

Notice of Council Assessment Panel Meeting



MEMBERSHIP

Mr M Adcock	Independent Member (Presiding Member)
Mr J Rutt	Independent Member
Mr A Mackenzie	Independent Member
Ms B Merrigan	Independent Member
Ms N Taylor	Deputy Independent Member
Mr D Wyld	Elected 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 15 AUGUST 2023** 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.

RYAN MCMAHON
CHIEF EXECUTIVE OFFICER

Dated: 09 August 2023

CITY OF TEA TREE GULLY
COUNCIL ASSESSMENT PANEL MEETING
15 AUGUST 2023

AGENDA

1. Attendance Record:

- 1.1 Present
- 1.2 Apologies

2. Minutes of Previous Meeting

That the Minutes of the Council Assessment Panel Meeting held on 18 July 2023 be confirmed as a true and accurate record of proceedings.

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

- 4.1 CAP. 23004125** - Change of use to a light industry inclusive of office, warehouse, fencing, landscaping and advertisement for a window and door assembling business at 2-8 Greenwith Road, Golden Grove **5**

Recommended to Grant Planning Consent

- 4.2 CAP. 23003790** - Two storey detached dwelling, retaining walls and fencing at 24 Marvin Avenue, Gilles Plains **123**

Recommended to Grant Planning Consent

- 4.3 CAP. 23011430** - Application to CAP for review of Assessment Manager Decision at 17A Ellen Street, Tea Tree Gully **167**

- 4.4 Amendment to the CAP Operating Procedures..... 227**

5. Other Business

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

5.2 Planning Policy Considerations

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

6. Information Reports - Nil

7. Date of Next Meeting

19 September 2023

REPORT NO: CAP.23004125

RECORD NO: D23/59128

TO: COUNCIL ASSESSMENT PANEL MEETING - 15 AUGUST 2023

FROM: Justine Perry
Senior Planning Officer

SUBJECT: CHANGE OF USE TO A LIGHT INDUSTRY INCLUSIVE OF OFFICE, WAREHOUSE, FENCING, LANDSCAPING AND ADVERTISEMENT FOR A WINDOW AND DOOR ASSEMBLING BUSINESS AT 2-8 GREENWITH ROAD, GOLDEN GROVE

SUMMARY

DEVELOPMENT NO.	23004125
APPLICANT	Mr Troy Owen
ADDRESS	2-8 Greenwith Road, Golden Grove SA 5125
NATURE OF DEVELOPMENT	Change of use to a light industry inclusive of office, warehouse, fencing, landscaping and advertisement for a window and door assembling business
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none"> Resource Extraction <p>Overlays:</p> <ul style="list-style-type: none"> Defence Aviation Area (All structures over 15 metres) Hazards (Flooding – Evidence required) Prescribed Wells Area Regulated and Significant trees Traffic Generating Development

LODGEMENT DATE	28 February 2023
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	2023.3 (February 2023)
CODE RULES APPLICABLE AT LODGEMENT	Code rules at assessment start
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	Yes – Notification Period 23 March 2023 to 14 April 2023
NUMBER OF PROPERTIES NOTIFIED	24
REPRESENTATIONS RECEIVED	3
REPRESENTATIONS TO BE HEARD	2
RECOMMENDING OFFICER:	Justine Perry
REFERRALS STATUTORY	N/A
REFERRALS NON-STATUTORY:	Stormwater Engineer Traffic Engineer Local Heritage Health
RECOMMENDATION	Grant Planning Consent

1. DETAILED DESCRIPTION OF PROPOSAL

The application seeks a change the land use to a light industry inclusive of office, warehouse, fencing, landscaping and advertisement for window and door assembling at 2-8 Greenwith Road, Golden Grove SA 5125. The business currently operates further down the road at 107-115 Greenwith Road, Golden Grove.

The site is proposed to be a purpose-built workshop/ facility to accommodate the existing operation. The new workshop incorporates cutting and assembly sheds, with the existing dwelling to be converted to an office. On-site carparking, delivery area and outdoor storage is proposed.

Four (4) mature Eucalyptus trees are located on the site, three (3) of which are identified as Regulated trees and are to be maintained on site.

The proposed development will result in no more than a 10% encroachment into the Tree Protection Zones as per recommendations from the applicants Arborist, meeting the Australian Standard for trees on development sites.

A total of twelve (12) staff will operate the site – 5 in the office and 7 in the workshop.

The hours of operation proposed are as follows:

Monday to Friday	7.30am to 5.30pm
Saturday	8.00am to 12 noon
Sunday / Public Holidays	Closed

The applicants planning consultant has provided a list of the main tools to be used within the proposed buildings which include:

- Battery drills/ hand-tools (the primary tools used within the operation)
 - Typically used between 9am and 4pm Monday to Fridays
- One compressor, located within the Cutting Shed
 - Maximum use 1-2 hours spread throughout the daily hours of operation
- Cutting saws, located within the Cutting Shed
- 1 small forklift (used for a maximum of 20-30 minutes a day for minor activities)

Deliveries to the site will typically occur as follows:

- 4 times per day via a standard Isuzu 4.5 tone vehicles (with deliveries of glass to clients)
- 3 times per week via a 8.5m long vehicle (with deliveries of aluminium)


2. SUBJECT LAND AND LOCALITY

2.1 Site Description:

Location reference: 2-8 Greenwith Road, Golden Grove

Title Reference:	Plan Parcel:	Council:
5817/499	F132713A L22	City of Tea Tree Gully



 Yellow highlighted stars are properties which have put in representations

The subject and has a site area of 5094.92m², the site is a corner allotment fronting onto both Greenwith Road (approximately 70m in width) and Golden Grove Road (approximately 87m in depth). The site is located within the Resource Extraction Zone. The site is currently a vacant allotment, with an unused dwelling, secondary structures and vegetation.

A Local Heritage Place is located directly opposite the allotment, namely Greenwith Uniting Church. The properties to the East and South are all within the Resource Extraction Zone and remaining neighbours to the North and West are within the Neighbourhood Zone.

Allotments in the General Neighbourhood Zone (to the North and West) are significantly smaller in density and would be described as more typically suburban residential properties. Noting the pocket of allotments in Persimmon Grove were created as part of a land division application in recent years.

Included in the allotments in the Mineral Extraction Zone (to the South and East) is the Mining Operation, along with three allotments that are residential lots with business operations also on site and Industry.

The land is connected to an existing septic system and soakage pit located within the car parking area.

3. CATEGORY OF DEVELOPMENT

Per Element

Advertisement – Performance Assessed

Change of use – Performance Assessed

Light Industry – Performance Assessed
 Office – Performance Assessed
 Fences and walls – Performance Assessed

Overall Application Category

Code Assessed – Performance Assessed

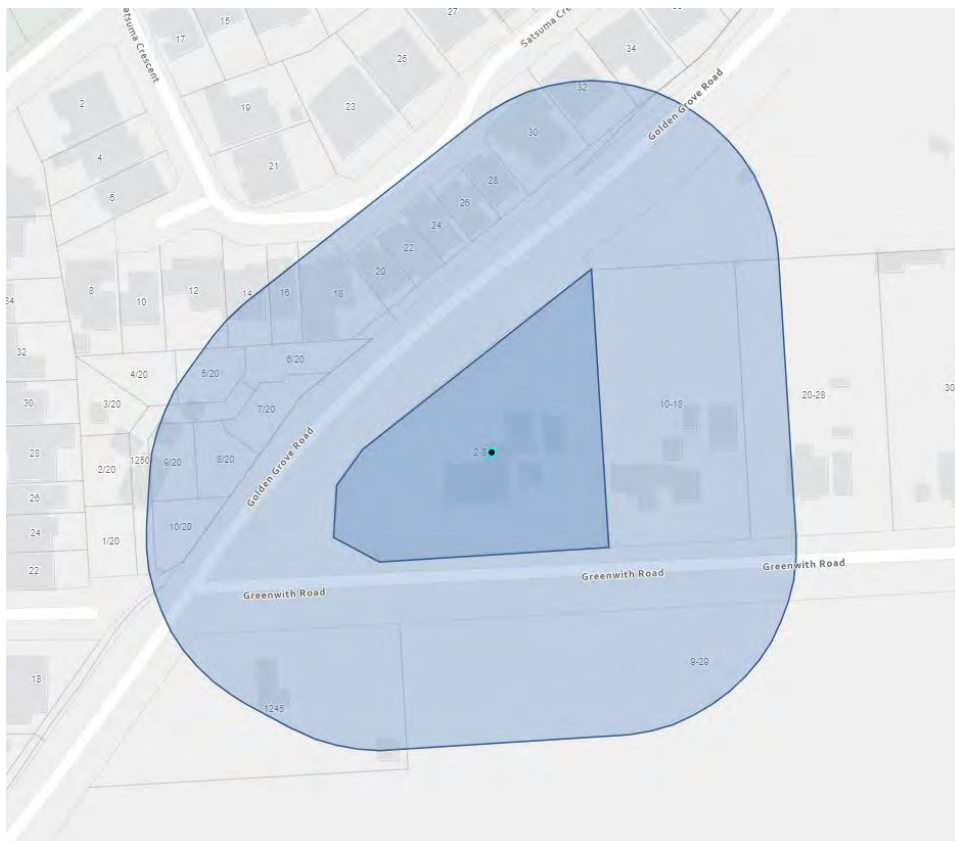
Reason

Planning and Design Code

4. PUBLIC NOTIFICATION

The Resource Extraction Zone, Table 5 lists some of the elements proposed as exempt from Public Notification including Table 5 (2) (a) advertisements and (h) fence as excluded from public notification. All elements of the development are not listed in this table including the Change in Use to Light Industry inclusive of office.

As all elements of the development have not been excluded from public notification, the application therefore been subject to public notification.



Public notification Map – all properties within the blue highlighted area (60m radius)

List of Representations

Name	Address	Position	Wishes to be heard
Kate Truscott	PO Box 360, Modbury North	Opposes	No
Krystal and Rosslyn Storey	Unit 8, 20 Persimmon Grove, Golden Grove	Opposes	Yes
James (Jimmy) Truscott	10-18 Greenwith Road, Golden Grove	Opposes	Yes

Summary

25 owners or occupiers of the adjacent land were directly notified and a sign detailing the proposal was placed on the subject site (with signs placed on both street frontages) for the duration of the notification period.

Three representations were received that do not support the development, two of the three representations wish to be heard. A copy of the representations can be found in Attachment 5.

The representations in summary raised the following concerns;

- Industry is not appropriate next to residential properties
- Noise associated with the use and insufficient sound attenuation to the building
- Traffic impacts (including an increase in traffic) and vehicle noise
- The impact to wildlife and vegetation
- Visual impact
- Visual impact to the historic church
- Lack of stormwater management

A response to the representation has been provided by Humby Consulting on behalf of the applicant, which can be found in Attachment 6.

5. AGENCY REFERRALS

No agency referrals were required

6. INTERNAL REFERRALS

Civil Assets - Stormwater – Stormwater Calculations to be provided to detail 5% and 1% AEP post development discharge to match pre-development discharge with detention tanks/ WSUD to capture or retain the difference for re-use of roof and surface water.

Civil Assets - Traffic – Access driveway and crossover meets Council requirements and AS 2890 standard requirements. The number of proposed carparks and turning circles meets Council requirements.

Environmental Health – Existing Wastewater system was assessed by a Wastewater Engineer which was reviewed and considered to be acceptable. Health Team requested a wastewater application be submitted.

External Heritage Consultant – No heritage overlays or zones exist however the development site is opposite a Local Heritage Item, Greenwith Uniting Church. Retaining the existing dwelling and re-purposing provides a sustainable approach, the proposed facility demonstrates consideration of building heights, form and setbacks. Colours/ Finishes are appropriate to the surrounding context. Where possible fencing should be open style with landscaping to maintain the rural scale.

7. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Section 10 of this report, and are available on Council's website as supplementary documents.

7.1 Land use

The development site is located at the western edge of the Resource Extraction Zone, adjoining the General Neighbourhood Zone. The **Resource Extraction Zone DO1** envisages the provision and protection of land for the extraction, production or processing of a mineral, extractive or petroleum resource.

Light industry is not listed as an envisaged land use, nor is a residential use which was the last known use of the site. The existing land uses within the locality, within both the Resource Extraction Zone and adjoining General Neighbourhood Zone are;

- Detached dwellings (both in the General Neighbourhood Zone and three dwellings within the Resource Extraction Zone)
- Light industry (noting that the three adjoining allotments with residential components are of mixed use with both residential and light industrial use)
- Self-storage facility
- Recycling Depot
- Service Trade Premises
- Place of worship

While it is noted that the proposed use is one that is not envisaged in the Resource Extraction zone, it is consistent with the existing uses within the locality and does not constrain the existing mining operation from operating in its current form.

The applicants planning consultant highlighted to Council Planning staff a report initiated by City of Tea Tree Gully 'Investigations into the Golden Grove Mineral Extraction Zone' dated 3 July 2017, see attachment 10.

The report in summary talks about the properties fronting Greenwith Road;

- Potential for a subzone within the Resource Extraction Zone to promote flexibility along Greenwith Road for land uses on the fringe of the Mineral Extraction Activity (noting that this did not go ahead).
- Extension of the Mining operation is not viable due to the size of the sites and interface between existing residential land uses.
- The conclusion indicated that the properties facing Greenwith Road could be rezoned for industry.

While the conclusions of the report were never enacted, with no change to the zone having occurred, the report itself supports that the properties fronting onto Greenwith Road would be suitable for industrial use, including smaller scale with a mix of residential and industry on the same sites. This conclusion supports the proposed use of the site as an industrial operation.

The report also highlights that the Mining operation predates the residential development in Golden Grove by nearly 40 years, with the first sand mining commencing in 1947. It is anticipated that the land will be needed for mining for at least the next 50 years, if not longer.

An industrial activity as proposed while not specifically listed as an envisaged use is a complimentary use to the Mineral Extraction Zone in that it is not a sensitive user to the locality.

The land is connected to an existing septic system and soakage pit, development proposed on the site does not compromise these achieving **Design Overlay PO 6.1** which seeks for driveways and car parking areas not to be used in areas used for on-site effluent disposal.

7.2 Noise, hours of operation

As outlined in Section 1 of this report, the hours of operation as proposed are as follows;

Monday to Friday – 7.30am – 5.30pm
 Saturday – 8am – 12pm
 Sunday and Public Holidays – Closed

General Section, **Interface Between Land uses PO 2.1** talks about developments not unreasonably impacting the amenity for sensitive receivers. The Designated Performance Feature in 2.1 offers guidance for an office, however specific guidance is not provided for the overarching use as industry. The reasonable hours for an office are listed as;

Monday to Friday – 7am to 9pm
 Saturday 8am – 5pm

While this provision does not assist with providing a quantitative hour of operation appropriate for an industry it does generally assist in the determination of reasonable hours for a business operation.

The applicant has engaged Echo Acoustic Consulting to prepare an Environmental Noise Assessment to determine the level of impact to neighbouring residential sites, to ensure the development meets the Planning and Design Code and standards from the Environmental Protection (Noise) Policy 2007.

As the business is already in operation (further down Greenwith Road) Echo Acoustic Engineers were able to undertake continuous noise measurements from the existing workshop. Additionally, noise testing was undertaken from the proposed development site, adjacent to the existing dwellings, to ascertain the existing noise levels generated by high traffic volumes and existing businesses (inclusive of the Mining Operation).

The conclusion of the report was that the following measures should be implemented;

- The business shall only operate during the day (not being prior to 7am or after 10pm)
- The workshop/ shed should be constructed from minimum thickness steel and have infill strips between the wall and roof joints
- All loading/unloading to occur within the causeway/ drive thru area
- When not in use the eastern roller door to the causeway/ drive thru is to be kept shut
- Ensure ongoing maintenance to the roller doors to eliminate unnecessary noise
- All roof mounted services/ openings to be kept within the middle third of the building
- Private waste collection to occur between the hours of 7am – 7pm Monday to Saturday.

On the basis of the above recommendations from Echo Acoustic Engineers the plans were updated to clearly identify the internal walls of the cutting and assembly sheds that will assist in the reduction of noise transfer. Along with recommendation of a change to solid 2.1m high colorbond fencing along the Golden Grove Road frontage to mitigate unreasonable impact to the neighbouring residential dwelling and satisfying **Interface Between Land Uses DO1 and PO 4.1.**

Interface Between Land Uses PO 4.2 seeks that on-site vehicle manoeuvring areas are appropriately placed to minimise impacts to sensitive users. This is achieved in this case by having the hard stand area located on the opposite side to the neighbouring residential on Greenwith Road, closer to Golden Grove Road and a recommendation of methods of reducing noise such as keeping roller doors closed when not in use. Additionally, conditions to be placed on consent to reiterate the need for the above noise attenuation methods to be applied to the site.

7.3 Traffic, Access and Parking

The plans propose a total of 30 parking spaces on site. According to **Transport, Access and Parking requirements for off-street parking in Table 1** Industry requires 1.5 spaces per 100m² of gross leasable floor area and the office requires 4 spaces per 100m² of gross leasable area. In the case of this development this equates to;

- Industry gross leasable floor area of 1248m² including the causeway requiring 19 spaces
- Office gross leasable floor area of 100m² requiring 4 spaces.

The development therefore proposes an additional 7 spaces beyond the minimum requirement outlined in the Planning and Design Code, satisfying **Table 1 – Off-street car parking requirements and Transport, Access and Parking Overlay 5.1**. As part of the internal Traffic Engineer referral Council Engineering team confirmed that the number of parking spaces and turning circles meet the relevant Australian Standards, AS 2890.

As the business does not have a showroom element, nor does it sell directly to the public, therefore the traffic generated for the site is only by employees and deliveries of materials. Sufficient space for delivery vehicles has been catered for on-site as per **Transport, Access and Parking Overlay PO 1.3**. All vehicle movements can be suitably carried out on site, without the need for vehicles to queue or obstruct other vehicles within the public road satisfying **Transport, Access and Parking Overlay PO 1.4 and 3.3, along with Interface Between Land Uses PO 4.2**.

Design Overlay PO 7.4 and 7.5 seeks soft landscaping to be incorporated into street level parking areas for the purposes of heat absorption, providing shade for vehicles and visual amenity with green spaces breaking up the mass of concreting. This policy has been suitably addressed with landscaping both on the outer fringe of the site and in between the parking area as per **Design Overlay PO 7.7**. A number of native low shrubs and grasses have been selected, along with two different tree varieties to add to the existing landscaping of the site which also satisfies **Transport, Access and Parking Overlay PO 6.2**.

A two-way access point is proposed for the site off of Greenwith Road, approximately 4.5m closer to the Golden Grove and Greenwith Road intersections.

The plans indicate the access is as per Councils requirements, satisfying **Design Overlay PO 8.2**. The plans were sent to Councils Traffic Engineer for comment and confirmation was received that the driveway proposed achieves both Council requirements and the Australian Standard AS 2890. The access way also satisfies **Transport, Access and Parking Overlay PO 3.1 and 3.4** in that the access meets the relevant standards and does not unreasonably impact the adjoining land.

Given that the business already exists on Greenwith Road the proposed development will not actually increase the traffic numbers coming through the intersection existing traffic, it will simply alter the pathway of traffic to this business taking **satisfying Transport, Access and Parking PO 3.1**. The assessment has not raised any concerns with impact to traffic on this basis and that the access points/ car parking is supported by Councils Engineers.

7.4 Visual Impact

The locality surrounding the development site differs from the General Neighbourhood Zone, which typically sees high quality houses and finishes, noting that this area was part of the joint venture development of the Golden Grove area. The area has a distinct semi-rural feel given its location on the fringe of the urban area and within the Resource Extraction Zone.

These allotments are substantially larger including both residential and non-residential components (the development site along with the three neighbours to the east are the only allotments with residential uses). The remainder of Greenwith road is used for Extractive Industry and light industrial uses.

The local heritage item, Greenwith Uniting Church, across the road is an attractive heritage building with well-manicured garden surrounds. **Interface Between Land Uses PO 2.1** is also relevant in that the heritage item is considered as a sensitive user in the locality. Development should consider any undue impact to a heritage item which has been done in this case through the retention of the existing dwelling, along with maintaining and proposing landscaping.

The retention of the dwelling as office space is not only sustainable, but also assists in retaining the semi-rural character of the area. Likewise, the retention of as much of the existing vegetation as possible, along with the three regulated trees and additional landscaping contributes to limiting the visual impact of the new facility consistent with **Design overlay PO 3.1** which seeks soft landscaping and tree planting.

Visual amenity is further contributed to by the developments ability to maintain the three existing Regulated trees on site supporting **Regulated and Significant Trees Overlay DO 1 and PO 1.1** this provision seeks to retain Regulated trees where possible. The retention of trees is further supported by **Regulated and Significant Trees Overlay PO 2.1** which seeks trees including their root system are not unduly compromised by excavation, filling or surfacing.

As per the report by Zimmerman Arborists (see attachment 11) the development does not result in any encroachment within the Structural Root Zones (SRZ) nor encroachments greater than the allowable 10% encroachment within the Tree Protection Zones (TPZ).

A portion of the fencing along Golden Grove Road, as indicated on the plans, will be constructed using pier and beam footings to mitigate encroachment into the TPZ.

The proposed structure increases in height as the setback increases from the front property boundary. The assembly shed (at the front) proposes a height of 4.5m and the height of the cutting shed (to the rear) of 6.7m softens the visual impact of the facility.

Proposed structure	Heights/ setbacks
Front setback	10.7m
Eastern side setback	7.39m
Secondary road frontage setback	10.48m at closest point
Rear setback	24m
Assembly shed height	4.5m
Cutting shed height	6.7m

Design overlay PO 1.1 seeks for buildings to reinforce corners through changes in setback, articulation, materials, colours and massing (including height, width, bulk, roof form and slope). With the local heritage item in mind and context of the locality, maintaining the corner as a densely landscaped zone is particularly important.

The development reinforces the corner through changes in height as setbacks from the front boundary increases, keeping the larger heights to the rear to mitigate impact to nearby residential and finishes in Colorbond 'Woodland Grey'. The appropriateness of the grey colour is reinforced by large shed structures along Greenwith Road being finished in similar greys, including all of the adjoining non-residential structures on the three properties along from the subject site.

As an additional softening measure the larger building at the rear (the cutting shed) has had a Chinese Pistachio Tree (with a maximum height of 8m and 6m canopy) proposed to be planted along the eastern boundary assisting to reduce the visual impact **satisfying Design Overlay PO 3.1**. I note considering the development in the context of the locality, the combined proposed and existing landscaping on this site is substantially more than what exists on neighbouring sites.

The provision of open style fencing on balance with noise attenuation through use of a mixture of solid Colorbond fencing has been well proposed across the site. The plans proposed fencing be addressed with the following;

Fencing location	Fencing type, height and finish
Rear portion along Golden Grove Road	2.1m high colorbond 'Woodland Grey'
Corner of Golden Grove Road and Greenwith Roads	2.1m high open batten style aluminium fencing finished in black
Front boundary along Greenwith Road	2.1m high open batten style aluminium fencing finished in black
Fence between site and neighbour to the east	existing 2.4m high Colorbond fencing to be retained

In its current form fencing satisfies **Resource Extraction Overlay PO 3.1 and Design Overlay PO 9.1**.

Interface between land uses overlay DO1 and PO 1.2 seeks mitigation of adverse effects on sensitive users (in this case residential land uses), although the Code makes clear reference that such mitigation to sensitive users are for uses that are envisaged within the relevant zone.

7.5 Advertising display

Signage envisaged by the Planning and Design Code is to be appropriate context, efficient and effective in communicating with the public, with signage limited in number as per General Development, **Advertisements DO1**.

The Resource Extraction Zone provides guidance for types of advertising displays envisaged in the zone, **Resource Extraction Zone PO 5.1** seeks freestanding advertisements that identify the associated business without creating a visually dominant element within the locality.

One triangular dual sided sign is proposed as part of the application. The sign is 3m high (with the signboard itself starting at 1.2m high) by 2m wide.

The sign is on a fixed steel frame, with a sticker on the board. The sign is not to be illuminated. The singular advertising display satisfies **Advertisement PO 1.1 and 2.1** in that the number of advertisements is limited.

Considering the advertising display in the context of the locality, the church across the road has a similar sign, which is also predominantly white and is either painted or stickers alike the proposed satisfying **Advertisement PO 1.5**.

Signage as you move further down Greenwith Road becomes a much larger scale, with multiple signs per business. These signs are predominantly free standing or attached to boundary fences. While the locality has a number of signs per business this is not envisaged by the Code, as such the single signboard proposed as part of this application has been deemed appropriate.

Placement of the signage is of particular importance on this site as it fronts two public roads/ an intersection. **Advertisement PO 1.3 and 5.5** indicates that signage should not encroach on public land and should be of sufficient clearance from road ways to allow for safe and convenient vehicle movements. The sign is proposed to be 3.5m away from the allotment boundary, with the road verge the sign is some 17m from the intersection of Greenwith and Golden Grove Roads.

7.6 Impact to adjoining Heritage Item

The Greenwith Uniting Church (1285 Golden Grove Road, Golden Grove) located directly opposite the site is identified as a Local Heritage Place. Although the proposed development site is located adjacent to a Local Heritage Place no Heritage Overlay applies.

The application was referred to Councils External Heritage Consultant, Stallard Meek for comment. The retention and repurposing of the existing dwelling was very much supported, likewise in the referral response the new facility was supported with the building height, form, finishes and setbacks suggested to be appropriate in the surrounding context of the site.

The rural defining character of this part of Golden Grove is important to preserve, dense vegetation and retention of existing structures plays a big part in maintaining such character. The maintenance of the existing vegetation and additional landscaping was also encouraged in the referral response.

Open style fencing is encouraged both Councils Heritage Advisor and **Resource Extraction Zone PO 3.1** which suggests that fencing should be designed to complement the appearance of land and buildings, not becoming a dominant feature.

8. CONCLUSION

Taking into consideration that the immediate locality contains a large number of examples of commercial/ light industrial developments the use of the site has been deemed appropriate.

Additionally, the land use does not compromise the operation of the Resource Extraction.

The applicant was amenable to making changes to the specifics of the proposal, by taking on board the recommendations made by the acoustic engineer and is willing to have conditions imposed to manage the mitigation of noise from the site.

The impact of the proposed development on the neighbouring allotments and greater locality is minimal, with sympathetic design solutions and landscaping having contributed to the support of the proposed development. On this basis it is my opinion that the development warrants consent when considered against all of the relevant provisions of the Planning and Design Code.

9. PLANNING & DESIGN CODE POLICIES

Resource Extraction Zone

DO1

PO 3.1, 4.1, 5.1

Hazards (flooding) overlay

PO 1.1

Regulated and Significant trees overlay

DO1

PO 1.1, 2.1

General Development Policies

Advertisements

DO1

PO 1.1, 1.2, 1.3, 1.5, 2.1, 5.5

Design overlay

DO1

PO 1.1, 2.1, 2.3, 2.4, 3.1, 6.1, 7.3, 7.4, 7.5, 7.7, 8.1, 8.2, 9.1, 32.1

Interface between land uses overlay

DO1

PO 1.2, 2.1, 4.1, 4.2, 4.4

Transport, Access and Parking overlay

DO1

PO 1.1, 1.3, 1.4, 2.2, 3.1, 3.3, 3.4, 5.1, 6.2, 6.6, 6.7

Table 1 – off-street car parking requirements

8. RECOMMENDATION

It is recommended that Council Assessment Panel resolve that:

- A. Pursuant to Section 107(2)(c) of the Planning 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 23004125, by Troy Owen is granted Planning Consent subject to the following reasons/ conditions/ reserved matters.

CONDITIONS

- 1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 23004125 except where varied by any condition(s) listed below.
- 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.

- 3. The hours of operation herein approved are as follows:
Monday to Friday – 7.30am – 5.30pm
Saturday – 8am – 12 noon
Sunday/ Public Holidays – no trading

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

Reason: To minimise the impact on adjoining properties.

- 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 minimize the impact on adjacent properties, roads, road users and infrastructure.

- 5. The eastern roller door to the causeway/ drive thru shall be kept closed at all times and managed on site to be opened and closed to facilitate access as needed.
Reason: To minimize the impact of noise on adjacent properties.

- 6. All loading/ unloading of vehicles shall occur within the causeway / drive thru area.
Reason: To minimize the impact of noise on adjacent properties.

- 7. The workshop shall be constructed of minimum thickness steel and have infill strips between the wall and roof joints as per the recommendations from Echo Acoustics.
Reason: To minimize the impact of noise on adjacent properties.

8. The materials used on the external surfaces of the new facility 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 building.
Reason: To preserve and enhance the amenity of the site and locality.
9. All off-street carparking spaces must be linemarked, in accordance with the approved plans and Australian Standards AS 2890.1:2009. The linemarking, signposting and directional arrows must be maintained to clear and visible standards at all times.
Reason: To maintain safety for users.
10. 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 provided at all times.
11. 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.
12. 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.*
13. All planting must be of species which will not grow to cause damage to paved or sealed areas, building foundations or underground services.
Reason: To prevent damage to infrastructure.
14. The planting and landscaping identified on the proposed site plan submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the proposed new facility. 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.
15. Any lights on the subject land must be directed and screened so that overspill of light into the nearby properties is avoided and motorists are not distracted.
Reason: To minimize the impact on adjoining properties and motorists.

16. Driveways, parking and maneuvering 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 minimize the impact on adjoining properties and provide a safe environment for users during darkness.
17. The signage, herein approved, must be maintained in good repair with all words and symbols being clearly visible at all times.
Reason: To ensure amenity of the site and locality.
18. Private waste collection must occur between the hours of 7am – 7pm Monday to Saturday.
Reason: To minimize impact of noise on the adjoining properties.
19. 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.*

Reserved Matter(s)

The following matter(s) have been reserved pursuant to Section 102 of the *Planning, Development and Infrastructure Act 2016*, and must be finalised prior to the issue of Development Approval:

- An amended siteworks and drainage plan detailing the detention system proposed as part of this plan, stormwater calculations to detail 5% and 1% AEP post development discharge including WSUD to capture or retain the difference for reuse.

NOTES

1. 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.
2. All earthworks must be confined to and contained entirely within the property boundaries and must not encroach on or over the roadside verge/reserve.
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*.
4. This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.
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.

Attachments

1.	Aerial Photo	23
2.	Application Snapshot.....	24
3.	Site Plan and Elevations	28
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5.	Representations	39
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7.	Applicant response to RFI	59
8.	Acoustic report	65
9.	Wastewater report	82
10.	Investigation into Mineral Extraction Zone Paper	92
11.	Arborist Report.....	105

Report Authorisers

Justine Perry	
Senior Planning Officer	8397 7361
Nathan Grainger	
Manager City Development	8397 7200
Michael Pereira	
General Manager Community Services	8397 7377

23004125 - 2-8 Greenwith Road Golden Grove

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Development Locations

Location 1

Location reference

2-8 GREENWITH RD GOLDEN GROVE SA 5125

Title Ref

CT 5817/499

Plan Parcel

F132713 AL22

Additional Location Information**Council**

CITY OF TEA TREE GULLY

Zone Overlays

Zones

- Resource Extraction

Sub-zones

(None)

Overlays

- Defence Aviation Area
- Hazards (Flooding - Evidence Required)
- Major Urban Transport Routes
- Prescribed Wells Area
- Regulated and Significant Tree
- Traffic Generating Development

Variations

(None)

Application Contacts

Applicant(s)

Stakeholder info

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Invoice Contact

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Invoice sector type

Land owners

Stakeholder info

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Nature Of Development

Nature of development

Convert existing house to office uses. Construct new shed/ warehouse.

Development Details

Current Use

Residence

Proposed Use

Office & warehouse/ fabrication

Development Cost

\$1,000,000.00

Proposed Development Details

Convert existing house to office uses. Construct new shed/ warehouse.

Element Details

You have selected the following elements

Warehouse - \$1,000,000.00

Office - \$0.00

Commercial & Industrial Elements

Does the application include signage?

Yes

Number of Signs

1

Location of signs

Refer site plan for location along western boundary/ corner

Septic/Sewer information submitted by applicant

Does this development require a septic system, i.e. septic tank and/or waste water disposal area?

Unsure

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?

Unsure

Consent Details

Consent list:

- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system?

No

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at City of Tea Tree Gully

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?

Relevant Authority

Building Consent

Do you wish to have your building consent assessed in multiple stages?

No

Apply Now?

No

Consent Order

Recommended order of consent assessments

1. Planning Consent

Do you have a pre-lodgement agreement?

No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

Documents

Document	Document Type	Date Created
ON_GoldenGroveRd_DA_REV- 0.pdf	Floor Plans	14 Feb 2023 5:00 PM
Tree Protection Assessment.pdf	Technical Report - Regulated Trees	14 Feb 2023 5:00 PM
Certificate of Title.pdf	Proposed Plan of Division	14 Feb 2023 5:00 PM
J00687 Golden Grove - D&LSvy.pdf	Survey Plan	14 Feb 2023 5:00 PM

Application Created User and Date/Time

Created User

mark.nield

Created Date/Time

14 Feb 2023 5:00 PM

Item 4.1

Attachment 3

AMENDED PLAN

Date: 27/06/2023



PROPOSED DEVELOPMENT SITE

PROPOSED WORKSHOP FACILITY

8 GREENWITH ROAD, GOLDEN GROVE SA.

DRAWING SCHEDULE

- DA01

FRONT COVER DRAWING SCHEDULE
- DA02

EXISTING SITE PLAN/DEMOLITION
- DA03

PROPOSED SITE PLAN
- DA04

PROPOSED GROUND FLOOR
- DA05

PROPOSED ROOF PLAN
- DA06

BUILDING ELEVATIONS
- DA07

BUILDING ELEVATIONS

PLANNING ISSUE

Rev	Amendment	Date
0	ISSUE FOR PLANNING	09/02/2023
1	RFI RESPONSE	17/02/2023
2	RFI RESPONSE	21/06/2023

- COUNCIL RFI NOTES:
- 1:
- Hours of operation are:
Monday to Friday - 7:30am - 5:30pm
Saturday - 8am - 12:00pm
Sunday/Public Holidays - No Trading
 - Site use is for Window & Door assembling
 - Staff numbers for the site are 12 in total (5 office, 7 workshop)
- 2:
- Dimensions added to drawings. Note we repositioned the crossover due to stobie pole location & adjusted carparking to suit.
 - Existing sewage treatment & soakage bed noted on drawings
- 3:
- Elevation drawing of signage included




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Project
PROPOSED WORKSHOP FACILITY
8 GREENWITH ROAD, GOLDEN GROVE. SA.

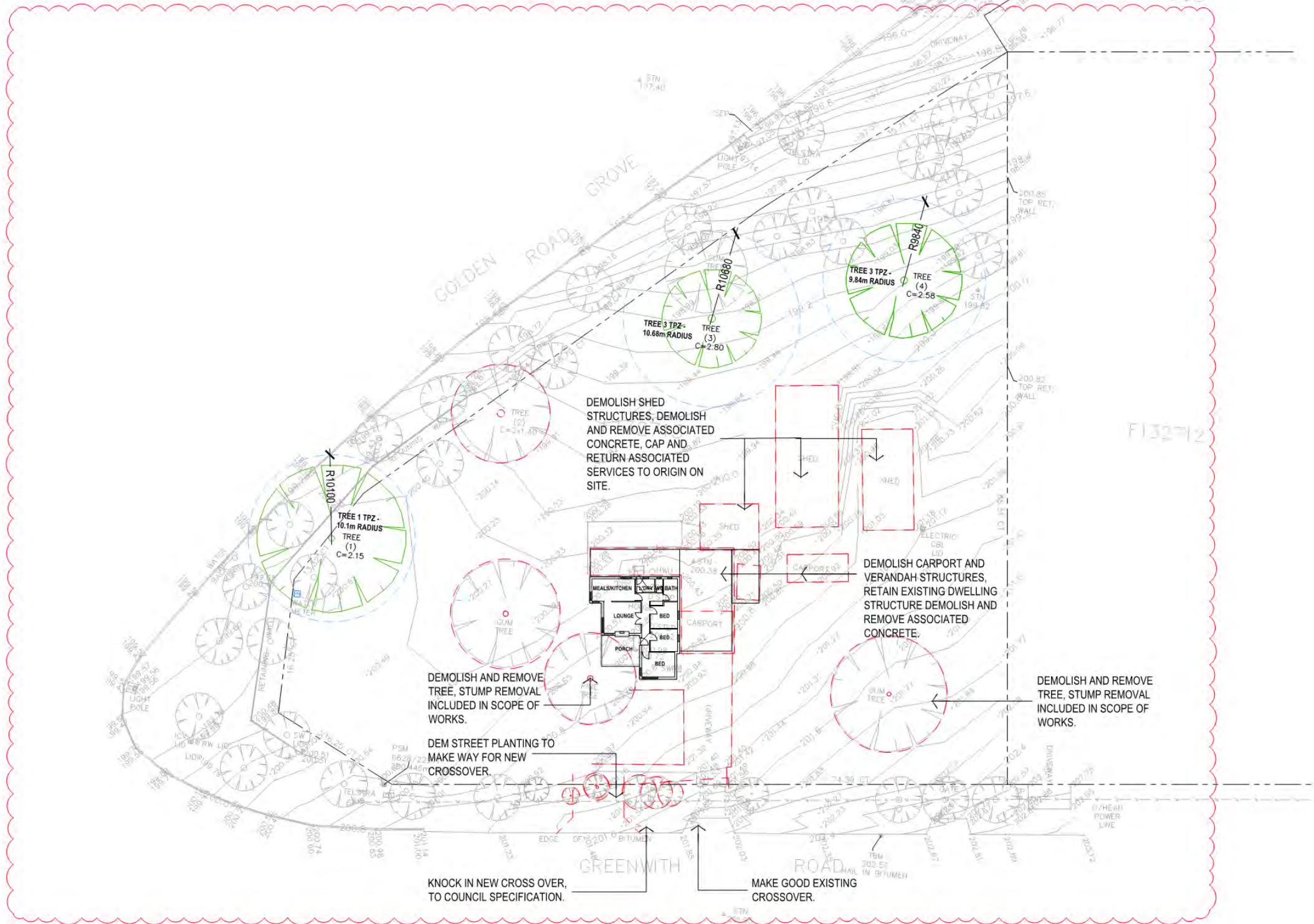
Drawing
COVER

Scale	As indicated	Drawn		
Client	PAUL ASHBY			
Date	21/06/2023			
Job No.	202200103			
Dwg No.	DA01		Rev: 1	A3 SHEET

AMENDED PLAN
Date: 27/06/2023

PLANNING ISSUE

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Project
PROPOSED WORKSHOP FACILITY
8 GREENWITH ROAD, GOLDEN GROVE. SA.

Drawing
EXISTING SITE PLAN/DEMO

Scale	As indicated	Drawn	INITIALS	
Client	PAUL ASHBY			
Date	21/06/2023			
Job No.	202200103			
Dwg No.	DA02	Rev: 1	A3 SHEET	

EXISTING SITE PLAN/DEMOLITION
1:500



PLANNING ISSUE

0	ISSUE FOR PLANNING	09/02/2023
1	RFI RESPONSE	17/02/2023
2	RFI RESPONSE	21/06/2023

KEY	BOTANICAL NAME	COMMON NAME	POT SIZE	SPACING	FULL SIZE
GRASSES					
DR	DIANELLA REVOLUTA	BLACK ANTHEM FLAX LILLY	100mm	3/m2	300 X 300mm
LM	LOMANERA MULTIFLORA	HARD MAT BUSH	100mm	4/m2	400 X 450mm
LOW SHRUBS					
CT	CALYTRIX TETRAGONA	COMMON FRINGE MYRTLE	100mm	6/m2	500 X 1000mm
CA	CORREA ALBA	WHITE CORREA	100mm	6/m2	500 X 1000mm
OR	OLEARIA RAMULOSA	TWIGGY DAISY BUSH	100mm	6/m2	500 X 2000mm
TALL SHRUBS					
DV	DODONAEA VISCOSA	HOP BUSH	100mm	6/m2	500 X 3000mm

KEY	BOTANICAL NAME	COMMON NAME	POT SIZE	MAX SIZE (HEIGHT/CANOPY)
TREES				
AP	ACACIA PYCNANTHA	GOLDEN WATTLE	100L	8M/6M
CP	PISTACIA CHINENSIS	CHINESE PISTACHIO	100L	8M/6M

PLANT IMAGES

BLACK ANTHEM FLAX LILLY HARD MAT BUSH COMMON FRINGE MYRTLE WHITE CORREA
HOP BUSH TWIGGY DAISY BUSH GOLDEN WATTLE CHINESE PISTACHIO

ITEM	DESCRIPTION	FINISH / APPLICATION
Imported Topsoil	Jeffries 'Special Soil'	150mm Depth mixed 50/50 with existing site topsoil.
Herbicide	Non-residual glyphosate herbicide	Apply to subgrade as per manufacturers specification
Soil conditioner	Terracottem	20g per plant (at time of planting)
Fertiliser	Osmocote 'Total'	Mix with topsoil around rootball of plants at time of planting 5g per 1 litre of potting mix.
Mulch	Jeffries Forest Mulch	50mm Deep. Finish 25mm below adjacent pavers.

FENCE TYPES LEGEND	
FT1	FENCE TYPE 1 2100h ALUMINIUM BATTEN OPEN FENCING. COLOUR - BLACK POWDERCOAT FINISH.
FT2	FENCE TYPE 2 2100h COLORBOND FENCING, PIER AND BEAM CONSTRUCTION WITHOUT CONTINUOUS TRENCHING (LOCATED IN TREE TPZ ZONE ONLY). COLOUR - WOODLAND GREY
FT3	FENCE TYPE 3 2100h COLORBOND FENCING. COLOUR - WOODLAND GREY
FT4	FENCE TYPE 4 2400h COLORBOND FENCING. COLOUR - WOODLAND GREY

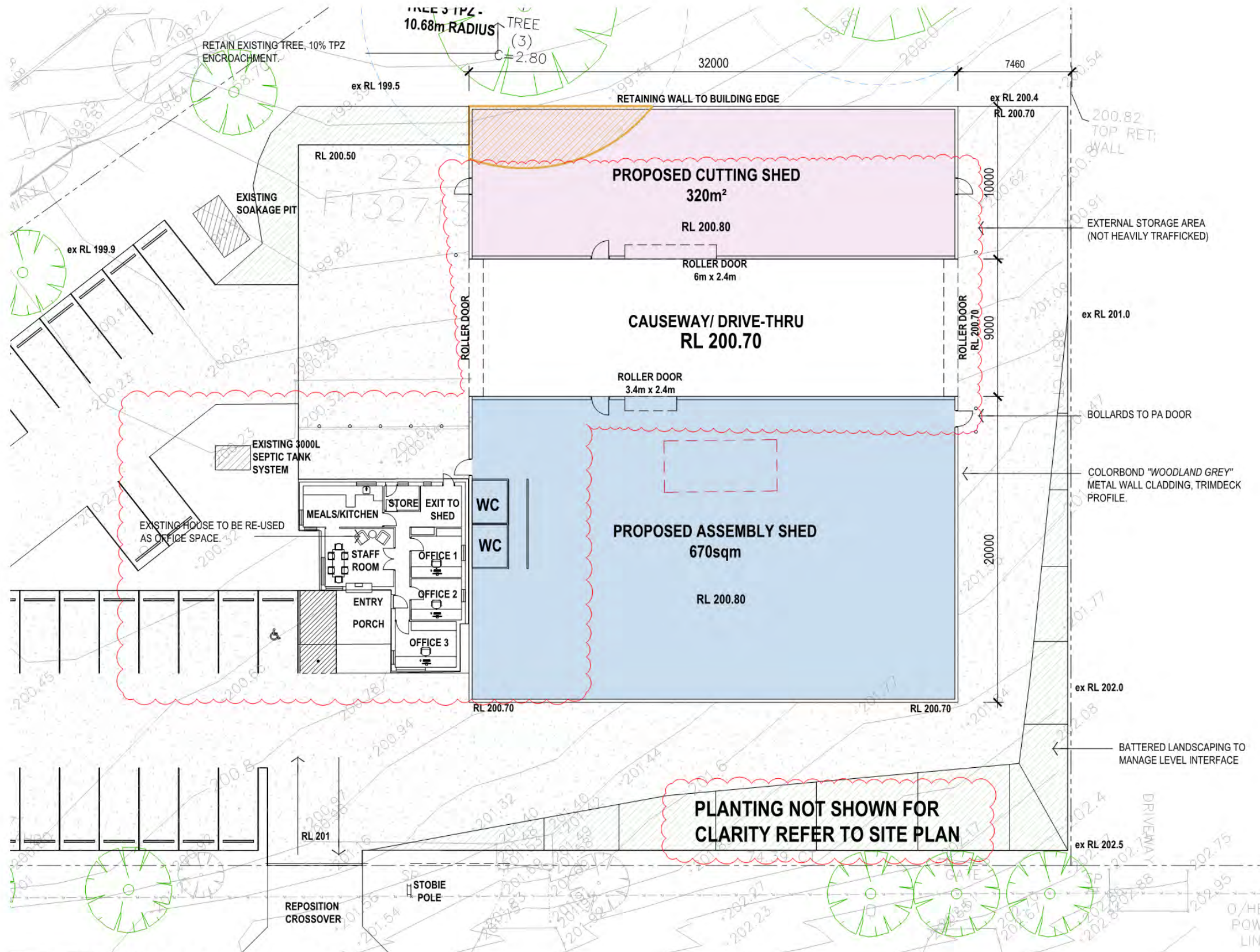


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Project
PROPOSED WORKSHOP FACILITY
8 GREENWITH ROAD, GOLDEN GROVE. SA.

