially commenced within 24 months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of 24 months from this date (unless Council extends this period), and a new development application shall be required; and
- b) Fully completed within 3 years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of 3 years from this date (unless Council extends this period), and a new development application shall be required; and
- c) Any request for an extension of time must be lodged through the Plan SA portal prior to the expiry of the above-mentioned periods.

Advisory Note 13

Pursuant to Section 202 of the *Planning, Development and Infrastructure Act 2016*, you have the right of appeal to the Environment, Resources and Development Court against either (1) a refusal of consent or (2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Ph. 8204 0289).

Motion Carried Unanimously (213)

5. Other Business

5.1 E.R.D. Court Matters Pending - Nil

5.1.1 CAP Term

Mr Grainger advised that the CAP term ends in November. He asked panel members to advise if they are willing to continue for the next term.

5.2 Policy Considerations - Nil

6. Information Reports - Nil

7. Date of Next Meeting

18 October, 2022

The Presiding Member declared the meeting closed at 10.25 am.

Confirmed.....
Presiding Member 18 October 2022