

MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE
GULLY HELD ON TUESDAY 15 FEBRUARY 2022 AT 10.00AM VIA ELECTRONIC
MEANS

1. Attendance Record:

- 1.1 Present
Mr M Adcock *(Independent Member)-(Presiding Member)*
Mr J Rutt *(Independent Member)*
Mr A Mackenzie *(Independent Member)*
Ms N Taylor *(Independent Member)*
Mr D Wyld *(Elected Member)*

Officers in Attendance

- Ms C Neil Director, Community & Cultural Development
Mr N Grainger Manager, City Development
Ms C Tully Team Leader, Planning
Mr D Oest Senior Planning Officer
Ms C Gustafson Development Services Administration Officer
Mr A O'Brien Development Services Administration Officer

- 1.2 Apologies
Ms B Merrigan *(Independent Member)*

1.3 Public Gallery

3 attendees

- 1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Mr Wyld, seconded Mr Rutt

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

Motion carried unanimously (199)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 CAP.21021809 - Two storey detached dwelling at 43 The Promenade Highbury

Moved Mr Rutt, seconded Mr Mackenzie

That pursuant to the authority delegated to 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 21026139, by Metricon Homes 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 lodgment 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.

Condition 5

Free and unrestricted access must be available to the driveway and this area must be available for parking 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.’

Condition 7

All upper storey windows that do not directly front a road frontage 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.

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 landscaping must be maintained thereafter in good condition being immediately replaced should it become diseased or dies, subject to the ongoing reasonable satisfaction of Council.

Condition 9

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’.

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.

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).

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

Motion carried unanimously (200)

4.2 Council Assessment Panel - Updated Delegation Changes to Instrument C

Moved Mr Mackenzie, seconded Mr Rutt

- 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 update to the Instrument of Delegation contained in Attachment 1 of the **report titled “Council Assessment Panel - Updated Delegation Changes to Instrument C” and dated 18 January 2022 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.

Motion carried unanimously (201)

5. Other Business

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

5.2 Policy Considerations

5.3 Staffing

Mr Grainger introduced Mr O’Brien and gave an overview of the administration staff.

5.4 Delegations

Mr Mackenzie raised a question of whether applications where representors do not wish to be heard, need to be presented to CAP. Panel Members discussed.

6. Information Reports -Nil

7. Date of Next Meeting

15 March, 2022

The Presiding Member declared the meeting closed at 10.36 am.

Confirmed.....
Presiding Member 15 March 2022