Drawing
PROPOSED SITE/LANDSCAPING PLAN

Scale	As indicated	Drawn	HT	
Client	PAUL ASHBY			
Date	21/06/2023			
Job No.	202200103			
Dwg No.	DA03	Rev:	1	A3 SHEET

PROPOSED SITE PLAN
1:500
AMENDED PLAN
Date: 27/06/2023



PROPOSED FLOOR PLAN
1:200

AMENDED PLAN
Date: 27/06/2023

PLANNING ISSUE

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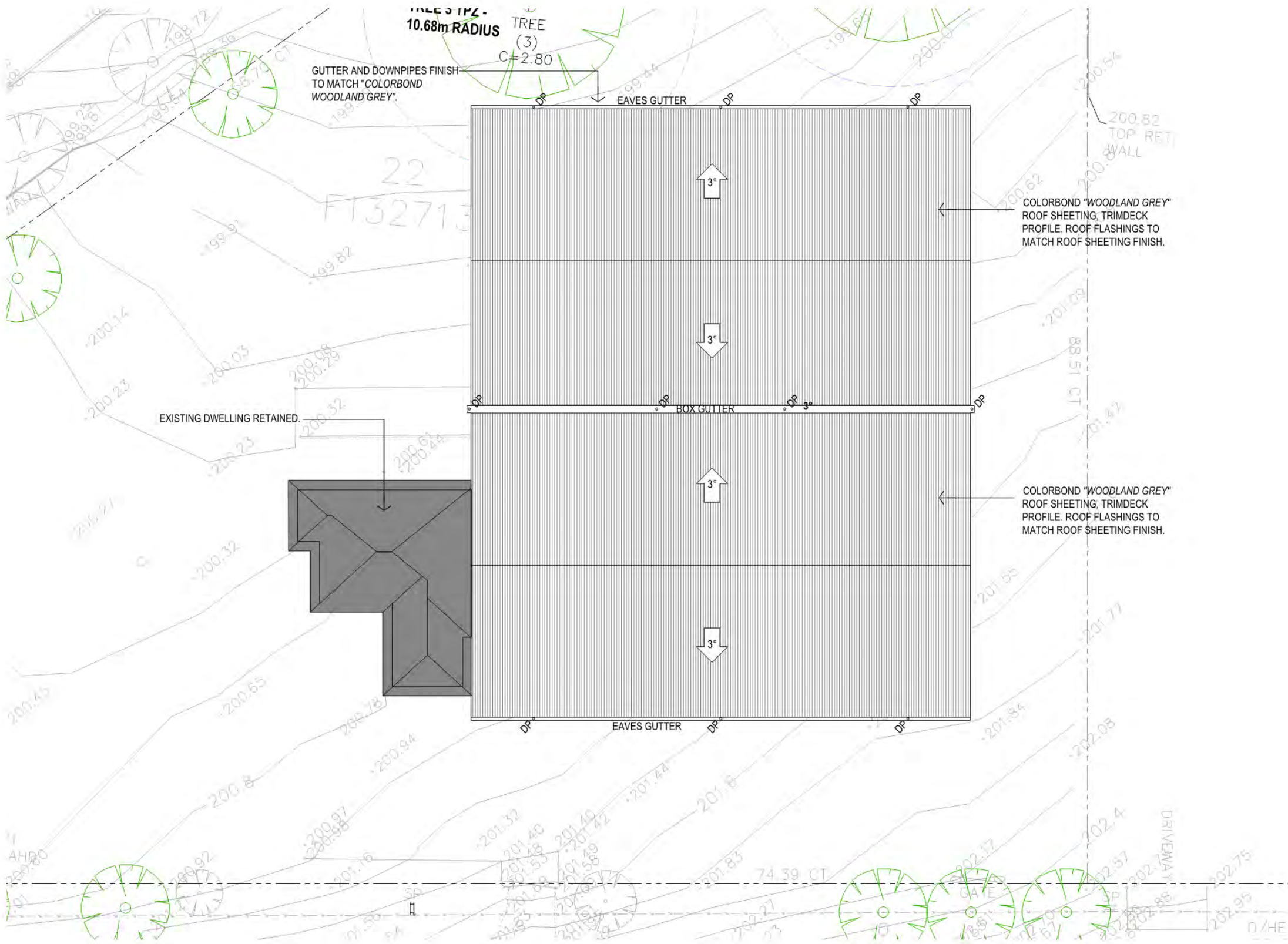
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Project
PROPOSED WORKSHOP FACILITY
8 GREENWITH ROAD, GOLDEN GROVE. SA.

Drawing
PROPOSED FLOOR PLAN

Scale	As indicated	Drawn	HT
Client	PAUL ASHBY		
Date	21/06/2023		
Job No.	202200103		
Dwg No.	DA04	Rev: 1	A3 SHEET



ROOF PLAN
1:200

PLANNING ISSUE

Rev	Amendment	Date
0	ISSUE FOR PLANNING	09/02/2023
1	RFI RESPONSE	17/02/2023
2	RFI RESPONSE	21/06/2023

AMENDED PLAN
Date: 27/06/2023



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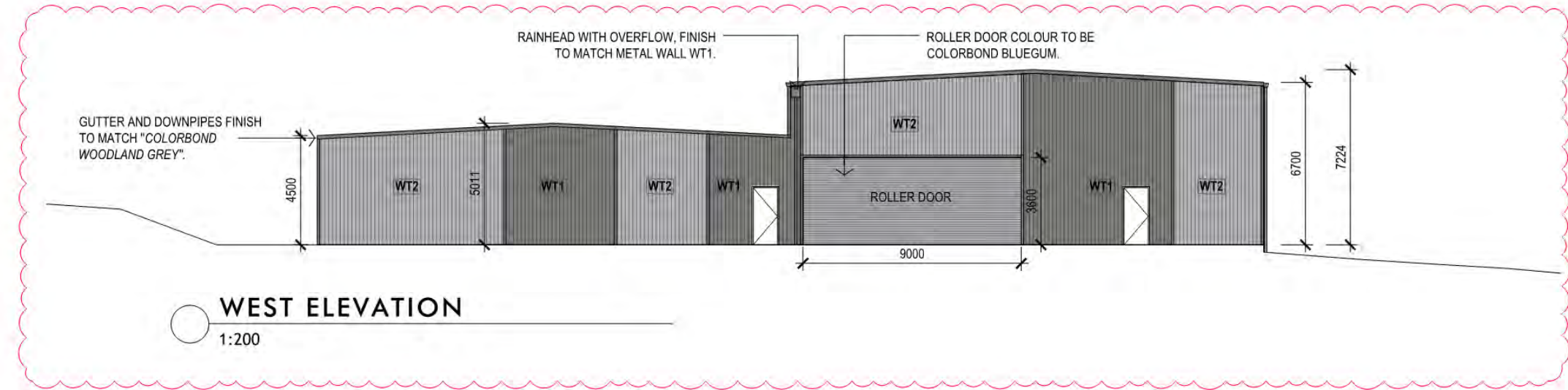
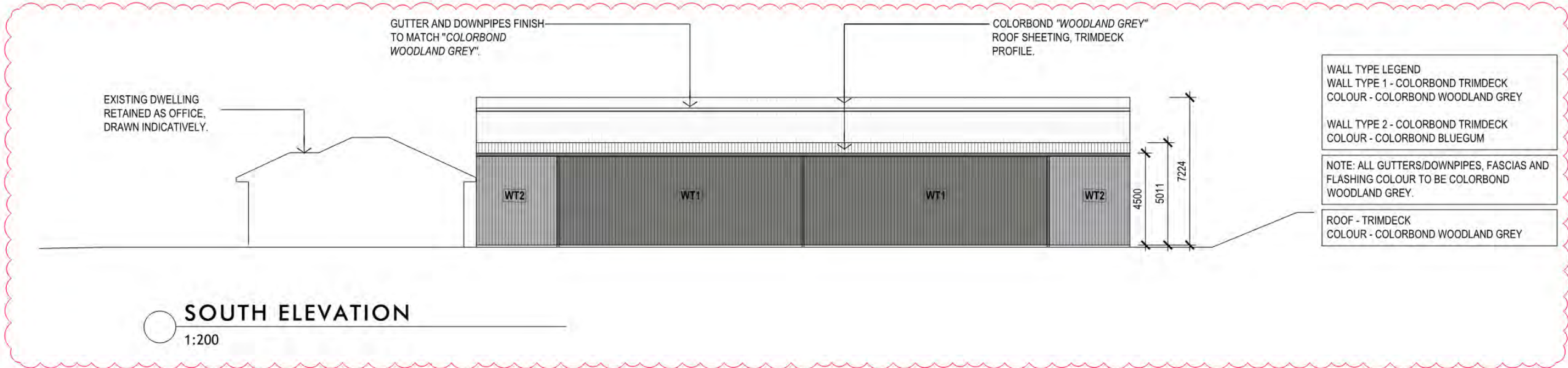
Project
PROPOSED WORKSHOP FACILITY
8 GREENWITH ROAD, GOLDEN GROVE. SA.

Drawing
PROPOSED ROOF PLAN

Scale	As indicated	Drawn	HT	
Client	PAUL ASHBY			
Date	21/06/2023			
Job No.	202200103			
Dwg No.	DA05	Rev:	1	A3 SHEET

PLANNING ISSUE

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1	RFI RESPONSE	17/02/2023
2	RFI RESPONSE	21/06/2023



AMENDED PLAN
Date: 27/06/2023



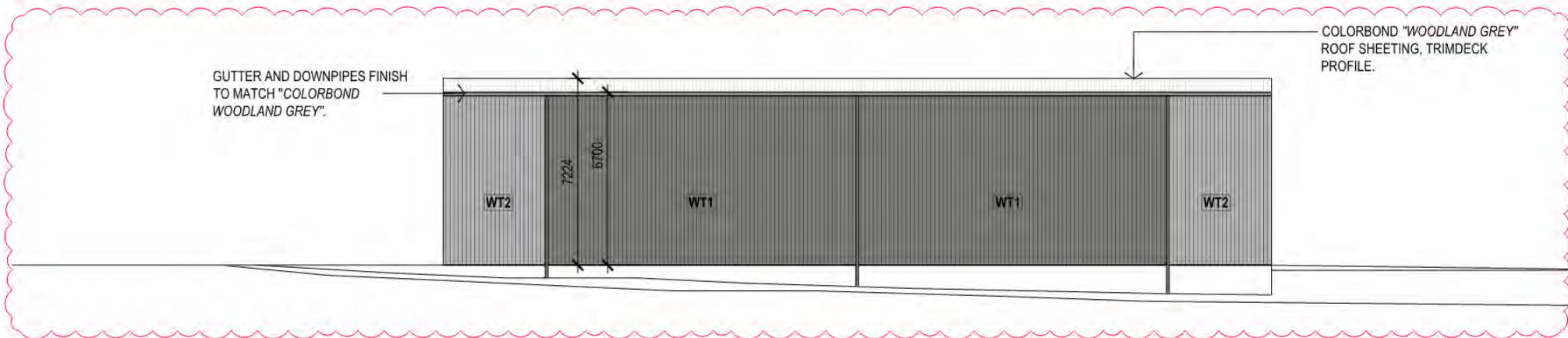
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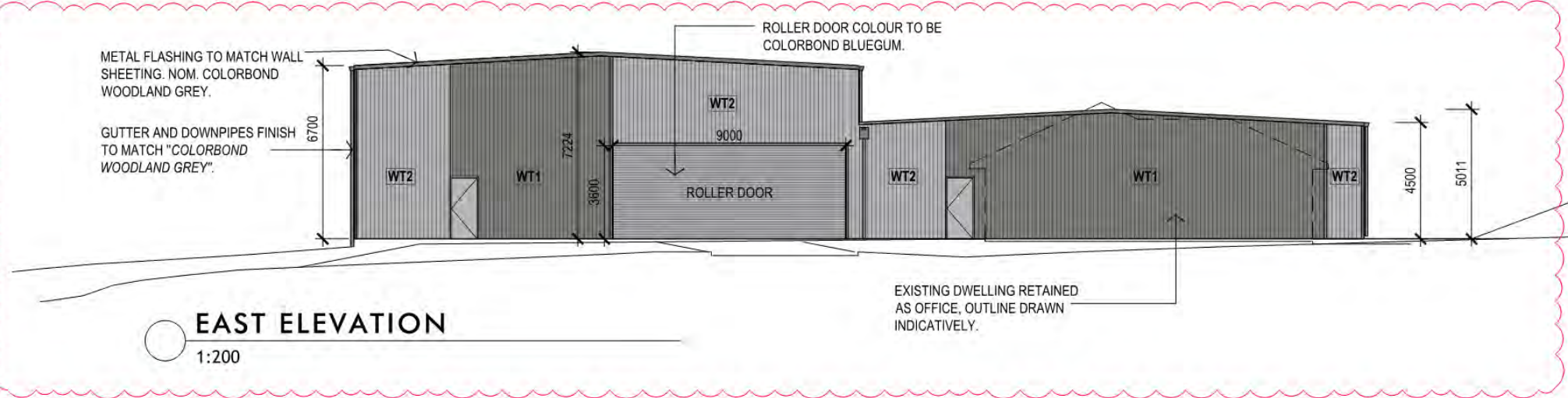
Project
PROPOSED WORKSHOP FACILITY
8 GREENWITH ROAD, GOLDEN GROVE. SA.

Drawing
PROPOSED ELEVATIONS

Scale	As indicated	Drawn	HT	
Client	PAUL ASHBY			
Date	21/06/2023			
Job No.	202200103			
Dwg No.	DA06	Rev: 1	A3 SHEET	



NORTH ELEVATION
1:200



EAST ELEVATION
1:200

PLANNING ISSUE

Rev	Amendment	Date
0	ISSUE FOR PLANNING	09/02/2023
1	RFI RESPONSE	17/02/2023
2	RFI RESPONSE	21/06/2023

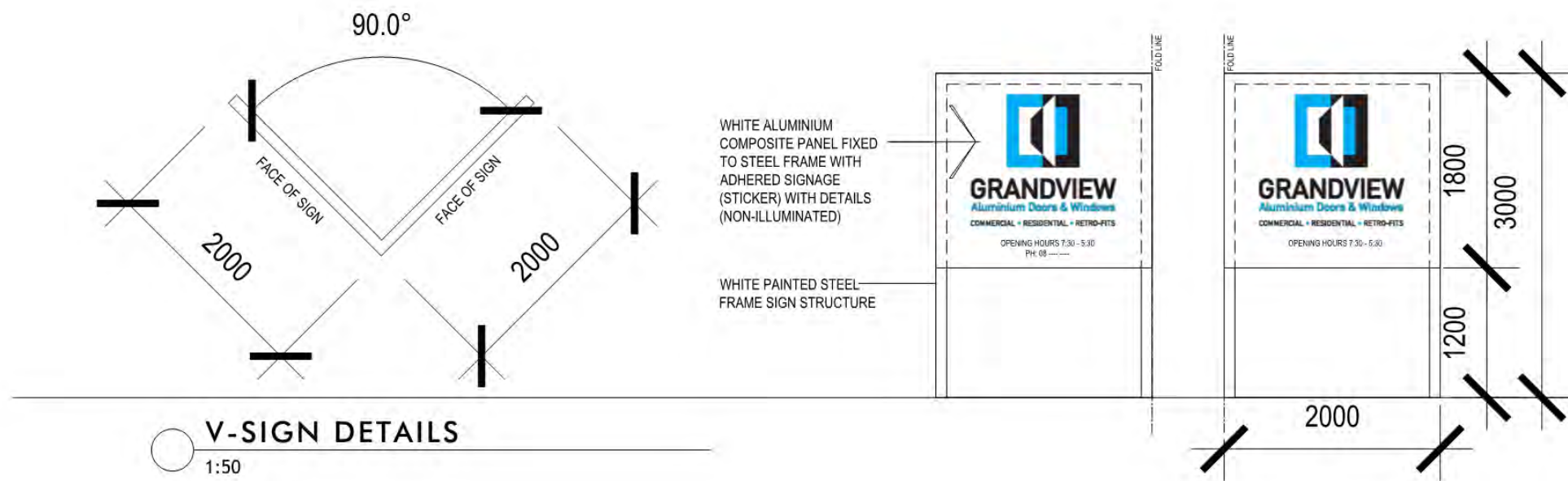
WALL TYPE LEGEND
WALL TYPE 1 - COLORBOND TRIMDECK
COLOUR - COLORBOND WOODLAND GREY

WALL TYPE 2 - COLORBOND TRIMDECK
COLOUR - COLORBOND BLUEGUM

NOTE: ALL GUTTERS/DOWNPipes, FASCIAS AND
FLASHING COLOUR TO BE COLORBOND
WOODLAND GREY.

ROOF - TRIMDECK
COLOUR - COLORBOND WOODLAND GREY

AMENDED PLAN
Date: 27/06/2023



V-SIGN DETAILS
1:50



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Project
PROPOSED WORKSHOP FACILITY
8 GREENWITH ROAD, GOLDEN GROVE. SA.

Drawing
PROPOSED ELEVATIONS

Scale As indicated Drawn HT
Client PAUL ASHBY
Date 21/06/2023
Job No. 202300983
Dwg No. DA07 Rev: 1 A3 SHEET

CIVIL
PREPARED BY



JACK ADCOCK CONSULTING PTY. LTD.
STRUCTURAL & CIVIL ENGINEERING

THESE DRAWINGS ARE NOT CADASTRAL PLANS AND MUST NOT BE USED IN DETERMINING PRECISE DETAILS WITH REFERENCE TO BOUNDARIES.

ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.

ALL DIMENSIONS SHALL BE VERIFIED ON SITE.

ALL LEVELS ARE EXPRESSED IN METRES.

ALL CO-ORDINATES ARE A.M.G. BASED, UNLESS NOTED OTHERWISE.

LEVEL DATUM IS A.M.D.

ALL SET OUT AND DIMENSIONS TO ARCHITECT'S DRAWINGS: DO NOT SCALE CIVIL DRAWINGS.

WHERE A DISCREPANCY OCCURS, THE GREATER COST SHALL BE ALLOWED FOR IN ANY TENDERING OR QUOTING - REFER TO DIMENSIONED ARCHITECTURAL BUILDING DETAILS FOR ALL SET OUT DIMENSIONS OF BUILDINGS, KERBING, PAVING, ETC.

JACK ADCOCK CONSULTING PTY LTD TAKES NO RESPONSIBILITY FOR ANY ERRORS IN DIMENSION, SETOUT OR SURVEY. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE RELEVANT SPECIFICATIONS.

REFER TO THE RELEVANT SPECIFICATIONS FOR DETAILS OF CONCRETE FLOORS, ROADS AND BEAMS BEFORE SETTING OUT.

THIS DRAWING AND ANY SUBSEQUENT DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE FOOTING CONSTRUCTION REPORT, SPECIFICATION AND STANDARD DETAILS.

REFER TO HYDRAULICS DRAWINGS FOR ALL UNDERGROUND PIPEWORK AND DETAILS.

THESE DRAWINGS ARE A SCHEMATIC REPRESENTATION OF SERVICES INFORMATION CONTAINED IN DRAWINGS ISSUED BY THE RELEVANT AUTHORITIES. THE INFORMATION CONTAINED IN THESE DRAWINGS IS INDICATIVE ONLY, AND REFERENCE SHOULD BE MADE TO THE RELEVANT AUTHORITIES DOCUMENTATION TO CONFIRM ACCURACY AND COMPLETENESS. WHERE INFORMATION IS AVAILABLE, THE SUB-SURFACE SERVICES INSTALLED BY CONTRACTORS OTHER THAN THE AUTHORITIES HAVE BEEN SHOWN, BUT ADDITIONAL UNDOCUMENTED SERVICES MAY BE PRESENT. SHOULD THE CONTRACTOR BELIEVE THAT SUB-SURFACE SERVICES ARE AT RISK OF DAMAGE DURING CONSTRUCTION, THE CONTRACTOR SHOULD NOTIFY THE RELEVANT AUTHORITIES AND ESTABLISH THE EXACT LOCATION OF THE SERVICES.

THE FINISHED SURFACE SHALL BE EVENLY GRADED BETWEEN DESIGN SURFACE LEVELS.

ALL NECESSARY EXISTING STORMWATER PIPES, FITS, PUMPS AND OTHER RELATED SERVICES SHALL BE DECOMMISSIONED AND REMOVED FROM SITE.

CONTRACTOR TO ADJUST LIDS OF EXISTING SERVICE PITS TO MATCH FINISHED SURFACE LEVEL. PROVIDE HEAVY DUTY COVER IF IN PAVED AREA TO THE REQUIREMENTS OF THE RELEVANT AUTHORITY, IF APPLICABLE. RELOCATE SERVICE AS REQUIRED.

WORKSMANSHIP AND MATERIALS ARE TO BE IN ACCORDANCE WITH THE RELEVANT CURRENT S.A.A. CODES INCLUDING ALL AMENDMENTS, AND THE LOCAL STATUTORY AUTHORITIES, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS. ANY DISCREPANCIES SHALL BE REFERRED TO THIS OFFICE FOR CLARIFICATION.

ALL UNMARKING SHALL BE DONE IN ACCORDANCE WITH THE ARCHITECT'S OR BUILDING DESIGNER'S SPECIFICATION.

1. THE CONTRACTOR MUST PROTECT THE SITE, AND OTHER SITES DOWNSTREAM, FROM EROSION DURING CONSTRUCTION.
2. RETAIN AND LEAVE UNDISTURBED ALL VEGETATION WHERE POSSIBLE.
3. PROVIDE SEDIMENT CONTROL IN ACCORDANCE WITH SECTION 5 OF THE STORMWATER POLLUTION PREVENTION CODE OF PRACTICE.
4. SEDIMENT, SILT AND POLLUTION TRAPS SHALL BE CLEARED AND MAINTAINED FOR THE DURATION OF CONSTRUCTION.
5. THE SITE SHALL BE REHABILITATED TO ITS ORIGINAL CONDITION OR IN ACCORDANCE WITH THE CONTRACT DOCUMENTS (WHICHEVER IS APPLICABLE) AT THE COMPLETION OF CONSTRUCTION INCLUDING REMOVAL OF ALL TEMPORARY CONTROL WORKS.

1. INLET PIPES SET 20mm ABOVE PIT INVERT LEVEL (U.N.O.)
2. OUTLET PIPE INVERT LEVELS ARE SET AT PIT INVERT LEVEL (U.N.Q.)
3. TOP R.L. FOR SIDE ENTRY PITS IS WATER TABLE LEVEL
4. TRENCH GRATES TO BE STAINLESS STEEL HEELOPROOF AND SLIP-PROOF TYPE BY ACO OR APPROVED EQUIVALENT
5. ALL STORMWATER PIPES SHALL BE uPVC, PIPES SHALL BE SEWER CLASS (U.N.O.)
6. ALL STORMWATER PITS GREATER THAN 600x600 SHALL BE PROVIDED WITH A SPLIT LID TO ENSURE MAXIMUM LIFT IS 100mm.
7. ALL STORMWATER PITS ON PLAN DRAWINGS TO HAVE HEELOPROOF GRATE OR PAVEMENT IN FILL LID WHERE LOCATED ON PAVEMENT OR FOOT TRAFFIC AREA
8. ALL STORMWATER PITS TO HAVE ACCESS STEPS INSTALLED IN ACCORDANCE WITH AS1657 AND AS4195 WHERE DEPTH IS GREATER THAN 1200mm
9. AG DRAINS TO BE INSTALLED BEHIND ALL RETAINING WALLS AND LOCATIONS SHOWN ON DRAWINGS
10. AG DRAINS TO 100mm, WRAPPED IN 200 MICRON GEOTEXTILE (BIDIM A2 DR SIMILAR) AND MINIMUM 300mm THICKNESS OF 20mm DRAINAGE SCREENINGS (U.N.O.)
11. ALL DRAINPIPE AGENTS TO BE AS SHOWN ON ARCHITECTURAL DRAWINGS. CONNECT TO 1500 UNDERGROUND CONNECTION (U.N.O.)

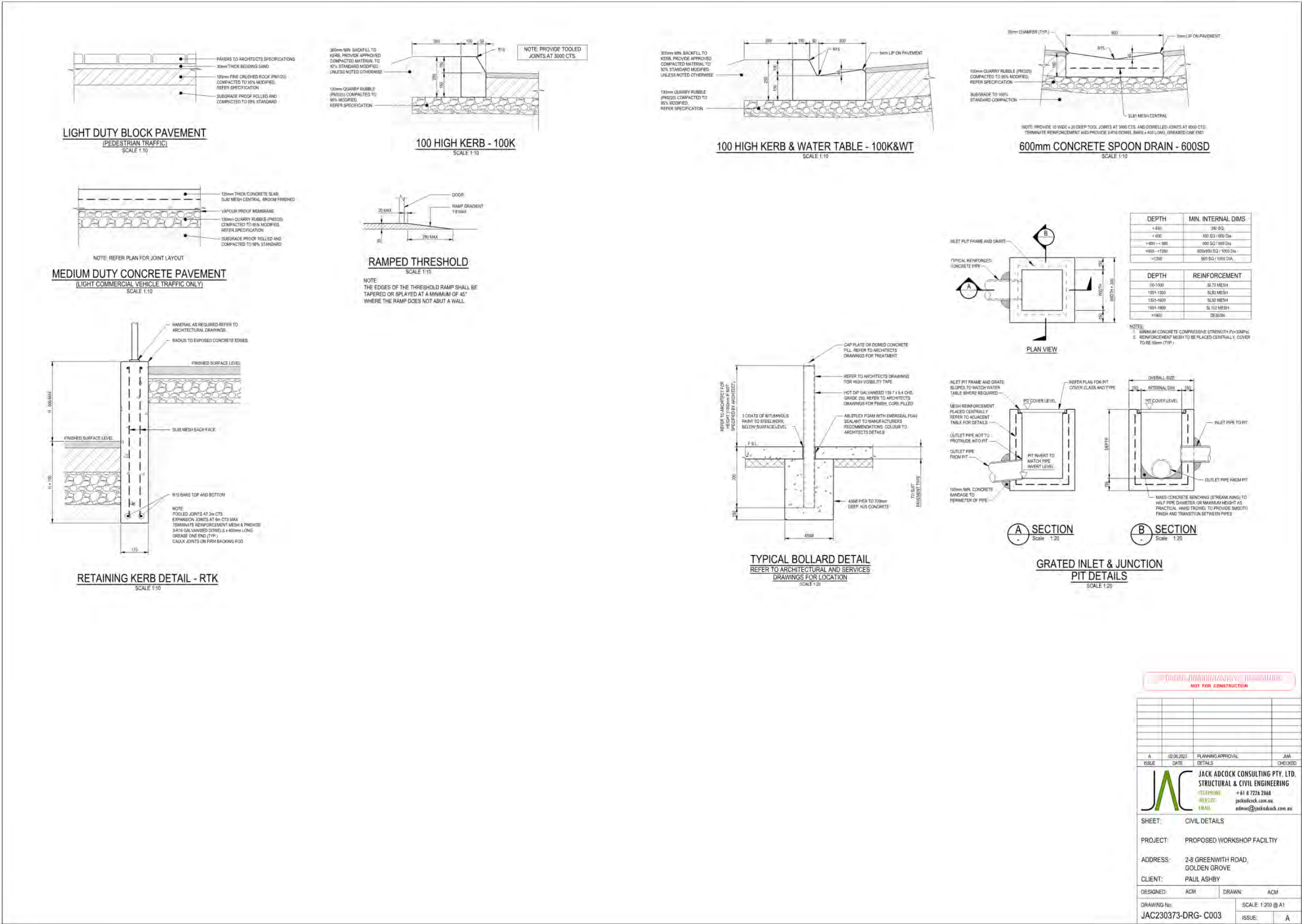
THIS IS AN ENGINEERING SURVEY AND SHALL NOT BE TAKEN AS A BOUNDARY IDENTIFICATION. THE BOUNDARY DATA SHOWN IS TO BE TAKEN AS A GUIDE ONLY. TO BE CONFIRMED BY BUILDER PRIOR TO CONSTRUCTION. LEVELS ARE APPROXIMATE.

1. EXISTING PAVERS THAT ARE INDICATED TO BE RE-LAID ARE TO BE NEATLY STOCKPILED ON SITE TO AVOID DAMAGE DURING CONSTRUCTION.
2. AREAS OF RE-LAID PAVERS SHALL HAVE BASE MATERIAL CUT TO NEW LEVEL WITHIN EXISTING BASE MATERIAL AND NEW 75mm SAND LAYER.
3. PAVEMENT LOG OR SIMILAR PRODUCT SHALL BE USED ON ALL RE-LAID PAVERS.
4. PAVERS RE-LAID SHALL BE CLEANED PRIOR TO RE-INSTALLATION. DAMAGED PAVERS ARE TO BE REPLACED. IN AREAS WHERE AN OLD PAVEMENT EXISTS AND NEW PAVEMENT IS BEING LAID, THE CONTRACTOR SHALL REMOVE THE EXISTING TOP COAT AND PAVEMENT DOWN 100mm FROM SURFACE LEVEL.
5. RE-ASPHALTED AREAS SHALL HAVE EXISTING BASE MATERIAL EXCAVATED (GENERALLY 100mm) REPLACED WITH A DTSP SPEC PM1/200G AND COMPACTED (98% MODIFIED) TO NEW DESIGN LEVEL AND HOTMIX PLACED TO MATCH NEW LEVELS.
6. ALL PAVERS UPON COMPLETION OF INSTALLATION SHALL BE TREATED WITH A STAIN RESISTANT COATING/SEALANT TO ASSIST WITH CLEANING OF PAVERS. CONTRACTOR TO SUBMIT TREATMENT AND WORK METHOD TO SUPERINTENDENT FOR APPROVAL.

1. STRIP FROM THE PROPOSED PAVING AND BUILDING AREAS ALL EXISTING TOPSOIL, ORGANIC MATERIAL, PAVEMENT SURFACES, BASE AND SUB-BASE COURSES, LOOSE RUBBLE AND ANY NON-ENGINEERED FILL. TOPSOIL TO BE STOCKPILED ON SITE FOR REUSE IN LANDSCAPING AND ANY REMAINDER TO BE DISPOSED OF TO A LICENSED DUMPING FACILITY.
2. OTHER EXCAVATED MATERIALS TO BE STOCKPILED FOR REUSE, RECYCLED OR DISPOSED OF TO A LICENSED DUMPING FACILITY AS REQUIRED OR APPROPRIATE.
3. PROOF ROLL AREAS OF NEW WORKS TO IDENTIFY ANY SOFT SPOTS OR OTHER UNSUITABLE AREAS. ALL SOFT SPOTS TO BE REMOVED AND FILLED WITH COMPACTED EXISTING OR IMPORTED MATERIAL TO A MINIMUM COMPACTION OF 95% STANDARD.
4. IMPORTED FILL TO STOCKPILE USING LEAST POSSIBLE FILL TO PADDOCK QUARRY RUBBLE COMPACTED TO 95% MODIFIED FILLING AND COMPACTION TO BE UNDERTAKEN IN LAYERS UP TO 250 mm LAYER THICKNESS.
5. ALL FILLING TO BE CLEAN, FREE OF CONTAMINANTS, AND CAPABLE OF ACHIEVING THE REQUIRED COMPACTION LEVELS.
6. PRIOR TO PROOF ROLLING AND COMPACTION ACTIVITIES, THE SUBJECT MATERIAL SHALL BE MOISTURE CONDITIONED TO WITHIN 2% OF ITS OPTIMUM MOISTURE CONTENT.
7. ALL FILLING, COMPACTION AND TESTING SHALL BE AT LEVEL 1 AND SUPERVISED BY AN INDEPENDENT GEOTECHNICAL ENGINEER IN ACCORDANCE WITH AS 3798.
8. THE INDEPENDENT GEOTECHNICAL ENGINEER SHALL ISSUE A SUPERVISION REPORT INCLUDING COMPACTION TESTIFIED AND A PLAN SHOWING THE EXTENT OF THE REMOVAL AND REPLACEMENT JACK ADAPCOCK CONSULTING PTY LTD TO COMPLETION OF THE EARTHWORKS.

NOT FOR CONSTRUCTION			
A	02.06.2023	PLANNING APPROVAL	JWA
ISSUE	DATE	DETAILS	CHECKED
	JACK ADCOCK CONSULTING PTY. LTD. STRUCTURAL & CIVIL ENGINEERING +61 8 7272 2948 jackadcock.com.au admin@jackadcock.com.au		
SHEET:	CIVIL NOTES		
PROJECT:	PROPOSED WORKSHOP FACILITY		
ADDRESS:	2-8 GREENWITH ROAD, GOLDEN GROVE		
CLIENT:	PAUL ASHBY		
DESIGNED:	ACM	DRAWN:	ACM
DRAWING No: JAC230373-DRG- C001		SCALE 1:200 @ A1	
		ISSUE:	A





Item 4.1

Attachment 7

Details of Representations

Application Summary

Application ID	23004125
Proposal	Change of use to light industry inclusive of office, warehouse, fencing, landscaping and advertisement for window & door assembling
Location	2-8 GREENWITH RD GOLDEN GROVE SA 5125

Representations

Representor 1 - Kate Truscott

Name	Kate Truscott
Address	PO Box 360 MODBURY NORTH SA, 5092 Australia
Submission Date	27/03/2023 11:48 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

There are residential homes across the road and right next door to this property. Lighting and a warehouse will be problematic to the very close residential properties as well as the fact that kangaroos and koalas live in this block so the removal of that habitat will cause distress to the native wildlife. Noise concerns, considering how close this block is to homes will definitely be an issue. Further down the road is quite industrial but that block is right on the corner, opposite a historic church and next door to a residential residence. In order to protect the appeal of Golden Grove, changing this block to industrial will bring about more harm than good as it surrounded by residential properties and we are already losing our charm of country life meets suburbia. The traffic on that corner is already quite dangerous with the amount of trucks using the intersection and lack of vision when turning onto Golden Grove Road. High fences, warehouses and additional cars/trucks coming and going will cause even more issues. It is already an accident waiting to happen. A change in zoning will mean even more pressure on this intersection and ultimately, it will need to be changed to accommodate this new business.

Attached Documents

Representations

Representor 2 - Krystal and Rosslyn Storey

Name	Krystal and Rosslyn Storey
Address	UNIT 8 20 PERSIMMON GROVE GOLDEN GROVE SA, 5125 Australia
Submission Date	03/04/2023 09:30 AM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons See attachment	


Attached Documents

Representation-200334125-2-9GreenwithRoadGoldenGroveKStorey-5230208.pdf

From: Krystal Storey <krystal.casper@gmail.com>
Sent: Friday, 31 March 2023 1:07 PM
To: Development Enquiries
Subject: Application

EXTERNAL SENDER: Exercise caution before clicking on any links or opening attachments.

OFFICIAL

 **PlanSA**

Proposed Development
Under the Planning, Development and Infrastructure Act 2016

Public notification commencement on 23/03/2023

R D & K L Storey
8/20 Persimmon Grove
GOLDEN GROVE SA 5125


To whom it may concern,

Notice of Development Application

Applicant:	Troy Owen, Paul Ashby
Application ID:	23004125
Proposed Development:	Change of use to light industry inclusive of office, warehouse, fencing, landscaping and advertisement for window & door assembling
Notified Elements:	Change of use, Advertisement, Light industry, Fence, Office
Subject Land:	2-8 GREENWITH RD GOLDEN GROVE SA 5125

As an adjoining owner/occupier or person potentially affected by the above development application, you are invited to view details of the application and make a representation.
The application documentation may be examined:

- online on the PlanSA Portal: <https://plan.sa.gov.au/en/pn?aid=5748>



Use your smart phone to scan this code

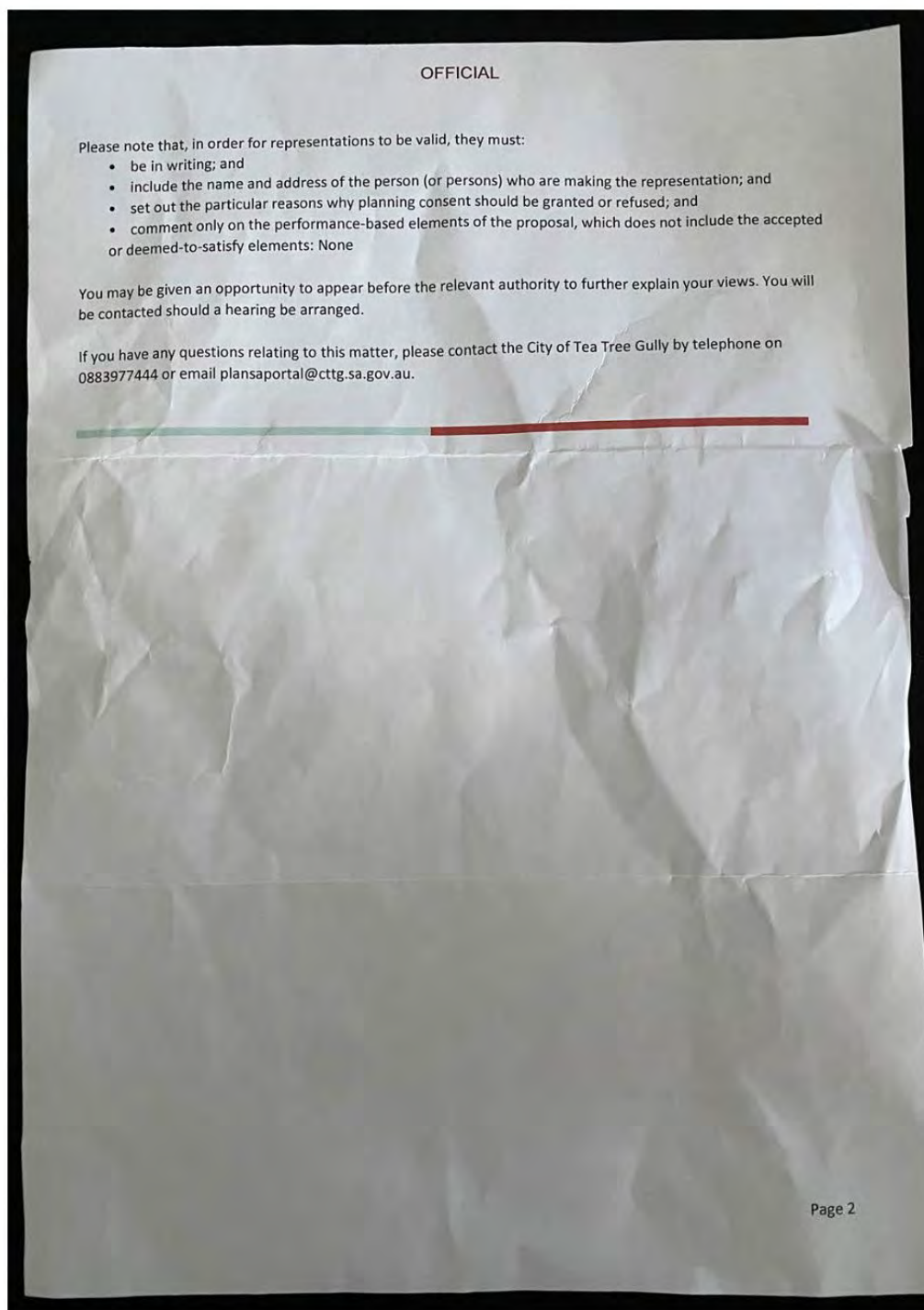
- in person at the principal office of the City of Tea Tree Gully at 571 Montague Road, Modbury, SA, 5092

If you wish to comment on the application, please complete an:

- online representation form at <https://plan.sa.gov.au/en/pn?aid=5748>, or
- hard copy form at <https://plan.sa.gov.au/en/pn-form> and submit to Assessment Panel at City of Tea Tree Gully at PO Box 571, MODBURY, SA, 5092 or plansaportal@cttg.sa.gov.au.

All representations must be received by no later than **11:59pm on 14/04/2023**.

Page 1



**REPRESENTATION ON APPLICATION –
PERFORMANCE ASSESSED DEVELOPMENT**

Planning, Development and Infrastructure Act 2016

Applicant: Troy Owen, Paul Ashby [applicant name] ~~Krystal + Rosslyn Storey~~

Development Number: 2300 4125 [development application number] ~~light industry inclusive of office,~~

Nature of Development: [development description of performance assessed elements] warehouse, fencing, landscaping and advertisement for window and door assembling

Zone/Sub-zone/Overlay: [zone/sub-zone/overlay of subject land] 2-8 Greenwith Rd. Golden Grove SA 5125

Subject Land: [street number, street name, suburb, postcode] ~~2-8 Greenwith Rd. Golden Grove SA 5125~~

Contact Officer: [relevant authority name]

Phone Number: [authority phone]

Close Date: [closing date for submissions] 11.59pm 14/04/2023

My name: My phone number: Krystal + Rosslyn Storey

My postal address: 8/20 Persimmon Grove Golden Grove 5125 My email: ~~Krystal+Rosslyn@gmail.com~~

* Indicates mandatory information


My position is: ☐ I support the development
☐ I support the development with some concerns (detail below)
☒ I oppose the development

The specific reasons I believe that planning consent should be granted/refused are.

