

**MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF
TEA TREE GULLY HELD ON TUESDAY 15 SEPTEMBER 2020 AT
10:00AM IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD,
MODBURY**

1. Attendance Record:

1.1 Present

Mr R McBryde	<i>(Independent Member)-(Presiding Member)</i>
Mr G Salmon	<i>(Independent Member)</i>
Ms B Merrigan	<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	E
Ms C Tully	Team Leader, Planning	
Mr T Bourner	Planning Officer	
Mr C Rodgers-Falk	Development Services Administration Officer	

Where E appears, the attendee appeared via an electronic medium

1.2 Apologies - Nil

1.3 Public Gallery

1 Member of the Public attended electronically, Nil in person.

1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Mr Salmon, Seconded Cr Wyld

That the Minutes of the Council Assessment Panel Meeting held on 18 August 2020 be confirmed as a true and accurate record of proceedings.

Motion Carried Unanimously (148)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 CAP.070/118180/2019 - Construction of Five (5) Dwellings comprising Two (2) Double Storey Dwellings and Three (3) Double Storey Group Dwellings at 8 Grove Street, Modbury

Moved Mr Salmon, Seconded Mrs Merrigan

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 SUPPORT the application by Mr Manhui Zhang to construct two (2) double storey detached dwellings and three (3) double storey group dwellings including verandahs, landscaping, retaining walls and fencing at 8 Grove Street Modbury as detailed in Development Application No. 070/118180/2019 subject to the following conditions and advisory notes and to DELEGATE the decision to GRANT Development Plan Consent to the Assessment Manager subject to—
- (i) the provision of an amended engineering Site Works Plan showing:
 - the accurate location of the significant tree near the north-western boundary of the subject land on the abutting allotment and a 12 metres radius from the trunk of the significant tree to be labelled “Tree Protection Zone (TPZ)”;
 - A shaded area within the portion of the TPZ within the subject land of 1.5 metres width from the north-western boundary and labelled “Non-destructive excavation methods to be used” and “Protective Fencing required for life of construction phase including retaining wall”; and
 - (ii) the provision of an amended architectural **Site Plan - Lower (Ground) Floor**, showing similar details to the engineering Site Works Plan in (i) above; and
 - (iii) the approval of the corresponding land division and community division applications for this site.
- (1) The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/115394/2018, in particular:
- The site, floor, elevation and landscaping plans prepared by ET Design, Revision PD-D, Sheets 1-18, and
 - The Site Works and Drainage Plan prepared by Residential Commercial Industrial Consulting Engineers, Job Number C28884, Issue A, Dated 10 March 2020;
- 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 shall be maintained in good condition at all times. All external paintwork shall be completed within two (2) months of the erection of the buildings.
- Reason: To preserve and enhance the amenity of the site and locality.*

- (3) The verandahs shall not be enclosed on any side with any solid material.
Reason: To preserve and enhance the amenity of the site and locality.
- (4) All obscured glazing as demonstrated on the approved plans shall be installed prior to occupation of the respective dwelling and maintained in good condition to a minimum respective height of 1.5 metres above the finished floor level, to the ongoing reasonable satisfaction of Council.
Reason: To minimise overlooking into adjoining properties.
- (5) The planting and landscaping identified on the Landscape Layout Plan prepared by ET Design, Revision PD-D, shall be completed prior to the use of the first dwelling. Any landscaping that becomes diseased or dies shall be replaced with all landscaping maintained in good condition at all times subject to the ongoing reasonable satisfaction of Council.
Reason: To maintain the amenity of the site and locality.
- (6) Construction of the development herein approved shall be in accordance with the recommendations of The Adelaide Tree Surgery Report dated 8 February 2020 and addendum e-mail dated 3 May 2020. In particular, the following requirements shall apply to the significant tree protection:
- The applicant shall appoint a Project Arborist to be consulted on all matters pertaining to the construction phase of the project relating to the protection of the roots of the significant tree within the tree protection zone (TPZ) as it applies to the subject land;
 - Prior to the commencement of construction of the retaining wall on the north-western boundary of the subject land, the applicant shall cause to be erected a protective fence around as much of the TPZ as exists within 1.5 metres of the north-western boundary. The protective fencing shall be constructed of typical portable concrete block and mesh fencing to a minimum height of 1.8 metres and shall remain in place until all construction works including dwellings and retaining walls are completed;
 - Only non-destructive excavation shall occur within the TPZ of the significant tree by such as use of Hydro-vac equipment;
 - When excavating using this method, if any major tree roots greater than 50 mm diameter are discovered, the holes or piers for the retaining wall shall be moved to avoid damage or cutting of the major tree roots. If smaller tree roots are discovered they may be pruned with a clean cut at 90 degrees;
 - No storage of materials, equipment or temporary buildings shall be stored or placed within the TPZ of the significant tree.
- (7) 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, to the ongoing reasonable satisfaction of Council.
Reason: To ensure useable and safe carparking.
- (8) Free and unrestricted access shall be available to all the designated carparking spaces and the vehicle access ways at all times.
Reason: To ensure useable access and appropriate off-street carparking is provided.

- (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.
- (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.*
- (11) The new crossing places shall 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.
- (12) Stormwater generated on the site during the construction period and for the life of the development, shall 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.
- (13) Two Type One Stormwater Detention Tank(s) shall be attached to each dwelling, with the whole roof area of each dwelling connected. The tank(s) shall be installed as part of the stormwater disposal system and be installed within two months of the erection of the dwellings 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.
- (14) 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.

- (15) 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.

- (16) 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.

Note(s):

- (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 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.
- (3) The cost of rectifying any damage or conflict with existing services or infrastructure arising out of this development will be borne by the applicant.
- (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) Please be advised that your application involves work that may impact of the stability of neighbouring land. Pursuant to 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, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the Development Regulations to require.
- (6) Please be advised that any retaining walls exceeding one metre in height and any fencing attached to a retaining wall where the combined height exceeds 2.1 metres requires Development Approval from Council by way of a separate application
- (7) 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.

- (8) 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. For more information, please contact the NBN Co. New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au.
- (9) 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.

- (10) 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).
- (11) 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.
- (12) 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.

Motion Carried Unanimously (149)

5. Other Business

5.1 E.R.D. Court Matters Pending

5.1.1 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.

5.2 Policy Considerations

5.2.1 Residential Policy Area 11 - Vehicle Parking

The Panel noted concerns regarding the availability of on-street vehicle parking in the locality of Grove Street, Modbury, and suggested that policy consideration may be required in consolidation of driveways for future in-fill development in this area.

5.3 Pending State Commission Assessment Panel Concurrence - Nil

6. Information Reports - Nil

7. Date of Next Meeting

20 October 2020

The Presiding Member declared the meeting closed at 10:37am.

Confirmed.....
Presiding Member 20 October 2020