

Notice of Council Assessment Panel Meeting



MEMBERSHIP

Mr M Adcock	Independent Member (Presiding Member)
Mr J Rutt	Independent Member
Mr A Mackenzie	Independent Member
Mr D Wyld	Elected Member
Mrs B Merrigan	Independent Member
Ms N Taylor	Deputy Independent Member

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the next **COUNCIL ASSESSMENT PANEL MEETING** will be held in the Council Chambers, 571 Montague Road, Modbury on **TUESDAY 20 DECEMBER 2022** commencing at **10.00am**

A copy of the Agenda for the above meeting is supplied.

Members of the community are welcome to attend the meeting.

A handwritten signature in black ink, appearing to read 'Ryan McMahon', written over a light blue rectangular background.

RYAN MCMAHON
CHIEF EXECUTIVE OFFICER

Dated: 13 December 2022

CITY OF TEA TREE GULLY
COUNCIL ASSESSMENT PANEL MEETING
20 DECEMBER 2022

AGENDA

1. Attendance Record:

- 1.1 Present
- 1.2 Apologies
 - Ms N Taylor (Independent Member)

2. Minutes of Previous Meeting

That the Minutes of the Council Assessment Panel Meeting held on 15 November 2022 be confirmed as a true and accurate record of proceedings.

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

- 4.1 **22024179** - Temporary Service Works Depot with Associated Office, Vehicle Compound, Container Storage and Fencing at 228 Smart Road St Agnes 3

Recommended to Grant Planning Consent

5. Other Business

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

5.2 Policy Considerations

Planning policy considerations will be recorded in the minutes following discussion by members.

6. Information Reports

7. Date of Next Meeting

17 January 2023

REPORT NO: 22024179

RECORD NO: D22/189902

TO: COUNCIL ASSESSMENT PANEL MEETING - 20 DECEMBER 2022

FROM: Blake O'Neil
Planning Officer

SUBJECT: TEMPORARY SERVICE WORKS DEPOT WITH ASSOCIATED OFFICE, VEHICLE COMPOUND, CONTAINER STORAGE AND FENCING AT 228 SMART ROAD ST AGNES

SUMMARY

DEVELOPMENT NO.	22024179
APPLICANT	MSP Developments Pty Ltd
ADDRESS	126 Churchill Road North, Dry Creek
NATURE OF DEVELOPMENT	Temporary service works depot with associated office, vehicle compound, container storage and fencing
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none"> • Employment • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Affordable Housing • Hazards (Flooding) • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy • Water Resources

	Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> Maximum Building Height (Metres) (Maximum building height is 9m) Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE	19 September 2022
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	2022.19
CODE RULES APPLICABLE	Code Rules at Assessment Start
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	Yes – Notification Period 18 October 2022 to 7 November 2022
NUMBER OF PROPERTIES NOTIFIED	95
REPRESENTATIONS RECEIVED	1
REPRESENTATIONS TO BE HEARD	0
RECOMMENDING OFFICER:	Blake O’Neil
REFERRALS STATUTORY	Nil
REFERRALS NON-STATUTORY:	Stormwater – Dennis Kariuki
RECOMMENDATION	Grant Planning Consent

1. DETAILED DESCRIPTION OF PROPOSAL

The applicant seeks consent to establish a temporary service works depot with associated temporary office, lunchroom, amenity buildings, perimeter fencing, truck parking and staff car parking. The facility is to be used by BTR Constructions for the SA Water partnership to rollout part of the sustainable sewer project.

It is proposed to use the site for three years from the date of Development Approval.

The development consists of 4 transportable buildings to be used as an office, male and female toilet blocks and a lunchroom. Two shipping containers are to be located on the site for storage. The site will be surrounded by a 1.8-metre-high galvanised chain mesh and barbed wire fence. Within the site there is a secure gated compound for parking of up to 12 trucks.

Parking will be provided for a further 30 vehicles which includes parking for 18 employee vehicles. The proposed development includes an all-weather compacted hardstand pavement on the driveway, parking and vehicle manoeuvring areas.