I think Planning consent should be refused because

- A Industrial development so close to residential Housing will drive our House Value down.
- The noise ^{From the} Industrial site will disrupt residential Housing
- Building Industrial development will disrupt Trees and wildlife

attach additional pages as needed

 **Government of South Australia**
Department for Trade and Investment

Note: In order for this submission to be valid, it must:

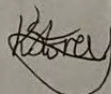
- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
- [list any accepted or deemed-to-satisfy elements of the development]

I: ☒ wish to be heard in support of my submission*
☐ do not wish to be heard in support of my submission

By: ☒ appearing personally
☐ being represented by the following person:

*You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission

Signature:



Date: 31/3/23

Return Address: [relevant authority postal address] or

Email: [relevant authority email address] or Krystal.CasPere@gmail.com

Complete online submission:

Representations

Representor 3 - James Truscott

Name	James Truscott
Address	10-18 Greenwith Road GOLDEN GROVE SA, 5125 Australia
Submission Date	09/04/2023 01:03 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

After going over the plans and realising the many issues that this proposed development will have to not only my own residential dwelling (located next door) but also to the area, I feel I must object. Our family home is situated less than 8 metres away from the proposed assembly and cutting shed. We have 3 young children and many pets who reside there and the disturbance to an otherwise quiet area, will be severe. Further up the street, it is more industrial with noise and trucks coming and going but where this block is, there is no daytime noise and any trucks from the earthmoving businesses close by usually leave in the morning and don't return until the afternoon, that's once out and once back in only. The proposed hardstand around the assembly and cutting shed we assume will be used by trucks, rumbling all day along right outside our home and windows, picking up and dropping off materials. The sheds are to be made from Colorbond steel which will have no sound protection, considering the very close proximity to the residential neighbours (both us next door and across the road). At least precast concrete panels would assist to reduce any noise from a cutting shed and assembly shed - both with loud machines being used all day long. This area is currently very peaceful and quiet, it is far more residential than industrial as there is not loud work going on during the day. To introduce a factory where there are no others doesn't make sense, the other end of Greenwith Road or where the factory is currently is the perfect location as there are already other similar businesses around so it does not affect people living nearby. This will impact us greatly, it will impact our quality of life to have such industrial noise less than 8 metres from our family home from 7am until late afternoon every working day of the week, it will cause distress to our children, our dogs, our pets and our mental health and very likely those homes within the area as this will be a constant noise for us all to have to deal with. The big, dark grey, steel sheds will be an eyesore in such a prominent location. The historic church across the road will be obstructed and the residential homes all around will lose their lovely outlook. Another concern is the already very busy intersection, adding 35 carparks and additional trucks using the new, proposed entrance only meters away from the Golden Grove Rd intersection is an accident waiting to happen. Cars don't have great vision when turning onto Greenwith Road (across Golden Grove Rd) and they do so fairly quickly, to then have a new carpark entrance immediately after this will cause a lot of issues. There are large trucks coming down from the quarry and brickworks which will be impacted by a further surge in traffic with cars and trucks wanting to pull out of this new driveway to use the intersection. There are no footpaths along Greenwith Road either so any pedestrians using the road will be further impacted by all these additional cars and trucks. As stated, that intersection is already a hazard, increased traffic and cars/trucks stopping only meters from it to enter the proposed new driveway/carpark will almost certainly result in accidents. There is no safe way to cross that intersection currently and this will make it far worse. The proposed new driveway is extremely dangerous and should be of great concern to council. There is already a dangerous issue with stormwater from the current house and block that crosses Golden Grove when ever it rains. There is no stormwater management listed on the plans which is of great concern. A shed of that size without stormwater management in place will cause flooding to Golden Grove Road even with a light rain. Thank you for reading and your consideration on this matter, I am grateful for the opportunity to be heard and would welcome any opportunity to be involved in this proposed development considering how greatly it impacts my family.

Attached Documents

Objection-to-proposed-development-at-8-Greenwith-Road,-Golden-Grove.-1207764.pdf

After going over the plans and realising the many issues that this proposed development will have to not only my own residential dwelling (located next door) but also to the area, I feel I must object.

Our family home is situated less than 8 metres away from the proposed assembly and cutting shed. We have 3 young children and many pets who reside there and the disturbance to an otherwise quiet area, will be severe. Further up the street, it is more industrial with noise and trucks coming and going but where this block is, there is no daytime noise and any trucks from the earthmoving businesses close by usually leave in the morning and don't return until the afternoon, that's once out and once back in only. The proposed hardstand around the assembly and cutting shed we assume will be used by trucks, rumbling all day long right outside our home and windows, picking up and dropping off materials. The sheds are to be made from Colorbond steel which will have no sound protection, considering the very close proximity to the residential neighbours (both us next door and across the road). At least precast concrete panels would assist to reduce any noise from a cutting shed and assembly shed - both with loud machines being used all day long. This area is currently very peaceful and quiet, it is far more residential than industrial as there is not loud work going on during the day. To introduce a factory where there are no others doesn't make sense, the other end of Greenwith Road or where the factory is currently is the perfect location as there are already other similar businesses around, so it does not affect people living nearby. This will impact us greatly, it will impact our quality of life to have such industrial noise less than 8 metres from our family home from 7am until late afternoon every working day of the week, it will cause distress to our children, our dogs, our pets and our mental health and very likely those homes within the area as this will be a constant noise for us all to have to deal with.

The big, dark grey, steel sheds will be an eyesore in such a prominent location. The historic church across the road will be obstructed and the residential homes all around will lose their lovely outlook.

The demolition of the significant trees, the fauna and the home to many native animals is quite distressing. Koalas, kangaroos, possums, echidnas, birds, and many other animals use this block of land, and it is concerning how quickly we are destroying their habitat.

Another concern is the already very busy intersection, adding 35 carparks and additional trucks using the new, proposed entrance only meters away from the Golden Grove Rd intersection is an accident waiting to happen. Cars don't have great vision when turning onto Greenwith Road (across Golden Grove Rd) and they do so fairly quickly, to then have a new carpark entrance immediately after this will cause a lot of issues. There are large trucks coming down from the quarry and brickworks which will be impacted by a further surge in traffic with cars and trucks wanting to pull out of this new driveway to use the intersection. There are no footpaths along Greenwith Road either so any pedestrians using the road will be further impacted by all these additional cars and trucks. As stated, that intersection is already a hazard, increased traffic and cars/trucks stopping only meters from it to enter the proposed new driveway/carpark will almost certainly result in accidents. There is no safe way to cross that intersection currently and this will make it far worse. The proposed new driveway is extremely dangerous and should be of great concern to council.

There is already a dangerous issue with stormwater from the current house and block that crosses Golden Grove whenever it rains. There is no stormwater management listed on the plans which is of great concern. A shed of that size without stormwater management in place will cause flooding to Golden Grove Road even with a light rain.

Thank you for reading and your consideration on this matter, I am grateful for the opportunity to be heard and would welcome any opportunity to be involved in this proposed development considering how greatly it impacts my family.

Warm regards,

Jimmy Truscott.

26 June 2023

City of Tea Tree Gully
571 Montague Road
MODBURY SA 5092

Att: Justine Perry



PO Box 7434
Halifax Street SA 5000
0402 832 226
andrew@humbyconsulting.com.au
humbyconsulting.com.au

RESPONSE TO REPRESENTATIONS - DA 23004125

CHANGE OF USE TO LIGHT INDUSTRY INCLUSIVE OF OFFICE, WAREHOUSE, FENCING, LANDSCAPING AND ADVERTISEMENT FOR WINDOW AND DOOR ASSEMBLING

2 – 8 GREENWITH ROAD, GOLDEN GROVE

I refer to your correspondence dated 20 April 2023, providing a copy of the three (3) representations received during the public notification period of the abovementioned application. I have been requested by the applicant to review the representations and provide a response to Council as appropriate.

I have considered the three (3) representations received by Council for which each provided comments on the proposal. Of the 3 representations, all oppose the development.

I also note that 2 representors have indicated that they wish to be heard by the Panel:

- Krystal and Rosslyn Storey
- James Truscott

An overview of the representations are provided below;

No.	Name	Address	To be heard before CAP	Position
1	Kate Truscott	PO Box 360, Modbury North	NO	OPPOSES <ul style="list-style-type: none"> • Industry next to residential is inappropriate • Noise impacts are of a concern • Increased traffic impacts
2	Krystal and Rosslyn Storey	Unit 8, 20 Persimmon Grove, Golden Grove	YES	OPPOSES <ul style="list-style-type: none"> • Industry next to residential will drive house prices down • Noise impacts will impact existing residential houses • Development will impact vegetation and wildlife



3	James (Jimmy) Truscott	10-18 Greenwith Road, Golden Grove	YES	OPPOSES <ul style="list-style-type: none"> Noise impacts upon adjoining dwelling Truck movements to and from the site (and within the site) will create noise impacts Colorbond shed will not have sufficient sound protection to reduce impacts upon nearby dwellings Industry in this location is inappropriate Visual impacts Historic church adjoining the site will be impacted (visually) Increased traffic impacts Lack of stormwater management
---	------------------------------	---------------------------------------	-----	---

A response to the issues raised within the representations are provided below.

Suitability of Industrial Activity

A number of representors have raised concerns that the proposed light industrial land use is an inappropriate form of development within the subject land.

Located at the western edge of the Resource Extraction Zone and adjoining the General Neighbourhood (western side of Golden Grove Road), it is acknowledged that the proposed development is not specifically envisaged as a land use anticipated within the Zone.

The primary intent of the Resource Extraction Zone is to accommodate development that is associated with or ancillary to resource extraction and processing (Performance Outcome 1.1), with only 'Office, Resource extraction operations, Resource processing facility and Store' identified in Designated Performance Feature 1.1 as suitable land uses within the wider Resource Extraction Zone.

Notwithstanding the above, it is considered that the location of the subject land at the western edge of the Resource Extraction Zone, its relatively small allotment size, its proximity to adjoining residential allotments and its location within a cluster of non-resource extraction activities, would not enable the establishment of resource extraction operations that are consistent with the existing operations found further east.

It is considered that the immediate locality, and particularly the allotments immediately adjoining the subject land form a cluster of land uses that do not portray these sought after characteristics – it is by no means a traditional 'resource extraction' area. Of interest, the immediate locality contains the following land uses:

- Light industrial (including the adjoining site that contains a dwelling + light industrial operation)
- Self-storage facility
- Recycling depot
- Service trade premise
- Detached dwellings (west and north)
- Place of worship (south)



It is considered that the proposed development builds upon the cluster of land uses established within the immediate locality (noting that all are not envisaged within the Zone) without constraining the ability for existing resource extraction operations to continue operating in its current form.

It is worth noting that in 2017, the City of Tea Tree Gully initiated a review of its former Mineral Extraction Zone (now identified in the Planning and Design Code as the Resource Extraction Zone) that includes allotments fronting Greenwith Road. Jones Lang LeSalle published its finding in the '*Investigations into Golden Grove Mineral Extraction Zone*' report, dated 3 July 2017. A copy of this report is still available on Council's website.

The following extracts from this report identify that the allotments along Greenwith Road (including the subject land) are not suitable for resource extraction and an alternate 'industry' zone would be a more appropriate policy framework:

- *There are limited immediate pressures to extend mining activity within the Golden Grove Mineral Extraction Zone to sites that are either vacated or used for other purposes.*
- *State government authorities have indicated that the relatively small sites such as those fronting Greenwith Road would be unlikely to be compulsorily acquired for mining. Given the relatively small size of these sites and existing non-mining land uses, mining activity would unlikely be viable.*
- *A policy area along Greenwith Road would provide greater flexibility to develop the land in a similar manner to an industry zone. The benefits of such a policy change include:*
 - *Supporting capital investment;*
 - *Potentially improving the amenity of sites along Greenwith Road; and*
 - *Promoting new opportunities for businesses, leading to additional employment in the local area.*

It is acknowledged that the areas subject to the above mentioned report were not rezoned to an industrial zone/policy area, presumably due to the commencement of the State-wide planning reforms. Notwithstanding this, the report does emphasise that the allotments fronting Greenwith Road (including the subject land) are unlikely to be viable for mining operations and alternate land uses that provide for improve amenity should be explored.

Given the immediate locality contains numerous examples of commercial/light industrial land uses, it is my opinion, that the proposed light industrial development will not detract from the existing character of the area or significantly impact upon the Desired Outcome of the Zone.

In this circumstance and as explained in further detail in this report, the proposed development has sought to provide a suitable design and manage interface with adjoining residential allotments to minimise any unreasonable impacts upon the locality.

This is considered to provide a suitable transition between the existing resource extraction operations and the adjoining General Neighbourhood Zone, thus ensuring suitable compliance with the intent of the Planning and Design Code.

Noise Impacts

The applicants have engaged Echo Acoustic Consulting to prepare an Environmental Noise Assessment to determine the level of impact upon the existing nearby dwellings and ensure that the proposal meets the relevant provisions of the Planning and Design Code, including the standards provided by the *Environment Protection (Noise) Policy 2007*.



Echo Acoustics undertook continuous noise measurements from the existing Grandview Windows workshop (107-115 Greenwith Rd, Golden Grove) between 12 and 17 May 2023 to determine existing noise levels generated by the existing operations. Noise testing was also undertaken on the subject land and adjacent the existing dwellings to the west of Golden Grove Road on 17 May 2023 to determine the existing noise levels caused by high volumes of traffic noise.

The suite of ON Architecture plans were also updated to clearly identify the internal walls of the Cutting Sherd and Assembly Shed that assist to reduce the transfer of noise and reduce potential impacts.

Echo Acoustics' assessment concluded that the acoustic amenity of the nearby dwellings will not be unreasonably impacted by the proposed development, subject to the following measures:

- Ensuring that the site operates only during the day period of the Policy (that is not before 7:00am, or after 10:00pm)
- Constructing the shed from a minimum thickness sheet steel and ensuring that the junction between the walls and roof are airtight using infill strips
- Ensuring that all loading or unloading activity occurs within the causeway/drive-thru area (that is, the concrete hardstand is only used for vehicles being turned around or parked)
- Locating the roller door openings of the cutting and assembly sheds as close as possible to the middle of the covered causeway/drive-thru area
- Ensuring the eastern roller door in the covered causeway/drive-thru area remains normally closed, other than for occasional access to the eastern side of the site
- Ensuring roller doors operate smoothly and without impact or short-term elevated noise levels which could otherwise be rectified by maintenance
- Locating any roof mounted services or openings serving the sheds within the middle (one third) portion of the roof (that is, away from the eastern and western ends)
- Ensuring the private collection of waste occurs between 7.00am and 7.00pm Monday to Saturday and not on public holidays or Sundays.

It is also acknowledged that following the assessment of Echo Acoustics, the submitted Plans have incorporated a 2100mm colorbond fence along portion of the Golden Grove Road frontage (previously assessed as being 'open style' fencing). This will assist to provide additional acoustic treatment to various dwellings to the north-west of the subject land and further reduce potential noise impacts.

The applicant supports a Condition of Approval that reiterates the measures identified by Echo Acoustics.

Based on the above, it is considered that the proposed development can operate without having a detrimental impact on the amenity of the any dwelling within the immediate locality and satisfies the relevant Interface between Land Uses provisions contained within the Planning and Design Code.

Increased Traffic Impacts

Table 1 – General Off-Street Car Parking Requirements (Transport, Access and Parking section of the General Development Policies) of the Planning and Design Code specifies car parking rates for the proposed development:

- Industry – 1.5 spaces per 100m² of total floor area
- Office – 4 space per 100m² of gross leasable area



The proposed development would generate the following car parking requirements:

- Industry – 1248m² (inc causeway) = 19 car parking spaces
- Office – 100m² = 4 car parking spaces

As such, the proposed development generates a requirement for 23 on-site car parks. The proposed development provides a total of 30 on-site carparks, which exceeds the minimum requirements of the Planning and Design Code.

Twelve (12) staff will operate on the site – 5 in the office and 7 in the workshop, with the business operating between 7:30am and 5:00pm (Monday to Friday) and 8:00am to 12 noon (Saturday).

Four (4) deliveries per day of a standard Isuzu 4.5 tonne vehicle (deliveries of glass to clients) and 3 deliveries per week of a larger 8.5m long vehicle transporting aluminium to the site.

The proposal does not include a 'showroom', with minimal 'direct sales' with the general public occurring from the site, thereby reducing the daily traffic volumes anticipated to occur to and from the site.

In terms of traffic generation and access, it is considered that the traffic expected from the proposed development can be safely accommodated without having a detrimental impact on Greenwith Road and the adjoining road networks. It is also recognised that Council's Traffic Engineers have reviewed the proposal and have provided the following comments:

- *Driveway access/ crossover meets Councils requirements and AS2890 standard requirements.*
- *The number of parking spaces and turning circles considering a B99 vehicle meet Councils requirements.*
- *Essentially our Traffic team are supportive, they would also just like to see a full siteworks and drainage plan showing the levels across the site.*

A Siteworks and Drainage Plan has since been submitted that seeks to address the above driveway and crossover grades, ensuring support from Council's traffic engineers.

As such, it is my opinion, that the proposed development could be reasonably expected to occur without having any detrimental impacts on the locality and satisfies the relevant provisions of the Planning and Design Code.

Loss of Property Values

The perceived concern of the loss of property value due to a proposed development is a matter previously considered by the Environment, Resources and Development Court. The Court acknowledges that there have been assertions that both policy changes (via former Development Plan Amendments or Code Amendments) and development proposals can either increase or reduce the value of existing properties.

However, the Court has inferred that the tools for planning assessment do not provide a mechanism to give consideration of land values, and as such any proposal must be considered on its merits against the relevant provisions of the Planning and Design Code to determine if the proposal warrants support.



Impacts upon Vegetation and Wildlife

It is noted that the Native Vegetation Overlay does not apply to the subject land, nor does it apply to the entirety of the Resource Extraction Zone or adjoining General Neighbourhood Zone. It is however acknowledged that the Regulated and Significant Tree Overlay applies over the subject land.

A Preliminary Impact Statement Report, dated 18 January 2023, prepared by Zimmerman Arborists has been submitted as part of this application. Of particular interest, the Report identifies four (4) mature Eucalyptus trees found along the north-western boundary adjoining Golden Grove Road. Three (3) are identified as Regulated Trees (identified as Tree 1, 3 and 4 in the Zimmerman Report).

The submitted Plans prepared by ON Architecture clearly identify that the 3 Regulated Trees are to be retained. The fourth tree (identified as Tree #2) has been identified as having a 'poor health' and 'poor structure' with an estimated life span 'less than 10 years'. For these reasons, it was chosen to remove this tree and replace with a number of additional trees throughout the site.

The proposed development has been designed to ensure suitable separation of the proposed built form from the Structural Root Zones and no more than 10% encroachment into the Tree Protection Zones, as recommended by Zimmerman Arborists.

The submitted Stormwater Management Plan details that stormwater pipes will not encroach into either the Structural Root Zones or Tree Protection Zones, with the Wastewater Management Plan proposing a wastewater surface irrigation area and *above-ground* pipe system adjoining Tree #3.

The proposed boundary fencing along Golden Grove Road has been designed to ensure that within the Tree Protection Zone areas of Trees 1 and 3, this will be installed with a pier and beam construction without continuous trenching.

The above-mentioned measures will ensure that the health and vitality of the three Regulated Trees will be maintained.

A detailed Landscaping Plan has also been submitted that identifies a range of trees, shrubs and ground covers that will result in 32% of the overall site being landscaped. The combination of the retention of existing mature shrubs/trees and a selection of new plantings will assist in providing increased screening of the proposed building and retain suitable canopy for fauna.

It is considered that the proposed landscaping satisfies the relevant landscaping provisions contained within the Planning and Design Code.

Stormwater Management

A Siteworks and Drainage Plan has been prepared by JAC Consulting Engineers that demonstrates how stormwater will be managed. The Siteworks and Drainage Plan has been designed in consultation with Council's engineers to ensure that this meets their minimum expectations.

This ensures that the proposal meets the intent of the Hazards (Flooding – Evidence Required) Overlay that seeks to ensure that the impacts from flood risk are minimised through the appropriate siting of development.



Visual Impact

A representor has raised concerns that the proposed development will have an adverse impact upon the existing character and amenity of the locality.

It is considered that the immediate locality conveys a lower streetscape 'character' than that found in other areas of the Tea Tree Gully Council. This is due to the subject land being located within the Resource Extraction Zone.

Golden Grove Road is a physical feature that defines the transition between established residential areas to the west/north-west to the broader extractive industry and light industrial activities found to the east. Although it is acknowledged that a dwelling is located to the immediate east of the subject land, it is noted that this dwelling forms part of a landholding that contains non-residential land uses. Further east is a notable predominance of non-residential activities.

Notwithstanding this and to minimise the potential impacts upon the adjoining dwellings, the building is proposed to be setback 10.7 metres from Greenwith Road and 10.4 – 33.0 metres from Golden Grove Road. Extensive areas of existing and proposed landscaping are to be retained/established around the proposed built form to assist in screening the built form.

The southern most section of the proposed built form (the 'Assembly Shed'), contains a maximum wall height of 4.5 metres, with the larger building (the 'Cutting Shed') containing a wall height of 6.4 metres and an increased setback of 30.7m from Greenwith Road. The south-eastern corner of the Assembly Shed is to be sited approximately 400mm-1.5 metres lower than the natural ground level of the southern boundary – resulting in a reduced visual impact when viewed from the public realm, south-east of the subject land. Coupled with increased landscaping and front fencing along the Greenwith Road frontage will assist to reduce the visual impact of the proposal.

It is recognised that the larger building (the 'Cutting Shed') is located 10.48 - 33.0metres from the Golden Grove Road frontage. To assist in reducing the visual impact when viewed from Golden Grove Road, the two matured Regulated Trees and all other existing shrubs/smaller trees in the northern section of the site are to be retained. The recently planted row of Council street trees and the use of 2100mm colorbond fencing ('Woodland Grey colour – similar to the opposite side of Golden Grove Road) along portion of the north-western boundary will also assist to reduce the visual impact of the proposed built form.



View of the Subject Land from GG Road (looking South)

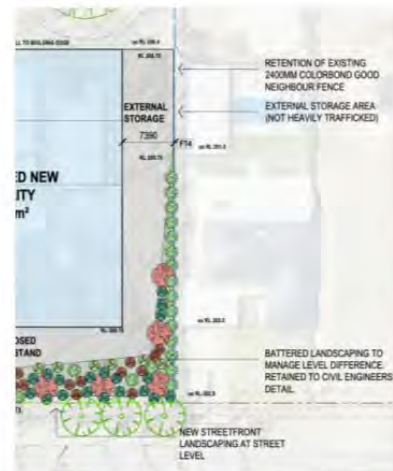


Landscaping in northern section of Subject Land

The retention of the existing eastern boundary fence (to a maximum height of 2400mm) will be retained to assist in reducing the impact of the proposed built form. The largest building (the 'cutting shed') will be partially screened by the existing built form located on the side boundary of the adjoining allotment, with a proposed Chinese Pistachio tree (maximum height of 8m and 6m canopy) to be planted along the eastern boundary assisting to reduce the visual impact of the 'assembly shed', when viewed from the adjoining dwelling.



View of adjoining the Subject Land from GG Road (looking SE)



Landscaping Plan

The use of the proposed colours and materials ensure that it will not create any excessive glare, by way of non-reflective materials, and not cause any unreasonable impacts upon the locality.

It is considered that the amended proposal suitably addresses the visual amenity concerned identified in the representations and is keeping with the intent of the relevant design and appearance provisions within the Planning and Design Code.



Impact of Local Heritage Place

A representor has raised concerns that the proposed development will have an adverse impact upon the adjoining Greenwith Uniting Church (1285 Golden Grove Road) – identified as a Local Heritage Place.

Although listed as a Local Heritage Place, it is noted (and as shown in the adjoining image) that the Heritage Adjacency Overlay does not apply to the subject land and technically does not form part of the proposal's assessment against the suite of policies contained within the Planning and Design Code.



Notwithstanding that the Heritage Adjacency Overlay does not apply in this assessment, the proposal has been amended to clearly designate 'open-style fencing' and vegetation adjoining the corner of Golden Grove Rd/Greenwith Road to assist with an improved visual presentation.

It is also acknowledged that Council's Heritage Advisor has reviewed the proposal and has provided the following comments of support:

- *The existing dwelling being retaining and re-purposed provide a suitable approach*
- *The proposed new facility demonstrates consideration of building heights, form and setbacks. The colour finish of the shed is appropriate to the surrounding context of the site*
- *It is encouraged that the corner of Golden Grove Road/Greenwith Road maintains the visual aspect of dense vegetation. The fencing of this corner should be an open style fence, which is rural in scale to be appropriate to the setting on Golden Grove.*

It is considered that the proposed design reflects the intent of the Heritage Advisor and will ensure that the heritage values of the adjoining Local Heritage Place are maintained.

Conclusion

The applicant has sought to respond to the key concerns raised by the representors, particularly with regards to the proposal's noise, traffic impacts, visual amenity and landscaping.

Given the immediate locality contains numerous examples of commercial/light industrial land uses to the east of the subject land, it is my opinion, that the proposed light industrial development will not detract from the existing character of the area or significantly impact upon the Desired Outcome of the Zone.

Having regard to all the relevant provisions of the Planning and Design Code and the nature of this proposal, it is my opinion that there is sufficient merit to warrant Planning Consent subject to appropriate conditions.



As such, it is my opinion that Planning Consent is warranted as a Performance Assessed application.

Our client requests the opportunity to be heard before the next available Council Assessment Panel. Please advise the undersigned of the anticipated meeting date.

Should you require any further information or clarification, I can be contacted on 0402 832 226.

Andrew Humby
Director
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27 June 2023

City of Tea Tree Gully
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RESPONSE TO RFI - DA 23004125

CHANGE OF USE TO LIGHT INDUSTRY INCLUSIVE OF OFFICE, WAREHOUSE, FENCING, LANDSCAPING AND ADVERTISEMENT FOR WINDOW AND DOOR ASSEMBLING

2 – 8 GREENWITH ROAD, GOLDEN GROVE

Further to the matters identified in your email dated 21 April 2023, I provide the following amended plans and supporting documentation that now form part of this application for Council's consideration:

- Amended suite of Plans – prepared by ON Architecture – dated 21 June 2023
- Environmental Noise Assessment – prepared by Echo Acoustic – dated 23 June 2023
- Site and Soil Assessment + Wastewater Management Plan – prepared by RFE Consulting – dated 5 June 2023
- Siteworks and Drainage Plan – prepared by JAC Consulting – dated 16 June 2023
- Investigations into Golden Grove Mineral Extraction Zone Report– prepared by JLL – dated July 2017

Summary of Amendments

- Floor Plan of 'office' provided
- Dimensions of car parks provided
- Confirmation of non-illuminated signage
- Confirmation of maximum wall and ridge heights
- Additional internal walls (Cutting Shed and Assembly Shed) to assist with noise mitigation
- Additional side PA doors to Cutting Shed and Assembly Shed (to meet BCA exit/safety requirements)
- Increased mix of colours (Woodland Grey and Bluegum) to assist in breaking up the mass of the proposed building
- Golden Grove boundary fence to be reduced from 2400mm to 2100mm and sections to be changed to Colorbond (Woodland Grey – to match adjoining Golden Grove Road fencing)
 - Sections that are located within the Tree Protection Zones of Tree 1 and 3 are to be constructed of Pier and Beam, rather than strip footings, without continuous trenching to minimise impacts on Regulated Trees
- Greenwith Road fence (east of proposed crossover) to be reduced from 2400mm to 2100mm and changed from open style fencing to Colorbond
- Preparation of a Landscaping Plan
 - Increased landscaping throughout the site
 - Notation of all existing trees/large shrubs to be retained
 - Tree #2 being removed (not Regulated)



- Notation of 32% of the site being landscaped
 - Include street trees located along Golden Grove frontage
- Eastern hardstand area to be altered to 'external storage' to minimise use and potential impacts upon eastern allotment.

Business Operations

Currently located at 107-115 Greenwith Road, Golden Grove, the proposed purpose built workshop/facility is sought to accommodate the existing operations. The new workshop facility incorporates cutting and assembly sheds, with the existing dwelling to be converted to an office. On-site carparking, delivery area and outdoor storage is proposed.

Trucks will enter and exit through the car park, conduct loading and unloading in the causeway/drive- thru using the western roller door for access, and manoeuvre as required on the concrete hardstand.

Twelve (12) staff will operate on the site – 5 in the office and 7 in the workshop.

The hours of operation proposed for the operations:

- Monday to Friday - 7:30am and 5:30pm
- Saturday - 8:00am and 12:00pm
- Sunday/Public Holidays – no trading

Main tools used within the proposed buildings

- Battery drills/hand-tools (the primary tools used within the operations)
 - Typically used between 9am and 4pm Monday to Fridays
- One compressor, located within the Cutting Shed
 - Maximum use 1-2 hours spread throughout the daily hours of operation
- Cutting saws, located within the Cutting Shed
- 1 small forklift (used max 20-30mins a day for minor activities)

Deliveries – typically 4 per day of a standard Isuzu 4.5 tonne vehicle (deliveries of glass to clients) and typically 3 per week of a larger 8.5m long vehicle transporting aluminium to the site.

The roller door and PA doors on the eastern façade will be closed at all times, other when access is required out in the 7.39m wide 'storage area'. There will also be a roller door between the causeway/drive-thru and the cutting shed and between the causeway/drive-thru and assembly shed – both assisting to reduce the potential noise impacts.

Stormwater and Wastewater Management Plans

A Siteworks and Drainage Plan has been prepared JAC Consulting that demonstrates how stormwater will be managed.

A Site and Soil Assessment + Wastewater Management Plan has also been prepared by RFE Consulting to demonstrates how wastewater will be managed on site.

It is acknowledged that a Preliminary Impact Statement Report, dated 18 January 2023, prepared by Zimmerman Arborists has been submitted as part of this application. Of particular interest, the Report identifies



four (4) mature Eucalyptus trees found along the north-western boundary adjoining Golden Grove Road. Three (3) are identified as Regulated Trees (identified as Tree 1, 3 and 4 in the Zimmerman Report).

The amended Plans prepared by ON Architecture clearly identify that the 3 Regulated Trees are to be retained. The fourth tree (identified as Tree #2) has been identified as having a 'poor health' and 'poor structure' with an estimated life span 'less than 10 years'. For these reasons, it was chosen to remove this tree and replace with a number of additional trees throughout the site.

The proposed development has been designed to ensure suitable separation of the proposed built form from the Structural Root Zones of the three Regulated Trees and no more than 10% encroachment into the Tree Protection Zones, as recommended by Zimmerman Arborists.

The submitted Stormwater Management Plan details that stormwater pipes will not encroach into either the Structural Root Zones or Tree Protection Zones, with the Wastewater Management Plan proposing a wastewater surface irrigation area and above-ground pipe system adjoining Tree #3.

Environmental Noise Assessment

The applicants have engaged Echo Acoustic Consulting to prepare an Environmental Noise Assessment to determine the level of impact upon the existing nearby dwellings and ensure that the proposal meets the relevant provisions of the Planning and Design Code, including the standards provided by the *Environment Protection (Noise) Policy 2007*.

The suite of ON Architecture plans were also updated to clearly identify the internal walls of the Cutting Shed and Assembly Shed that assist to reduce the transfer of noise and reduce potential impacts.

Echo Acoustics undertook continuous noise measurements from the existing Grandview Windows workshop (107-115 Greenwith Rd, Golden Grove) between 12 and 17 May 2023 to determine existing noise levels generated by the existing operations. Noise testing was also undertaken on the subject land and adjacent the existing dwellings to the west of Golden Grove Road on 17 May 2023 to determine the existing noise levels caused by high volumes of traffic noise.

Echo Acoustics' assessment concluded that the acoustic amenity of the nearby dwellings will not be unreasonably impacted by the proposed development, subject to the following measures:

1. Ensuring that the site operates only during the day period of the Policy (that is not before 7:00am, or after 10:00pm)
2. Constructing the shed from a minimum thickness sheet steel and ensuring that the junction between the walls and roof are airtight using infill strips
3. Ensuring that all loading or unloading activity occurs within the causeway/drive-thru area (that is, the concrete hardstand is only used for vehicles being turned around or parked)
4. Locating the roller door openings of the cutting and assembly sheds as close as possible to the middle of the covered causeway/drive-thru area
5. Ensuring the eastern roller door in the covered causeway/drive-thru area remains normally closed, other than for occasional access to the eastern side of the site
6. Ensuring roller doors operate smoothly and without impact or short-term elevated noise levels which could otherwise be rectified by maintenance
7. Locating any roof mounted services or openings serving the sheds within the middle (one third) portion of the roof (that is, away from the eastern and western ends)
8. Ensuring the private collection of waste occurs between 7.00am and 7.00pm Monday to Saturday and not on public holidays or Sundays.



It is also acknowledged that following the assessment of Echo Acoustics, the submitted Plans have incorporated a 2100mm colorbond fence along portion of the Golden Grove Road frontage (previously assessed as being 'open style' fencing). This will assist to provide additional acoustic treatment to various dwellings to the north-west of the subject land and further reduce potential noise impacts.

The applicant supports a Condition of Approval that reiterates the measures identified by Echo Acoustics. Council may also wish to include reference to the two PA doors along the eastern elevation to also be included into Recommendation #5 to reiterate that these doors remain closed, other than for occasional access.

Based on the above, it is considered that the proposed development can operate without having a detrimental impact on the amenity of the any dwelling within the immediate locality and satisfies the relevant Interface between Land Uses provisions contained within the Planning and Design Code.

Traffic Assessment

It is noted in an email from Council dated 2 May 2023, that the following comments were received from Council's Traffic Engineers:

- *Driveway access/ crossover meets Councils requirements and AS2890 standard requirements.*
- *The number of parking spaces and turning circles considering a B99 vehicle meet Councils requirements.*
- *Request from applicant: access driveway and crossover grades heading towards the road and grades within the carpark itself.*
- *Essentially our Traffic team are supportive, they would also just like to see a full siteworks and drainage plan showing the levels across the site.*

The submitted Siteworks and Drainage Plan seeks to address the following issues, noting that Council's Traffic Engineers are broadly supportive of the proposal.

Adjoining Local Heritage Place

It is acknowledged that the adjoining Greenwith Uniting Church (1285 Golden Grove Road) is located as a Local Heritage Place.

Although listed as a Local Heritage Place, it is noted (and as shown in the adjoining image) that the Heritage Adjacency Overlay does not apply to the subject land and technically does not form part of the proposal's assessment against the suite of policies contained within the Planning and Design Code.

Notwithstanding that the Heritage Adjacency Overlay does not apply in this assessment, the applicants have amended the submitted plans to clearly designate 'open-style fencing' and vegetation adjoining the Golden Grove Rd/Greenwith Road frontage to provide an appropriate design treatment.





Council's Heritage Advisor has reviewed the proposal and has provided the following comments of support:

- *The existing dwelling being retaining and re-purposed provide a suitable approach*
- *The proposed new facility demonstrates consideration of building heights, form and setbacks. The colour finish of the shed is appropriate to the surrounding context of the site*
- *It is encouraged that the corner of Golden Grove Road/Greenwith Road maintains the visual aspect of dense vegetation. The fencing of this corner should be an open style fence, which is rural in scale to be appropriate to the setting on Golden Grove.*

It is considered that the proposed design reflects the intent of the Heritage Advisor and will ensure that the heritage values of the adjoining Local Heritage Place are maintained.

Investigations into Golden Grove Mineral Extraction Zone Report

As recently discussed, the City of Tea Tree Gully initiated a review in 2017 of its former Mineral Extraction Zone (now identified in the Planning and Design Code as the Resource Extraction Zone) that includes allotments fronting Greenwith Road. Jones Lang LeSalle published its finding in the 'Investigations into Golden Grove Mineral Extraction Zone' report, dated 3 July 2017. A copy of this report is still available on Council's website but attached for your review.

The following extracts from this report identify that the allotments along Greenwith Road (including the subject land) are not suitable for resource extraction and an alternate 'industry' zone would be a more appropriate policy framework:

- *There are limited immediate pressures to extend mining activity within the Golden Grove Mineral Extraction Zone to sites that are either vacated or used for other purposes.*
- *State government authorities have indicated that the relatively small sites such as those fronting Greenwith Road would be unlikely to be compulsorily acquired for mining. Given the relatively small size of these sites and existing non-mining land uses, mining activity would unlikely be viable.*
- *A policy area along Greenwith Road would provide greater flexibility to develop the land in a similar manner to an industry zone. The benefits of such a policy change include:*
 - *Supporting capital investment;*
 - *Potentially improving the amenity of sites along Greenwith Road; and*
 - *Promoting new opportunities for businesses, leading to additional employment in the local area.*

It is acknowledged that the areas subject to the above mentioned report were not rezoned to an industrial zone/policy area, presumably due to the commencement of the State-wide planning reforms. Notwithstanding this, the report does emphasise that the allotments fronting Greenwith Road (including the subject land) are unlikely to be viable for mining operations and alternate land uses that provide for improve amenity should be explored.

Given the immediate locality contains numerous examples of commercial/light industrial land uses, it is my opinion, that the proposed light industrial development will not detract from the existing character of the area or significantly impact upon the Desired Outcome of the Zone.

Response to Public Notification

A separate letter of response to three (3) representation has been prepared and recently uploaded onto the PlanSA Portal.



Conclusion

Overall, it is my opinion, that the proposed light industry represents an appropriate form of development in the context and intent of the Resource Extraction Zone, Overlays and the General Policies in the Planning and Design Code.

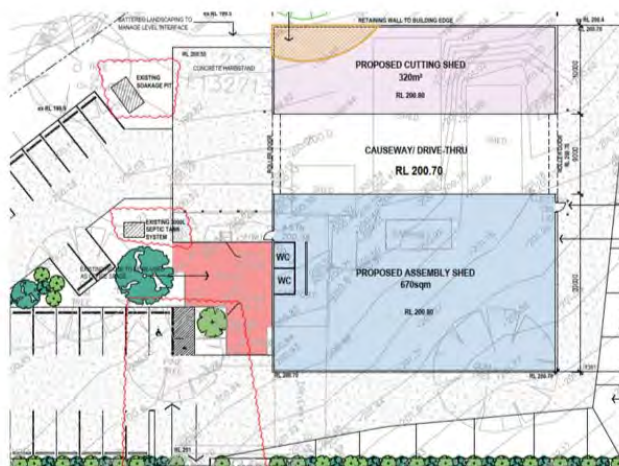
Given the immediate locality contains numerous examples of commercial/light industrial land uses to the east of the subject land, it is my opinion, that the proposed light industrial development will not detract from the existing character of the area or significantly impact upon the Desired Outcome of the Zone.

Having regard to all the relevant provisions of the Planning and Design Code and the nature of this proposal, it is my opinion that there is sufficient merit to warrant Planning Consent subject to appropriate conditions.

Our client requests the opportunity to be heard before the next available Council Assessment Panel. Please advise the undersigned of the anticipated meeting date.

Should you require any further information or clarification, I can be contacted on 0402 832 226.

Andrew Humby
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Workshop Facility 2-8 Greenwith Road Golden Grove

Environmental Noise Assessment

23 June 2023

Reference ID: 240-3



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Abbreviations

DO	Desired Outcome of the Code
DTS / DPF	Deemed to Satisfy Criteria / Designated Performance Feature
EPA	South Australian Environment Protection Authority
PO	Performance Outcome of the Code
WHO	World Health Organization

Glossary

A-weighting	A mathematical adjustment to the measured noise levels to represent the human response to sound. An <i>A-weighted noise level</i> is presented as dB(A)
Ambient noise level	The noise level associated with the environment in the absence of the activity under investigation
Background noise level	The noise level exceeded for 90% of the measurement period. The background noise level represents the lulls in the ambient environment.
Characteristic	A characteristic determined in accordance with the <i>Environment Protection (Noise) Policy 2007</i> (the Policy) to be fundamental to the nature and impact of the noise. For example, a noise source is deemed to exhibit a characteristic if it produces distinctive tonal, impulsive, low frequency or modulating features
Code	<i>Planning and Design Code</i> Version 2023.6 dated 27 April 2023, PlanSA
Day	A period defined by the <i>Environment Protection (Noise) Policy 2007</i> as between 7.00am and 10.00pm
EP Act	<i>Environment Protection Act 1993</i>
Equivalent noise level	The A-weighted noise level which is equivalent to a noise level which varies over time. The descriptor is L_{Aeq} and it is the A-weighted <i>source noise level (continuous)</i> referenced in the Policy. The L_{Aeq} is also referenced as an average noise level in this assessment for simplicity
dB	The logarithmic unit of measurement to define the magnitude of a fluctuating air pressure wave. Used as the unit for <i>sound</i> or <i>noise level</i>
Indicative Noise Level	The noise level assigned by the Policy at a location to represent an impact on the acoustic amenity at that location. No further action is required to be taken under the <i>Environment Protection Act 1993</i> for noise levels which are lower than the Indicative Noise Level
Night	A period defined by the <i>Environment Protection (Noise) Policy 2007</i> as between 10.00pm and 7.00am
Noise	An interchangeable term with sound but which is most often described as <i>unwanted sound</i>



Noise Sensitive Premises or Receiver	Premises that could be "noise-affected". For the purposes of this assessment, the noise sensitive premises (or <i>receivers</i> referenced by the Code) are residential dwellings. Commercial properties are not considered sensitive to the sources of noise considered in this assessment.
Policy	The <i>Environment Protection (Noise) Policy 2007</i>
Sound	An activity or operation which generates a fluctuating air pressure wave. The ear drum can perceive both the frequency (pitch) and the magnitude (loudness) of the fluctuations to convert those waves to sound
Sound pressure level	The magnitude of sound (or noise) at a position. The sound pressure level can vary according to location relative to the noise source, and operational, meteorological and topographical influences
Sound power level	The amount of sound energy an activity produces for a given operation. The sound power level is a constant value for a given activity. The sound power level is analogous to the power rating on a light globe (which remains constant), whereas the lighting level in a space (sound pressure level in this analogy) will be influenced by the distance from the globe, shielding and different locations within the space.
WHO Guidelines	<i>Guidelines For Community Noise</i> Birgitta Berglund Thomas Lindvall Dietrich H Schwela London, United Kingdom, April 1999, World Health Organization

Executive Summary

A new workshop facility for Grandview Windows is proposed to be developed at 2-8 Greenwith Road, Golden Grove. New cutting and assembly sheds are to be constructed, and an existing dwelling on the allotment will be converted for use as an office. The site also includes associated car parking and delivery areas.

Noise sources will include vehicle movements, delivery and loading activities, cutting and assembly processes within the sheds, occasional opening and closing of roller doors, the collection of waste bins and the operation of air conditioning and ventilation systems. The hours of operation are between 7:30am and 5:30pm on weekdays and 8:00am and 12:00pm on Saturdays.

The existing workshop has been accessed to measure and observe the activities which will be relocated to the new facility. The noise levels resulting at nearby dwellings are predicted for the proposed activities and compared against the *Environment Protection (Noise) Policy 2007*. The *Environment Protection (Noise) Policy 2007* provides objective standards to ensure the facility does not adversely impact on the amenity of any dwelling in the locality in accordance with the relevant provisions of the *Planning and Design Code*.

The assessment determines the new workshop facility can achieve the *Environment Protection (Noise) Policy 2007* and the relevant provisions of the *Planning and Design Code* through the following noise reduction measures:

- Ensuring that the site operates only during the day period of the Policy (that is not before 7:00am, or after 10:00pm)
- Constructing the shed from a minimum thickness sheet steel and ensuring that the junction between the walls and roof are airtight using infill strips
- Ensuring that all loading or unloading activity occurs within the *causeway/drive-thru* area (that is, the concrete hardstand is only used for vehicles being turned around or parked)
- Locating the roller door openings of the cutting and assembly sheds as close as possible to the middle of the covered *causeway/drive-thru* area
- Ensuring the eastern roller door in the covered *causeway/drive-thru* area remains normally closed, other than for occasional access to the eastern side of the site
- Ensuring roller doors operate smoothly and without impact or short-term elevated noise levels which could otherwise be rectified by maintenance
- Locating any roof mounted services or openings serving the sheds within the middle (one third) portion of the roof (that is, away from the eastern and western ends)
- Ensuring the private collection of waste occurs between 7.00am and 7.00pm Monday to Saturday and not on public holidays or Sundays.

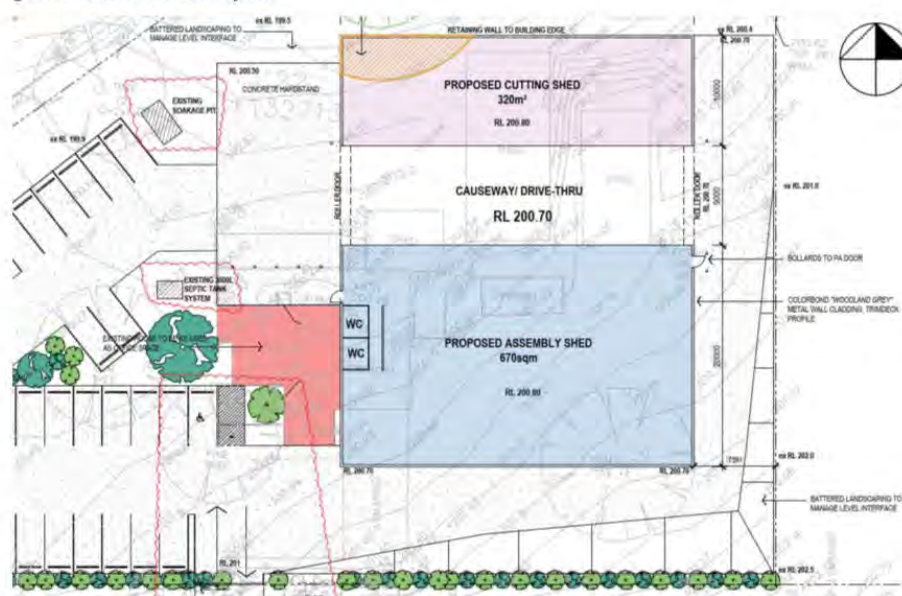


Introduction

A new workshop development for Grandview Windows is proposed at 2-8 Greenwith Road, Golden Grove (the **facility**).

