

**MINUTES
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE GULLY HELD
ON TUESDAY 19 DECEMBER 2023 AT 10.08AM IN THE COUNCIL CHAMBERS, 571
MONTAGUE ROAD, MODBURY**

1. Attendance Record:

1.1 Present

Mr M Adcock	<i>(Independent Member)-(Presiding Member)</i>
Ms N Taylor	<i>(Independent Member)</i>
Mr G Hewitt	<i>(Independent Member)</i>
Cr K Foreman	<i>(Elected Member)</i>

Officers in Attendance

Mr N Grainger	Manager, City Development
Ms C Tully	Team Leader, Planning
Ms R Singh	Planning Officer
Ms C Gustafson	Development Services Administration Officer

1.2 Apologies

Mr A Mackenzie	<i>(Independent Member)</i>
Mr M Pereira	General Manager Community Services

1.3 Public Gallery – Four attendees

1.4 Media - Nil

2. Minutes of Previous Meeting

Moved Ms Taylor, Seconded Mr Adcock

That the Minutes of the Council Assessment Panel Meeting held on 17 October 2023 be confirmed as a true and accurate record of proceedings.

Motion Carried Unanimously (1)

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 23028446 - Two storey detached dwelling with associated fencing and retaining walls at 46 Mahogany Avenue, Dernancourt

Mr T Fullston attended the meeting and addressed Panel Members in support of his representation.

Mr M Kwiatkowski attended the meeting and addressed Panel Members in support of the application.

Moved Ms Taylor, Seconded Mr Hewitt

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 23028446, by Mark Kwiatkowski and Nick Ruotolo is granted Planning Consent subject to the following conditions and advisory notes:

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

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 3

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 4

The entire structure must be finished in an unobtrusive, natural, earthy colour. The paintwork or pre-coloured steel finish must be maintained in good condition at all times. This condition must be complied with within 2 months of the erection of the dwelling.

Reason: To preserve and enhance the amenity of the site and locality.

Condition 5

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 dwelling.

Reason: To preserve and enhance the amenity of the site and locality.

Condition 6

All driveways, parking and manoeuvring areas must be formed, sealed with concrete, bitumen or paving, and be properly drained. Works must be undertaken in accordance with the recommendations in page 11-13 of the Arborist report titled 'Development Impact Assessment Report' authored by Lawrence Skipworth-Michell LSM Tree Advice dated 20 September 2023. They must be maintained in good condition thereafter.

Reason: To ensure useable and safe carparking.

Condition 7

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 8

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.

Condition 9

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 10

The upper level windows of the dwelling facing the eastern side boundary 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 11

A permanently fixed privacy screen must be erected on the eastern elevation of the balcony to a minimum height of 1.7 metres above the finished floor level of the balcony prior to the occupation of the dwelling, and must be maintained as an effective privacy screen thereafter.

Reason: To minimise overlooking of adjoining properties.

Condition 12

The planting and landscaping identified on the site/landscape 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 13

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.

Condition 14

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.

Condition 15

All recommendations as identified in page 9-13 of the Arborist report titled 'Development Impact Assessment Report' authored by Lawrence Skipworth-Michell. LSM Tree Advice dated 20 September 2023 to be adopted. Development should be in accordance with the recommendations of the report and in line with AS4970_2009.

Reason: To prevent 'tree damaging activities' occurring to the significant tree.

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

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 5

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 6

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 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. Further information can be obtained from the Legal Services Commission at **www.lsc.sa.gov.au**.

Advisory Note 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**).

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.

Advisory Note 9

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 10

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**.

Motion Carried Unanimously (2)

4.2 Council Assessment Panel - Meeting Operating Procedures

Moved Mr Hewitt, Seconded Cr Foreman

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

Endorse the amendment to the meetings times as drafted:

- a. That the Council Assessment Panel Members endorse the meeting day for its ordinary meetings to be held on the fourth Wednesday of each month commencing at 6.00pm.
- b. That an information report be presented to the next ordinary meeting of Council for information.
- c. The Council Assessment panel adopt the revised Meeting Procedures provided in Attachment 1.
- d. The change of meeting time will commence following the meeting of Council.

Motion Carried Unanimously (3)

5. Other Business

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

5.2 Planning Policy Considerations - Nil

5.3 Thankyou to outgoing Panel Members

Moved Mr Adcock, Seconded Mr Hewitt

The newly appointed Council Assessment Panel would like to thank and acknowledge the valuable contribution of Cr Damian Wyld, Mr Julian Rutt and Ms Beth Merrigan during their term of membership on the previous Panel and wish them well for the future.

Motion Carried Unanimously (4)

6. Information Reports - Nil

7. Date of Next Meeting

16 January 2024 at 10.00am

The Presiding Member declared the meeting closed at 11.15am.

Confirmed.....
Presiding Member 16 January 2024