The facility will operate between 6am to 6pm Monday to Friday. Limited operations will occur on Saturday between 6am and 6pm.

Chemicals and fuel are not to be stored on site. The security perimeter fence will also act as a barrier for any windblown material.

A stormwater management plan has been provided with onsite flows to maintain the existing pathway to the detention basin adjacent to the subject land. There is no change proposed to the stormwater.

Of the anticipated 28 employees at the site three will be based at site during the day and the remainder working off-site for the sewer project.

Access to the facility is from an existing roadway that connects the site to Smart Road which comprises compacted hardstand pavement surface treatment.

BACKGROUND

The site has an expired approval for a temporary store with associated temporary office, lunchroom, amenity buildings, perimeter fencing, truck parking and staff car parking, with corporate signage at the entrance to the site. This site was being used for the NBN rollout in the Tea Tree Gully area.

The operating hours and staffing levels remain unchanged from the proposed use with the layout and operation being similar to what is being proposed.

2. SUBJECT LAND & LOCALITY

Site Description:

Location reference: 228 Smart Road, St Agnes SA 5097

Title Reference:
CT6201/493

Plan Parcel:
D114165 A2

Council:
CITY OF TEA TREE GULLY

The subject land is located within a portion of Allotment 2 in the Deposit Plan D114165. Allotment 2 is 13.58ha in area. The proposed development is situated in the south eastern corner of the allotment, occupies approximately 0.6ha of the allotment and is located in the Employment Zone. A portion of the allotment at the northern boundary is in the General Neighbourhood Zone.

The site is irregular in shape and comprises an area of approximately 6000m² which includes a 110m long roadway connecting it to Smart Road.

The site is generally flat with a slight slope from east to west. There is an existing creek to the north of the site which flows in the same direction.

There are no significant or regulated trees within the proposed depot, and regulated trees on adjacent land are of a sufficient distance away to not be affected by the proposed depot.

Allotment 2 has several easements for sewerage and drainage purposes, however the location of the proposed development will not encroach on any easements. Allotment 2 has a previous similar land use. Prior to this the land use for the site was land fill.



Figure 1: Location Plan

Locality

The immediate locality of the proposed development site comprises the Rider Safe driving school to the south, a BMX track and waste transfer station to the east, and a watercourse and open land to the north and west.

The locality is divided by Smart Road, with residential development to the south and mostly open land to the north, being the former landfill site.

3. CATEGORY OF DEVELOPMENT

PER ELEMENT

- Change of use: Code Assessed - Performance Assessed
- Fences and walls
- Outbuilding: Code Assessed - Performance Assessed
- Office

Fence: Code Assessed - Performance Assessed
 Office: Code Assessed - Performance Assessed

OVERALL APPLICATION CATEGORY

Code Assessed - Performance Assessed

REASON

Planning and Design Code

4. PUBLIC NOTIFICATION

REASON

Employment Zone - Table 5 provides a list of development and land uses that do not require public notification. A Temporary Public Service Depot is a listed development and would not require Public Notification. The proposed development is privately owned and not captured as a Temporary Public Service Depot.

As a form of development listed in Table 5 of the Employment Zone the Temporary service works depot with associated office, vehicle compound, container storage and fencing was required to undergo public notification.

LIST OF REPRESENTATIONS

Name	Address	Position	Wishes to be Heard
Andrea Stevens	247 Smart Road, St Agnes SA 5097	Oppose	No

SUMMARY

95 owners or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject site for the duration for the notification period. One representation was received that was not in support of the development. The representor did not wish to be heard. A copy of the representation can be found in Attachment 7.

Concerns raised by the representor during public notification can be summarised as follows:

- Increase in traffic
- Weekend operations
- Light Spill

A comprehensive summary and response to the concerns raised by the representors has been provided by the applicant and can be found in Attachment 8.