The facility will include new cutting and assembly sheds connected by a causeway, the conversion of an existing dwelling on the allotment for use as an office, and associated car parking areas, as shown in Figure 1.

Figure 1 Site and Shed Layout



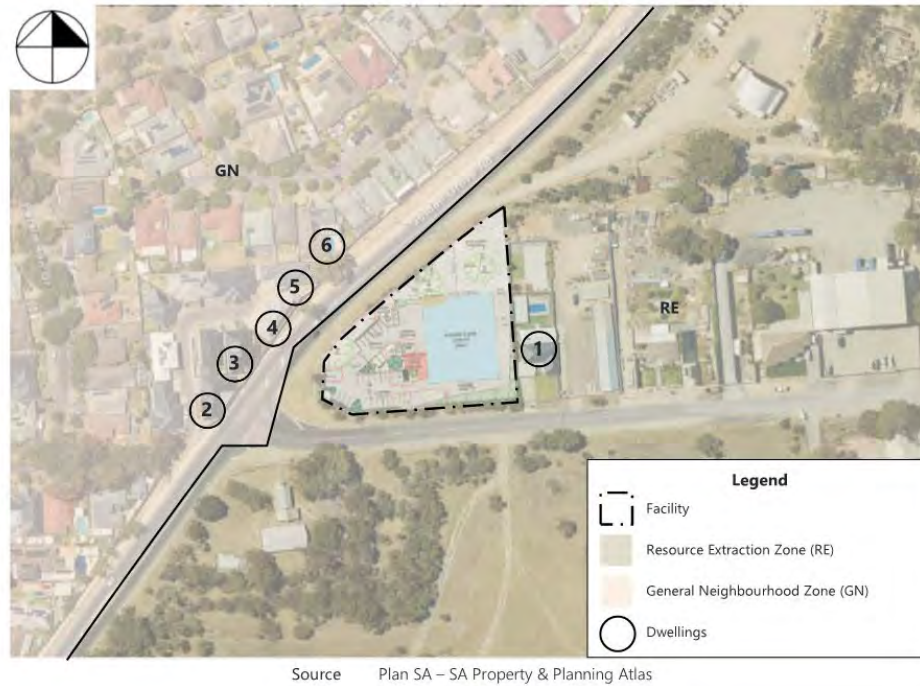
Noise sources at the facility will include vehicle movements, delivery and loading activities, cutting and assembly processes within the respective areas of the shed, the occasional opening and closing of roller doors, the collection of waste bins and the operation of mechanical services (air conditioning and ventilation systems). The facility proposes to operate between the hours of 7:30 am and 5:30pm on weekdays and 8:00am and 12:00pm on Saturday.

Trucks will enter and exit through the car park, conduct loading and unloading in the *causeway/drive-thru* using the western roller door for access, and manoeuvre as required on the concrete hardstand. The eastern roller door will be kept normally closed during day-to-day operation. There will also be a roller door between the *causeway/drive-thru* and the cutting shed and between the *causeway/drive-thru* and assembly shed.

The noise level resulting at nearby sensitive receivers (dwellings) is predicted for the proposed activities and compared against relevant standards in accordance with the *Planning and Design Code* provisions.

The location of the facility, the closest dwellings, and the zones under the *Planning and Design Code* are shown in Figure 2.

Figure 2 The Facility and Surrounding Locality



Assessment Criteria

The Planning and Design Code

The facility and the closest dwelling (identified as 1 in Figure 2) are in a *Resource Extraction Zone* of the *South Australian Planning and Design Code Version 2023.6 dated 27 April 2023* (the **Code**). The dwellings located to the west of the facility, on the opposite side of Golden Grove Road (identified as 2 to 6 in Figure 2) are in a *General Neighbourhood Zone*. The following provisions within the Code are considered relevant to the environmental noise assessment.

Interface between Land Uses (Part 4 – General Development Policies)

Desired Outcome DO 1

Development is located and designed to *mitigate adverse effects* on or from neighbouring and proximate land uses.

Performance Outcome PO 1.2

Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers *is designed to minimise adverse impacts*.

Performance Outcome PO 2.1

Non-residential development *does not unreasonably impact the amenity of sensitive receivers* (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:

- a) the nature of the development
- b) measures to mitigate off-site impacts
- c) the extent to which the development is desired in the zone
- d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.

Performance Outcome PO 4.1

Development that emits noise (other than music) *does not unreasonably impact the amenity of sensitive receivers* (or lawfully approved sensitive receivers).

Deemed to Satisfy Criteria (DTS) / Designated Performance Feature (DPF) 4.1

Noise that might affect sensitive receivers achieves the relevant *Environment Protection (Noise) Policy* criteria.



Performance Outcome PO 4.2

Areas for the on-site manoeuvring 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 by adopting techniques including:

- locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers
- when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers
- housing plant and equipment within an enclosed structure or acoustic enclosure
- providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.

The Policy

Interface between Land Uses DTS/DFP 4.1 references the *Environment Protection (Noise) Policy 2007* (the **Policy**).

The Policy was developed under the *Environment Protection Act 1993* (the **EP Act**). The EP Act incorporates a requirement to ensure the acoustic *amenity of a locality is not unreasonably interfered with*. The Policy provides an objective approach to satisfy this requirement underpinned by the World Health Organization's *Guidelines for Community Noise* as it relates to community annoyance and sleep disturbance.

Compliance with the Policy will satisfy *Interface between Land Uses DTS/DFP 4.1*. With the overarching requirement of the EP Act being consistency with the Code provisions, compliance with the Policy is considered to also satisfy the subjective requirements of the Desired and Performance Outcomes in the Code (being *Interface between Land Uses DO 1*, PO 1.2, PO 2.1, PO 4.1, and PO 4.2).

The Policy establishes *indicative noise levels* that apply at noise sensitive premises for both the day (7.00am to 10.00pm) and night (10.00pm to 7.00am the following day). The noise levels vary according to the land uses promoted in the zones of the facility and the dwellings.

For a new development, the Policy criteria that apply at existing dwellings are the *Indicative Noise Levels* minus 5 dB(A).

In this circumstance, the noise levels that apply at existing dwellings during the proposed operating hours are as follows:

- An *average noise level* of 60 dB(A) at the dwelling in the *Resource Extraction Zone* (dwelling 1 in Figure 2)
- An *average noise level* of 52 dB(A) at dwellings in the *General Neighbourhood Zone* (dwellings 2 to 6 in Figure 2).

Under the Policy, the "average noise level" is an *equivalent noise level* over a default assessment period of 15 minutes.



When predicting noise levels for comparison to the Policy, the predicted *equivalent noise levels* are to be adjusted (increased) where the activities exhibit “annoying” characteristics (dominant tonal, impulsive, low frequency content or modulation characteristics) in comparison to the surrounding ambient environment.

For waste collection, the Policy effectively restricts private collection (as distinct to public collection occurring at surrounding dwellings) to between 7.00am and 7.00pm Monday to Saturday and not on public holidays or Sundays.



Assessment

Noise Data Inputs

Noise levels from the facility have been predicted based on measurements at the existing Grandview Windows workshop on Greenwith Road, Golden Grove. The current site is similar to the proposal, with the assembly and cutting activities occurring in separate sheds.

The attended measurements included:

1. activity in the assembly area, where hand tools are used at a low intensity and there is an air compressor (and radio playing background music)
2. activity in the cutting area, where aluminium extrusions are cut and a hole punch is used
3. a forklift and two 4.5 tonne *Isuzu* site trucks (with low discharge exhausts) being manoeuvred.

Noise levels were also continuously measured between 12 and 17 May 2023 within the cutting shed to determine the rise and fall of noise levels that occurs over a representative period.

The site measurements have been supplemented with data taken at other similar sites, including measurements of carpark activity, and roller door operation. Manufacturer's noise data for air-conditioning and shed ventilation systems at comparable operations have also been used to provide an assessment of mechanical services.

Operational Assumptions

The following inputs have been used for the assessment over the default 15-minute period of the Policy and are the basis for the predicted noise levels resulting at nearby dwellings:

- Activity in the cutting shed at the highest noise level measured, being 80 dB(A), and an *open* roller door with a width of 6m and a height of 3m between the cutting shed and the *causeway/drive-thru*
- Activity in the assembly shed occurring at the noise level measured, being 70 dB(A), and an *open* roller door with a width of 4.5m and a height of 3m between the assembly shed and the *causeway/drive-thru*. The level accounts for low intensity use of hand tools, operation of the compressor and background music
- Continuous loading/unloading activity using the site forklift within the *causeway/drive-thru* and accessing the assembly and cutting sheds as required, with a sound power level of 91 dB(A)
- A 4.5 tonne truck movement into or out of the site, including reversing to turn around on the concrete hardstand with a sound power level of 92 dB(A)
- A 4.5 tonne truck idling in the *causeway/drive-thru* for a 5-minute period during loading and unloading, with a sound power level of 92 dB(A)
- 15 passenger vehicle movements in the car park with a sound power level of 81 dB(A) per arrival or departure (manoeuvring from the parking space, opening and closing doors and conversing).
- The opening or closing of the roller doors into the cutting shed, assembly shed, and western end of the *causeway/drive-thru* (noting that the eastern roller door is proposed to remain normally closed)



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23 June 2023
Reference ID: 240-3

Workshop Facility 2-8 Greenwith Road Golden Grove - Environmental Noise Assessment

- Continuous operation of an evaporative cooler and an extraction fan on the roof of the cutting shed and the assembly shed, with a combined sound power level of 85 dB(A) for each shed.
- Continuous operation of an air conditioning system on the roof of the converted offices, with a sound power level of 75 dB(A).

Existing Environment

Measurements were conducted at various locations on the site of the proposal and adjacent the dwellings to the west of Golden Grove Road on 17 May 2023. The measurements were taken between 1:00pm and 2:00pm using a calibrated *Rion NL-42 sound level meter* to establish the noise levels in the existing ambient environment at a variety of setback distances from Golden Grove Road and at a time when traffic flow (and noise levels) are relatively low.

The measurements indicated that noise levels were controlled by intermittent vehicle movements on Golden Grove Road and Greenwith Road. The noise level modulated with passing vehicles.

At a location on the eastern side of the facility (closest to location 1 in Figure 2), the equivalent (L_{Aeq}) noise level was 52 dB(A), the background (L_{A90}) noise level was 44 dB(A), and maximum noise levels from trucks on Greenwith Road ranged from 57 to 70 dB(A). Dwelling location 1 is shielded from the roads, with significant existing fencing at the interface with the site and with Greenwith Road.

At a location on the western side of Golden Grove Road (adjacent the dwellings identified 2 to 6 in Figure 2), the equivalent (L_{Aeq}) noise level was 67 dB(A), the background (L_{A90}) noise level was 54 dB(A), and maximum noise levels from vehicles on Golden Grove Road ranged from 75 to 78 dB(A). It is noted that residences on Golden Grove Road have a 2.1m high fence at the interface (which will reduce the measured noise levels), but will still experience high noise levels from traffic at locations outdoors.

The results indicate the ambient environment is subject to the influence of relatively high traffic noise levels, that in practice, will serve to offset the noise generated by an operation in the vicinity. Further comparison is provided in the Predicted Noise Levels section of this assessment.

Noise Control Measures

It is predicted that the site can achieve the Policy requirements without engineering noise control measures (such as specifically designed barriers) due to the separation distances involved, and the high noise levels that apply in the *Resource Extraction Zone*.

To ensure ongoing compliance with the Policy, it is recommended that the following design and operational noise control measures are implemented (which reinforce the operational assumptions summarised above):

- Ensure that the site operates only during the day period of the Policy (that is not before 7:00am, or after 10:00pm)
- Construct the shed from a minimum thickness (0.42mm BMT) sheet steel and ensure that the junction between the walls and roof are airtight using infill strips where necessary



- Ensure that all loading or unloading activity occurs within the *causeway/drive-thru* area (that is the concrete hardstand is only used for vehicles being turned around or parked)
- Locate the roller door openings of the cutting and assembly sheds as close as possible to the middle of the covered *causeway/drive-thru* area
- Ensure the eastern roller door in the covered *causeway/drive-thru* area remains normally closed, other than for occasional access to the eastern side of the site
- Ensure that roller doors operate smoothly and without impact or short-term elevated noise levels which could otherwise be rectified by maintenance
- Locate any roof mounted services or openings serving the sheds within the middle (one third) portion of the roof (that is, away from the eastern and western ends)
- Ensure the hours of private waste collection from the facility (as distinct to waste collection which occurs at other dwellings in the area) occur between 7am and 7pm Monday to Saturday and not on public holidays or Sundays.

Future Services Design

The mechanical plant has not yet been designed, as is common at the planning application stage of a project. As a result, the noise from the air conditioning and ventilation systems should be confirmed during the design stage of the project when this aspect of the design is finalised. Based on the assessment to date, a condition or requirement for the future air conditioning and ventilation system to achieve the Policy can be reasonably and practicably complied with. Any acoustic treatment recommendations will be subject to a review of the proposed system (once designed).

Predicted Noise Levels

The noise from the facility has been predicted using the noise calculation method provided by the *International Standard ISO1613-2:1996 "Acoustics - Attenuation of sound during propagation outdoors - Part 2 General method of calculation"*, including the local and documented changes to topography, existing boundary fences, and the operational assumptions summarised above. The results of the noise predictions are summarised in Table 1 for the closest dwellings (circled in Figure 2).

When predicting noise levels for comparison with the Policy, the noise levels are to be adjusted (increased) where the activities exhibit "annoying" characteristics (dominant tonal, impulsive, low frequency content or modulation characteristics) in comparison to the surrounding ambient environment.

At dwelling location 1, the predicted noise level has been adjusted (increased by 5 dB(A)) for a modulation characteristic based on the lower background noise levels experienced on the eastern side of the facility. The short-term tonality from reversing tones or individual cutting of aluminium was not considered to warrant the application of a second adjustment based on observations and measurements of noise at the existing facility and the objective tests under the Policy. Notwithstanding, compliance with the criterion would still be achieved with the application of two adjustments (increase of the predicted noise levels by 8 dB(A) rather than 5 dB(A), to account for both tonality and modulation characteristics).



At dwelling locations 2 to 6, an adjustment is not applicable to the predicted noise levels given that Golden Grove Road generates higher noise levels, even during lulls in traffic flow. In a similar location to the dwelling with the highest prediction, the background noise level was measured to be more than 5 dB(A) higher during the middle of the day, when traffic flows are relatively low. Notwithstanding, compliance with the criterion would still be achieved with the application of a 5 dB(A) adjustment.

Table 1 Predicted Noise Levels dB(A)

Dwelling	Predicted cumulative noise level(dB(A))	Compliance
	L _{Aeq}	
Criteria	60	
1	56	Yes
Criteria	52	
2	40	Yes
3	45	Yes
4	42	Yes
5	44	Yes
6	47	Yes

Conclusion

The environmental noise from the proposed workshop at 2-8 Greenwith Road, Golden Grove, has been assessed at the closest dwellings. The noise level resulting at these dwellings is predicted based on measurements at the existing Grandview Windows site, inputs from other similar facilities, and a three-dimensional noise model which accounts for distance, openings and the construction details of the shed amongst other things.

The assessment ensures that the acoustic amenity of the dwellings is not unreasonably impacted upon by noise. Predicted noise levels are compared against standards that will satisfy the relevant provisions of the *Planning and Design Code*, including the objective standards provided by the *Environment Protection (Noise) Policy 2007*.

This assessment determines that the facility can achieve the relevant provisions and objective standards with the following measures:

- Ensuring that the site operates only during the day period of the Policy (that is not before 7:00am, or after 10:00pm)
- Constructing the shed from a minimum thickness sheet steel and ensuring that the junction between the walls and roof are airtight using infill strips
- Ensuring that all loading or unloading activity occurs within the *causeway/drive-thru* area (that is, the concrete hardstand is only used for vehicles being turned around or parked)
- Locating the roller door openings of the cutting and assembly sheds as close as possible to the middle of the covered *causeway/drive-thru* area
- Ensuring the eastern roller door in the covered *causeway/drive-thru* area remains normally closed, other than for occasional access to the eastern side of the site
- Ensuring roller doors operate smoothly and without impact or short-term elevated noise levels which could otherwise be rectified by maintenance
- Locating any roof mounted services or openings serving the sheds within the middle (one third) portion of the roof (that is, away from the eastern and western ends)
- Ensuring the private collection of waste occurs between 7.00am and 7.00pm Monday to Saturday and not on public holidays or Sundays.

Based on the above, the assessment concludes that the proposed facility will not adversely impact on the amenity of any dwelling in the locality and will meet the relevant *Planning and Design Code* provisions.



References

Environment Protection (Noise) Policy 2007, SA EPA

Guidelines For the Use of The Environment Protection (Noise) Policy 2007, SA EPA June 2009

Guidelines For Community Noise Birgitta Berglund Thomas Lindvall Dietrich H Schwela London, United Kingdom, April 1999, World Health Organization

On Architecture "Proposed Workshop Facility" (Job "202200103") drawings "DA01" to "DA07" inclusive, dated 9 February 2023

Planning and Design Code Version 2023.6 dated 27 April 2023, PlanSA



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5 June 2023

Grandview Windows
Att: Mr Paul Day
2 – 8 Greenwith Road
GOLDEN GROVE SA 5125

SITE AND SOIL ASSESSMENT – 2 – 8 GREENWITH ROAD, GOLDEN GROVE, SOUTH AUSTRALIA, 5125

INTRODUCTION

RFE Consulting (RFE) were engaged to undertake a site and soil assessment for the purpose of determining the suitability of the proposed on-site wastewater management system upgrade at 2 – 8 Greenwith Road, Golden Grove, South Australia 5125. The proposed on-site wastewater management system upgrade is to replace the existing septic tank to soakage trench to facilitate Council approval of the proposed Grandview Windows commercial site development.

The assessment was completed in accordance with the Government of South Australia DHA *On-site Wastewater Management Systems Code (the code)*.

The proposed on-site wastewater management system upgrade comprises an SA Health Approved Aerated Wastewater Treatment System (AWTS) to surface irrigation land application.

Site summary information is provided in Table 1.

Table 1 – Site summary information

Item	Detail
Subject Land	Allotment 22 Filed Plan 132713 Certificate of Title Volume 5817 Folio 499
Postal Address	2 – 8 Greenwith Road, Golden Grove, South Australia 5125.
Municipality	City of Tea Tree Gully Council
Current Land Use	Vacant
Proposed Land Use	Commercial – Grandview Windows
Site Scenario	Staff ablutions, work place installations
Design daily flow rate	30 L/p/d
Design daily BOD ₅ loading	20 g/p/d (28 g/p/d with 40% loading applied for <i>raw sewage</i> to AWTS as required by the Code)
Design Daily Wastewater Load	480 L/d (based on a maximum 16 workers)
Design Daily BOD ₅	448 g BOD ₅ /day
Treatment System Required	Aerated Wastewater Treatment System (FujiClean ACE1200 or similar SA Health Approved AWTS)
Disposal System Required	Surface irrigation land application (107m ² required)

AIM

The aim of this assessment is to determine the suitability of the proposed on-site wastewater management system comprising an SA Health approved AWTS to surface irrigation.

RFE0668_Site and Soil Report

Page | 1
Revision 0



METHODOLOGY

The key features summarised in Table 2 are based on the review of available desktop information as well as an intrusive soil assessment.

The intrusive soil assessment was completed 29 May 2023 by RFE Consulting with a hand auger.

SITE FEATURES

A summary of the key site features is provided in Table 2.

Table 2 - Key site land features

Feature	Description	Recommendations
Landscape Elements		
Soil	<p>A total of two (BH1 and BH2) soil investigation locations were drilled at the site targeting the proposed surface irrigation land application area. The soil investigation locations are illustrated in Attachment 2.</p> <p>Representative soil core retrieved from the soil investigations were logged in general accordance with AS1726 <i>Geotechnical soil investigations</i>.</p> <p>The lithology encountered can be summarised as follows:</p> <ul style="list-style-type: none"> - A dark brown, fine to medium grained SAND was encountered in both boreholes, extending to a depth of 0.2m below ground level (bgl) in both boreholes. - The subsurface soil horizon comprised a pale brown tending pale grey, fine to medium grained SAND extending in both boreholes to the extent of drilling at 0.5m bgl. <p>Soil borehole logs are attached to this report (Attachment 2).</p>	<p>The proposed surface irrigation land application area is located within an area of poor to good soakage soils (as defined by the Code).</p> <p>The following design improvements are recommended to increase the efficacy of the system and permeability of the surface irrigation land application:</p> <ul style="list-style-type: none"> - Plant out the designated irrigation area with a dense cover of vegetation (where not covered already) - Cover the designated surface irrigation land application area with mulch. The mulch cover is to be maintained at all times. <p>Based on the above treatment of the proposed surface irrigation area, a conservative Design Irrigation Rate (DIR) of 4.5 L/m²/day has been adopted.</p>
Slope	The site is relatively level.	None.
Hydrogeology	Groundwater was not intercepted in either borehole drilled to a maximum depth of 0.5m bgl.	The proposed surface irrigation land application is located greater than 50m to the nearest registered bore.
Surface Water	The proposed surface irrigation land application area is located greater than 50m from the nearest identified registered watercourse (as per the DEW database <i>WaterConnect</i>).	None.
Water Table	The water table was not intersected in either borehole drilled to a maximum depth of 0.5m bgl.	None.
Bedrock	Not encountered.	None.
Rainfall	Annual rainfall of 657.1 mm.	Based on data between 1969 to the present from the Bureau of Meteorology Upper Hermitage weather station (ID: 23806).



Feature	Description	Recommendations
Recommended Separation Distances	The location of the proposed aerated wastewater treatment system (FujiClean ACE1200) to surface irrigation land application area are indicated on the attached figure (Attachment 1) and are in accordance with the Code.	None
Infrastructure		
Water supply	The site is serviced by a reticulated mains water distribution system.	In accordance with the Code, a daily flow of 30 L/p/d has been adopted for a <i>Staff Ablutions, Work Place Installations</i> site scenario for a maximum of 16 workers.

SYSTEM SIZING

The area proposed for the land application area has been calculated in accordance with *The Code*. The permeability class and corresponding Design Irrigation Rate (DIR) is based on the soil encountered during the field assessment and the proposed design of the surface irrigation land application.

The results are summarised in Table 3.

Table 3 - Summary of DIR for soils at the site

Parameter	Rating	Reasoning
Design Irrigation Rate (DIR) for Surface Irrigation	4.5 L/m ² /day	<p>The proposed surface irrigation land application area is located within an area of good to poor soakage (as defined by the Code).</p> <p>The following design improvements are recommended to increase the efficacy of the system and permeability of the surface irrigation land application:</p> <ul style="list-style-type: none"> - Plant out the proposed designated irrigation area with a cover of vegetation (where not already covered). - Cover the designated surface irrigation land application area with a mulch. The mulch cover is to be maintained at all times. <p>Based on the above treatment of the proposed surface irrigation area, a conservative Design Irrigation Rate (DIR) of 4.5 L/m²/day has been adopted.</p>

CONCLUSIONS & RECOMMENDATIONS

Based on the above Site and Soil assessment, we consider the proposed On-site Wastewater Management System comprising an SA Health approved AWTS to surface irrigation land application area to be appropriate for the site. The system should be installed in general accordance with the attached Figure (**Attachment 1**).

For the proposed surface irrigation land application, a Design Irrigation Rate of 4.5 L/m²/day is recommended. Assuming a daily flow of 30 L/p/d for a maximum of 16 workers, the minimum irrigation area required is 107m², an area of 112m² has been proposed. Should the inputs to the system vary from that above, the minimum irrigation area of the proposed system should be adjusted accordingly in accordance with *The Code*.

To further improve the capacity and efficacy of the proposed surface irrigation land application, we recommend the following soil improvements be undertaken:

- Plant out the proposed designated irrigation area with a cover of vegetation (where not already covered).
- Cover the designated surface irrigation land application area with mulch. The mulch cover is to be maintained at all times.



Warning signs must be positioned within the land application areas to indicate recycled water is being used for irrigation. The signs must be on a white background with red lettering of at least 20mm in height. The signs must be clearly visible from all sides and must contain a warning such as "RECYCLED WATER – AVOID CONTACT".

The existing septic tank shall be decommissioned by pumping out its contents to an EPA licensed vacuum truck, puncturing two holes of minimum diameter 200mm through the base, collapsing the walls and backfilling the pit to match into existing surface level. The sewer pipe shall be redirected to the proposed septic tank outside of the decommissioned septic tank pit.

The proposed on-site wastewater management system shall be installed by an appropriately qualified Plumber in accordance with legislative requirements (including AS3500, AS1547, the Code and the Plumbing Code of Australia). The proposed on-site wastewater management system is to be serviced quarterly by an appropriately trained service agent.

CLOSURE

We trust this assessment is suitable for your purposes. Please contact me on 0439 034 900 should you have any queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ross Fitzgerald', is written over a light blue horizontal line.

Ross Fitzgerald BEng Civil/Environmental MIEAust NER
Principal Environmental Engineer

Attachments:

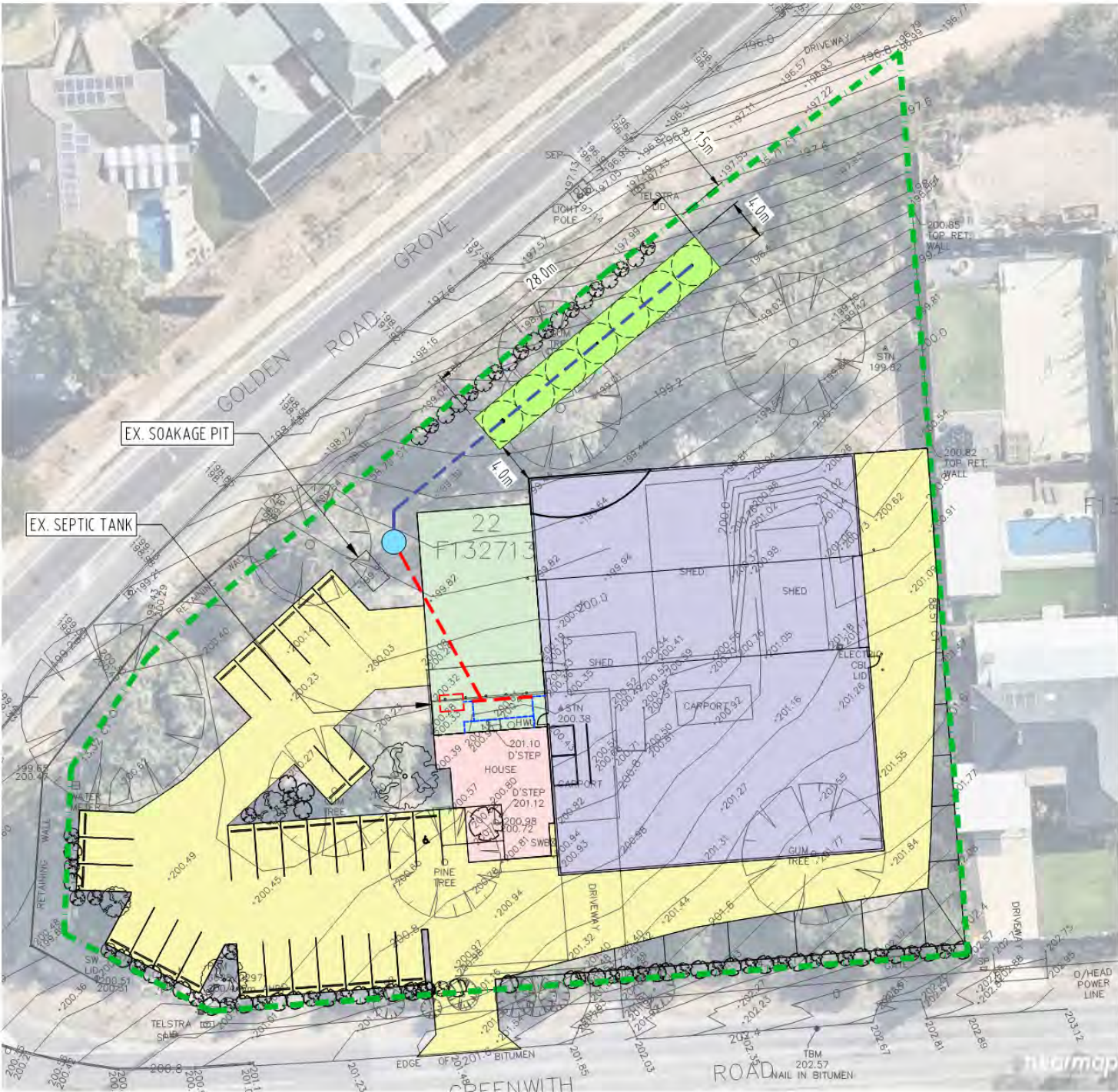
Attachment 1 – Figure

Attachment 2 – Soil Borehole Logs

Attachment 3 – Photographs



Attachment 1 – Figure



WASTEWATER MANAGEMENT PLAN
SCALE 1:500

GENERAL NOTES

1. THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE SITE AND SOIL REPORT
2. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING THESE DRAWINGS. DIGITAL AND CONVERTED DATA USED TO COMPILE THESE DRAWINGS. ANY DISCREPANCIES ARE TO BE DIRECTED TO THE AUTHOR OF THE REPORT
3. DIMENSIONS SHOWN ARE IN METERS UNLESS SHOWN OTHERWISE
4. LOCATIONS ARE SHOWN INDICATIVELY. MINIMUM SETBACK DISTANCES ARE TO BE MAINTAINED
5. CADASTRAL BOUNDARIES MAY BE INACCURATE & MAY DIFFER FROM ESTABLISHED SITE FENCES. BOUNDARIES SHOWN ARE INDICATIVE & CAN BE CONFIRMED FROM TITLE PLANS
6. DIRECT STORMWATER RUNOFF FROM ROOF CAPTURE & ANY RAINWATER TANK OVERFLOW FROM SURFACE IRRIGATION LAND APPLICATION AREA

SURFACE IRRIGATION AREA

1. SETBACK A MINIMUM OF 15m FROM ALLOTMENT BOUNDARIES.
2. SOIL IMPROVEMENT THROUGH MULCHING TO IMPROVE SOIL PERMEABILITY IN IRRIGATION AREA.
3. WARNING SIGNS MUST BE POSITIONED WITHIN THE LAND APPLICATION AREA TO INDICATE THAT RECYCLED WATER IS BEING USED FOR IRRIGATION. THE SIGNS MUST BE ON A WHITE BACKGROUND WITH RED LETTERING OF AT LEAST 20mm IN HEIGHT. THE SIGNS MUST BE CLEARLY VISIBLE FROM ALL SIDES AND MUST CONTAIN A WARNING SUCH AS: RECYCLED WATER - AVOID CONTACT/CONSUMPTION (AS PER ON-SITE WASTEWATER SYSTEMS CODE).
4. IRRIGATION PROPOSED FOR EXISTING GARDEN AREA. MAINTAIN VEGETATION & MULCH COVER
5. SPRINKLERS TO BE 'ANTELCO REUZIT' OR SIMILAR APPROVED (LARGE DROPLET, LOW THROW SPRAY)
6. STORMWATER RUNOFF TO BE DIVERTED AROUND PROPOSED SURFACE IRRIGATION AREAS)

AERATED WASTEWATER TREATMENT SYSTEM

1. AWTs IS A "FUJI-CLEAN ACE 1200" (OR SIMILAR "SA HEALTH" APPROVED) UNIT
2. ALL PLUMBING TO BE IN ACCORDANCE WITH AS3500 WORK ON THE INSTALLATION OF THE AWTs SHALL NOT COMMENCE UNTIL COPIES OF THE "APPROVAL PLAN & CONDITIONS" HAVE BEEN RECEIVED BY THE APPLICANT
3. REFER TO SITE & SOIL REPORT FOR DESIGN LOADINGS

LEGEND

- SITE BOUNDARY
- DN100 DWV @ MIN. 1.65% GRADE TO SERVICE SANITARY FIXTURES IN PROPOSED NEW FACILITY. DIVERT PAST EX. SEPTIC TANK TO AWTs
- PROPOSED DN40 PE (LILAC) PIPE
- APPROX. ALIGNMENT OF EX. DN100 DWV
- PROPOSED "FUJI-CLEAN ACE 1200" (OR SIMILAR "SA HEALTH" APPROVED AWTs)
- PROPOSED NEW FACILITY
- PROPOSED HARDSTAND
- PROPOSED OFFICE (RE-USE OF EX. DWELLING)
- PROPOSED CARPARK
- SURFACE IRRIGATION AREA CONTAINING 7x "ANTELCO REUZIT" SPRINKLERS



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PROJECT:
GRANDVIEW WINDOWS

ADDRESS:
8 GREENWITH ROAD, GOLDEN GROVE, SA 5125

CLIENT:
PAUL ASHBY

PROJECT NO.:
RFE0668

DRAWING TITLE:
PROPOSED WASTEWATER MANAGEMENT SYSTEM
PLAN (AWTs TO SURFACE IRRIGATION)

NOTE:

ORIGINAL DRAWING @ A3. DO NOT SCALE DIRECTLY
OFF DRAWING. DIRECT ANY QUERIES AND/OR
DISCREPANCIES TO "RFE CONSULTING"

SCALES:	AS NOTED
DESIGNED:	RF
DRAWN:	MC
DATE:	01.06.23
DRAWING #:	WW-01
REVISION:	1

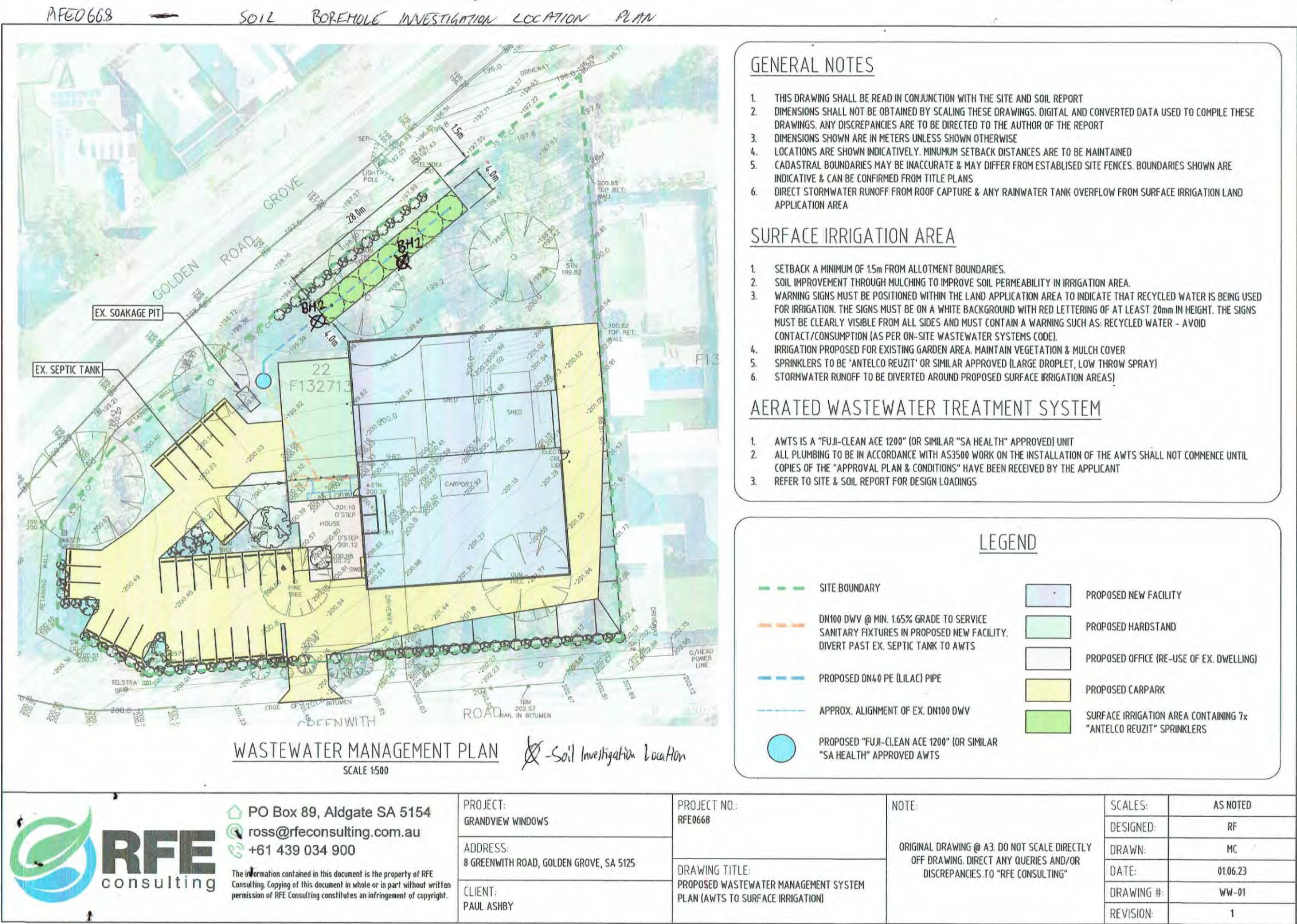


Attachment 2 – Soil Borehole Logs



BOREHOLE LOG

Project No:	RFE0668	Drilling Method:	Hand Auger	Date:	29 May 2023	
Client:	Grandview Windows	Drilled by: Logged by:	RF, RFE Consulting			
Site Address:	2 – 8 Greenwith Rd, Golden Grove					
Soil Horizon Depth (m)		Soil Description		Soil Colour	Unified Soil Classification Symbol (USCS)	Moisture Content
BH1	BH2					
0.0 – 0.2	0.0 – 0.2	SAND, fine to medium grained, trace roots and clay fines		Dark brown	SM	Slightly moist
0.2 – 0.5	0.2 – 0.5	SAND, fine to medium grained		Pale brown / pale grey	SM	Slightly moist
Comments:	Hand auger holes terminated at 0.5m below ground level.					





Attachment 3 – Photographs



Photo A – Borehole BH1



Photo B – Borehole BH2



Research Report
Jones Lang LaSalle Incorporated

Investigations into Golden Grove Mineral Extraction Zone

03 July 2017



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If a projection has been made in respect of future demand, business trends, property prices, rentals and projected take up rates, such a projection is an estimate only and represents only one possible result therefore should at best be regarded as an indicative assessment of possibilities rather than absolute certainties. The process of making forward projections of such key elements involves assumptions about a considerable number of variables that are acutely sensitive to changing conditions and variations, and any one of which may significantly affect the resulting projections. This must be kept in mind whenever such projections are considered.

Executive Summary

There are limited immediate pressures to extend mining activity within the Golden Grove Mineral Extraction Zone (GGMEZ) to sites that are either vacated or used for other purposes.

State government authorities have indicated that the relatively small sites such as those fronting Greenwith Road would be unlikely to be compulsorily acquired for mining. Given the relatively small size of these sites and existing non-mining land uses, mining activity would unlikely be viable.

Most of the non-mining sites in GGMEZ are only 80m deep. Collectively these sites represent a very small proportion of the total GGMEZ (around 15 Hectares of the total 363 Hectares, with the Pondeen site accounting for a further 22 Hectares).

A policy area within GGMEZ along Greenwith Road would provide greater flexibility to develop the land in a similar manner to an industry zone. The benefits of such a policy change include:

- Supporting capital investment;
- Potentially improving the amenity of sites along Greenwith Road; and
- Promoting new opportunities for businesses, leading to additional employment in the local area.

We note that improvements leading to more intensive land uses may have traffic implication and these impacts should be considered. We note that residential dwellings are typically a non-complying land use in industry zones.

It may be appropriate to limit the depth of a policy area to say 80 metres on the southern side of Greenwith Road. This would retain the longer term potential of land within EML 5893 for future mining.

There may still be some issues raised by financial institutions regarding the creation of a policy area as the sites fronting Greenwith Road would remain in an extractive industry zone. However, financial institutions will be informed by a formal valuation, which will have regard to town planning considerations. A policy area that enables opportunities to improve the land will almost certainly provide a more desirable outcome for the land owner.

Rezoning of the three sites opposite the small Local Centre Zone on Golden Grove Road and north of Ross Road to a more appropriate zone should be considered for the following reasons:

- The sites are close to dwellings;
- The sites complement the Local Centre Zone (hairdresser; Real estate office);
- Mining operations are unlikely to be viable due to small site areas, existing improvements, and setback requirements from Golden Grove Road;
- The sites are on the edge of the GGMEZ, not in the middle of the zone as is the case with Greenwith Road; and
- Greater certainty over future development due to removal of Schedule 8 Directions under the Development Regulations 2008.

Given the long-term nature of decisions surrounding the future expansion of mining, it may be possible to consider temporary low impact land uses on sites not currently being mined. This would enable the land to be used for income generating purposes but potentially retained for future mining. This may be a suitable option for land south of Greenwith Road along Golden Grove Road and Hancock Road (including the land owned by Pondeen).

1 Introduction

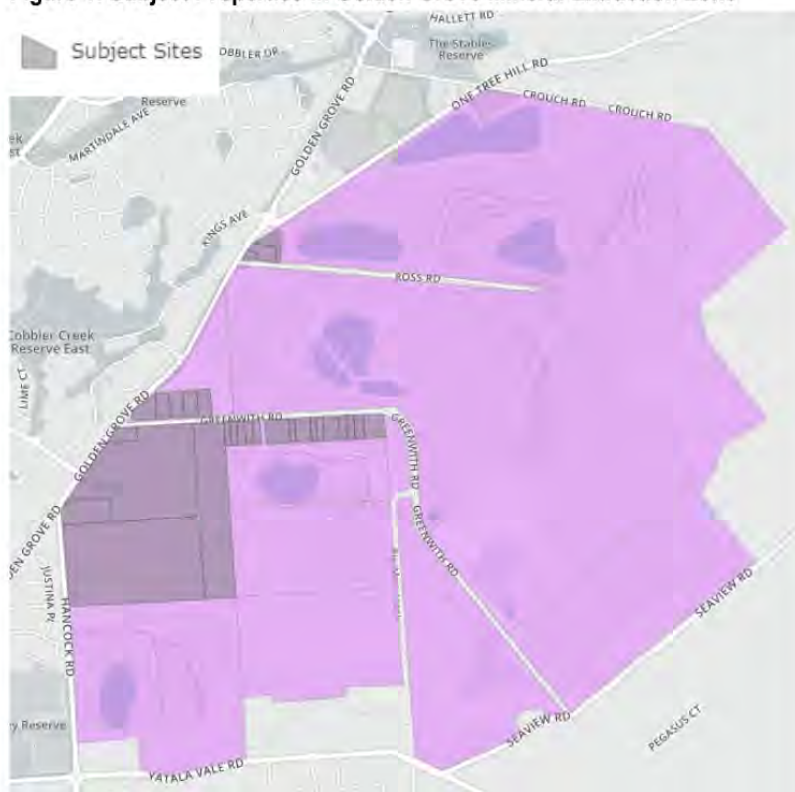
The City of Tea Tree Gully (the City) has initiated a review of its commercial, industry and mineral extraction zones.

JLL has been engaged to advise the City in relation to areas under review within the Golden Grove Mineral Extraction Zone (GGMEZ), namely:

- Properties located on the southern side of Greenwith Road being 31-49, 51-55, 57-61, 69-73, 75-79, 87-99, 101-105, 107-115, 117-127, 129-137, 139-143, 145-149, 151-155, 157-159;
- The five properties on the northern side of Greenwith Road near the intersection with Golden Grove Road being 2-8, 10-18, 20-28, 30-48 and 40-48 Greenwith Road;
- Lot 100 Hancock Road, Golden Grove;
- Lot 5, 122 Golden Grove Road, Yatala Vale;
- Lot 32, 1235-1243 Golden Grove Road, Golden Grove;
- Lot 31, 1245 Golden Grove Road, Golden Grove (being the local heritage listed church).
- Properties near the intersection of Golden Grove Road and Ross Road being 1375 and 1385 Golden Grove Road, and 100 Ross Road;

These properties are illustrated below on the following map.

Figure 1: Subject Properties in Golden Grove Mineral Extraction Zone



Source: MAPIT, JLL, MapInfo PBI

The land identified within the GGMEZ is being reviewed in response to approaches by landowners and businesses to Council. The sites have been used for non-extractive industries over a long period of time or have been the subject of interest for non-extractive land uses. The vast majority of existing non-extractive land uses are not envisaged within the GGMEZ.

Issues raised by landowners and businesses include the following:

- Due to the current zoning, banks and financial institutions are apprehensive to lend against the property / business, which impacts on the ability of businesses to attract finance at competitive rates;
- The nature of the zoning restricts improvements to businesses from being made;
- Service providers appear to be reluctant to upgrade services given the Mineral Extraction Zoning;
- Difficulty in selling properties given the existing zoning (without significant discounts).

As part of this review, Council has identified the potential development of a policy area over a portion of the GGMEZ for areas that currently contain non-extractive industry land uses. These areas are summarised in Table 1. The area under review comprises approximately 37 Hectares, or 10.2% of the GGMEZ (the zone covers approx. 363 Hectares). Approx. 70% of the land under review is owned by Pondeen Pty. Ltd., being Extractive Mineral Lease 5893. All other sites under review are not covered by Private Mines or Extractive Mineral Leases.

Table 1: Site Area of Subject Sites in GGMEZ

Location	Area (Hectares)	Comments
Greenwith Road - South Side (31-159)	10.22	Access Storage site is approx. 6.1 hectares
Greenwith Road - North Side (2-48)	2.15	Five sites, four with dwellings
Golden Grove Road and Ross Road Intersection (3 properties)	0.94	
Greenwith Uniting Church (cnr Greenwith and Golden Grove Road)	0.39	Local heritage item
1 Hancock Road	1.33	
Pondeen Pty. Ltd.	22.05	EML 5893. Previously owned by Boral
	37.08	

Source: JLL, PBBI MapInfo

2 Background Review

2.1 Golden Grove Mining Activity – History

The Golden Grove Mineral Extraction Zone (GGMEZ) is located approximately 18 km north east of Adelaide. Mining activity at Golden Grove pre-dates urban development by nearly 40 years, with the first sand mining commencing in 1947. The GGMEZ was formally established in the 1970s.

The mineral resource at Golden Grove is of state significance, providing construction materials for Greater Adelaide as well as more broadly for South Australia. The three key construction materials extracted at GGMEZ are sand, shale and clay. This provides core materials for the manufacture of clay bricks and pavers (two manufacturers are located within GGMEZ) as well as concrete sand and range of other sands with a wide variety of uses (glass manufacturer, garden soils etc.)

The GGMEZ covers some 363 hectares and currently has nine Private Mines (PM) and two Extractive Mineral Leases (EML) across five operators. The mines also employ hundreds of people directly and indirectly and further contribute to the state economy through mining royalties.

2.2 Competition

The clay deposits at Golden Grove are used for the manufacture of clay bricks and pavers by Adelaide's two major clay manufacturing companies, PGH Bricks & Austral Bricks. Together these two companies account for more than 80% of the State's clay brick manufacture. In terms of competition, the clay deposits at Golden Grove are the dominant source in SA. We understand the deposits at Golden Grove are significant and expected to satisfy demand for well in excess of 50 years. Furthermore, demand for clay bricks has not experienced strong growth in recent years. Clay bricks and pavers have been subject to considerable competition from alternative building products, which in many cases are cheaper. This continued competition from alternative building products is expected to keep demand for clay relatively stable. There is certainly not expected to be a strong spike in demand that would lead to a reduction in the life cycle of the existing deposits.

The sand deposits at Golden Grove are used for a variety of purposes, including concrete sand, sand for bricklaying, plastering, fill, gardening and glass manufacturing. There are numerous competing quarries across South Australia, which is not surprising as sand is widely used in the building industry, is a low cost product, and typically needs to be located close to market in order to keep transport costs down. Competing sand quarries serving the Greater Adelaide market include Maslins Beach, Mount Compass, the Barossa Valley, and Clinton on Yorke Peninsula. It is understood that Clinton has become an increasingly important source for sand products, particularly concrete sand. One of Clinton's advantages over most other sand deposits is it contains very low clay content which does not require washing. Therefore, the higher transport costs compared with near metropolitan deposits such as Golden Grove is offset by savings in processing costs (Department of State Development).

2.3 Industry and Employment Trends

The federal Department of Employment undertakes five year projections of employment both at a national and regional level. The most recent five year regional projections are for November 2015 to November 2020. Table 2 provides the projections for the Adelaide North Region, which comprises the whole of the City of Tea Tree Gully together with Salisbury and Playford LGAs and the eastern half of Port Adelaide Enfield LGA.

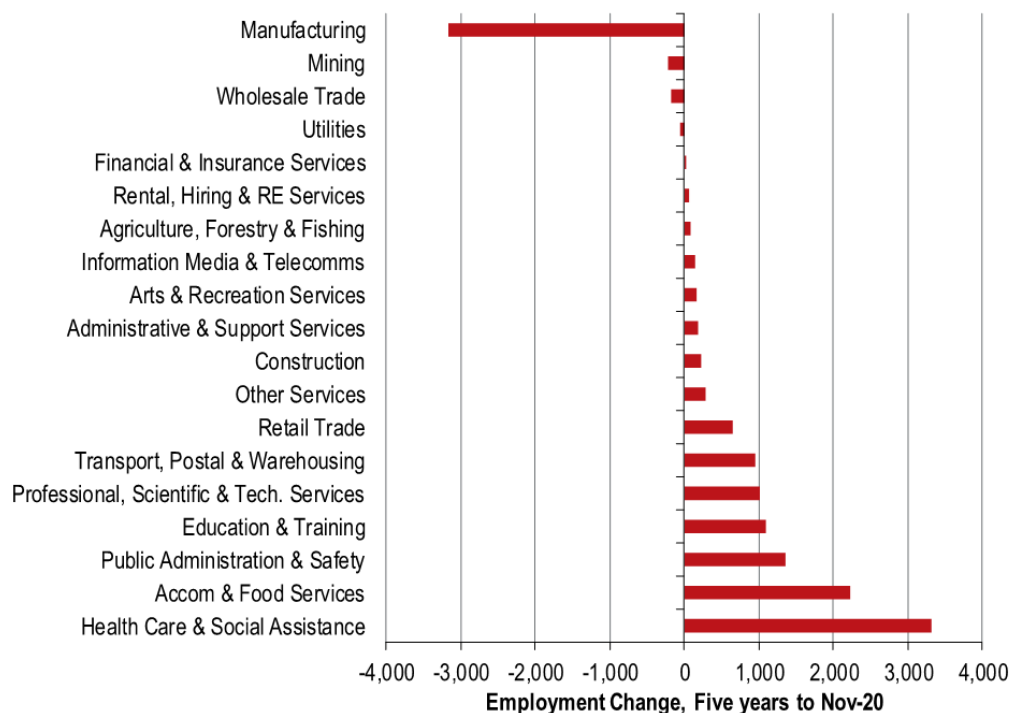
The projections highlight that employment growth is expected to be concentrated in industries not generally associated with industrial zoned land. Significant losses are forecast in *Manufacturing*, a long-term trend that has been exacerbated by the impending closure of Holden at Elizabeth. Major employment growth in Adelaide North is expected to be dominated by *Health Care* (consulting rooms, clinics, hospitals etc.), *Accommodation and Food Services* (including cafes and restaurants) *Education and Training*, and office based sectors such as *Public Administration and Safety* and *Professional, Scientific and Technical Services*.

The main area of growth that typically occupies industry zoned land is expected to be in *Transport, Postal and Warehousing*. We note that this industry sector has gravitated to northern suburbs such as Direk, Wingfield, Gillman, and Edinburgh Parks,

with key drivers of growth being proximity to quality infrastructure such as rail, ports and major transport routes. Industry zoned land in the City of Tea Tree Gully is less likely to attract major warehousing, with demand primarily coming from businesses servicing the local region.

It is noted that a slight decline in employment within the Mining sector is envisaged over the five years to November 2020. This is possibly due to improved efficiencies within the sector leading to slightly lower employment numbers. The quarries at Golden Grove have long-term reserves of clay, sand and shale; and are well placed in relation to the Adelaide metropolitan market to remain viable mining operations and continue to contribute to employment within the City of Tea Tree Gully.

Figure 2: Projected employment change by Industry in “Adelaide North”, Five years to Nov-20



Source: Department of Employment, JLL

Information from the 2011 Census provides an indication of the employment within the GGMEZ and the type of industry that employees are in. As at the 2011 Census, there was an estimated 350 employees working in the geographic region covered by the GGMEZ. This region covered land outside of the GGMEZ, including land zoned Rural Living and Hills Face Zone. However, most of the employment is expected to be from businesses within GGMEZ, including the active quarries, the two clay brick manufacturing plants and businesses along Greenwith Road and Golden Grove Road.

The total employment of approximately 350 employees equates to around 1.9% of the City of Tea Tree Gully's workforce of over 18,000.

2.4 Demand Drivers in the Adelaide Industrial Market

While economic growth is a natural driver of demand for industrial space, there are forces at play that favour some locations over others and structural changes that have impacted on demand for industrial space. These changes have seen the majority of new industrial development occur in outer suburban areas of major metropolitan areas and pressures from alternative land uses in inner suburban industrial areas. Key drivers are summarised below:

Structural change and the rise of the logistics sector – This has in part been sparked by changes in technology. Mobile communications as well as improved data and inventory management have led to changes in business processes, including

outsourcing to specialist logistics companies, consolidation of warehousing as well as the adoption of “just-in-time” inventory management. This process has led to the development of very large, efficient distribution centres, and in Adelaide, the outer northern industrial suburbs have been the focus of activity.

Large distribution centres are not a major part of the make-up of Golden Grove’s industrial base. Golden Grove is not well located in relation to major freight routes, the port or rail.

From manufacturing to warehousing – There has been a noticeable decline in manufacturing across Australia. Manufacturers have had to cope with increased competition from Asia and a stronger Australian dollar, with companies pushing production offshore. This has resulted in a shift in some manufacturers’ property requirements from factory to warehouse space. Employment in the manufacturing sector is forecast to continue declining over the next five years, according to the Australian Government’s Department of Employment projections.

Golden Grove comment: Golden Grove is uniquely positioned for clay brick manufacturing. Other manufacturing is expected to be relatively small scale and local companies. As with national trends, manufacturing is unlikely to drive new demand for industry zoned land.

Infrastructure provision – Infrastructure improvements are one “pull factor” that can increase the appeal of a particular region. Good quality infrastructure can entice companies to move to outer suburban areas or even regional locations that might have been previously overlooked in favour of a more central location. For example, recent and proposed improvements to the Port River Expressway, Northern Expressway and proposed Northern Connector will improve access to the emerging industrial areas in Greater Edinburgh Parks and Gillman.

Golden Grove comment: Golden Grove is not well placed to benefit from major investment in new infrastructure.

Clustering – Clustering of like-minded businesses facilitates the creation of business networks and has the potential to generate new market opportunities through collaboration. Tonsley is an example of an emerging business park aiming to cluster like-minded businesses together. Other examples in Adelaide have included the biotechnology sector at Thebarton and the waste resource recovery sector at Gillman.

Golden Grove comment: GGMEZ is a cluster for the mining and manufacturing of domestic construction materials. This is identified as being of state significance.

Availability of serviced, affordable land – A supply of affordable, well located land provides the impetus for companies to consider moving premises, particularly those companies with poorly located properties, facilities that are out-dated, or expansion / contraction plans.

Golden Grove comment: There is an opportunity to utilise the non-mined portion of GGMEZ for alternative industry uses, which is the subject of this report. However, this needs to be balanced against the long-term needs of the mineral extraction industry. Furthermore, there is significant industry zoned land available in the Outer North together with proposed new estates (e.g. Gillman) and potential re-use of manufacturing sites (Mitsubishi; GMH).

Competing uses in inner / middle suburban areas – This includes competition from higher order commercial and residential uses and demand from owner-occupiers for well-located sites for commercial / industrial businesses. There has also been a trend towards subdivision to smaller lots as larger parcels become available, either through business restructures or relocates to outer suburban areas that provide for expansion opportunities on more affordable serviced land.

Golden Grove comment: While there is likely to be some loss of industry zoned land in inner / middle suburbs, Golden Grove and Tea Tree Gully is not expected to experience a strong growth in demand due to relocation. Faster growing suburban areas in the outer north are more likely to experience growth in demand.

Population growth – Population growth is a key driver of growth in the economy and is directly related to demand for industry zoned land. The City of Tea Tree Gully is not experiencing strong population growth. Over the 10 years to June 2016, the estimated resident population of the City of Tea Tree Gully grew by just 662 residents to 99,118, or just 0.7% per annum. Over the 10 years to June 2026, state government population forecasts growth of around 3,500 residents, or 0.35% per annum. We note that these forecasts have not recently been updated to reflect the lower overall growth rates being experienced across South Australia.

2.5 Golden Grove Industrial Market

Golden Grove is regarded as a secondary industrial market. Industrial development in the area tends to be dominated by owner-occupiers. Industrial development in the area, including the Light Industry Zone to the west of Golden Grove Road, is driven primarily by owner-occupiers and small investors. The location is not as well served by major transport routes as competing industrial areas in North West Adelaide and the Outer North (e.g. suburbs such as Wingfield, Regency Park, Gillman, Edinburgh, Elizabeth, Direk). It is therefore more likely to serve local rather than regional demand.

We note that land values have come under pressure in key Adelaide industrial precincts such as the Outer North (e.g. Edinburgh, Elizabeth) due to ample supply and weakening demand. This is in part attributed to the impending closure of car manufacturing in Australia, including the GMH manufacturing facility at Elizabeth and a number of suppliers supporting GMH. This has led to extended sale and lease periods for vacant properties, resulting in price compression.

While Golden Grove is some distance from the Outer North industrial precinct, the likelihood is that we will see an increased number of properties on the metropolitan Adelaide market at least in the short to medium term, which will compete more broadly with industrial precincts such as Golden Grove.

Given the abundance of existing industrial land supply in the Adelaide metropolitan market (both new industrial estates and vacated industrial land available for redevelopment) there is limited demand anticipated for additional industrial subdivisions in the short to medium term.

3 Key Issues

This section provides an overview of the key issues arising from our investigations into the mining activity and other land uses at Golden Grove within the Mineral Extraction Zone. The basis of the investigations were two workshops held at the City of Tea Tree Gully and telephone conversations with representatives of mining operations, other industries and financial institutions. A summary of the key issues arising from these discussions is provided below. Notes from both workshops are provided as Appendices.

3.1 Mining operators

As previously noted, mining activity commenced in 1947. There are seven private mines and two extractive mineral leases although no mining is being undertaken on EML 5893 (owned by Pondeen Pty. Ltd.) Two clay manufacturing plants are located within the GGMEZ and presumably sit on sand, shale and clay deposits.

In terms of future mining and opportunities, the main priorities are:

- Continued mining of existing quarries;
- Potential mining of resources under Ross Road. Hanson has a retention lease over Ross Road, which is required at the moment to provide access to an existing mine to the east;
- Mining of areas between existing leases, which would see shared floors of mines and ensure a greater percentage of the resource is mined;
- Possible future dredging of existing mines with resources being below the water table;
- Potential to mine EML 5893, which is the land owned by Pondeen Pty. Ltd.

While existing mining operators have indicated a desire to potentially mine sites currently used for non-mining land uses along Greenwith Road, we note that recent sales of properties have been to non-mining interests and the size of most sites is relatively small, and there are multiple owners, which brings the viability of mining into question. The above priorities are expected to provide more viable alternatives at Golden Grove than the relatively small sites within GGMEZ that have long established non-mining land uses.

The expected life of the quarry is difficult to predict but there is expected to be at least 40-50 years of future resources remaining. Should dredging be adopted, then it is possible the resource could be extended for a further 50 years, according to existing mining operator Hanson.

Mining operators did not discount the possibility of trying to acquire properties along the southern side of Greenwith Road but acknowledged that this would be well into the future and certainly wasn't an immediate priority.

A more immediate priority was protecting mining operations from conflicting land uses and potential complaints associated with such land uses; e.g. dust complaints and increased traffic which creates problems moving materials throughout zone, including across Greenwith Road.

Mining operators' preference is to have all land within the GGMEZ remain with its current zoning.

3.2 Non-mining land uses

Land owners and businesses associated with the non-mining land uses in the GGMEZ have approached Council requesting that the allotments identified earlier be considered for rezoning. While the intention of the zone is to provide for extractive land uses, we note that other industrial uses (e.g. *Industry; Light Industry*) are not listed as non-complying and therefore may be assessed by the Council on their merits. However, some uses that are existing within the GGMEZ, particularly along Greenwith Road, are listed as non-complying development including *Intensive Animal Keeping, Motor Repair Station, and Warehouse*.

The Development Plan provides some guidance for existing “non-conforming” uses:

“Non-conforming light industries and other activities unrelated to mining will be confined and where possible relocated to more appropriate sites in order to secure as much of the mineral deposits as possible.”

However, the Development Plan also highlights the importance of maintaining available land for future mining activity, and the Principles of Development Control provides guidance on other land uses:

Land Use

“Development, other than development indicated as envisaged in the zone, should not be undertaken unless:

- (a) no significant mineral deposits are present
- (b) mineral extraction on adjacent land will not be prejudiced
- (c) the use is in association with the mining operations
- (d) the establishment of an appropriate after-use is not impeded.”

Land Division

No additional allotments should be created by any division of land, unless it can be shown that no significant mineral deposits are present.

The key concerns raised by non-mining land uses centre around certainty. The current zoning doesn’t provide certainty to land owners and businesses. The non-mining land uses preference is for rezoning to Light Industry, which is expected to provide the following benefits:

- Better access to finance if existing land uses are conforming or merit uses and not within a Mineral Extraction Zone;
- Flexibility to change use should an existing tenant vacate;
- Ability to improve / develop land;
- Potential to subdivide.

Some land owners feared higher rates should their land be rezoned, however noted that the current zoning devalued their land.

We note that the existing businesses along Greenwith Road are quite diverse. One land owner highlighted how the relatively low cost of premises has provided opportunities for start-up businesses, some of which have grown and moved to larger premises in Industry Zones. Secondary locations often provide lower cost opportunities for new businesses, an important element of a local area’s economic development.

Overall, businesses were keen to continue conducting their businesses in the subject area, but desired greater certainty that they would not be compulsorily acquired or forced to move some time in the future.

3.3 State government

Discussions with representatives from the Department of State Development highlighted that it was unlikely that State Government would compulsorily acquire sites along Greenwith Road for mining purposes. The size of the sites along Greenwith Road (most have a depth of around 80 metres) is likely to make purchase for mining activity non-viable.

Given that mining of the subject sites along Greenwith Road as well as small sites near Ross Road and Golden Grove Road is likely to be unviable, State Government should be supportive of improvements or changes in use as long as it is not deemed detrimental to the operation of adjoining mines.

However, the State Government has an interest in all development located within extractive industry zones. Under schedule 8 of the Development Regulations 2008, the Minister responsible for administering the Mining Act can direct the relevant authority (i.e. City of Tea Tree Gully) to refuse an application or impose conditions on a consent / approval to a development. Effectively, this means that the City of Tea Tree Gully, as the relevant authority, cannot approve or consent to a development without the Minister’s authorisation.

These powers are far reaching and will remain as long as the sites under review are within a mineral extraction zone. Even if the land were to be changed to a policy area within the GGMEZ, development would still require direction from the Minister.

3.4 Financial institutions

Our discussions with two of the four major financial institutions in Australia highlighted issues involved with lending against land uses that are either considered specialised assets or located in zones that are set aside for specialised land uses. The financial institutions did not indicate they would not lend but highlighted some of the considerations they would have regard to:

- A Mineral Extraction Zone is a very specialised zone - banks are more hesitant to lend on such specialised land uses even if that use is a complying use;
- Banks are still likely to lend on land uses within specialised zones but this may be at a lower loan to value ratio (LVR) and at a higher rate that reflects the higher perceived risk;
- Some banks may only lend on the land value when the existing land use is a non-complying land use;
- Banks will be informed by an independent third party when determining whether to lend and how much to lend (i.e. a Certified Practising Valuer);
- In valuing assets, Valuers have regard to town planning considerations. The specialised nature of the zoning, the uses listed as non-complying, and the Principles of Development Control may all impact value.

Our view is that some of the issues associated with obtaining finance could be addressed by the creation of a policy area within the GGMEZ that provided greater clarity to future development and potential to change the land use from one industry use to another. Part of this may include reducing the level of non-complying uses within such a policy area.

However, based on our discussions with financial institutions, development in an Industry Zone or similar is more likely to be seen as having lower lending risk to the financial institution than development in a Mineral Extraction Zone.

4 Conclusions and Recommendations

The areas under review provide suitable locations for a range of businesses that may typically locate in an industry zone. However, there has been a lack of capital investment in most properties, which is directly related to the uncertainty provided by the current zoning.

From our discussions with State Government and mining operators, our view is that the sites containing non-mining land use fronting Greenwith Road and at the intersection of Golden Grove Road and Ross Road are extremely unlikely to be viable for future mining operations. Most of these sites are approximately 80m deep and too small to be economically viable. Collectively these sites represent a very small proportion of the total GGMEZ (around 15 Hectares of the total 363 Hectares).

A policy area within GGMEZ along Greenwith Road would provide greater flexibility to develop the land in a similar manner to an industry zone. This should support capital investment, potentially improve the amenity of sites along Greenwith Road and open up new opportunities for businesses and employment in the local area. We note that improvements leading to more intensive land uses may have traffic implication and these impacts should be considered. We note that residential dwellings are typically a non-complying land use in industry zones.

It may be appropriate to limit the depth of a policy area to say 80 metres on the southern side of Greenwith Road. This would retain the longer term potential of land within EML 5893 for future mining.

Sites opposite the small Local Centre Zone on Golden Grove Road and north of Ross Road are quite different to Greenwith Road sites under consideration. Firstly, they are quite close to dwellings, and effectively complement the Local Centre Zone (hairdresser; real estate office). Mining operations are also highly unlikely on such sites fronting Golden Grove without adequate setbacks. Rezoning these three sites rather than a policy area within the GGMEZ is likely to be more suitable given that a rezoning would cut the GGMEZ in half. This would provide greater certainty for owners by removing the Schedule 8 directions under the Development Regulations 2008.

There may still be some issues raised by financial institutions as the sites fronting Greenwith Road would remain in an Extractive Industry zone. However, financial institutions will be informed by a formal valuation, which will have regard to town planning considerations. A policy area that enables opportunities to improve the land will almost certainly provide a more desirable outcome for the land owner.

Given the long-term nature of decisions surrounding the future expansion of mining, it may be possible to consider temporary low impact land uses on sites not currently being mined. This would enable the land to be used for income generating purposes but potentially retained for future mining. This may be a suitable option for land south of Greenwith Road along Golden Grove Road and Hancock Road (including the land owned by Pondeen).



Preliminary Impact Statement Report

Tree protection plan: Assess Tree for Risk /Pre- Development and Prepare a Written Report



Client/commissioned by:

Chris Ross

Location of Tree Assessment:

2-8 Greenwith road Golden Grove .SA ,5125

Location of development: 2-8 Greenwith road Golden Grove. SA 5125

City of Tea Tree Gully Council.

571 Montague Road, Modbury 5092

Author of Report: Peter Zimmerman

JANUARY 18, 2023

ZIMMERMAN ARBORISTS

Provide Specialist Advise; Preliminary Impact Statement, Tree Assessment Report

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Provide Specialist Advise; Preliminary Impact Statement, Tree Assessment Report

Introduction/Brief

"This report has been undertaken at the request of Chris Ross relating to the above for-mentioned location to survey and identify any trees on this property that may be identified to be of high retainability and that may be impacted by the proposed development of 2-8 Greenwith road Golden Grove .SA, 5125.

This development will incorporate the demolishing of an existing residential dwelling on the site given way to the construction of newly modernized facility. (As depicted in drawings supplied, refer to page 6)

The report will detail which trees on site or adjacent site that may be impacted by the development procedures and therefore should be protected. The information is to be presented as a guide that will aid the design and adequately inform a drafts person to prepare a tree protection plan.

(If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ, the project arborists must demonstrate that the tree(s) would remain viable.)

The main entthesis relating to protection was the four mature Eucalyptus specimens found mostly on the north westerly border adjacent to Golden Grove Road.

The trees were assessed at 2-8 Greenwith road Golden Grove .SA, 5125.) in mild weather conditions on the 10th of January 2023.

Please note a second report may be required, a (Development Impact Statement Report) in relation to construction methods if requested by council and development has been approved. (Recommendations that may be implemented in relation to the tree's protection and possible construction methods (that may be applied to ensure the tree(s) will be successfully retained or managed with mitigation strategies in accordance with Australian Standards AS4970-2009 Protection of trees on development sites.

Scope & Objectives

"Specific objectives and materials supplied that are outlined within this report are as follows":

- Methodology of recorded data
- Site Map (existing feature plans)
- Statutory Controls
- Tree identified by botanical and common names.
- Origin of the trees (Indigenous, Native, Exotic).
- Estimated age of the trees and the timeframe that they are expected to contribute to the landscape.
- The dimensions of the trees.
- The health and structure of the trees.
- Any recommended maintenance requirements of the trees.
- Trees that are worthy of inclusion within the development.
- An explanation of tree protection zones.
- Dimensions of recommended exclusion zones of all trees.
- Acceptable encroachments of recommended exclusion zones.
- A photographic catalogue of all surveyed trees

Methodology

The opinions and recommendations are based on a visual inspection from the ground Using non-invasive methods.

The survey was undertaken in accordance with the guiding principles of The Australian Standard AS4373-2007&AS 4970-2009Recommendations'

The trees were assessed objectively during mild conditions on the 5th of May 2017 and without reference or influence being given Using 'Visual Tree Assessment' (VTA) techniques.

This method of tree evaluation is adapted from Matheny and Clark,1994 and is recognized by The International Society of Arboriculture (the trees were surveyed from the ground.) No diagnostic devices were used on these trees.

VTA is a methodology, employed by arboriculturists, to evaluate the structural integrity of a tree, relying on observation of a trees biomechanical and physiological features; this is the method generally adopted and is appropriate in this instance.

DBH -The tree's trunk Diameter at Breast Height (1.4m above ground) was measured with a common surveyor measuring tape.

TPZ & SRZ – calculations were based on the result of the trees DBH (Calculation formula(s) within Appendix 2 (Descriptors).

Height was measured using visual judgment as an approximate, whilst width was calculated with a step method(paced), being one metre per step.

The health and structural characteristics of each tree were assessed and each tree was attributed an 'Arboricultural' Rating". The Arboricultural rating correlates the combination of tree condition factors (health, structure & form) with tree amenity value.

Amenity relates to the tree's biological, functional and aesthetic characteristics within a built environment. The Arboricultural rating with combination of other factors can assist the project team and planners in nominating trees suitable for retention.

The amenity (retainable value) explanation within Appendix 2 (descriptors)

Establishing Tree Protection Zones:

To successfully retain suitable trees within or around a development site, consideration must be given in protecting the trunk, crown and roots of each specimen. Tree protections zones (TPZ)are used to provide adequate space for the preservation of sufficient roots to maintain tree health (particularly important for mature trees), whilst providing a buffer zone between construction activity and the tree and the crown.

The method of determining TPZ adopted in this report is the 'Australian standard of the protection of trees on development sites'(AS4970-2009)

Methodology(continued)

Additional measurements can be calculated to determine the allowable encroachment on one side of the TPZ (reduced TPZ) and the Structural Root Zone (SRZ), which is the absolute minimum requirement to maintain tree stability without consideration to ongoing health.

The location of trees nominated to be retained should be accurately located by conventional survey means prior to preparing any final designs.

The report includes assessment (data) details in the form of tables and relate to the trees numbered.

Statutory Controls / legislation Requirements

Vegetation is managed under the SA significant tree clauses within *The Development Act 1993*.

It makes the distinction between two categories of trees located in the Adelaide metro area and the Adelaide Hills as "Regulated" and "Significant". These are defined in the regulations as:

Regulated – trunk circumference of 2+ metres at one metre above ground level (for multiple trunks, the average circumference of each is 625mm).

Significant – trunk circumference of 3+ metres at one metre above ground level (for multiple trunks, the average circumference of each is 625+mm).

Any activity which is "maintenance pruning" does not require approval, nor does pruning for powerlines or for trees planted for orchards or woodlots. Approval for any other removal or destruction requires advice to be provided through "an expert or technical report", for which the minimum qualification is cert V in Horticulture (Arboriculture).

Penalties apply up to \$120,000.00

Exemptions.

Any tree which is located within ten metres of an existing dwelling or existing in ground swimming pool (low risk bushfire areas) / Twenty metres for high-risk area.), can be removed unless it is an *Agonis flexuosa* (Willow Myrtle) or any species of *Eucalyptus*.

Note:

Vegetation may be managed under the States Planning Provision, in collaboration with local government through *Vegetation Protection Overlays* (VPOs). Were councils that use (VPP) are individually responsible for determining or defining what is to be a tree of 'Significance' with consideration relating to aesthetics and heritage value of the tree species native to the council.

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Site Map/satellite

Assessed trees: 2-8 Greenwith road Golden Grove .SA ,5125



Address (Development), lot 102 ,7A Wilmot ST. Ingle Farm SA 5098

Google Earth Reference

Location:

2-8 Greenwith road,

Golden Grove

South Australia. 5125

Co-ordinates: 34 49'16.32" S 138 39'04.52" E

Elevation 75m. Eye Alt.171m

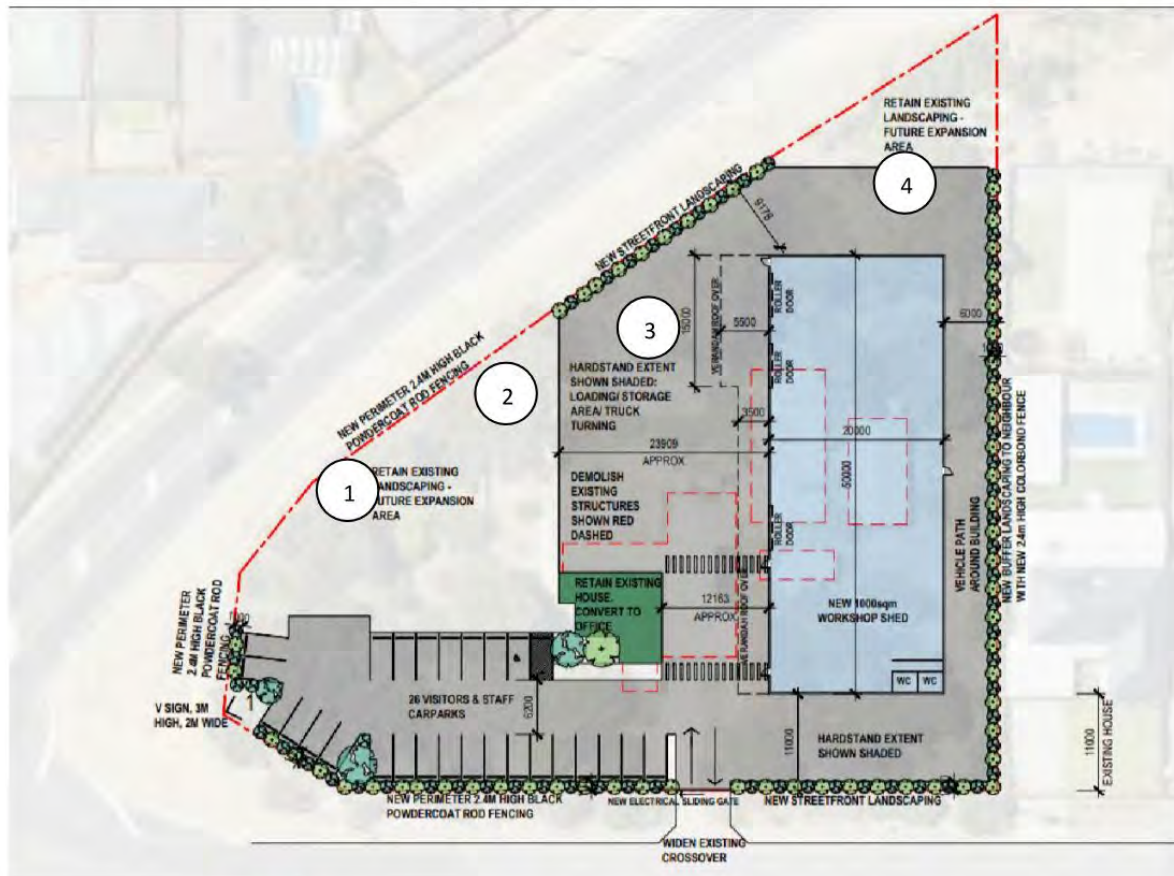
Imagery Date: 17/11/2018



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Existing Feature Plan /owner's supplied Draft

Supplied by; **ON Architecture** 242 Angas St, Adelaide SA 5000



Above are drawings supplied indicating proposed development.

Location of trees are approximate and are require to be accurately surveyed in relation to development approval.

Tree one = Far north east on perimeter boundary, (adjacent to Golden rd.); 28 meters from existing dwelling.

TREE 2 = east of tree one by 22meters ,3meters from perimeter & 19meters from exciting dwelling.

TREE 3 = east of tree two by 25 meters ,8 meters from perimeter.

TREE 4 = 11 meters from westerly perimeter & 15 meters from north easterly boundary.

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Tree Data Table (please note tree two is not classed as regulated/significant size: within The Development Act 1993)

#	Identification	CIR Cm's	DBH Cm's	Height width metre	Age	Health	Structure	ULE years	Retention Value	Comments
1	Eucalyptus camaldulensis	270	85	16mx12m	M	G	G	>20	High	Native
2	Eucalyptus camaldulensis	188	60	16mX14m	M	P	P	<10	medium	Native
3	Eucalyptus camaldulensis	280	89	19mX14m	M	P	P	>20	High	Native
4	Eucalyptus camaldulensis	260	82	21mx14m	M	G	F	>20	High	Native

Trees recommended to retain (Retention) For Property Development

#	Genus	Species	Common Name	Planning Controls	Comments
1	<i>Eucalyptus</i>	camaldulensis	River Red Gum	Regulated	High amenity, visual to Golden Grove Road.
3	<i>Eucalyptus</i>	camaldulensis	River Red Gum	Regulated	High amenity
4	<i>Eucalyptus</i>	camaldulensis	River Red Gum	Regulated	High amenity

Imagery of Trees recommended to be Retained (High retention)



Tree # 1

Species: Eucalyptus camaldulensis

Common name: River Red Gum

Planning Controls: Regulated within The Development Act 1993

Position: located westly perimeter border; adjacent to Golden Grove Road. Comments:

- High Amenity appeal
- Visually aesthetics from entry to property & Golden Grove Road.
- High rated health with good structural integrity.
- ULE of 30+
- Minimal Maintenance requirements
- Manageable restrictions for development.

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Imagery of Trees recommended to be Retained (High retention)



Tree # 3

Species: Eucalyptus camaldulensis

Common name: River Red Gum

Planning Controls: Regulated within The Development Act 1993

Position: east of tree two by 25 meters ,8 meters from westly perimeter.

Comments:

- High Amenity appeal
- Visually aesthetics from entry.
- High rated health with good structural integrity.
- ULE of 20>30+
- Minimal Maintenance requirements
- Manageable restrictions for development.

Imagery of Trees recommended to be Retained (High retention)

Tree # 4

Species: Eucalyptus camaldulensis

Common name: River Red Gum

Planning Controls: Regulated within The Development Act 1993

Position: 11 meters from westerly & 15 meters from northern perimeter boundary.

Comments:

- High Amenity appeal
- Visually aesthetics from entry.
- High rated health with good structural integrity.
- ULE of 20>30+
- Minimal Maintenance requirements
- Manageable restrictions for development.



Provide Specialist Advise; Preliminary Impact Statement, Tree Assessment Report

Basic Maintenance for trees Retained

Maintenance will be further explained in depth within the Arboriculture impact assessment;

Titled: *(Development Impact Statement & Tree management Plan)* **If required**

During and post construction, it is beneficial to ensure each retained tree has a favourable growing environment, keeping in mind the implementations of removing surrounding trees of one that is to be retained and the affects that will result of these implemented procedures.

Initially prepare the trees retained for construction disturbance.

- Regularly water the trees if rainfall is not inadequate.
- Fertilize them if soil tests or deficiency symptoms indicate they are nutrient stressed.
- Prune branches that are dead, diseased, hazardous, or detrimental to the plants natural form.
- Non-intrusive Fencing to be erected around the TPZ, aided with descriptive signage.
- Developed map indicating safest route for access to the building zone (foot traffic and machinery etc.)
- Protect and preserve soil
- Monitor construction process
- Commitment plan for long term maintenance.

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Explanation of Tree Protection Zones

Within this report you will find reference to the Tree Protection Zone or TPZ for retained trees, this is a calculated exclusion area that allows for the protection of the canopy and roots; both the structural roots (SRZ) that give the stability, and the smaller absorption roots.

The radius of the TPZ is normally calculated by multiplying the Diameter At Breast Height (DBH) X 12.

The minimum distance of protection will be 2metres and maximum of 15 metres, as stipulated in the *Australian Standards 4970-2009*. (Except where crown protection is required)

Crown Protection: The TPZ may need to include additional protection of the above ground parts of the tree from injury from such machinery as excavators, scaffolding or similar foreign infrastructure. This protection zone will be located at least one metre outside the perimeter of the tree's crown.

The Structural Root Zone (SRZ) is an area considered essential for tree stability: loss of roots in this area are likely to cause the tree to be unstable.

The radius of the SRZ is calculated by the measurement of the diameter above root buttress using the formula from figure 1. Section 3.3.5(structural root zone) *Australian Standard 4970-2009*.

SRZ radius = $(d \times 50)^{0.42} \times 0.64$ / e.g. $(0.75 \times 50)^{0.42} \times 0.64 = 2.64m$ (SRZ for tree# 1)

Where D = trunk Diameter above the buttress.

Note: understanding and abiding by this tree protection concept in conjunction with recognising high value trees should inform your plans and avoid unexpected problems that relate to vegetation.

Ideally there should be no encroachment into the TPZ of a retained tree however there are exceptions within the *Australian Standard (AS 4970-2009)*.

TPZ & SRZ Radius for Retained Trees

#	Genus	Species	Common Name	TPZ	SRZ	Location
1	<i>Eucalyptus</i>	<i>camaldulensis</i>	River Red Gum	10.2m	2.73m	Site assessed
3	<i>Eucalyptus</i>	<i>camaldulensis</i>	River Red Gum	10.68m	2.77m	Site assessed
4	<i>Eucalyptus</i>	<i>camaldulensis</i>	River Red Gum	9.84m	2.71m	Site assessed

Excerpted encroachments within the Tree Protection Zones

Variations to the TPZ (Minor and Major Encroachment)

It may be possible to encroach into or make variations to the standard TPZ.

Some examples of encroachment include excavation, compacted fill and machine trenching. (Within the TPZ)

Ideally there should be no encroachment of a retained tree however there are exceptions within the *Australian Standard (AS 4970-2009)*.

Minor Encroachment (clause 3.3.4/AS 4970-2009).

If the proposed encroachment is less than 10% of the area of the TPZ and is outside the SRZ, detailed root investigation should not be required. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ.

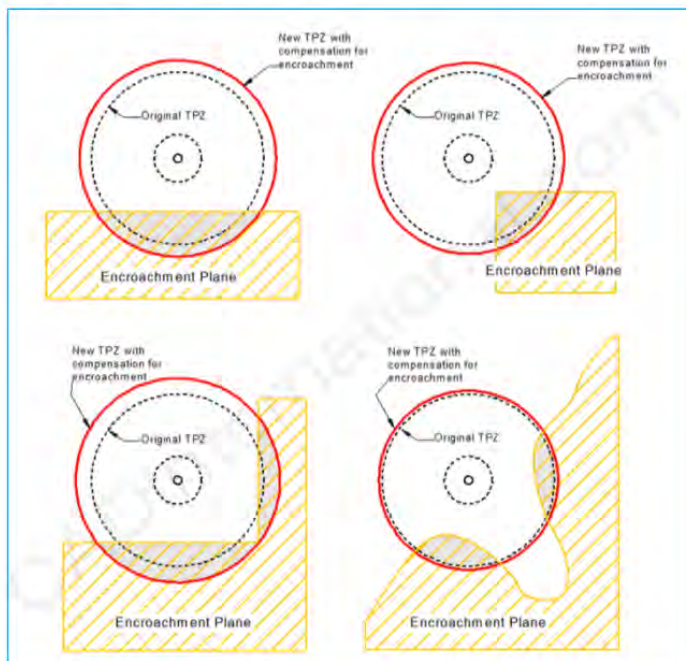
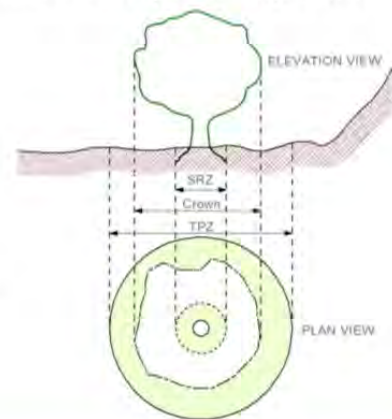
Variations must be made by the project arborist considering relevant factors: (clause 3.3.4/AS 4970-2009).

Major Encroachment (clause 3.3.4/AS 4970-2009).

If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ, the project arborists must demonstrate that the tree(s) would remain viable.

The lost area is to be compensated for elsewhere and contiguous with the TPZ. This may require root investigation by non-destructive methods and consideration of relevant factors listed below: abbreviation (clause 3.3.4/AS 4970-2009).

- Location and distribution of roots.
- Potential loss of root mass.
- Tree species and tolerance to root disturbance.
- Age, vigor and size of the tree.
- Lean and stability of the tree.
- Soil characteristics and volume, topography and drainage.
- Presence of existing or past structures or obstacles affecting root growth.
- Design factors. (tree sensitive construction measures)



Above right; TPZ & SRZ Radius for Retained Trees (diagram)

Left ; Example of TPZ compenstaion

- $SRZ \text{ radius} = (d \times 50)^{0.42} \times 0.64$
- Crown = At least one metre outside the perimeter of the tree's crown.
- $TPZ = \text{Diameter at Breast Height (DBH)} \times 12$.

Provide Specialist Advise; Preliminary Impact Statement, Tree Assessment Report

Identify possible impacts on the subject tree that has been retained.

(reference <http://www.arborillogical.com/tree-articles/dangers-of-root-disturbance/>) date: 03 03 2018)

All trees are sensitive to root disturbance. Examples include construction, landscaping, sprinkler installation, and grade changes. The effects of these changes on existing trees can be quite devastating and can take five to ten years to become fully visible.

During construction, the root system is cut to install foundations, sidewalks, driveways, utilities, pools, landscape beds, and irrigation systems. The closer to the tree the construction occurs, the more destructive it is.

Damage also occurs through compaction of the soil from heavy equipment repeatedly driving over the root zone or supplies being stored under the tree. Compaction of the soil reduces the pore space between soil particles, eliminating the oxygen in the soil which causes root death. Signs of feeder root damage are small pale colored leaves, leaves turning brown on the edges or shedding early, and the tips of the limbs dying over time.



Tree Root Structure. Source:
International Society of Arboriculture

Expectable Encroachments of retained trees assessed on site

#	Genus	Species	Common Name	TPZ	SRZ	Maximum Encroachment
1	<i>Eucalyptus</i>	<i>camaldulensis</i>	River red Gum	10.2m	2.73m	32.66m ²
3	<i>Eucalyptus</i>	<i>camaldulensis</i>	River red Gum	10.68m	2.77m	35.8m ²
4	<i>Eucalyptus</i>	<i>camaldulensis</i>	Red River Gum	9.84m	2.71m	30.4m ²

Formula used for encroachment calculation

The entire area (meters sq.) of the (TPZ) is calculated by using the below formula:

- pi times the radius squared ($A = \pi r^2$) x 0.1 = 10% of area square.