5. AGENCY REFERRALS

No external referrals were required

6. INTERNAL REFERRALS

6.1 Civil Stormwater – Dennis Kariuki

Application referred to Dennis Kariuki for Civil Stormwater review. Response provided: The application does not have any implication that would affect the land and surrounds from an engineering perspective. *Any storm water that is generated from impervious areas will fall to pervious areas. No disruption to the existing watercourse. No concerns.*

7. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Section 9 of this report, and are available on Council's website as a supplementary document.

7.1 Land Use

The subject site is located in the Employment Zone where Desired Outcome 1 (DO1) seeks the following:

A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.

The proposed land use of a service depot falls within the scope of the definition of "store" as defined in Part 7 of the Code. A store is a use envisaged within the Employment Zone as detailed in **Performance Outcome (PO) 1.1** and **Designated Performance Feature (DPF) 1.1 (h)**.

It is considered that the proposed service works depot is consistent with the above DO of the zone.

7.2 Setbacks, Design & Appearance

The proposed development is separated from Smart Road and residential development in the Residential Zone to the south of Smart Road by a 110-metre driveway. Residential development to the north is separated by open land, the former landfill site. There is sufficient separation from other uses in the locality such as the Safe Ride school and the BMX park not to adversely impact with traffic noise and dust.

The proposed hours of operation are 6am to 6pm weekdays and 6am to 6pm on Saturday. The application proposes the Saturday operations will be intermittent.

The development is consistent with the designated outcomes of the Employment Zone as the development is relatively small-scale in terms of operation and built form, therefore achieving **Employment Zone PO 3.1**.

The proposed development satisfies **Interface between Land Uses PO4.2** which stipulates that areas for the on-site maneuvering of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration.

The vehicles to be used are rigid trucks and employees' vehicles. The operating hours are contained to mainly daylight. There is sufficient separation from the Residential Zone by distance and natural vegetation to consider PO 4.2 adequately satisfied.

7.3 Traffic Impact, Access and Parking

Transport, Access and Parking PO 1.2 states that development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers. The direct access to Smart Road (a designated sub-arterial road) will reduce the impact on surrounding residential streets to satisfy this PO.

Transport, Access and Parking PO 5.1 provides direction for off street parking with the **DPF 5.1** referring to the car parking rates for different land uses in the associated Table 1.

The parking requirements for a store are 0.5 spaces per 100m². The table also requires 4 spaces per 100m² of gross leasable floor space for an office.

The parking provisions that are proposed for the development are 10 truck parking spaces and 18 employee vehicle parking spaces. This aligns with the 10 service vehicles (trucks) and 18 employees that are to use the site, thus providing one car space for each employee. There are parking spaces available for a total of up to 30 vehicles which will exceed the 27 required by Table 1. Based on the above there are sufficient parking spaces on the site for the anticipated number of people and vehicles.

The type of vehicles anticipated to use the site are rigid truck service vehicles and employees' cars. This satisfies **Transport and Access PDC 8**, which states development should provide safe and convenient access for all anticipated modes of transport.

The site also will utilise an existing driveway which is complete with an existing concrete crossover to Smart Road. This satisfies **Transport and Access PDC 22** in that development should have direct access from an all-weather public road.

The all-weather compacted hardstand payment to the driveway, parking and vehicle maneuvering areas satisfy **Transport and Access PDC 36** in that vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.

7.4 Environmental Factors

7.4.1 Stormwater Management

It is envisaged the proposed development will not change the existing stormwater run-off generation of the site. The existing method of stormwater disposal will continue, such as directing stormwater to the existing detention basin adjacent to the subject land.

Council stormwater engineers have reviewed the stormwater management plan and concur that the stormwater generation run-off from this site generally remains unchanged.

The site exceeds 300mm above top of kerb to meet **Hazards (Flooding – Evidence Required) Overlay PO1.1**.

The existing fence is in excess of 12m from the flood zone of the creek that runs to the rear of the site to satisfy **Water Resources Overlay PO1.1 and PO1.2** and **Hazards (Flooding) Overlay PO2.1 and 3.1**. The storage containers are placed 50m away from the existing creek bed, and in between are established trees which provide stability to the soil to satisfy **Water Resources Overlay PO1.5** by retaining the existing vegetation on each side of the watercourse. No chemicals or fuels are to be stored on the site.