Summary

- The preliminary assessment has found a total of three trees of retainable value providing instant amenity to the site, worthy of inclusion within the proposed new development.
- Tree two was found to be not classed as significant or regulated under the *development act 1993*
- TPZ and SRZ were calculated for these trees, along with photographic identification.
- All other trees and vegetation were deemed as low retainable value and exempt from planning controls.
- Recommendation for basic maintenance requirements of the trees that are worthy of inclusion within the development supplied.
- Further in-depth maintenance refers to report *Development Impact Statement & Tree management Plan*. **(If required by council).**

Recommendations

Reference to *Australian Standard 4970-2009 Protection of trees on development sites* & or *Development Impact Statement & Tree management Plan*, for this assessed site. *(if required)*

Section 5.2

- Tree protection Plan: A pre-construction meeting between the site manager, arborists and contractors to introduce a tree protection plan and discuss requirements.

Section 5.3.1

- Tree removal and pruning: Trees for removal or transplanting should be marked onsite as per the approved tree protection plan.
- Tree removal should be carried out prior to erection of protection fencing.
- Any pruning requirements must be abided by *AS 4373 (Pruning of amenity trees)*.

Section 5.3.2

- Fencing and other protection measures are to be installed in compliance with *section 4* and as detailed in the Tree Protection Plan (these are to be certified by the project arborist.)

Section 5.4.2

- Site establishment: The project arborists will monitor the impacts of demolition.
- Any changes to the proposed development plans prior to construction must be approved by the consulting arborist.
- Consulting arborists to conduct a VTA (*Visual Tree Assessment*) prior, during and post construction works.

Provide Specialist Advise; Preliminary Impact Statement, Tree Assessment Report

References

- Australian Standard 4970-2009 (*'Protection of trees on development sites'*). Published: 26 August 2009
- Mathew C; Author
Published: 2003

Title: Visual tree assessment & the body language of trees
- Matheny & Clark- Author
Published 1998 –
Title: Evaluation of hazard trees
- <https://google maps .com>
Image:28/10/2015
- existing feature plan:
Supplied by: **ON Architecture 242** Angas St, Adelaide SA 5000
- Native Vegetation ACT
02/04/2015 VC124
Clause 52.17
- Australian standard: Pruning of Amenity Trees (AS 4373-2007)
- TLCforTrees.info is maintained by: Douglas Airhart, Ph.D. Certified Arborist & Jeff Plant, Ph.D.

Last Updated on: 07/11/03

- Australian standard: Pruning of Amenity Trees (AS 4373-2007)
Title: Practical Tree Management
Author: Lawrence, T., Norwquay, P. & Liffman,
Published:1993 Inkata Press, Melbourne.
- Mathew C; Author
Published: 2003
Title: Visual tree assessment & the body language of trees
- https://proofsafe.com.au/tpz_incursion_calculator.html

Appendix 1: descriptors

Species – the species identification is based on visual observations

Tree Heights – are estimated in metres.

AGE: **Young (Y)** Juvenile or recently planted tree.

Semi-mature (S) Tree is actively growing.

Mature (M) Tree has reached expected size in situation.

Senescent (Sen) Tree is over mature and has started to decline

DBH: -The tree's trunk Diameter at Breast Height (1.4m above ground) .

Health:

Good: -- Tree is showing no obvious signs of poor health or stress with a dense canopy that is free of dieback. Rot or pathogens are not obvious or are not considered to be a threat to the tree. Growth rates are acceptable.

Fair: - Tree is showing signs of reduced health or stress. This is apparent through moderate foliage density, minor dieback, moderate stress response growth, minor to moderate rot, moderate pathogen infestation, stunted growth or a combination of the above symptoms.

Poor: - Tree is showing one or more of the following symptoms :> 25% dead wood, canopy dieback is observable, discolored or distorted leaves. Pathogen is present, stress symptoms are obvious e.g., small leaf size or small twig extensions; these could lead to decline of specimen.

Dying or Dead: - Tree is in severe decline with greater than 55% dead wood; very little foliage.

Structure: -

Good: Tree has no obvious structural defects and is therefore not considered likely to fail.

Fair: Tree has at least one obvious structural defect, but this is considered to be manageable and of only moderate failure risk or the piece likely to fail may be small. Structural defects that may contribute to a fair rating are as follows:

Poor branch attachment (including deadwood and large epicormics);

Bifurcated, but with a join that is considered to be solid;

| Moderate trunk lean but without other defects;

□ Minor damage to the trunk base;

□ Rot or other damage starting to compromise the structure;

□ History of shedding minor branches.

Provide Specialist Advise; Preliminary Impact Statement, Tree Assessment Report

Poor: Tree has at least one structural defect that is severe and considered to have a relatively high risk of failure. If targets are present then defect(s) require treatment, or alternatively the tree should be removed. In some cases, removal may be the only option for these trees. Structural defects that may contribute to a poor rating are as follows:

- ☐ Poor branch attachment (including deadwood and large epicormics);
- | Bifurcated with swelling and/or included bark;
- | Severe trunk lean associated with other defects such as injury in the plane of lean of root plate lift;
- Major damage to the trunk base or root system;
- Rot or other damage severely compromising the structure;
- ☐ History of shedding large branches.

Amenity (retainable) value:

Very Low: Tree makes little or no contribution to the amenity value of the site or surrounding area. In some cases, the tree may be detrimental to the area's amenity value (e.g. unsightly, risk of weed spread).

Low: Tree makes some contribution to the amenity value of the site, but makes no contribution to the amenity value of the surrounding area. Removal of the tree would result in little loss of amenity. Juvenile trees (including street trees) are generally included in this category, however they may have the potential to supply increased amenity in the future.

Medium: Tree makes a moderate contribution to the amenity of the site and/or may contribute to the amenity of the surrounding area.

High: Tree makes a significant contribution to the amenity value of the site, or tree makes a moderate to significant contribution to the amenity value of the larger landscape.

SULE:

The Safe, Useful, Life Expectancy of the tree from a health, structure, amenity and weediness viewpoint given no significant changes to the current situation. This category is difficult to determine, and should be taken as an estimate only, in addition to this, factors not observed at the time of inspection can lead to tree decline.

Included Bark Crotches are potential structural weaknesses that occur in trees between the main stem and a branch or between leaders of equal size (codominant stems). Bark between the stems turns downwards and prevents the interlocking of wood fibres rather than upwards to form a branch bark ridge as occurs in structurally sound crotches. This defect is under genetic control and may be repeated throughout the tree or occur in only one crotch. The position of an included bark crotch in a tree plays an important part in the tree structural stability. Low included bark crotches are more serious than those higher in the tree. Depending upon the severity of the defect, tree age and species involved, it may be possible to prune or cable trees with bark inclusions in order to reduce the risk of failure.

Provide Specialist Advise; Preliminary Impact Statement, Tree Assessment Report

Appendix 3: Disclaimer

Consultants Liability and Limitations:

All tree assessments are visual inspections and comment on the tree species, that can be seen, touched or inferred from the ground and covers what could reasonably be assessed and available to the assessor at the time of inspection.

The Tree Audit Register (TAR) and recommendations made in this report associated with the project are made in good faith on the basis of the information available to the consultant at the time of the inspection therefore the author accepts no liability for any recommendations made.

The inspection period to which the report applies is two months from the date of the report.

Achievement of objectives set out in such reports will depend among other things on the actions of the client, contractor(s), council, environment and the tree(s), over which the consultant has no control before, during and after the audit has been conducted.

Information contained in this report covers only the tree(s) that were examined and reflects the condition of the tree(s) at the time of inspection. There is no warranty or guarantee, expressed or implied; those problems or deficiencies of the subject tree(s) may not arise in the future.

This report and values expressed herein express the opinion of the consultant/appraiser.

The consultant/appraiser's fee is no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any findings to be reported.

Possession of the report or copy thereof does not imply rights of publication or use for any purpose by others than the person to whom it is addressed, without the prior expressed written or verbal consent.

Loss or alteration of this report invalidates the entire document.

The consultant /appraiser shall not be required to give testimony or attend court by reason of this report unless a subsequent contractual agreement have been made, including a payment of a negotiable additional fee for such services.

Diagrams, sketches, graphs and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural aids (reports or surveys).

The report remains the authors property until payment has been made in full.

Peter Zimmerman



Arboricultural Consultant

Diploma in Arboriculture

ISA Tree Risk Assessment Qualified

Phone: 0400 211 917

REPORT NO: CAP.23003790

RECORD NO: D23/56761

TO: COUNCIL ASSESSMENT PANEL MEETING - 15 AUGUST 2023

FROM: Rhiya Singh
Planning Officer

SUBJECT: TWO STOREY DETACHED DWELLING, RETAINING WALLS AND FENCING AT
24 MARVIN AVENUE, GILLES PLAINS

SUMMARY

DEVELOPMENT NO.	23003790
APPLICANT	Sterling Homes Pty. Ltd.
ADDRESS	24 Marvin Avenue, GILLES PLAINS SA 5086
NATURE OF DEVELOPMENT	Two storey dwelling with fencing and retaining walls
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood Zone <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Hazards (Flooding) • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy
LODGEMENT DATE	27 April 2023
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	30 March 2023 (2023.5)

CODE RULES APPLICABLE AT LODGEMENT	Code Rules at Assessment Start
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	Yes – Notification Period from 07 June 2023 to 28 June 2023
NUMBER OF PROPERTIES NOTIFIED	42
REPRESENTATIONS RECEIVED	1
REPRESENTATIONS TO BE HEARD	0
RECOMMENDING OFFICER:	Rhiya Singh
REFERRALS STATUTORY	Nil
REFERRALS NON-STATUTORY:	2
RECOMMENDATION	Grant Planning Consent

1. DETAILED DESCRIPTION OF PROPOSAL

The proposed application includes a two-storey detached dwelling on an existing vacant allotment, known as 24 Marvin Avenue, Gilles Plains.

The proposed development is located within the General Neighbourhood Zone. The land fronts Marvin Avenue and is surrounded by residential allotments on the northern, east and west side.

The dwelling has a total of 2 building levels as viewed from the street. The dwelling has a minimum front setback of 5.4m to the ground level and 6.6m to the upper level, a minimum western side setback of 2.4m to the ground level and 2m to the upper level. The minimum eastern side setback to the ground level is 1m to the ground level and 1.8m to the upper level. The minimum rear setback is 7.2m to the ground level and 13.4m to the upper level.

The proposed dwelling is contemporary in design and style, with four bedrooms located on the upper storey with associated wet areas, two car garage and an outdoor area consisting of a verandah under the main roof. The ground floor consists of a lounge, kitchen, home theatre and a study.

The walls of the dwelling elevation are to be rendered with *Colorbond* pre-coloured steel roof, gutters and fascia's.

Plans of the proposed development can be found in Attachment 3.

2. SUBJECT LAND & LOCALITY

2.1 Site Description:

Location reference: 24 MARVIN AVENUE, GILLES PLAINS

Title Reference:
CT 5590/228

Plan Parcel:
D7660 AL259

Council:
CITY OF TEA TREE GULLY

The subject site comprises a single allotment known as 24 Marvin Avenue, Gilles Plains. The site is irregular in shape and has a total area of 614.34m². Access to the allotment is gained from Marvin Avenue.

There are no easements on the allotment.

The proposed allotment is generally flat with a fall of 2.4m over 38.18m between the south-west and north-east corner of the site.

2.2 Locality

The locality is considered to be the area depicted within Figure 1 below, being the land encircled by the red line.

The locality is bound by the dwellings on Marvin Avenue on the south, Diamond Avenue to the east, and Tasman Avenue to the north.

The locality accommodates residential development. The residential development consists of small to medium sized allotments ranging between 300m² and 850m². The built form and character of the locality is of single storey detached dwellings typical in design and styling of 2000s. Dwellings are generally conventional with hipped roofs and gable ends with brick, render and iron sheeting being the common building materials. Low density prevails in the locality.



Figure 1: Locality Map, with subject site highlighted in orange

The locality is located in General Neighbourhood Zone in its entirety. Figure 2 below identifies the zoning in the locality in relation to the subject site (highlighted in orange).



Figure 2: Zoning

3. CATEGORY OF DEVELOPMENT

PER ELEMENT

Fences and walls

Detached dwelling: Code Assessed - Performance Assessed

Retaining wall: Code Assessed - Performance Assessed

Fence: Code Assessed - Performance Assessed

New housing

OVERALL APPLICATION CATEGORY

Code Assessed - Performance Assessed

REASON

Planning and Design Code

4. PUBLIC NOTIFICATION

REASON

(Column B) Section 3 of Table 5 provides *development that 1. Exceeds the maximum building height specified in Hills Neighbourhood Zone DTS/DPF 4.1.*

General Neighbourhood Zone DTS/DPF 4.1 *no greater than:*

Building height (excluding garages, carports and outbuildings)

(a) *2 building levels and 9m*

(b) *Wall height that is no greater than 7m except in the case of a gable end.*

Planning and Design Code defines Building Height as “*the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:*

(a) *flues connected to a sewerage system*

(b) *telecommunications facility tower or monopole*

(c) *electricity pole or tower*

(d) *or any similar structure.”*

The proposed dwelling comprises two building levels however the total building height is approximately 9.7m from the natural ground level (calculated based off the contour levels provided), thereby not satisfying DTS/DPF 4.1 of the General Neighbourhood Zone and requiring public notification.

(Column B) Section 3 of Table 5 provides *development that : 2. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).*

The combined height of the retaining wall and fencing, at the highest point on the eastern side boundary is 3.2m. In addition, the garage is to be constructed on the western side boundary for a length of 7.3m. The total height of the garage to the top of the parapet is 3.5m, thereby not satisfying Section 3 (Column B) of Table 5.

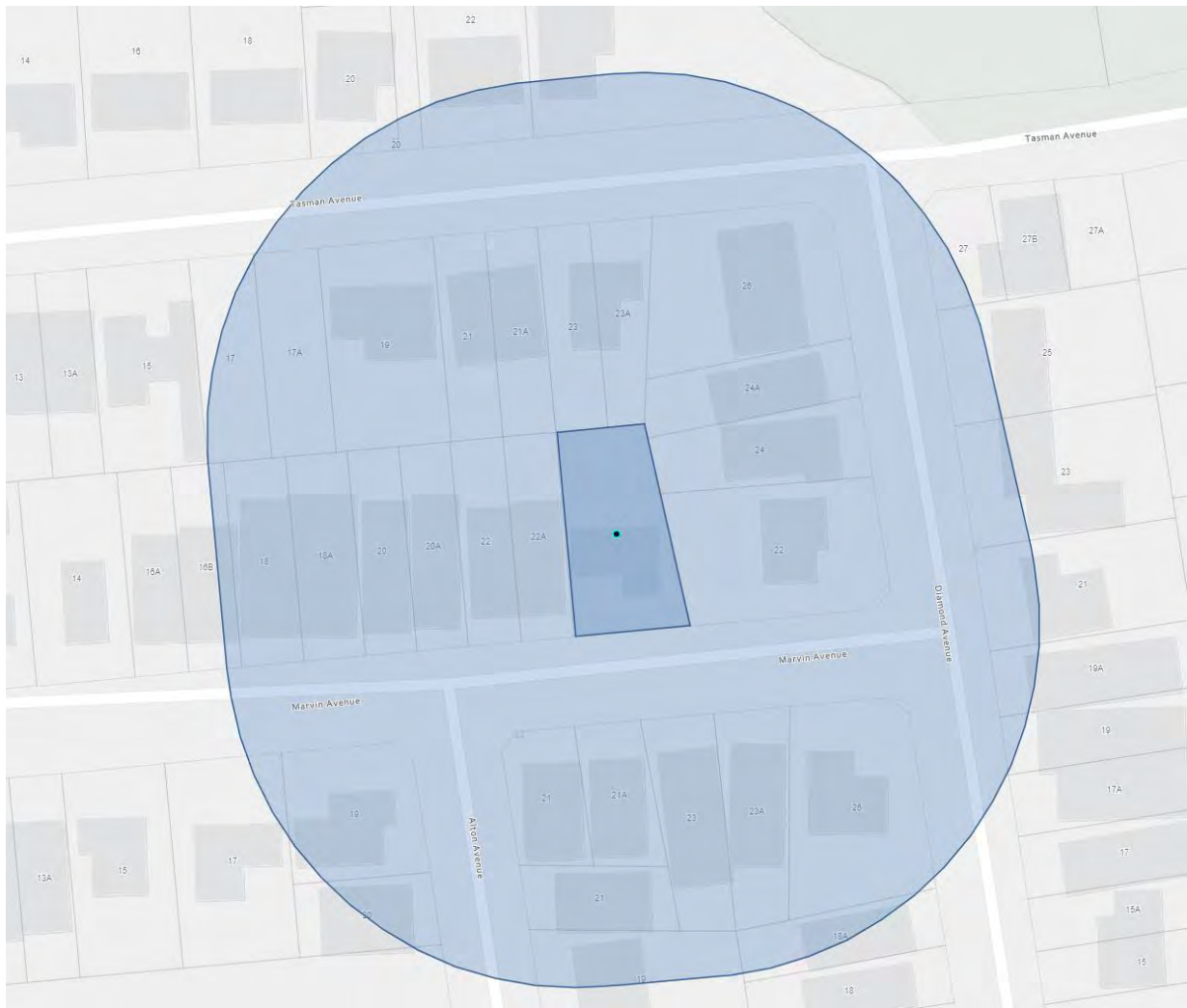


Figure 3: Representation of the properties notified of the proposed development

LIST OF REPRESENTATIONS

Name	Address	Position	Wishes to be Heard
Su Teng Kok	24A Diamond Avenue, Gilles Plains SA 5086	Oppose	No

SUMMARY

Public notification consisted of the direct contact with 42 owners or occupiers of adjacent land and a sign detailing the proposal was placed on the subject site for the duration of the notification period.

One representation was received that opposes the development.

The representor is the owner of the adjoining allotment 24A Diamond Avenue, Gilles Plains located to the north-east of the subject site.

The main concern of the representor is the potential overlooking from the second storey windows of the proposed dwelling into the private open space and habitable rooms of the adjoining dwellings. The concerns of the representor are noted and discussed in the further sections of the report.

The representation was forwarded to the applicant to respond.

A copy of the representation can be found in Attachment 5.

The applicant provided the following response:

- As indicated on the plans, all upper-level windows on the north, east and western elevations have a sill-level of 1.5 metres to prevent overlooking, satisfying DPF 10.1 of General Development Policies – Design in Urban Areas.
- General Development Policies – Interface Between Land Uses DPF 3.2 seek to ensure that development allows for adjacent residences' private open space to have access to at least 2 hours of direct sunlight on 21 June between 9-3pm. DPF 3.2 is easily satisfied because:
 - There is significant distance between the two dwellings:
 - The proposed dwelling's upper-level has a rear setback of 13.4 metres.
 - 24A Diamond Avenue has a rear set back of 10 metres.
 - The orientation of both the proposed dwelling (south facing) and 24A Diamond Ave (east facing) mean shadows from the proposal will not affect 24A Diamond Avenue's private open space.

The response to the representations can be found within Attachment 6.

5. AGENCY REFERRALS

No agency referrals were required

6. INTERNAL REFERRALS

6.1 Civil Stormwater

Council's Civil Stormwater Engineer has reviewed the application and provided the following comments in regards to the potential flooding. The proposed development triggers Hazards (Flooding) Overlay and Hazards (Flooding – Evidence Required) Overlay.

- Plinth to be provided at the front boundary excluding driveway with a minimum floor level 100mm above the top of kerb, the levels will need to be shown within the design for approval.
- Additional sumps to be installed at the back of development to allow surface flow water intake.

6.2 Traffic

The proposed development application has been reviewed by Council's Traffic Engineer and provided the following comments:

- The first 2m of the crossover will need to be 2.5% with a fall towards the road.
- The proposed driveway grades are acceptable.

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 Quantitative Provisions

Table 1 General Neighbourhood Zone – Quantitative Provisions (DPF criteria)

DPF	Provision	Requirement	Provided	Complies
3.1	Site coverage	Maximum 60%	46%	✓
4.1(a)	Building height	2 Building Levels and 9m maximum	2 and 9.7m	X
5.1	Front setback	1m forward of neighbouring dwelling = 3.23m	5.4m	✓
8.1	Side setback	At least 900mm where the wall height is upto 3m	1m on eastern side 2.37m on western side	✓
		Other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m = 1.8m	1.8m on eastern side 2.82m on western side	✓
9.1	Rear setback	4m ground floor, 6m any other building level	7.2m to ground level 13.43m to upper level	✓

7.2 Land Use

Proposal is for a residential land use in the General Neighbourhood Zone. **Zone Performance Outcome (PO) 1.1** speaks to *predominantly residential development*, with the **Zone Desired Outcome (DO) 1** stating *low rise, low and medium density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.*

The residential land use proposed is low-density and therefore complies with **Zone PO 1.1**.

7.3 Building Height

The proposed dwelling comprises of two building levels and a maximum building height of approximately 9.7m. The total roof height of the dwelling from the finished floor level is 9 metres. The approximate height from the natural ground level to the finished floor level is 0.7m. Zone PO 4.1 states that buildings should contribute to a low-rise suburban character. The corresponding Designated Performance Feature (DPF) 4.1 seeks dwellings with a maximum height of 2 building levels and 9m. The Code definition of 'low-rise' means development up to and including two building levels.

The proposal comprises two building levels is considered to satisfy the above PO, however the height of 9.7m exceeds the height requirement by 0.7m. It is noted that even with the additional height above the requirement, the proposal remains low-rise development having regard to the above definition.

It is therefore concluded that the additional height has limited consequence and will not be to the detriment of the character of the zone or that of the locality. General Neighbourhood Zone PO 4.1 is satisfied.

7.4 Setbacks, Design & Appearance

The calculated site coverage for this development is 46% and therefore satisfies Zone DPF 3.1 which seeks a maximum of 60%.

As demonstrated in Table 1 above, the side setback to the western and eastern side boundary and the rear setback to the northern rear boundary satisfies the **Zone DPF 8.1(a), DPF 8.2(b) and DPF 9.1**.

The minimum front setback of the adjoining dwelling to the west is 4.23m. The adjoining dwelling to the east does not front the same primary street as the subject site. The minimum front setback is achieved and **Zone DPF 5.1** is satisfied.

There are multiple windows on the second storey facing the primary street from a habitable room that encourage passive surveillance and make a positive contribution to the streetscape. As such, **Design in Urban Areas PO 17.1** is satisfied.

The entry door is visible from the primary street. **Design in Urban Areas PO 17.2** is satisfied.

The alfresco on the ground level can be accessed through the living room and provides an external outlook of the private open space to the rear of the allotment. **Design in Urban Areas PO 18.1** is satisfied.

A double garage is proposed, being setback 6m from the primary street boundary, and has a 5.11m wide opening. This is consistent with the garage requirements set out in **Design in Urban Areas PO 20.1**.

Design in Urban Areas DTS/DPF 20.2 states that *each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:*

- (a) *A minimum of 30% of the building wall is set back an additional 300mm from the building line*
- (b) *A porch or portico projects at least 1m from the building wall*
- (c) *A balcony projects from the building wall*
- (d) *A verandah projects at least 1m from the building wall*
- (e) *Eaves of a minimum 400mm width extend along the width of the front elevation*
- (f) *A minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm*
- (g) *A minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with maximum of 80% of the building elevation in a single material or finish.*

The proposed dwelling has an articulated front elevation with a porch and balcony projecting 1m from the building wall. The elevation diagrams demonstrate that at least two different finishes are to be applied to the elevation of the dwelling. 450mm wide eaves also extend along the width of the front elevation. **Design in Urban Areas PO 20.2** is satisfied.

7.5 Landscaping and private open space

With respect to the landscaping, **Design in Urban Areas DPF 22.1** requires a minimum 25% of the allotment to comprise soft landscaping, with 30% of the front setback area also comprising soft landscaping. The proposal provides 28.89% and 49.26% respectively to satisfy these requirements.

Space for a medium tree has been proposed within the site plan to satisfy **Urban Tree Canopy Overlay DPF 1.1**.

With respect to private open space, the provision of 177.51m² space to the rear of the site satisfies **Design in Urban Areas 22.1**. The private open space remains directly accessible from living areas of the dwelling, as sought in **Design in Urban Areas DPF 21.2**.

7.6 Traffic Impact, Access and Parking

The proposed dwelling has a double garage under the main roof which will allow for two undercover carparking spaces. Further visitor parking is also available in the driveway, and the driveway width at the primary street boundary is 5m.

With respect to parking, **Design in Urban Areas PO 23.1, PO 23.2 and PO 23.3** are satisfied. There is no street furniture or street trees that might hinder access, which is consistent with **Design in Urban Areas PO 23.4**.

The civil plan was internally referred to Council's Traffic Engineer to review the driveway design, grades and crossover access. The Traffic Engineer has approved the grades and location of the driveway and crossover. This satisfies **Design in Urban Areas PO 8.2, PO 8.3 and PO 23.5**.

The development therefore has been appropriately designed for the site and provides safe and convenient vehicle access.

7.7 Overlooking and Overshadowing

Design in Urban Areas DPF 10.1 states that *upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone:*

- (a) *Are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm*
- (b) *Have sill heights greater than or equal to 1.5m above finished floor level*
- (c) *Incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5m above the finished floor level.*

The elevation plans demonstrate that all upper level windows facing the eastern and western side boundaries and the northern rear boundary have a minimum sill height of 1.5m. **Design in Urban Areas DPF 10.1** is satisfied. The representor has raised concerns regarding overlooking into their private open space and habitable rooms. However, since the minimum requirements of the Code are achieved, any potential unreasonable overlooking is mitigated.

The balcony has been screened on the eastern side to a height of 1.7m to mitigate any overlooking into the private open space of the adjoining dwelling of 22 Diamond Avenue. **Design in Urban Areas PO 10.2** is satisfied.

Interface between Land Uses DPF 3.2 seeks development that *maintains 2 hours of sunlight between 9.00 am and 3.00pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:*

- a. *For ground level private open space, the smaller of the following:*
 - i. *Half the existing ground level open space*

Or

- ii. 35sqm of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)
- b. For ground level communal open space, at least half of the existing ground level open space.

The applicant has not provided any shadow diagrams or analysis to demonstrate whether the above has been achieved. However, considering the sun-path on June 21, the most severe impact is to adjoining allotments to the south. However, in this case, the primary street boundary is the southern boundary, thus, there will be minimal impact to adjoining dwellings.

While it is expected that a section of the private open space on the adjoining allotment will experience some overshadowing, their property will still receive at least 2 hours of sunlight to at least 35m² of private open space between 9.00 AM and 3.00 PM on 21 June.

Interface between Land Uses PO 3.2 is therefore satisfied.

7.8 Environmental Factors

7.8.1 Stormwater Management Overlay

For an allotment of 614.34m², Stormwater Management Overlay requires 4000L retention and 1000L detention (for sites with site perviousness <35%) that is connected to a minimum of 60% of the roof area. The plans provide a 4000L stormwater retention and 1000L detention tank that is plumbed into the dwelling.

7.8.2 Hazards (Flooding – Evidence Required) Overlay

Hazards (Flooding – Evidence Required) Overlay DPF 1.1 states that *habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above:*

- (a) The highest point top of kerb of the primary street
- Or
- (b) The highest point of natural ground level at the primary street boundary where there is no kerb.
- (c)

Since the finished floor level of the proposed dwelling is lower than the highest point top of kerb, the application was referred to Council's Civil Stormwater engineer.

Council's Team Leader Civil Assets reviewed the application and requested that given the option of changing the FFL is difficult due to level differences, a 100mm plinth is required from the highest point top of kerb along the property primary boundary to prevent stormwater going into the property.

The applicant has provided amended plans to demonstrate this, and as a result **Hazards (Flooding - Evidence Required) Overlay PO 1.1** is satisfied.

7.8.3 Hazards (Flooding) Overlay

There are floodplains located in the proximity of the subject site. For this reason, the subject land is captured by the Hazards (Flooding) Overlay and has been internally referred to Council's Civil Stormwater Engineer to review.

Additional sumps were requested to be installed at the back of development to allow surface flow water intake. The amended plans have been approved by Council's engineer.

7.8.4 Waste Management

Domestic waste can be disposed of in standard bins for which there is storage spaces on the site that are screened from public view. The waste storage complies with **Design in Urban Areas PO 24.1**.

7.8.4 Earthworks and fencing

Retaining wall with a maximum height of 1.4m in fill is proposed along the eastern side boundary. **Design in Urban Areas DPF 8.1** is not satisfied.

The applicant has stated that the earthworks are informed by topography and flood risk constraints.

A 1.8m high Colorbond good neighbour fence is proposed along the side and rear boundaries. This is consistent with the fencing in the locality. **Design in Urban Areas PO 9.1** is achieved.

8. CONCLUSION

The proposal is for a two-storey detached dwelling and associated retaining walls and fences, all of which are envisaged within the General Neighbourhood Zone.

Albeit, the proposal does exhibit some variances in terms of height earthworks, although the height proposed is not considered excessive nor detrimental to the locality or zone.

Having regard to the relevant assessment criteria, the proposal on balance satisfies the Planning and Design Code sufficiently to recommend Planning Consent subject to conditions.

9. PLANNING & DESIGN CODE POLICIES

General Neighbourhood Zone

DO 1, PO 1.1, PO 3.1, PO 4.1, PO 5.1, PO 8.1, PO 9.1, PO 10.1, PO 10.2, PO 11.1, PO 11.2

Airport Building Heights (Regulated) Overlay

DO 1, PO 1.1

Building Near Airfields Overlay

DO 1, PO 1.3

Hazards (Flooding) Overlay

DO 1, PO 3.1, PO 3.2, PO 3.3, PO 3.4, PO 3.5, PO 3.6, PO 4.2, PO 5.1, PO 5.2, PO 6.1, PO 6.2

Hazards (Flooding – Evidence Required)

DO 1, PO 1.1

Traffic Generating Development Overlay

DO 1, DO 2, PO 1.1, PO 1.2, PO 1.3

Stormwater Management Overlay

DO 1, PO 1.1

Urban Tree Canopy Overlay

DO 1, PO 1.1

Clearance from Overhead Powerlines

PO 1.1

Design in Urban Areas

PO 6.1, PO 8.1, PO 8.2, PO 8.3, PO 8.4, PO 8.4, PO 8.5, PO 9.1, PO 9.2, PO 10.1, PO 10.2, PO 17.1, PO 17.2, PO 18.1, PO 20.1, PO 20.2, PO 20.3, PO 21.1, PO 21.2, PO 22.1, PO 23.1, PO 23.2, PO 23.3, PO 23.4, PO 23.5, PO 23.6, PO 24.1

Infrastructure and Renewable Energy Facilities

PO 11.2, PO 12.1, PO 12.2

Interface between Land Uses

PO 3.1, PO 3.2, PO 3.3

Transport, Access and Parking

PO 5.1

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 23003790, by Sterling Homes 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

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. 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 side and rear boundaries 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.

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](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 8

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 9

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**.

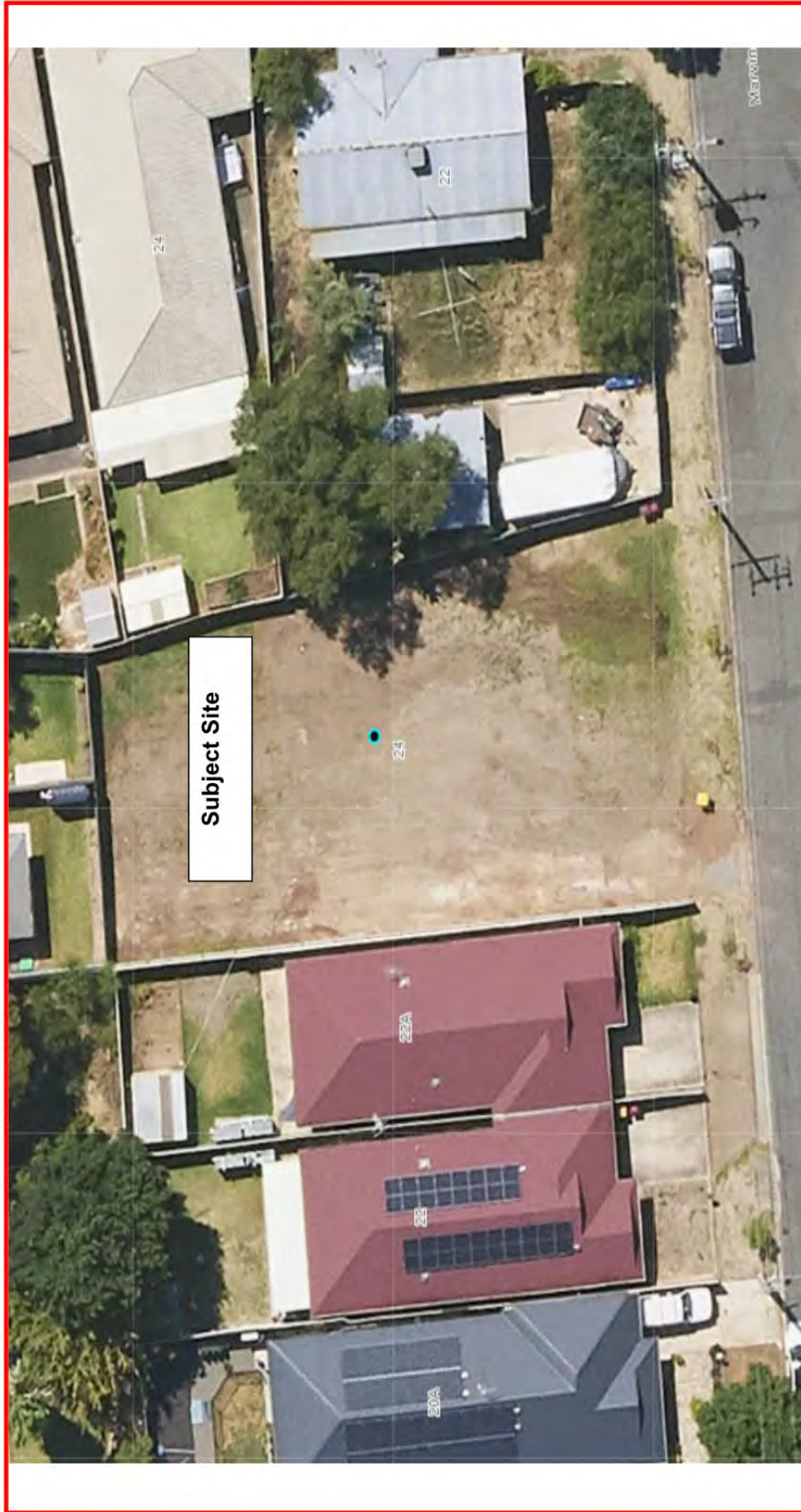
Attachments

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Report Authorisers

Rhiya Singh Planning Officer	8397 7244
Nathan Grainger Manager City Development	8397 7200
Michael Pereira General Manager Community Services	8397 7377

23003790 - 24 Marvin Avenue Gilles Plains

**Contact Details**

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Development Locations

Location 1

Location reference

24 MARVIN AV GILLES PLAINS SA 5086

Title Ref

CT 5590/228

Plan Parcel

D7660 AL259

Additional Location Information**Council**

CITY OF TEA TREE GULLY

Zone Overlays

Zones

- General Neighbourhood

Sub-zones

(None)

Overlays

- Airport Building Heights (Regulated)
- Affordable Housing
- Building Near Airfields
- Hazards (Flooding)
- Hazards (Flooding - Evidence Required)
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Traffic Generating Development
- Urban Tree Canopy

Variations

(None)

Application Contacts

Applicant(s)

Stakeholder info

Sterling Homes Pty Ltd
110-114 GRANGE ROAD
ALLENBY GARDENS
SA
5009
council2@sterlinghomes.com.au

Contact

Stakeholder info

Sterling Homes Pty Ltd
110-114 GRANGE ROAD
ALLENBY GARDENS
SA

5009
council2@sterlinghomes.com.au

Invoice Contact

Stakeholder info

Sterling Homes Pty Ltd
110-114 GRANGE ROAD
ALLENBY GARDENS
SA
5009
council2@sterlinghomes.com.au

Invoice sector type

Land owners

Stakeholder info

Mr Mohammad Kamruzzaman
4A FIRTH AVENUE
NORTHFIELD
SA
5085
mkzaman02@yahoo.com

Nature Of Development

Nature of development

Two Storey Dwelling

Development Details

Current Use

Vacant

Proposed Use

Residential

Development Cost

\$1,018,173.00

Proposed Development Details

Two Storey Dwelling

Element Details

You have selected the following elements

New housing - \$1,018,173.00

New House

Is there a brush fence within 3m of the proposed house?

No

Are you proposing to add or modify a driveway?

(Not provided by applicant)

Septic/Sewer information submitted by applicant

Does this development require a septic system, i.e. septic tank and/or waste water disposal area?
(Not provided by applicant)

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?
(Not provided by applicant)

Consent Details

Consent list:

- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system?
No

Planning Consent

Apply Now?
Yes

Who should assess your planning consent?
Assessment panel/Assessment manager at City of Tea Tree Gully

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?
Relevant Authority

Building Consent

Do you wish to have your building consent assessed in multiple stages?
No

Apply Now?
No

Consent Order

Recommended order of consent assessments
1. Planning Consent

Do you have a pre-lodgement agreement?
No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

Documents

Document	Document Type	Date Created
Plans (Floor, Elev, Site, Elec).pdf	Stamped Plans	10 Feb 2023 3:41 PM
Drainage Plan.pdf	Location Plan	10 Feb 2023 3:41 PM

Application Created User and Date/Time

Created User

casey.virgo

Created Date/Time

10 Feb 2023 3:41 PM

Date: 31/05/2023

1. FFL DICTATED BY MAXIMUM DRIVEWAY GRADE
2. OWNER/BUILDER TO CONFIRM ALL INFORMATION REGARDING BOUNDARIES AND SETBACKS PRIOR TO CONSTRUCTION

PROVIDE 1993L SUMP PIT WITH TWIN PUMPS. DISCHARGE RATE OF EACH PUMP TO BE SET AT 0.73L/SEC. PUMPS SHALL HAVE ALTERNATE DUTY CYCLES WITH AUTOMATIC REVERSION SHOULD EITHER PUMP FAIL. PUMPS TO BE FITTED WITH AUDIBLE AND VISUAL FAILURE ALARMS. PUMPING MAIN TO BE INSTALLED IN ACCORDANCE WITH SUMP PUMP SPECIFICATIONS. OUTLET TO BE DIRECTED TO JUNCTION BOX AT FRONT BOUNDARY.

CL 98 10

SINGLE STOREY-BRICK (OCCUPIED)

SECTION OF EXISTING
RETAINING WALL TO BE
REMOVED FOR THE

THE BOUNDARY FOOTING HAS BEEN DESIGNED ON THE BASIS OF THE ADJOINING LAND BEING IN ITS 'AS SURVEYED' CONDITION. NO RESPONSIBILITY WILL BE TAKEN IF THE ADJOINING OWNER BUILDS ON THE BOUNDARY AND/OR VARIES THE HEIGHT OF THE SOIL

DENOTES CONTINUOUS BARRIER
(CONCRETE PLINTH, BRICK
WALL, ETC.) TO BE MIN. 100mm
ABOVE TOP OF KERB (TK).

[illegible]

DENOTES COMBINATION RETENTION
 AND DETENTION TANKS. UPPER
 TANK TO BE 2800L (MIN) DETENTION
 TANK WITH 25mm OUTLET ORIFICE
 FITTED TO INVERT OF TANK TO
 RESTRICT FLOW TO 170L/SEC
 LOWER TANK TO BE 4000L (MIN)
 RETENTION TANK CONNECTED INTO
 W.C AND INSTALLED IN ACCORDANCE
 WITH GOVERNMENT SPECIFICATIONS
 OVERFLOW TO BE DISCHARGED TO
 STREET WATER TABLE. TANK IS TO
 BE CONNECTED TO 80% OF ROOF
 AREA. SHAPE AND LOCATION OF
 TANK ARE INDICATIVE ONLY. TO BE
 CONFIRMED ON INSTALLATION

other street

RETAINING WALL
APPROX 300 HIGH

450SQ JB
CL 99.22
IL 99.07

TOP OF PLINTH: 99.30
BOTTOM OF PLINTH: 99.10

STORMWATER TO BE DISCHARGED TO STREET WATERTABLE IF NO CONNECTION IS AVAILABLE, ONE IS TO BE CONSTRUCTED.

DEPTH AND LOCATION OF EXISTING SEWER CONNECTION IS TO BE CONFIRMED PRIOR TO ANY CONSTRUCTION INVERT ASSUMED TO BE 1.95m DEEP (MIN). FFL SHALL BE CHECKED BY BUILDER TO ENSURE MINIMUM SEWER FALLS CAN BE ACHIEVED.

0 1 2 3 4 5 10m

DOMESTIC PERIMETER PAVEMENT

EXISTING SPOT LEVEL

EMBANKMENT/BATTER (GRADE BANKS 1:2 MAX)

EXISTING CONTOUR

300 WIDE CONCRETE SPOON DRAIN (MIN. FALL 1:200)

UNLINED OPEN DRAIN (MIN. FALL 1:100)

STORMWATER PIPE 900 P.V.C. (MIN. FALL 1:200)

STORMWATER PIPE 1000 U.P.V.C. (SEALED)

PUMPING MAIN, AS PER PUMP PUMP SPEC

SEWER PIPE (MIN. FALL 1:60)

1000 AG DRAIN WITH 16MM SCREENINGS

SELECTED DOWNPIPE

SPREADER DOWNPIPE

SELECTED RAINFED/ADP WITH OVERFLOW PROVISION

(GP) 900 GRATED INLET PIT

(GS) 300GS GRATED SUMP (UND)

(JB) 450GS JUNCTION BOX (UND)

100 WIDE GRATED TRENCH DRAIN

SELECTED RETAINING WALL

DESIGN LEVEL

T.K. TOP OF KERB

W.T. WATER TABLE

P. PAVING LEVEL

F.L. FINISHED LEVEL

F.D.L. FLOOD LEVEL

C.L. COVER LEVEL

I.L. INVERT LEVEL

F.F.L. FINISHED FLOOR LEVEL

P.L. PENCH LEVEL

1. FLEXIBLE CONNECTIONS FOR SEWER AND STORMWATER ARE REQUIRED FOR THIS SITE (REFER TO SHEET C03vnl)
2. PATH LEVEL AT FLOOD GULLY TO BE A MINIMUM OF 165mm BELOW FINISHED FLOOR LEVEL
3. PROVIDE 160mm COVER TO STORMWATER PIPES UNLESS IT IS LIKELY TO BE SUBJECTED TO VEHICULAR LOADING, IN WHICH CASE 450mm COVER IS REQUIRED, OR ENCASE PIPE IN 100mm THICK CONCRETE
4. THE SEWER LINE & OR SEPTIC TANK LOCATION IS INDICATIVE ONLY. THEY HAVE ONLY BEEN PROVIDED TO DETERMINE WHETHER OR NOT ADDITIONAL PIERS TO FOOTINGS ARE REQUIRED. UNDERLOOR PLUMBING TO BE CARRIED OUT IN ACCORDANCE WITH AUSTRALIAN STANDARDS AND SA HEALTH COMMISSION GUIDELINES
5. THIS IS AN ENGINEERING SURVEY PLAN AND SHALL NOT BE TAKEN AS A CADASTRAL OR IDENTIFICATION SURVEY. BOUNDARY DATA SHOWN IS TO BE TAKEN AS A GUIDE ONLY.
6. PRIOR TO THE REMOVAL OF ANY TREES COUNCIL APPROVAL MUST BE OBTAINED AS THEY MAY BE DEEMED "SIGNIFICANT"
7. RETAINING WALLS AND STORMWATER BY OWNER. THE STORMWATER SYSTEM AND PERMITTED RAISING IS TO BE INSTALLED WITHIN 4 MONTHS OF HANDOVER
8. ALL STORMWATER AND/OR OTHER SERVICE CONNECTION POINTS ARE TO BE LOCATED AND CONFIRMED BY THE BUILDER/ CONTRACTOR PRIOR TO THE COMMENCEMENT OF SITEWORKS
9. WHERE TREE IS TO BE REMOVED, THE VOID MUST BE BACK FILLED WITH COMPACTED SATURATED SOIL BY OWNER
10. DETAINING WALLS/STONE UPSTANDS LESS THAN 300mm HIGH HAVE BEEN OMITTED FOR CLARITY AND ARE TO BE INSTALLED BY OWNER
11. THE NOMINATED FINISHED FLOOR LEVEL SHALL BE CHECKED BY THE BUILDER PRIOR TO CONSTRUCTION TO ENSURE MINIMUM SEWER AND STORMWATER FALLS CAN BE ACHIEVED. THIS OFFICIAL SHALL BE NOTIFIED IF ANY ADJUSTMENT TO THE FLOOR LEVEL IS REQUIRED
12. PIPES AND RETAINING WALLS ARE TO BE FULLY CONTAINED WITHIN THIS ALLMENT. PIPES, AND RETAINING WALLS SHOWN IN NEIGHBOURING ALLMENTS FOR IMPROVED CLARITY ONLY

B.	FRONT PLINTH HEIGHTS NOMINATED	JKO	JKO	29/05/21
A.	POOL ADDED WITH SEWER PROVISION, PLINTH ADDED (KONKUN REQUEST), D/WAY TRANSITION REVISED & RAINWATER TANK RELOCATED.	GS	JKO	11/05/21
No.	REVISION	DRAWN	CHECKED	DATE

SITE
PROPOSED RESIDENCE
AT: LOT 259 #24 MARVIN AVENUE

GILLES PLAINS
FOR: MOHAMMAD KAMRUZZAMAN

TITLE DRAINAGE PLAN

- ◆ Civil
- ◆ Geotechnical
- ◆ Environmental
- ◆ Structural
- ◆ Mechanical
- ◆ Electrical
- ◆ Fire
- ◆ Hydraulics
- ◆ Forensic
- ◆ Construction Assist
- ◆ Vertical Transport

Adelaide Office: 08 8238 4100
 Melbourne Office: 08 8238 4115
 Riverland Office: 08 8582 3970

www.lmkens.com.au

SCALE	1:200 @ A3	JOB No.	2301034
DRAWN	GS	DWG. No.	CRD/B
DATE	Feb-23		STER
TECHNICAL	REV-03		

Brick Size	Standard Brick	Stormwater by		Waste Water System by	
Wind Speed		Detention Tanks by		Waste Water System	
Soil Class		Spoil Removal by		Contact	
Flexi cons.				Ref. No	

NOTE - Owner is to ensure site is clear of all trees, shrubs, vegetation & debris
Additional costs will apply if builder has to remove any green waste

TORRENS TITLE

Important notes due to construction on boundary:

1. Owner to ensure that boundary pegs are in place NO WORK WILL COMMENCE IF THE SURVEY PEGS ARE NOT IN PLACE.
2. Owner to advise adjacent neighbour(s) that we will be commencing work on the common boundary and that the builder will need access to their property to construct boundary wall(s).
3. Owner to arrange removal of any fence (if applicable) to allow construction on the common boundary.