7.4.2 Noise Emissions

The application proposes a storage depot with no manufacturing or similar activity on the site that will create excessive noise. The bulk of the site is setback 128m from Smart Road reserve and 155m from the boundary of the nearest dwelling to further reduce noise emissions from the site.

Tolley Road is classified as sub-arterial with a traffic volume exceeding 6000 movements per day. The proposal provides for 10 trucks and 30 staff vehicles which will have minimal additional impact on the street network.

7.4.3 Site Contamination

PlanSA Practice Direction 14 guides assessment of site contamination. Table 1 provides a list of land use sensitivity with industrial use being class 7. The existing land use is also class 7. Practice Direction 14 provides for investigation for site contamination where the land use class changes, in this instance the land use class remains unchanged.

Nonetheless the applicant has provided a Site Contamination Report prepared by Mockinya Consulting from the previous Temporary Depot application lodged in 2019, 070/116844/2019. The report details the site contamination over the allotment with the subject site having an historic use as deep landfill. The report provides the following conclusion:

The nominated portion of the site is considered suitable for the proposed use for temporary truck parking. This use is typical of the operational use commonly undertaken on the capped portions of operating and closed landfill sites.

8. CONCLUSION

The proposed temporary service works depot with associated office, vehicle compound, container storage and fencing satisfy a number of Performance Outcomes of the Planning and Design Code. The nature of the development is temporary for a period not exceeding three years from the date of receiving Development Approval.

The proposed use is envisaged in the Employment Zone, there is sufficient separation from the General Neighbourhood Zone, and the site is otherwise surrounded by significant open land.

The site is of a sufficient size to accommodate the proposed number of vehicles and personnel that will use the site.

Having regard to the relevant provisions of the Planning and Design Code, the context of the locality, and the nature of the proposed development, it is considered this proposal constitutes an appropriate form of development and warrants Planning Consent.

9. PLANNING & DESIGN CODE POLICIES

Employment Zone

PO1.1, 2.1, 3.1, 3.5, 5.1, 5.2

Hazards (Flooding) Overlay

PO2.1, 3.1, 3.2

Hazards (Flooding – General) Overlay

PO1.1

Hazards (Flooding - Evidence Required) Overlay

PO1.1

Water Resources Overlay

PO1.1, 1.2, 1.7, 1.8

10. RECOMMENDATION

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 22024179 by MSP Developments 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 the application herein approved, except where varied by any condition(s) listed below.

Condition 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.

Condition 3

The hours of operation herein approved are as follows:

- 6:00am to 6:00pm Monday to Friday
- 6:00am to 6:00pm Saturday.

Any variation to these hours of operation will require a further consent.

Reason: To minimise the impact on adjoining properties.

Condition 4

All loading and unloading of goods and merchandise shall be carried out upon the subject land and no loading of any goods or merchandise shall be permitted to be carried out in the street in conjunction with the consent herein granted.

Reason: To minimise the impact on adjacent properties, roads, road users and infrastructure.

Condition 5

No chemicals or fuels are to be stored on site, except as part of a vehicle's fuelling system.

Reason: To ensure the proposal is established in accordance with the proposed use.

Condition 6

A minimum of 10 work vehicle parking spaces are to be provided on-site.

Reason: To ensure the proposal is established in accordance with the proposed use.

Condition 7

Employee parking is to be provided on-site, with a minimum of 30 spaces.

Reason: To ensure the proposal is established in accordance with the proposed use.

Condition 8

All driveways, parking and manoeuvring areas are to be constructed with all-weather compacted material, which shall be permeable in nature.

Reason: To ensure usable and safe car parking and maintain natural site drainage.

Condition 9

This consent is valid for a period of 36 months from the date of this notice of approval. At the conclusion of the period of consent, the approved use and building classification will be extinguished and the site shall be returned to its previous state.

Reason: To ensure the proposed use is ongoing for no more than 24 months.

ADVISORY NOTESGENERAL 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 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 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.

Attachments

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Report Authorisers

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