PREMIUM PERIMETER
TERMITE TREATMENT

NOTE:
Crossover location indicative & subject to street survey.
Crossover to be constructed (by owner) in accordance with Council requirements

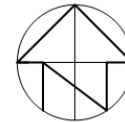
NOTE:

Rainwater tanks to be supplied and installed by owner after handover but before occupancy

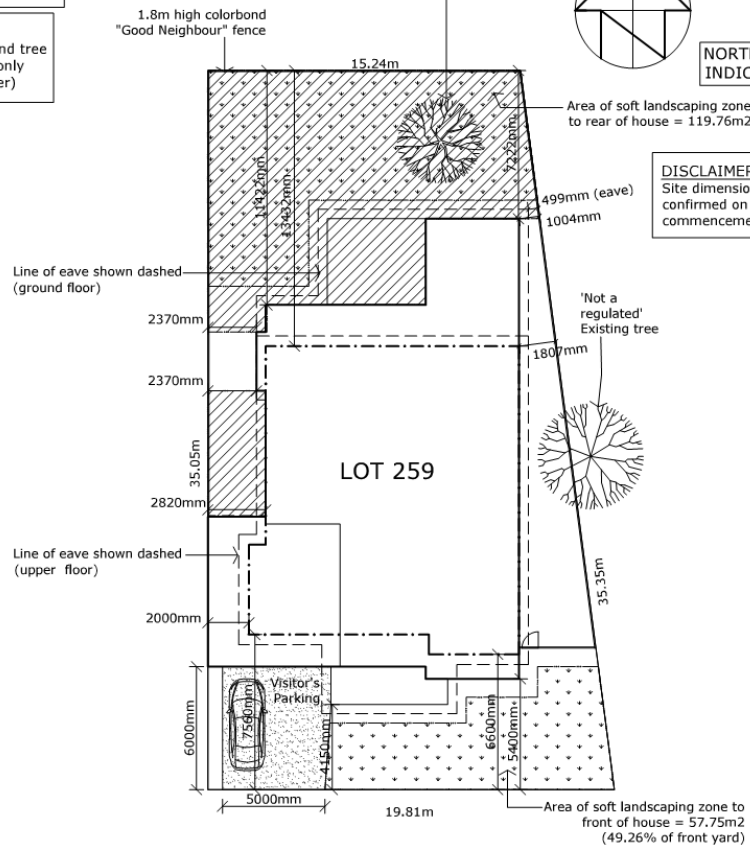
NOTE:

Soft landscaping zone and tree placement is indicative only (by owner after handover)

(1) Medium tree required
(Height = 6m, Width = 4m)
minimum required soil area: 30m²



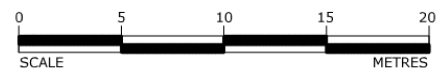
NORTH ARROW
INDICATIVE ONLY



DISCLAIMER:
Site dimensions & bearings to be confirmed on site prior to commencement of building works

BLOCK SIZE:
614.34 m ²
PRIVATE OPEN SPACE:
179.10 m ² 29.15%

SOFT LANDSCAPING ZONES:
Total area: 177.51m ²
Overall percentage of site: 28.89%



SITE / LANDSCAPE PLAN 1:200	STERLING JOB NO. M1360	Figured dimensions shall take precedence over scaled drawings. Verify dimensions and levels before commencement. Any discrepancy shall be reported to the Designers immediately.	DATE 01/12/22	
STERLING HOMES STERLING HOMES PTY. LTD. A.B.N 28 007 781 124 BUILDERS LICENCE No. G07072 110-114 GRANGE RD, ALLENBY GARDENS S.A. 5009 PHONE: (08) 8340 1115 FAX: (08) 8340 1919	PROPOSED RESIDENCE FOR: MOHAMMAD KAMRUZZAMAN - AT: LOT 259 MARVIN AVENUE, GILLES PLAINS	© Copyright JAMES ANDREW MARKETING	AMEND DATES 02/03/TS 24/03/MYI 10/05/TS	
			CONSULTANT: PF	
			DRAWN BY: TT	

Home Design	Owners	Insulation - Int. walls	R1.5	Wind Speed-Lower		Corrosion Zone	
Brick Size	Standard Brick	Insulation - Ext. walls	R2.5 HD	Wind Speed-Upper		Within 1km of coast	
Mortar Color		Insulation - Ceiling (Living)	R6.0	Roof Material	Metal Sheet	Bushfire attack cat.	
Mortar Joint		Insulation - Between Floors	R6.0	Sarking	Anticon 60 Blanket	Trenched Studs	No

TORRENS TITLE

PREMIUM PERIMETER
TERMITE TREATMENT

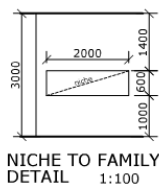
NOTE:
Exposed slab to be finished
suitable for tiles

Note: Floor wastes to
showers only

Note: (15) 900mm soft closing
pot drawers to be confirmed at
selection stage

Note: Fit out walk in robe and
built in robes to be confirmed at
selection stage

NOTE:
Drain under taps to
Alfresco left above slab
for future sink plumbing.



SQ. OPEN DETAIL
NTS

NOTE:

Bulkheads may be required to lower
level ceiling and/or provisions may
be required in rooms to conceal
plumbing from upper floor down to
the lower level slab. Placement of
bulkhead and vertical stacks/boxed
out provisions are at the discretion
of the builder. Any associated costs
for bulkheads or provisions are to be
borne by the owner.

Standard bracing to suit wind
category N1 and N2 has been
allowed.

Additional costs for wind speed
bracing above standard may be
incurred subject to final engineers
design. All pricing will be finalised
once engineering is completed.

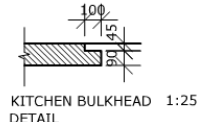
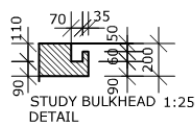
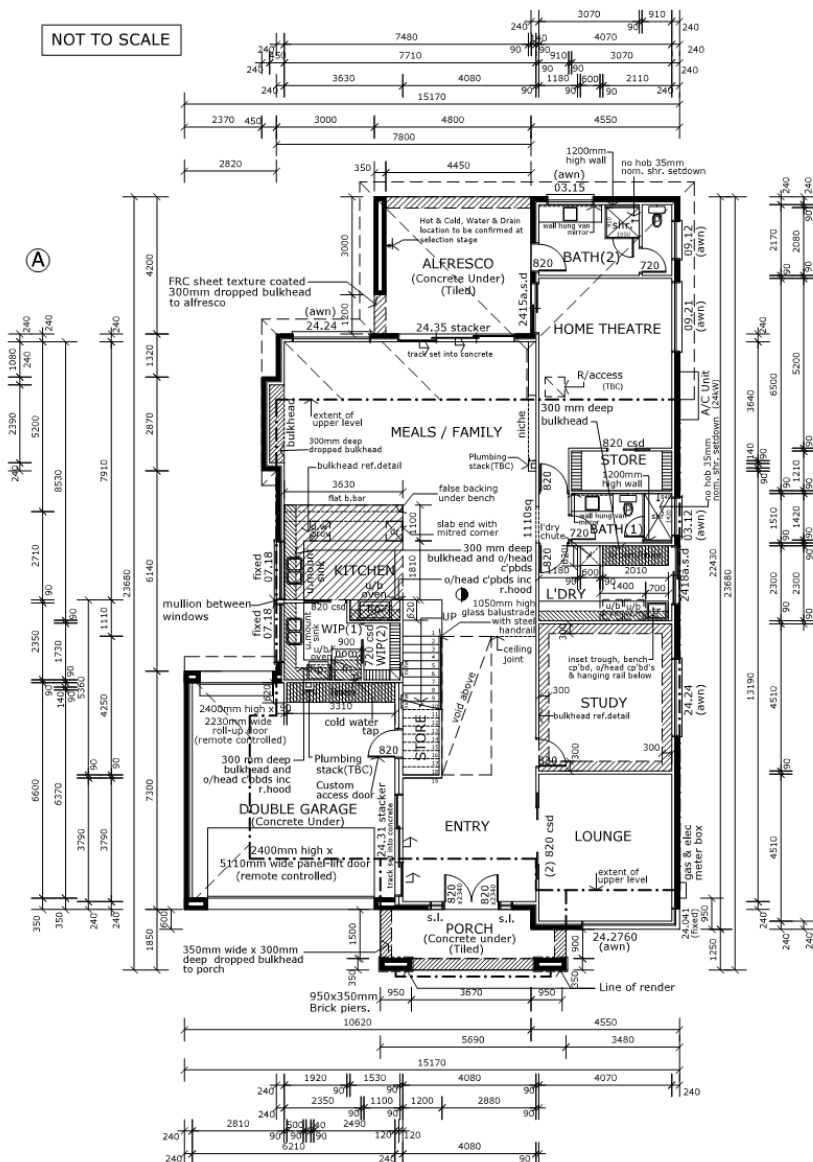
Exhaust fans to lower level ceilings
are to be ducted to the nearest
external wall where applicable.
Bulkheads may be required, any
associated costs for bulkheads are
to be borne by the owner.

Note: All internal doors &
openings to be set at
2340mm high

Note: m.w. prov. location to be
confirmed at selection stage.

Note: Gas BBQ point location to
be confirmed at selection stage

NOT TO SCALE



FLOOR PLAN

NTS

STERLING
HOMES

STERLING HOMES PTY. LTD.

A.C.N 007 781 124 BUILDERS LICENCE No. G07072
110-114 GRANGE RD,
ALLENBY GARDENS S.A. 5009

PHONE: (08) 8340 1115 FAX: (08) 8340 1919

STERLING JOB NO. M1360

PROPOSED RESIDENCE FOR:

MOHAMMAD KAMRUZZAMAN

AT:

LOT 259 MARVIN AVENUE,
GILLES PLAINS

NOTE: Interconnected Hard wired smoke
alarms shown with 9 volt battery back-up to
comply with the NCC part 3.7.2.

NOTE: W.C. door to be removable in accord. with
housing code Appendix D.10.1

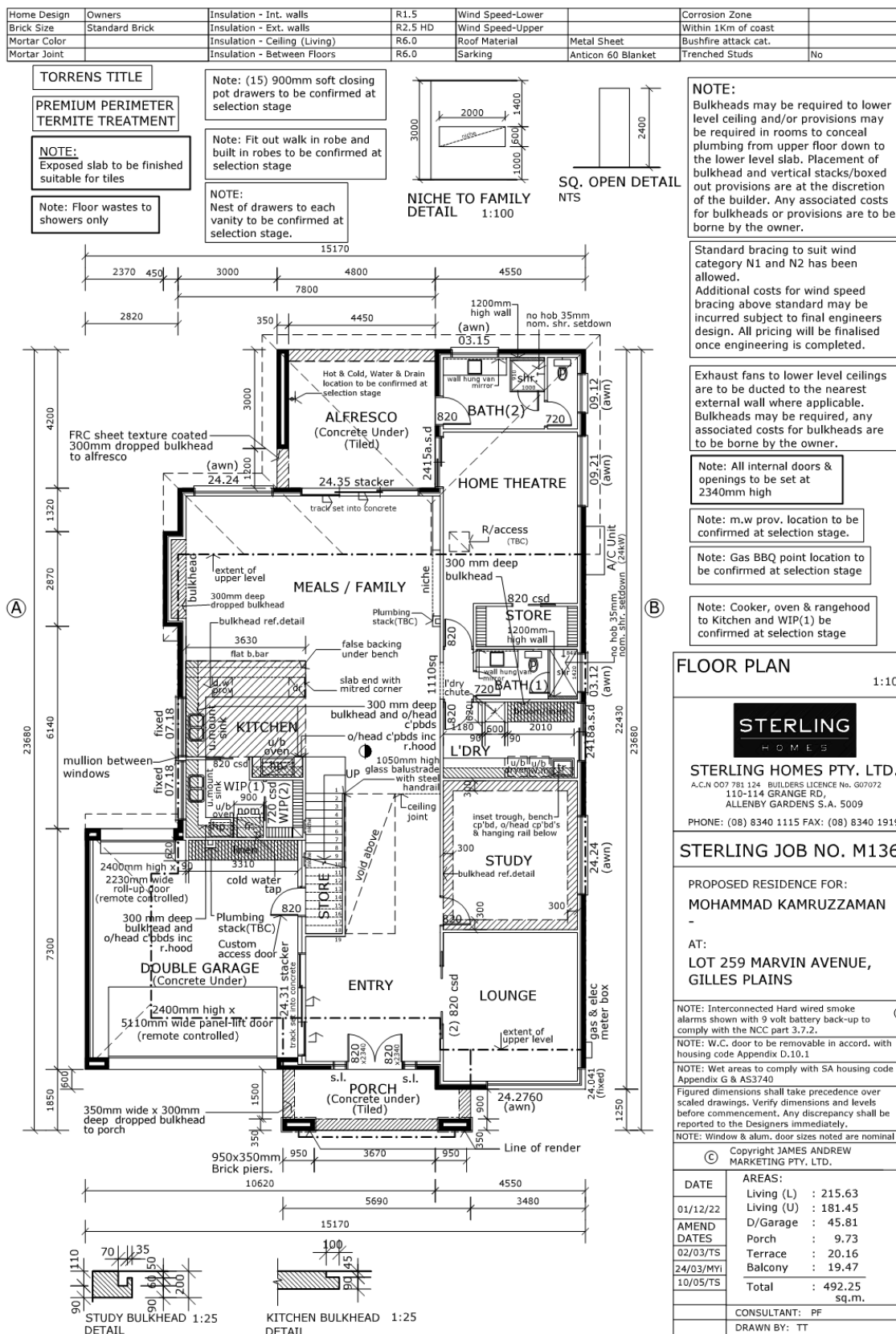
NOTE: Wet areas to comply with SA housing code
Appendix G & AS3740

Figured dimensions shall take precedence over
scaled drawings. Verify dimensions and levels
before commencement. Any discrepancy shall be
reported to the Designers immediately.

NOTE: Window & alum. door sizes noted are nominal

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DATE	AREAS:
01/12/22	Living (L) : 215.63
	Living (U) : 181.45
	D/Garage : 45.81
AMEND DATES	Porch : 9.73
02/03/TS	Terrace : 20.16
24/03/MYI	Balcony : 19.47
10/05/TS	Total : 492.25 sq.m.
	CONSULTANT: PF
	DRAWN BY: TT



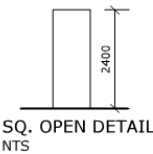
Home Design	Owners	Insulation - Int. walls	R1.5	Wind Speed-Lower		Corrosion Zone	
Brick Size	Standard Brick	Insulation - Ext. walls	R2.5 HD	Wind Speed-Upper		Within 1km of coast	
Mortar Color		Insulation - Ceiling (Living)	R6.0	Roof Material	Metal Sheet	Bushfire attack cat.	
Mortar Joint		Insulation - Between Floors	R6.0	Sarking	Anticon 60 Blanket	Trenched Studs	No

TORRENS TITLE

PREMIUM PERIMETER
TERMITE TREATMENT

Hot water services are
min. 5 star rating.

Provision for rainwater plumbed
to Main Bathroom WC.
(see engineering for R/water tank
location)



NOTE:
Exposed slab to be finished
suitable for tiles

Note: Floor wastes to
showers only

Note: All internal doors &
openings to be set at
2340mm high

Note:
4x A/C ducts to be
confirmed at selection stage

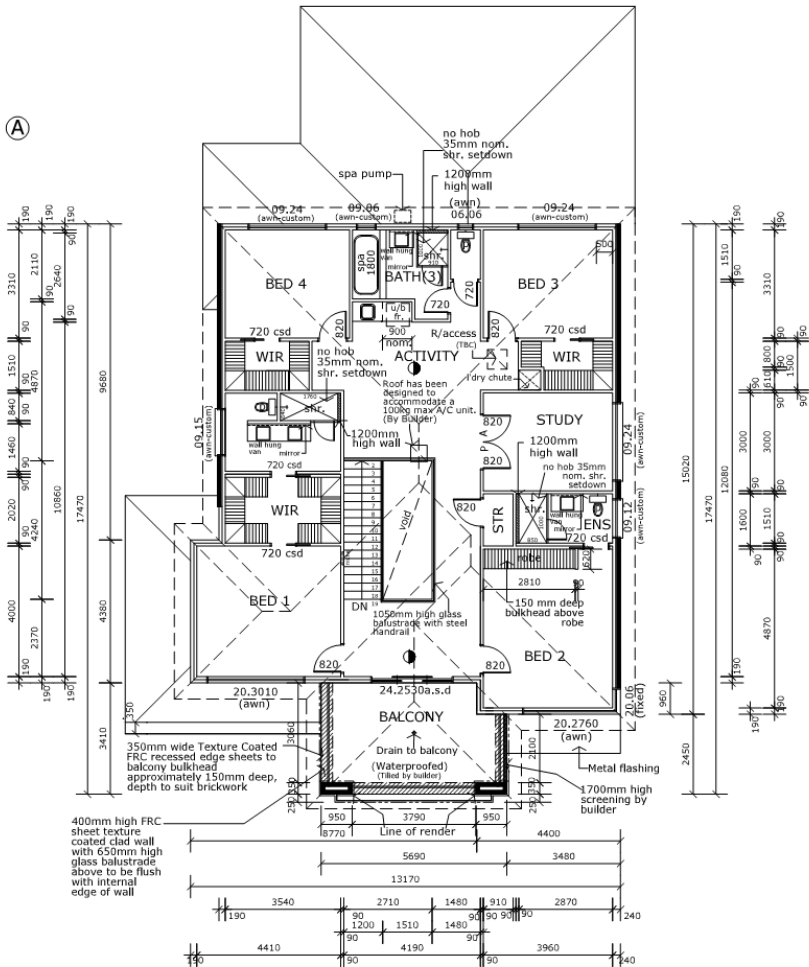
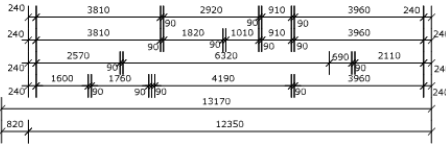
Standard bracing to suit wind
category N1 and N2 has been
allowed.
Additional costs for wind
speed bracing above standard
may be incurred subject to
final engineers design. All
pricing will be finalised once
engineering is completed.

NOTE:
The builder will not be
liable for cavity sliding
doors to wet areas.

NB: Windows to upper
floor are to comply with
NCC 3.9.2.6

Double door swing legend:
"A" - Active
"P" - Passive

NOT TO SCALE



B

UPPER FLOOR PLAN

NTS

STERLING
HOMES

STERLING HOMES PTY. LTD.
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110-114 GRANGE RD,
ALLENBY GARDENS S.A. 5009
PHONE: (08) 8340 1115 FAX: (08) 8340 1919

STERLING JOB NO. M1360

PROPOSED RESIDENCE FOR:
MOHAMMAD KAMRUZZAMAN
-
AT:
LOT 259 MARVIN AVENUE,
GILLES PLAINS

NOTE: Interconnected Hard wired smoke
alarms shown with 9 volt battery back-up to
comply with the NCC part 3.7.2.

NOTE: W.C. door to be removable in accord. with
housing code Appendix D.10.1

NOTE: Wet areas to comply with SA housing code
Appendix G & AS3740

Figured dimensions shall take precedence over
scaled drawings. Verify dimensions and levels
before commencement. Any discrepancy shall be
reported to the Designers immediately.

NOTE: Window & alum. door sizes noted are nominal

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MARKETING PTY. LTD.

DATE

01/12/22

AMEND

DATES

02/03/TS

24/03/MYI

10/05/TS

NOTE:
Upper floors have
not been designed
for heavy items (ie.
waterbeds, pianos
etc).

CONSULTANT: PF

DRAWN BY: TT

Home Design	Owners	Insulation - Int. walls	R1.5	Wind Speed-Lower		Corrosion Zone	
Brick Size	Standard Brick	Insulation - Ext. walls	R2.5 HD	Wind Speed-Upper		Within 1Km of coast	
Mortar Color		Insulation - Ceiling (Living)	R6.0	Roof Material	Metal Sheet	Bushfire attack cat.	
Mortar Joint		Insulation - Between Floors	R6.0	Sarking	Anticon 60 Blanket	Trenched Studs	No

TORRENS TITLE

PREMIUM PERIMETER
TERMITE TREATMENT

Hot water services are
min. 5 star rating.

Provision for rainwater plumbed
to Main Bathroom WC.
(see engineering for R/water tank
location)

SQ. OPEN DETAIL
NTS

NOTE:

Exposed slab to be finished
suitable for tiles

Note: Floor wastes to
showers only

Note: All internal doors &
openings to be set at
2340mm high

Note:
4x A/C ducts to be
confirmed at selection stage

Standard bracing to suit wind
category N1 and N2 has been
allowed.
Additional costs for wind
speed bracing above standard
may be incurred subject to
final engineers design. All
pricing will be finalised once
engineering is completed.

NOTE:

The builder will not be
liable for cavity sliding
doors to wet areas.

NB: Windows to upper
floor are to comply with
NCC 3.9.2.6

Double door swing legend:
"A" - Active
"P" - Passive

UPPER FLOOR PLAN

1:100

STERLING
HOMES

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110-114 GRANGE RD,
ALLENBY GARDENS S.A. 5009
PHONE: (08) 8340 1115 FAX: (08) 8340 1919

STERLING JOB NO. M1360

PROPOSED RESIDENCE FOR:
MOHAMMAD KAMRUZZAMAN
-
AT:
**LOT 259 MARVIN AVENUE,
GILLES PLAINS**

NOTE: Interconnected Hard wired smoke
alarms shown with 9 volt battery back-up to
comply with the NCC part 3.7.2.

NOTE: W.C. door to be removable in accord. with
housing code Appendix D.10.1

NOTE: Wet areas to comply with SA housing code
Appendix G & AS3740

Figured dimensions shall take precedence over
scaled drawings. Verify dimensions and levels
before commencement. Any discrepancy shall be
reported to the Designers immediately.

NOTE: Window & alum. door sizes noted are nominal

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DATE

01/12/22

AMEND
DATES

02/03/TS

24/03/MYi

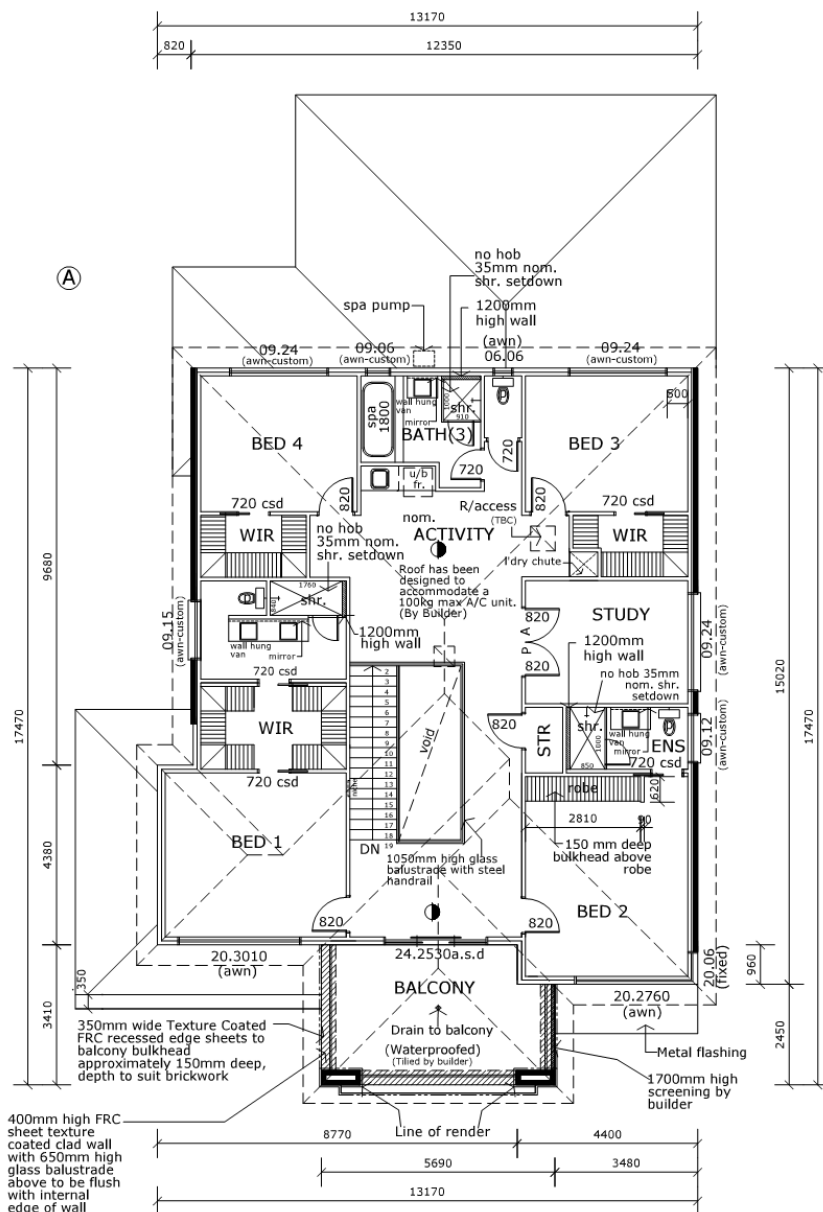
10/05/TS

NOTE:

Upper floors have
not been designed
for heavy items (ie.
waterbeds, pianos
etc.).

CONSULTANT: PF

DRAWN BY: TT



Home Design	Owners	Wind Speed-Lower		Corrosion Zone	
Brick Size	Standard Brick	Wind Speed-Upper		Within 1Km of coast	
Mortar Color		Roof Material	Metal Sheet	Bushfire attack cat.	
Mortar Joint		Sarking	Anticon 60 Blanket	Trenched Studs	No
WINDOWS:			GUTTERS & FASCIAS:		
Aluminium as per plan			Flat fascia		
(Brickwork above external openings where shown)			115 Quad gutter-slotted		
			Downpipes		
			zincalume		
			zincalume		
			PVC		

TORRENS TITLE

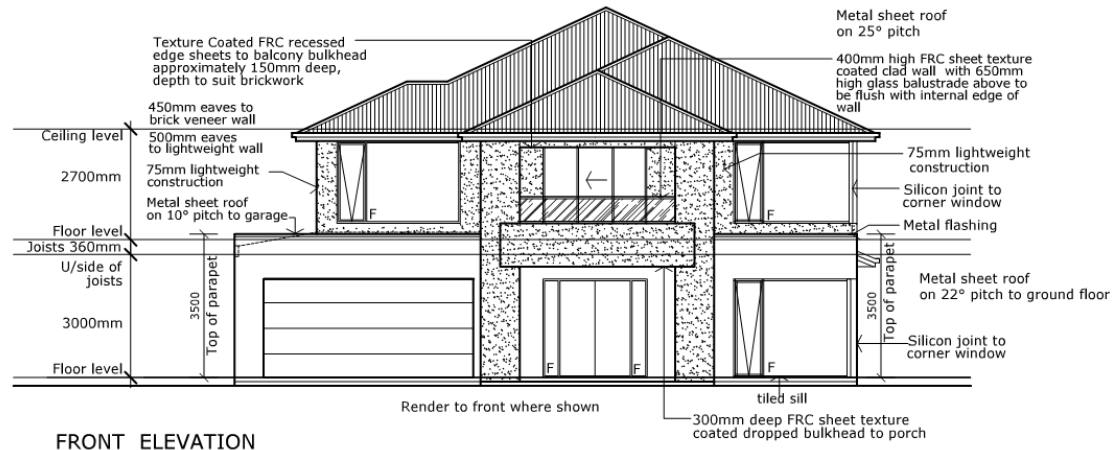
PREMIUM PERIMETER
TERMITE TREATMENT

ROOF STRUCTURE DESIGN

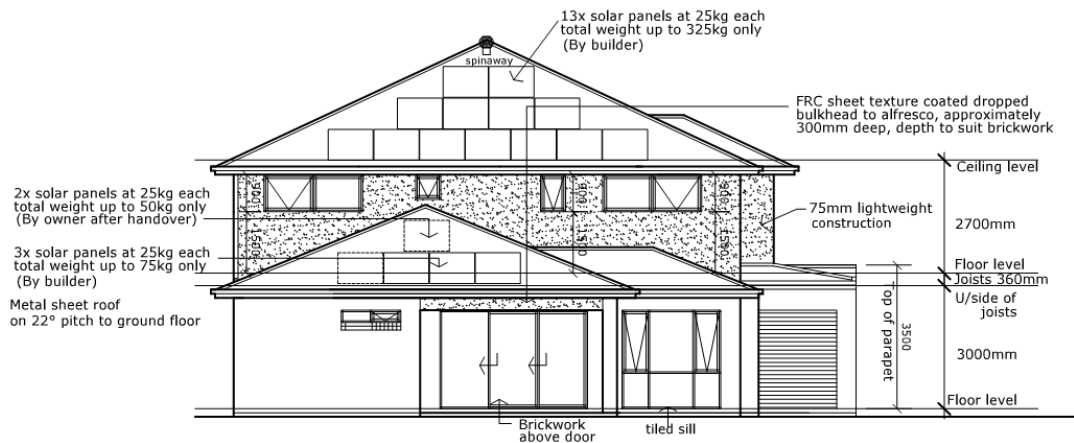
- Roof has been designed to accommodate a 100kg max A/C unit. (By builder)
- Location is as per drawings. Trusses (if any) will be appropriately labeled.
- Unit must be able to be accommodated within 2 trusses (approx. 1150mm).
- Roof is not designed to take any additional loads including but not limited to: storage, HWS, etc. unless specifically mentioned.

SOLAR PANEL & AIR CONDITIONING UNIT POSITION


- Solar panel & Air conditioning units have been positioned at the discretion of Sterling Homes.
- It is the owners responsibility to advise before signing this document of any changes to these locations.
- By signing this document you accept & authorise the locations as marked.



FRONT ELEVATION



REAR ELEVATION

ELEVATIONS 1:100	STERLING JOB NO. M1360	Figured dimensions shall take precedence over scaled drawings. Verify dimensions and levels before commencement. Any discrepancy shall be reported to the Designers immediately.	DATE 01/12/22 AMEND DATES 02/03/TS 24/03/MYI 10/05/TS	NOTE: Roof members as shown on roof framing plan. Hardiflex lining to boxed eaves.
 STERLING HOMES PTY. LTD. <small>A.B.N 28 007 781 124 BUILDERS LICENCE No. G07072 110-114 GRANGE RD, ALLENBY GARDENS S.A. 5009 PHONE: (08) 8340 1115 FAX: (08) 8340 1919</small>	PROPOSED RESIDENCE FOR: MOHAMMAD KAMRUZZAMAN - AT: LOT 259 MARVIN AVENUE, GILLES PLAINS	© Copyright JAMES ANDREW MARKETING		CONSULTANT: PF DRAWN BY: TT

Attachment 3



Electrical Legend	
No.	
⊕	Down light point
○	Light point
▲	Single power point
▲W	W.proof Single power point
▲▲	Double power point
▲▲W	W.proof Double power point
⊗	Exhaust fan
⊙	240v. Hard wired smoke detector with 9v. batt. backup.
⊕	Wall mounted light
⊕	T.V. Point
⊕	3 way bathroom unit
●	Junction Box in ceiling
⊙	Phone Point
⊕	Fluro
HWS	
U/bench oven	
Wall oven	
Hot plate	
Range Hood	
Ducting	
NBN conduit only Ext.	
NBN conduit only Int.	
Consumer mains	
Elec. safety switch	

All future recessed light fittings must be installed in accordance with 4.5.2.3 AS/NZS 3000: wiring rules

Location of all electrical outlets & switches to comply with Australian Standards and are to be confirmed by the electrician on site

Location of LED strip to underside of overhead kitchen cupboards to be confirmed at selection stage

LED strip lighting to kitchen and study dropped bulkhead to be confirmed at selection stage

Location of 10x digital TV points to be confirmed at selection stage

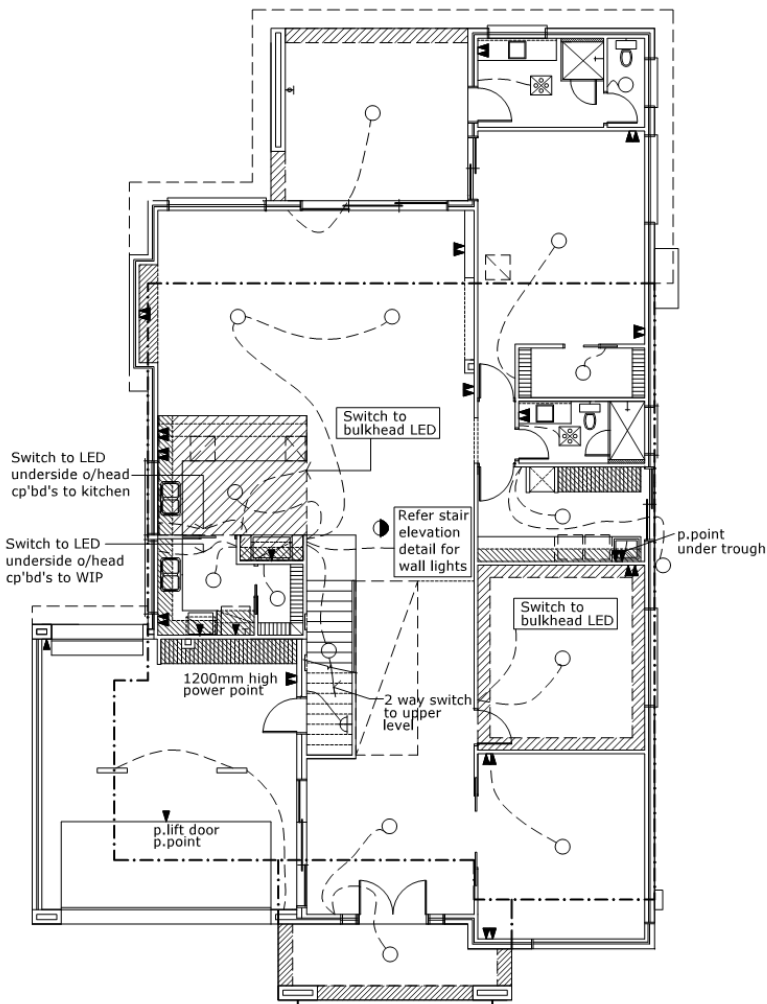
Location of 10x dimmer switches to be confirmed at selection stage


Location of 4x data points to be confirmed at selection stage

Location of 5x two way light switches to be confirmed at selection stage

Location of 5x ceiling fan provisions to be confirmed at selection stage

Location of 100x LED downlights & 5x standard lights & 3x double water proof outside power points to be confirmed at selection stage



ELECTRICAL PLAN GROUND FLOOR 1:100		STERLING JOB NO. M1360		DATE	
 STERLING HOMES PTY. LTD. <small>A.B.N 28 007 781 124 BUILDERS LICENCE No. G07072 110-114 GRANGE RD, ALLENBY GARDENS S.A. 5009 PHONE: (08) 8340 1115 FAX: (08) 8340 1919</small>		PROPOSED RESIDENCE FOR: MOHAMMAD KAMRUZZAMAN - AT: LOT 259 MARVIN AVENUE, GILLES PLAINS		01/12/22	
				AMEND DATES	
				02/03/TS	
				24/03/MYI	
				10/05/TS	
		© Copyright JAMES ANDREW MARKETING			CONSULTANT: PF
					DRAWN BY: TT

Electrical Legend	
No.	
⊕	Down light point
○	Light point
▲	Single power point
▲W	W.proof Single power point
▲▲	Double power point
▲▲W	W.proof Double power point
⊗	Exhaust fan
⊙	240v. Hard wired smoke detector with 9v. batt. backup.
⊕	Wall mounted light
⊕	T.V. Point
⊕	3 way bathroom unit
●	Junction Box in ceiling
⊙	Phone Point
HWS	
U/bench oven	
Wall oven	
Hot plate	
Range Hood	
Ducting	
NBN conduit only Ext.	
NBN conduit only Int.	
Consumer mains	
Elec. safety switch	

All future recessed light fittings must be installed in accordance with 4.5.2.3 AS/NZS 3000: wiring rules

Location of all electrical outlets & switches to comply with Australian Standards and are to be confirmed by the electrician on site

Location of LED strip to underside of overhead kitchen cupboards to be confirmed at selection stage

Location of 10x digital TV points to be confirmed at selection stage

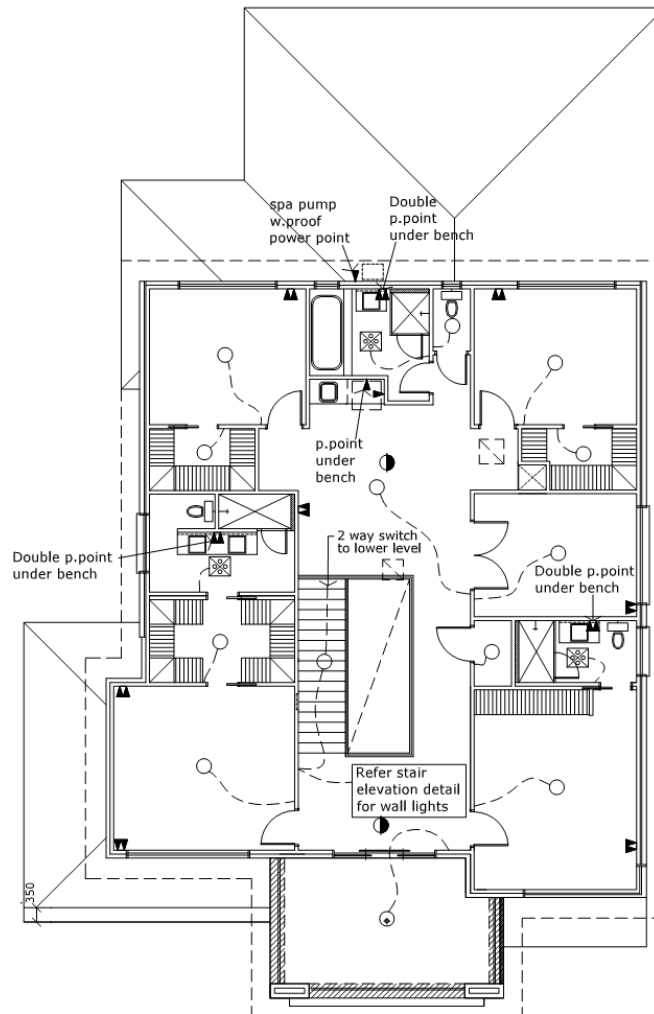
Location of 10x dimmer switches to be confirmed at selection stage


Location of 4x data points to be confirmed at selection stage

Location of 5x two way light switches to be confirmed at selection stage

Location of 5x ceiling fan provisions to be confirmed at selection stage

Location of 100x LED downlights & 5x standard lights & 3x double water proof outside power points to be confirmed at selection stage



ELECTRICAL PLAN UPPER FLOOR PLAN 1:100		STERLING JOB NO. M1360	Figured dimensions shall take precedence over scaled drawings. Verify dimensions and levels before commencement. Any discrepancy shall be reported to the Designers immediately.	DATE 01/12/22	
 STERLING HOMES PTY. LTD. <small>A.B.N 28 007 781 124 BUILDERS LICENCE No. G07072 110-114 GRANGE RD, ALLENBY GARDENS S.A. 5009 PHONE: (08) 8340 1115 FAX: (08) 8340 1919</small>		PROPOSED RESIDENCE FOR: MOHAMMAD KAMRUZZAMAN		AMEND DATES 02/03/TS	
		AT: LOT 259 MARVIN AVENUE, GILLES PLAINS	© Copyright JAMES ANDREW MARKETING	24/03/MYI 10/05/TS	
				CONSULTANT: PF	
				DRAWN BY: TT	

Tree No: 1

Inspected:	11 April 2023
Height:	5-10 metres
Spread:	5-10 metres
Health:	Good
Structure:	Fair
Form:	Fair
Trunk Circumference:	<2 metres
Useful Life Expectancy:	>10 years
Tree Protection Zone:	7.20 metres



This tree has been previously lopped to clear the subject land with the remaining crown now bias with minor formed epicormic regrowth both these factors are reducing its overall structural rating, it is otherwise in good health.

Unregulated

This tree does not achieve a regulated trunk circumference and therefore is not regulated by the Planning, Development and Infrastructure Act 2016.

Moderate

This tree has a Moderate Retention Rating and could be considered for retention if it can be protected. It is likely that tree damaging activity, including removal, could be approved if it is shown that alternative design solutions are not available.



Published 13/04/2023

Preliminary Tree Assessment

Page 1 of 1

ATS7222-024MarAvCWPTA - Lot 259, 24 Marvin Avenue, Gilles Plains

Ref: 23ADL-0157

16 February 2023

Blake O'Neil
Planning Officer
City of Tea Tree Gully

Uploaded to PlanSA Portal



Adelaide
12/154 Fullarton Rd
Rose Park, SA 5067
08 8333 7999
urps.com.au

Dear Blake

Proposed Detached Dwelling at 24 Marvin Avenue, Gilles Plains

Introduction and Proposal

URPS has been engaged by Sterling Homes to lodge this development application for a single storey detached dwelling.

Assessment Process

The subject land is in the General Neighbourhood Zone of the Planning & Design Code (the Code) as of 2 February 2023.

The following and Overlays are relevant to this site and application:

- Hazards (Flooding) Overlay
- Hazards (Flooding - Evidence Required) Overlay
- Stormwater Management Overlay
- Urban Tree Canopy Overlay

The development application is subject to the performance assessed process as identified in the General Neighbourhood Zone.

The proposed dwelling exceeds Table 5 of the Zone's building height exceptions and as such the application will require public notification.

We acknowledge the Kaurna People as the Traditional Custodians of the land on which we work and pay respect to Elders past, present and emerging.

H:\Synergy\Projects\23ADL\23ADL-0157 - 24 Marvin Avenue, Gilles Plains\Working\URPS Planning Advice\230216_C1_V1_Planning Advice.docx





Planning Assessment

The proposal meets the majority of the relevant Designated Performance Features of the Code.

Where a DPF is not satisfied, an assessment of the development against the relevant Performance Outcomes follows the table below.

Table 1 Assessment against most relevant quantitative guidelines

Parameter	PD Code Guideline	Proposal	Criteria Met
Maximum site coverage	60%	47%	Met
Maximum building height	9 metres/2 levels	10.2m	Not Met
Maximum wall height	7 metres except in the case of a gable end	5.8m	Met
Minimum setback from primary road frontage	No more than 1m in front of the average setback to the building line of existing buildings on adjoining sites i.e. no less than 3.9m	5.4m	Met
Boundary Walls	Less than 3 metres in height and less than 11.5 metres in length	3m in height 7.3m in length	Met
Minimum ground level side setbacks	900mm where wall height is up to 3m	2.37m (west) 1m – 1.8m (East)	Met
Minimum upper-level side setbacks	900mm plus 1/3 height above 3 metres (plus an additional 1 metre for any southern side boundary)	2.82m (west) 1.8m (east)	Met
Minimum ground level rear setback	4 metres	7.22m	Met





Parameter	PD Code Guideline	Proposal	Criteria Met
Minimum upper-level rear setback	6 metres	13.43m	Met
Minimum private open space	60m ²	179m ²	Met
Minimum number of on-site car parking spaces	2	3	Met
Garage	Not forward of the building line, setback at least 5.5m, door not wider than 7m nor 50% of the dwelling width	Setback behind building line, 5.5m from boundary and door width < 7m	Met
Habitable room	Facing the street	Lounge and bedrooms	Met
Maximum cut and fill	1m cut and 1m fill	>1m fill	Not Met
Design in Urban Areas	External Appearance – include 3 design features	Satisfies (a), (b), (c) (g)	Met

Building Height

General Neighbourhood Zone PO 4.1 seeks:

PO 4.1 Buildings contribute to a low-rise suburban character.

The proposed development satisfies PO 4.1 because:

- The proposed dwelling contributes to the low-rise suburban character of the area, with low-rise being defined in the Code as "means up to and including 2 building levels".
- The proposed building is comparable in height, form and scale with nearby two-storey buildings.
- The siting of the dwelling ensures generous separation from side and rear boundaries to provide an appropriate transition to adjoining development as well as mitigating the visual impact of the building at the interface with neighbouring land.





Earthworks

Design in Urban Areas PO 8.1 seeks:

PO 8.1 Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.

The proposed development has been sited and designed using a combination of cut and fill to achieve a flat building platform that appropriately manages both stormwater and mitigates flood risk.

Consequential of this approach is the rear portion of the building footprint comprises between 1m to 1.3m of fill. This design approach is not dissimilar to several recent developments within the locality. Newer developments on the southern side of Marvin Avenue are sited on a raised bench level to combat topography. This is demonstrated in the image below.



Image 1: Photograph of adjacent dwelling at 23A Marvin Avenue

In our case, we are managing both topography and flood risk constraints. This has informed the civil design for the site. In this context we contend that there is a demonstrated "need" for earthworks, and the consequences of these earthworks, from a visual amenity perspective, are minimal.



Overlays

The relevant Overlay provisions have been satisfied because:

- The dwelling has been sited and designed to prevent entry of floodwaters.
- The development includes a rainwater tank with 4000 litre capacity connected to 80% of the roof area.
- The development includes the planting of a medium sized tree in the rear yard to contribute to an urban tree canopy.

Conclusion

The proposed development sufficiently satisfies the relevant provisions of the Code to warrant Planning Consent.

Please contact me on 8333 7999 if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jake Vaccarella', written over a light blue horizontal line.

Jake Vaccarella
Senior Consultant

Details of Representations

Application Summary

Application ID	23003790
Proposal	Two storey dwelling with fencing and retaining walls
Location	24 MARVIN AV GILLES PLAINS SA 5086

Representations

Representor 1 - Su Teng Kok

Name	Su Teng Kok
Address	24A Diamond Ave GILLES PLAINS SA, 5086 Australia
Submission Date	26/06/2023 06:22 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The proposed development is located at the higher ground than the land and property we are currently owned and occupied adjoining to the proposed development. The proposed two-storey property's windows will overlooking our backyard and direct sight-lines into our living room, dining room and kitchen. The proposed fencing and retaining walls will not be high enough to cover the ceiling height of the proposed property hence we will lose the privacy as our property only have sliding doors at the rear of our house for the sunlight. That's the reasons we do not support the development to build a two-storey property in this area.

Attached Documents

From: [Saskia Sutton](#)
To: rhiya.singh@cttg.sa.gov.au
Cc: [Jake Vaccarella](#); ["Peter Finocchio \(Sterling Sales\)"](#)
Subject: Response to Representation – 23003790 [Filed 13 Jul 2023 09:15]
Date: Thursday, 13 July 2023 9:15:42 AM
Attachments: [PublicNotice_6434_Summary.pdf](#)
[image001.png](#)
[image002.png](#)

Hi Rhiya

Please see **below** our response to the representation from 24A Diamond Ave, Gilles Plains (**attached**) for application 23003790.

The resident at 24A Diamond Avenue is concerned that the proposed two-storey development will have overlooking issues from upper-level windows and access to sunlight.

As indicated on the plans, all upper-level windows on the north, east and western elevations have a sill-level of 1.5 metres to prevent overlooking, satisfying DPF 10.1 of General Development Policies – Design in Urban Areas.

General Development Policies – Interface Between Land Uses DPF 3.2 seek to ensure that development allows for adjacent residences' private open space to have access to at least 2 hours of direct sunlight on 21 June between 9-3pm. DPF 3.2 is easily satisfied because:

- There is significant distance between the two dwellings:
 - The proposed dwelling's upper-level has a rear setback of 13.4 metres.
 - 24A Diamond Avenue has a rear set back of 10 metres.
- The orientation of both the proposed dwelling (south facing) and 24A Diamond Ave (east facing) mean shadows from the proposal will not affect 24A Diamond Avenue's private open space.

We note the representor does not wish to be heard and as such the application can be determined under delegated authority.

We look forward to your decision on the application soon.

Kind regards
 Saskia



Saskia Sutton
 Graduate Consultant

We are moving!
 From 24 July our new address is Level 1, 27 Halifax Street, Adelaide SA 5000.
 Access via Symonds Place.

12/154 Fullarton Road
 Rose Park SA 5067
 0490 679 235

Kaurua Country

My working hours are
 Monday to Friday 8:30am – 5:00pm

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REPORT NO: CAP.23011430

RECORD NO: D23/60055

TO: COUNCIL ASSESSMENT PANEL MEETING - 15 AUGUST 2023

FROM: Rhiya Singh
Planning Officer

SUBJECT: APPLICATION TO CAP FOR REVIEW OF ASSESSMENT MANAGER DECISION
AT 17A ELLEN STREET, TEA TREE GULLY

SUMMARY

DEVELOPMENT NO.	23011430
APPLICANT	Oakford Homes
ADDRESS	17A Ellen Street, TEA TREE GULLY SA 5091
NATURE OF DEVELOPMENT	Single storey detached dwelling with fencing and retaining walls
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood Zone <p>Overlays:</p> <ul style="list-style-type: none"> • Affordable Housing • Hazards (Bushfire – Urban Interface) • Hazards (Flooding – Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE	10 May 2023
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	2023.6
CODE RULES APPLICABLE AT LODGEMENT	Code Rules at Assessment Start
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed

RECOMMENDING OFFICER:	Rhiya Singh
ATTENDING	Planning Consultant Jake Vacarella from URPS wishes to appear to present to the Panel

1. DETAILED DESCRIPTION OF PROPOSAL

The applicant lodged a development application for the construction of a single storey detached dwelling and associated retaining walls and fencing. Following an assessment of the proposal against the relevant provisions of the Planning and Design Code, the application was refused by the Assessment Manager under delegation on 06 July 2023.

Pursuant to Section 202(1)(b)(i)(A) of the *Planning, Development and Infrastructure Act 2016* ('the Act'), applicants have the right to apply to a Council Assessment Panel (CAP) for a review of an Assessment Manager's decision relating to a Prescribed Matter.

The particulars of the application and the assessment review process are covered in detail in this report.

2. BACKGROUND

The proposed application includes a single storey detached dwelling, retaining wall and fence on a 726sqm allotment. The existing single storey detached dwelling on the site would be demolished. The proposed dwelling fronts Ellen Street and the southern elevation forms a secondary frontage to Vizard road.

The proposed development is located within the General Neighbourhood Zone. The proposed dwelling has one building level as viewed from the street.

Application for Review

Following the assessment of the application against the Planning and Design Code, the Assessment Manager determined to refuse Planning Consent pursuant to Section 102 of the Act. The reasons for refusal were set out in the delegated assessment report and decision notification form as follows:

Reason for Refusal:

The proposal is not considered to meet the following provisions:

General Neighbourhood Zone DO 1 which states Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

General Neighbourhood Zone, PO 5.1 which states that buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.

General Neighbourhood Zone, PO 9.1 which states that Dwelling walls are set back from rear boundaries to provide:

- (a) separation between dwellings in a way that contributes to a suburban character
- (b) access to natural light and ventilation for neighbours
- (c) private open space
- (d) space for landscaping and vegetation.

Hazards (Flooding – Evidence Required) Overlay PO 1.1 which states Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

Transport, Access and Parking PO 10.1 Development is located and designed to ensure drivers can safely turn into and out of public road junctions.

A detailed explanation of the assessment of the proposal against each of these criteria is contained in the delegated assessment report (refer **Attachment 3**).

The applicant has made an application to the Council Assessment Panel for a review of a decision of the Assessment Manager pursuant to Section 203 of the Act. The Application for Review was received within 1 month of the applicant receiving notification of the decision.

It is confirmed that this is a Prescribed Matter in accordance with Section 201 of the Act allowing the option for review by the CAP.

The applicant has stated the following reasons for the review:

“The applicant believes the proposal adequately satisfies the relevant provisions of the Code. A detailed response to the Grounds for Refusal is attached.”

A copy of the application for review on the prescribed form is enclosed in **Attachment 4**.

A letter to the Council Assessment Panel from applicant’s planning consultant URPS is enclosed in **Attachment 4**.

Materials for Review

The application form, plans and other associated information that form part of the development application are enclosed in **Attachment 2**.

The delegated assessment report and decision notification form produced during the assessment process are provided in **Attachment 3**.

Review Hearing

The applicant has requested to be heard by the Panel as stated on their application form.

It is noted that the application form for review of an Assessment Manager decision is a statutory form specified by the Minister for Planning in accordance with Regulation 116 of the *Planning, Development and Infrastructure (General) Regulations 2017* ('the Regulations').

Review of Decision

The Draft Resolutions presented in this report for the Panel's consideration reflect the range of options the Panel may consider in its deliberations.

This application for a review of the Assessment Manager's decision is presented to the Panel for its consideration in accordance with the requirements expressed in the Act and associated Regulations.

In accordance with the requirements of the Act and associated Regulations, the CAP must select from one of the following three (3) decision options;

1. The Council Assessment Panel resolves to affirm the decision of the Assessment Manager:

That the application is not seriously at variance with the Planning and Design Code, and that DA 22014549 does not warrant planning consent for the following reasons:

General Neighbourhood Zone DO 1 which states Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

General Neighbourhood Zone, PO 5.1 which states that buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.

General Neighbourhood Zone, PO 9.1 which states that Dwelling walls are set back from rear boundaries to provide:

- (a) separation between dwellings in a way that contributes to a suburban character
- (b) access to natural light and ventilation for neighbours
- (c) private open space
- (d) space for landscaping and vegetation.

Hazards (Flooding – Evidence Required) Overlay PO 1.1 which states Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

Transport, Access and Parking PO 10.1 Development is located and designed to ensure drivers can safely turn into and out of public road junctions.

OR

2. The Council Assessment Panel resolves to vary the decision of the Assessment Manager:
 - that the application is not seriously at variance with the Planning and Design Code, but that that DA 22014549 does not warrant planning consent for the following reasons:

[Reasons to be added by CAP]

OR

3. The Council Assessment Panel resolves to **set aside** the decision of the Assessment Manager to refuse planning consent for DA 22014549 and substitute the following decision:
 - DA 22014549 is not seriously at variance with the Planning and Design Code and that planning consent and development approval is granted to the application subject to the following conditions:

[Conditions to be added by CAP]

Attachments

1.	Aerial photo	172
2.	Application Snapshot and application information	173
3.	Assessment Report and DNF	202
4.	Application for review of Assessment Manager's decision	215

Report Authorisers

Rhiya Singh	
Planning Officer	8397 7244
Nathan Grainger	
Manager City Development	8397 7200
Michael Pereira	
General Manager Community Services	8397 7377

23011430 - 17A Ellen Street Tea Tree Gully



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Contact Details

571 Montague Road, Modbury SA 5092
T (08) 8397 7444
TTY (08) 8397 7340
E customerservice@cttg.sa.gov.au
W www.cttg.sa.gov.au



Development Locations

Location 1

Location reference

17A ELLEN ST TEA TREE GULLY SA 5091

Title Ref

CT 5729/910

Plan Parcel

D6735 AL8

Additional Location Information

Lot 8

Council

CITY OF TEA TREE GULLY

Zone Overlays

Zones

- General Neighbourhood

Sub-zones

(None)

Overlays

- Affordable Housing
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Urban Tree Canopy

Variations

(None)

Application Contacts

Applicant(s)

Stakeholder info

Oakford Homes
PO Box 296
Marden
SA
5070
mandyl@cravengroup.com.au

Contact

Stakeholder info

Miss Mandy Lam
Tel. 08 8132 4500
mandyl@cravengroup.com.au

Invoice Contact

Stakeholder info

Oakford Homes
PO Box 296
Marden
SA
5070
mandyl@cravengroup.com.au

Invoice sector type

Builder

Stakeholder info

Nevarc Constructions T/A Oakford Homes
PO Box 296
Marden
SA
5070
mandyl@cravengroup.com.au

Land owners

Stakeholder info

Mrs Georgina Farr
17A ELLEN STREET
TEA TREE GULLY
SA
5091
Tel. 0407 275 928
georgina.farr@infrastructure.gov.au

Stakeholder info

Mr John Farr
17A ELLEN STREET
TEA TREE GULLY
SA
5091
Tel. 0412 030 932
johnnyfelectrical@gmail.com

Nature Of Development

Nature of development

Single Storey Detached Dwelling

Development Details

Current Use

Residential Land

Proposed Use

Residential Dwelling

Development Cost

\$331,924.00

Proposed Development Details

Single Storey Detached Dwelling

Element Details

You have selected the following elements

New housing - \$0.00

- Detached dwelling

New House

Is there a brush fence within 3m of the proposed house?

No

Are you proposing to add or modify a driveway?

No

Septic/Sewer information submitted by applicant

Does this development require a septic system, i.e. septic tank and/or waste water disposal area?

No

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?

No

Consent Details

Consent list:

- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system?

No

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at City of Tea Tree Gully

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?

Relevant Authority

Building Consent

Do you wish to have your building consent assessed in multiple stages?

No

Apply Now?

Yes

Who should assess your building consent?

Independent assessor - Vittorio Barone - KD Building Certifiers - Building Level 1

Has Construction Industry Training Fund Levy (CITB) been paid?

No

Has a builder been engaged for the proposed development?
Yes

Is the development being constructed by an Owner Builder?
No

Consent Order

- Recommended order of consent assessments
- 1. Planning Consent
 - 2. Building Consent

Do you have a pre-lodgement agreement?
No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

Documents

Document	Document Type	Date Created
Plans - Farr.pdf	Floor Plans	20 Apr 2023 9:35 AM
Siteworks and Drainage Plan_Farr.pdf	Site Plans	20 Apr 2023 9:35 AM
CT - Lot 8 Ellen Street (17A) TEA TREE GULLY SA 5091.pdf	Certificate of Title	20 Apr 2023 9:35 AM
Electricity Infrastructure Declaration_Farr.pdf	Declaration request	20 Apr 2023 9:35 AM
Native Vegetation Declartion_Farr.pdf	Declaration request	20 Apr 2023 9:35 AM

Application Created User and Date/Time

Created User
mandy.lam

Created Date/Time
20 Apr 2023 9:35 AM



Afternoon Mandy ,

My apologies for the delay both my husband and I have been out of action for the last fortnight everyone got COVID. Please find attached a scan of where we have drawn in the back fenceline and proposed locations of gates.

On the drawing is the blue boundary line and the yellow highlighted line is where it the fenceline is proposed 0.5m from the footpath. There is existing trees on the boundary line and it is a sloping frontage we are trying to avoid removing the existing trees and placing the fenceline on a levelled surface. We have no doubts that the council will probably say no but we thought we would ask.

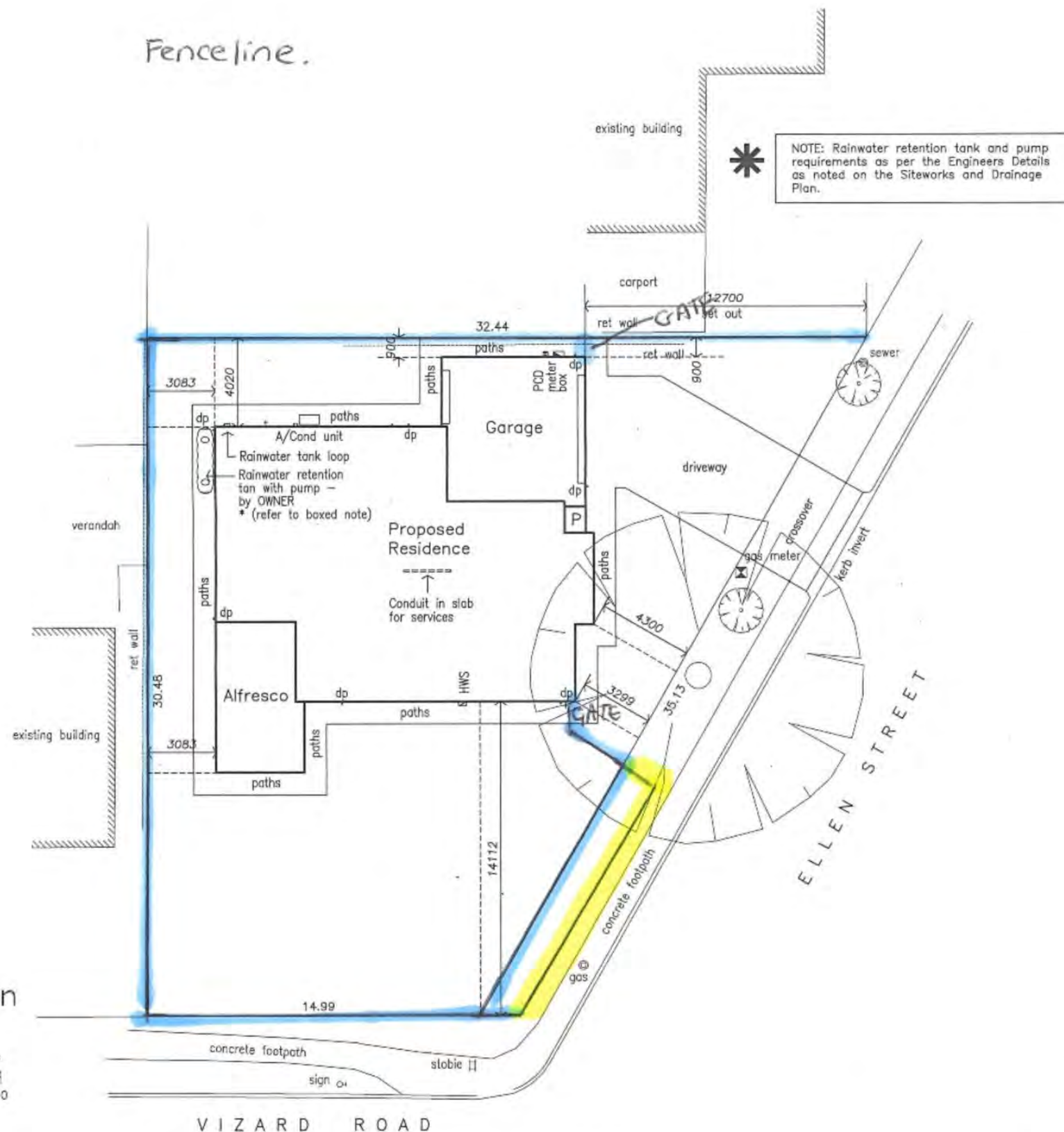
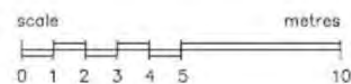
The fence will be 2.1m in height and will be one of two colours either colourbond classic cream or colourbond nightsky.

Please let me know if you want anything further from us.

Thanks
Georgina



Site Plan



Stormwater disposal system - by OWNER

Driveway Paving - by OWNER.

Crossover and kerb invert (or modifications to the existing) - by OWNER.

Perimeter paths and paving - by OWNER.

Fencing and gates - by OWNER

Landscaping - by OWNER

Note: All levels & retaining walls etc are indicative of the site and subject to confirmation & design by the Engineer.

All retaining walls (except those that are part of the house footing) are the responsibility of the OWNER.

JFarr
Georgina and John Farr

DESIGN Custom Design		PROPOSED RESIDENCE FOR: Georgina and John Farr Lot 8 (17A) Ellen Street, Tea Tree Gully, S.A 5091	AMENDMENT	DATE	FIGURED DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DRAWINGS. VERIFY DIMENSIONS & LEVELS BEFORE COMMENCEMENT. © Copyright	AREAS	SCALE 1: 200
OAKFORD HOMES 306-312 PAYNEHAM ROAD, PAYNEHAM SA 5070 TELEPHONE (08) 8132 4500 FAX 8132 4520 A.B.N. 64 007 789 013 B.Lic. GB890			Frontage amdmts. Gable to Lounge. Window & Door head heights - ahb	9/1/23			
			Rollerdoor width. Solar Notes added. A/Cond details added - ahb	13/2/23		LIVING 170.45	
			Door and sq opening changes. Electrical plan update - ahb	24/2/23		GARAGE 41.29	JOB NO. 13331 ahb
						PORCH 1.16	CHECKED
						ALFRESCO 25.73	DATE 13/12/22
						TOTAL 238.63m ²	ISSUE NO. 1 Rev 4

Jake Vaccarella

From: Jake Vaccarella
Sent: Wednesday, 5 July 2023 12:38 PM
To: O'Neil, Blake
Cc: Graeme Gibson; Michael Grogan
Subject: [Pending]RE: 23011430 - 17A Ellen Street, Tea Tree Gully

Hi Blake

Thank you for getting back to me on this.

As per the URPS written response, I can confirm no changes will be made to the proposal for reasons previously outlined. We request that the Council finalises their assessment of the application.

I note the application status remains as "respond to RFI". Please take this email to be a formal response to that request to ensure the clock is no longer paused. For completeness, I will upload a copy of this email to PlanSA.

I expect to see the updated status reflected in the portal shortly.

I look forward to a decision on the application within the statutory timeframe.

Kind regards



Jake Vaccarella
 Senior Consultant
 0409 701 595

12/154 Fullarton Road
 Rose Park SA 5067
 08 8333 7999



We are moving!

From 24 July our new address is Level 1, 27 Halifax Street, Adelaide SA 5000.
 Access via Symonds Place.

Kaurna Country

My working hours are

Monday to Friday 8:30am – 5:00pm

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From: O'Neil, Blake <blakeny.oneil@cttg.sa.gov.au>
Sent: Wednesday, 5 July 2023 12:05 PM
To: Jake Vaccarella <jvaccarella@urps.com.au>
Subject: RE: 23011430 - 17A Ellen Street, Tea Tree Gully

Good morning Jake,

Nathan has asked me to get in touch regarding this one, we are in the middle of CAP reports so it's a bit crazy. Happy to discuss with you tomorrow. Nathan and I are in support of Hugh and Rhiya's work on this we have also read the



19/06/2023

Miss Mandy Lam

Request for Information

Applicant: Oakford Homes

Application ID: 23011430

Subject Land:

17A ELLEN ST TEA TREE GULLY SA 5091

Additional Location Information: Lot 8

Title ref.: CT 5729/910

Plan Parcel: D6735 AL8

Council: CITY OF TEA TREE GULLY

Dear Miss Lam,

The following additional information is required by the due date 11/09/2023 to assist with the assessment of your Planning Consent for proposed development.

Proposed Development:

Single storey detached dwelling with fencing and retaining walls

Thanks to supply information for previous Request for Information letter. However, the follow concerns are still not addressed. Therefore, following information is still required.

Required Information

1. **Demonstrate the dwelling arrangement can meet both rear and front setbacks requirement.**
Planning consultant's report haven't addressed how the proposed dwelling front setback can emerge the existing street line on western side of Ellen street. The letter quotes 26, 30 and 30A Ellen Street which is from eastern side which is not relevant, and the seatbacks measurement (2.5m) seems incorrect.
The rear setback is still short than 4m. Given the balance consideration, both short rear and front setbacks seems not show sufficient merits. Therefore, recommend consider another dwelling arrangement for the subject site.
2. **Approval from council's traffic engineer without corner cut off design for traffic sight line.**
The previously supplied diagram is an example to illustrate what corner cut off design should provide for different type corner allotment. The Ellen Street is not perpendicular, but the requirement still applies. This application has been referred to council traffic engineer. He requests 6m cut off measures from the corner of the allotment. If you have different opinion on this, you may need to engage a traffic engineer to do assessment independently. Traffic engineer is qualified professional to make this call. If you wish to do so, recommend to ask project traffic engineer to speak to our council traffic engineer – Joshua Leong. However, the corner cut off is quite standard requirement for all residential developments within neighbourhood type zone, so don't really see any point to do that.
3. **Street Flood Mitigation solution per Hazard (Flood – Evidence Required) Overlay.**
The amended plan shows the FFL has been raised, but the it still not achieves 300mm higher than the highest point top of kerb. In this case, the proposed fill has increased to 900mm, it may not be a feasible solution to further raise the FFL to meet the requirement. Therefore, built 100m higher plinth

aligning top of kerb is a recommended simple solution. Will need to provide the top of retaining wall (plinth) level on site work drainage plan to address this concern.

4. Deep soil area indication on site plan or retained tree.

Retain the existing tree for urban Tree Canopy overlay is accepted. Please provide deep soil area and retained indication on site plan for plan stamping and future standard condition on DNF.

5. Remove the irrelevant element if it is not part of the application.

If the swimming is not part of the application please remove it. This application is not verified including swimming pool, therefore, the site plan should not include the irrelevant elements for final plan stamping.

I will be on leave since 21 June to 18 July 2023. If you require additional time to provide the information, please contact the Rhiya Singh via rhiya.singh@cttg.sa.gov.au during this period as soon as possible to allow for consideration of your request.

Please note failure to provide the requested information may result in refusal of your application.

If you have any other questions regarding your application, please use the contact details below.

Yours sincerely,

Hugh Wang

City of Tea Tree Gully

8397 7357

haonan.wang@cttg.sa.gov.au

Planning, Development and Infrastructure Act 2016 & Planning, Development and Infrastructure (General) Regulations 2017	Section 119(3) / Regulation 34
---	--------------------------------

Ref: 22ADL-1665

16 June 2023

Hugh Wang
City of Tea Tree Gully
Planning Officer

Haonan.wang@cttg.sa.gov.au

Dear Hugh,

23011430 - Response to Request for Information

URPS has been engaged by the applicant, Oakford Homes to respond to your request for further information letter dated 23 May 2023.

Requested Information

You have requested further consideration of various aspects of the proposal including setbacks, design, traffic, flood mitigation and tree planting.

We enclose an amended set of plans (**Appendix A**) as well as the below commentary in response to your queries.

Front Setback

You have raised concerns regarding the proposed primary street setback.

PO 5.1 of the General Neighbourhood Zone is relevant to the assessment of the primary street setback and seeks:

PO 5.1 Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.

The proposed development satisfies PO 5.1 because:

- The allotment is an irregular shaped corner allotment. The siting of the dwelling places the bulk of the dwelling within the widest section of the allotment to ensure suitable provision private open space and soft landscaping, while maintaining access via the existing crossover.
- The locality is evidenced by numerous examples of buildings with primary street setbacks as little as 2.5 metres, i.e., at 26, 30 and 30A Ellen Street.

We acknowledge the Kaurna People as the Traditional Custodians of the land on which we work and pay respect to Elders past, present and emerging.

H:\Synergy\Projects\22ADL\22ADL-1665 - Lot 8 Ellen Street, Tea Tree Gully - OAK\Application\RFI\230529_C1_v1 RFI Response.docx



Adelaide
12/154 Fullarton Rd
Rose Park, SA 5067
08 8333 7999
urps.com.au





- The existing dwelling and ancillary structures sits closer to Ellen Street than the proposed dwelling. Thus, the proposed dwelling will have less of a visual presence in the streetscape than the existing scenario.

Passive Surveillance

You have stated that the proposed development does not provide suitable passive surveillance.

PO 17.1 of the Design in Urban Areas provisions seeks:

PO 17.1 *Dwellings incorporate windows facing primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.*

Its companion DPF (17.1) provides that one way to satisfy the PO is to ensure:

DPF 17.1 *Each dwelling with a frontage to a public street:*

- includes at least one window facing the primary street from a habitable room that has a minimum internal room dimension of 2.4m*
- has an aggregate window area of at least 2m² facing the primary street.*

The proposed dwelling satisfies DPF 17.1 with bedroom 1 and lounge room comprising minimum room dimensions of at least 2.4 metres facing the primary street and a combined window area of 5.2m².

Fencing

You have stated that the proposed fencing which encroaches on Council land is not supported. You have also stated that a 6m X 6m corner cut off is required and the fencing design is amended to reflect this. The enclosed amended plans (**Appendix A**) confirm there is no boundary fencing that encroaches on Council land.

Regarding the corner cut off requirement, I note that the diagram you have referenced is only applicable to perpendicular road intersections. Ellen Road intersects with Vizard Road at 30 degree angle which provides vehicles clear viewing angles when giving way as demonstrated below:

Figure 1. Vehicle sight line



2



Flood Mitigation

You have requested that a plinth be installed along the front boundary to a height of at least 100m above the top of kerb height. You have not provided any explanation as to what the purpose of the plinth is. In the absence of any justification for the plinth, the applicant has opted to increase the finished floor level to 97.400.

PO 1.1 of the Hazards (Flooding – Evidence Required) Overlay is relevant here and seeks:

PO 1.1 Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

The proposal satisfies the above Performance Outcome because:

- The subject land exhibits a crossfall of approximately 2 metres from south to north. The proposed FFL that has been designed facilitates the discharge of stormwater can be discharged to drains at the bottom of Ellen Street.
- It is reasonable to expect that in the event of a flood, the existing topography of the land would divert stormwater away from the subject land naturally.
- The newly proposed finished floor level is higher than the top of kerb levels at the only non-fenced section of the boundary.
- A strip drain has been installed at the base of the driveway, further mitigating the entrance of flood waters.

Urban Tree Canopy Overlay

You have stated that the proposal does not satisfy the provision of the Urban Tree Canopy Overlay. I note that the civil plan is referencing the rate for *retained* trees correlating with Table 2 – Tree Discounts of DPF 1.1 of the Overlay.

The proposal retains a tree in the rear of the site which correlates with Row 1 of Table 2, applying a discount of 2 small trees or 1 medium tree.

If you have any additional questions or need clarification on any of the points raised above, please do not hesitate to contact me on 0429 262 239.

Yours sincerely

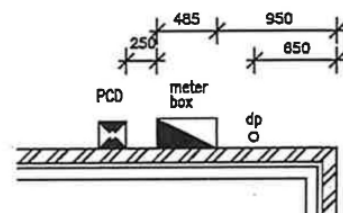


Michael Grogan
Graduate Consultant

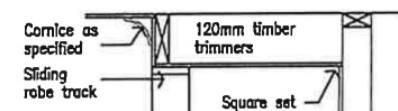


Appendix A – Amended Plans



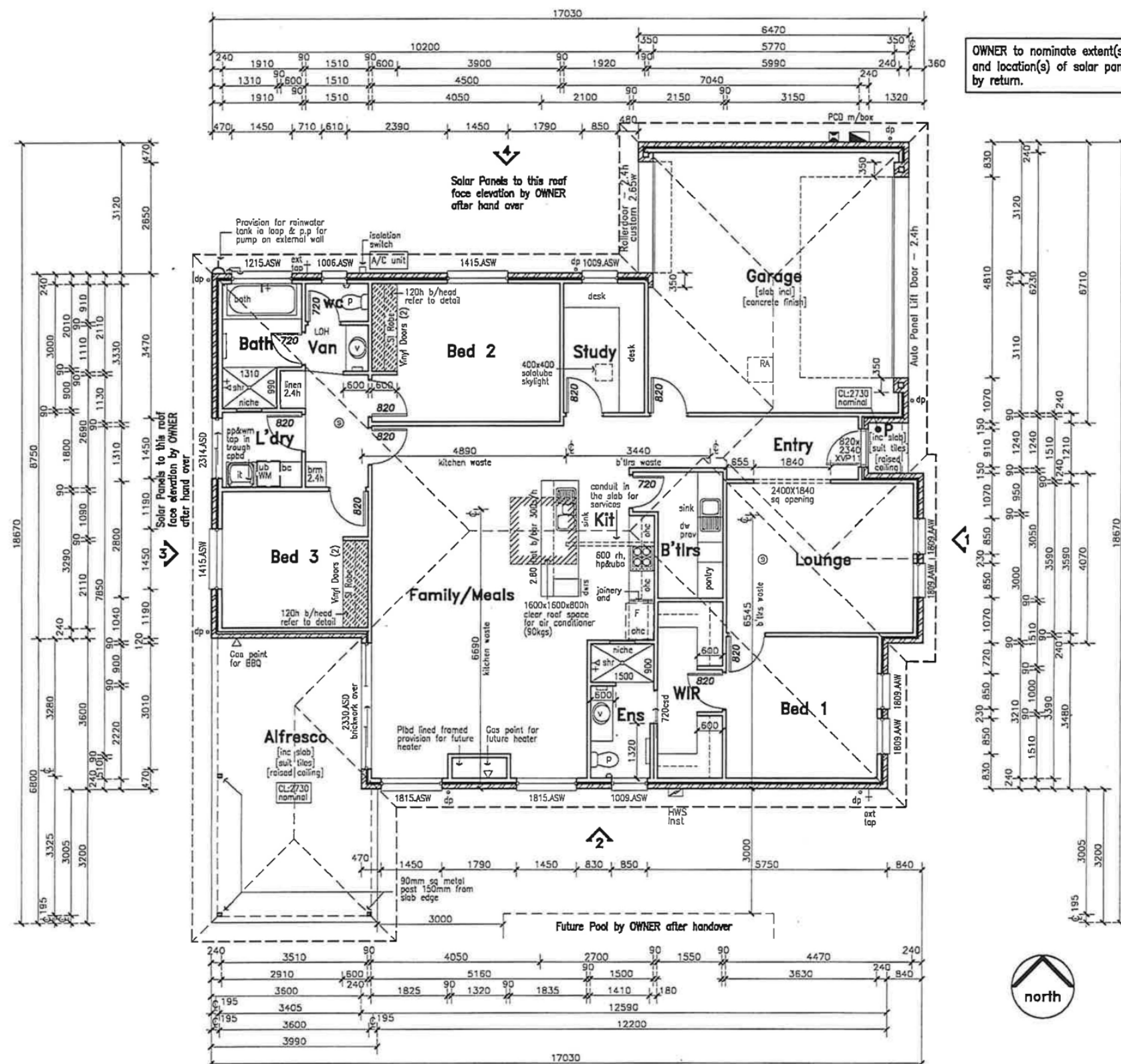
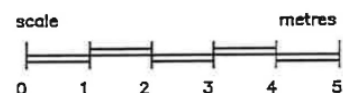


Services Plan 1:50



Sliding robe bulkhead detail (typ) SCALE 1:20

Floor Plan



OWNER to nominate extent(s) and location(s) of solar panels by return.

R2.0 insulation to external walls (including Garage)

R2.0 insulation to all internal walls (including garage partition walls)

R5.0 insulation to ceilings (including garage)

R1.5 insulation to plasterboard lined external ceilings (Alfresco & Porch)

Weatherseal all windows and doors.

Draught excluders to external hinged doors.

Wind Category: N2

CL: 2730

All Internal Doors: 2340h

Smoke detectors are interconnected.

6 star energy rating upgrades not yet completed.

Provide termite protection to penetration points and perimeter of house.

Carpet and Laminated floor coverings by OWNER after hand over.

Ducted reverse cycle air conditioning system by BUILDER.

Note: All levels and retaining walls are indicative of the site and subject to confirmation and design by the Engineer.

All retaining walls (except those that are part of the house footing) are the responsibility of the OWNER.

Note: 60% of roof catchment area to be connected to rainwater tank and plumbed as per Engineers SWDP standard note(s).

LEGEND:

cpbd - cupboard/s
dp - downpipe
dps - dp spreader
dwr - drawer/s
ohc - overhead cpbd
plbd - plasterboard
RA - roof access
LOH - lift off hinges
bc - bench
PS - plumbing stack

THIS PLAN REMAINS THE EXCLUSIVE PROPERTY OF OAKFORD HOMES AND IS PROTECTED BY COPYRIGHT LAWS. LEGAL ACTION WILL BE TAKEN AGAINST ANY INFRINGEMENT WHETHER IT BE IN PART OR IN FULL UNLESS WRITTEN PERMISSION IS GIVEN.

DESIGN Custom Design
OAKFORD HOMES
306-312 PAYNEHAM ROAD, PAYNEHAM SA 5070
TELEPHONE (08) 8132 4500 FAX 8132 4520
A.B.N. 64 007 789 013 B.Lic. G8890



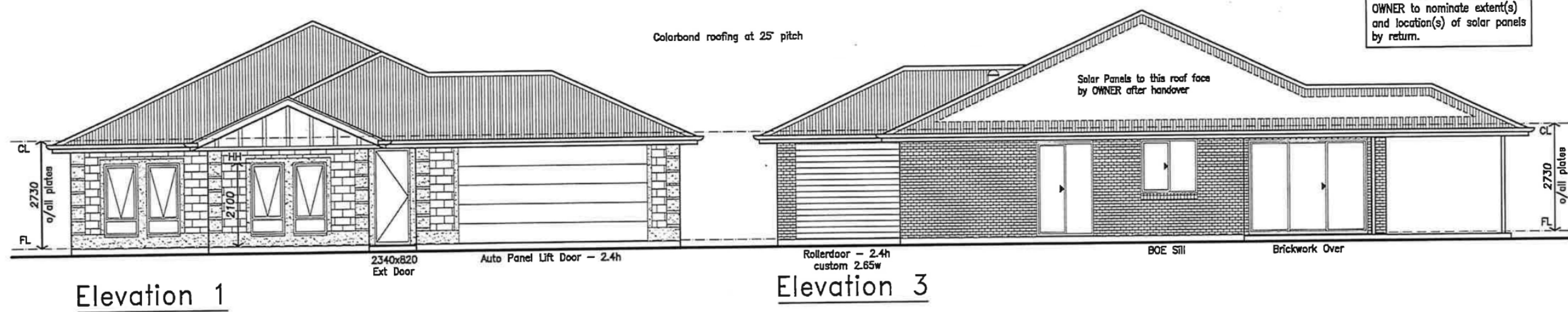
PROPOSED RESIDENCE FOR:
Georgina and John Farr
Lot 8 (17A) Ellen Street,
Tea Tree Gully, S.A 5091

AMENDMENT
Frontage amends. Gable to Lounge. Window & Door head heights - chb 9/1/23
Rollerdoor width. Solar Notes added. A/C details added - chb 13/2/23
Door and sq opening changes. Electrical plan update - chb 24/2/23
Future Pool noted - chb 19/3/23

DATE

FIGURED DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DRAWINGS.
VERIFY DIMENSIONS & LEVELS BEFORE COMMENCEMENT.
© Copyright

AREAS	SCALE	1: 100
LIVING	170.45	
GARAGE	41.29	JOB NO. 13331 chb
PORCH	1.15	CHECKED
ALFRESCO	25.73	
TOTAL	238.63m ²	DATE 13/12/22 ISSUE NO. 1 Rev 5



Aluminium Awning windows to Bed 1 and Lounge.

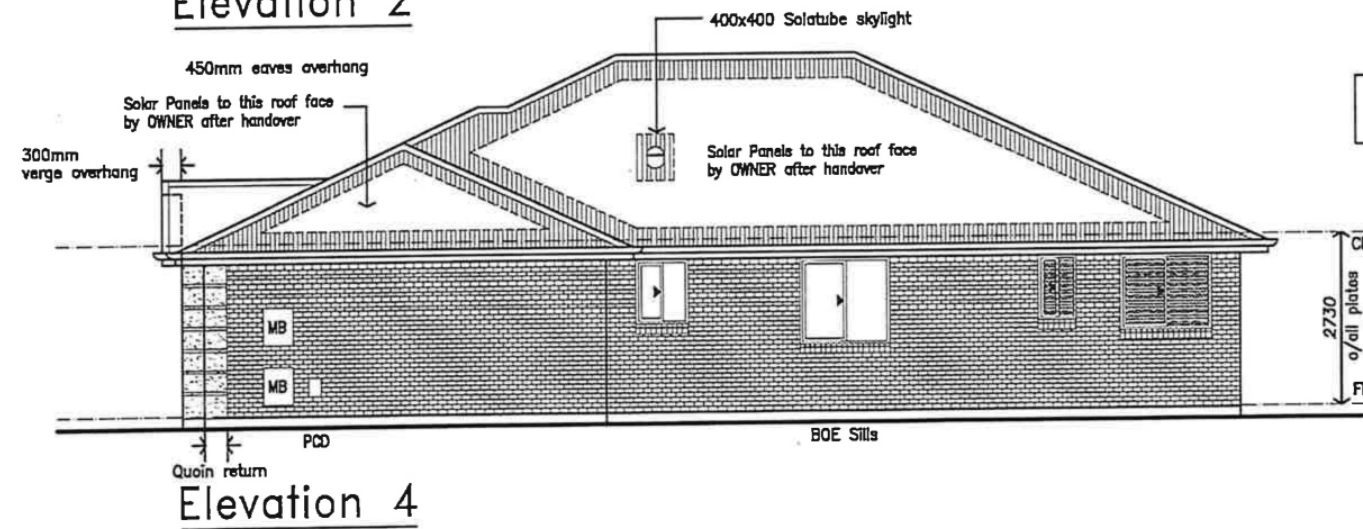
Aluminium Sliding windows to remainder.

Rendered base course, rebated quoins and window and door surrounds with selected stone veneer infill to frontage.

Hardiflex cladding with paint finish to Lounge gable infill with timber battens.

Standard brickwork to remaining elevations.

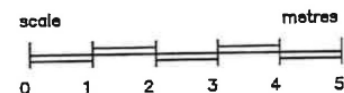
NOTE: All levels and retaining walls etc are indicative of the site and subject to confirmation and design by the engineer.



Obscure glass to wet areas (excl. laundry)

GUTTER AND FASCIA LEVEL NOTE:
Front bead of gutter to be installed at a minimum of 10mm below the top of the fascia

Obscure glass to wet areas (excl. laundry)



DESIGN Custom Design

OAKFORD HOMES

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A.B.N. 64 007 789 013 B.L.C. G8890



PROPOSED RESIDENCE FOR:
Georgina and John Farr
Lot 8 (17A) Ellen Street,
Tea Tree Gully, S.A 5091

AMENDMENT

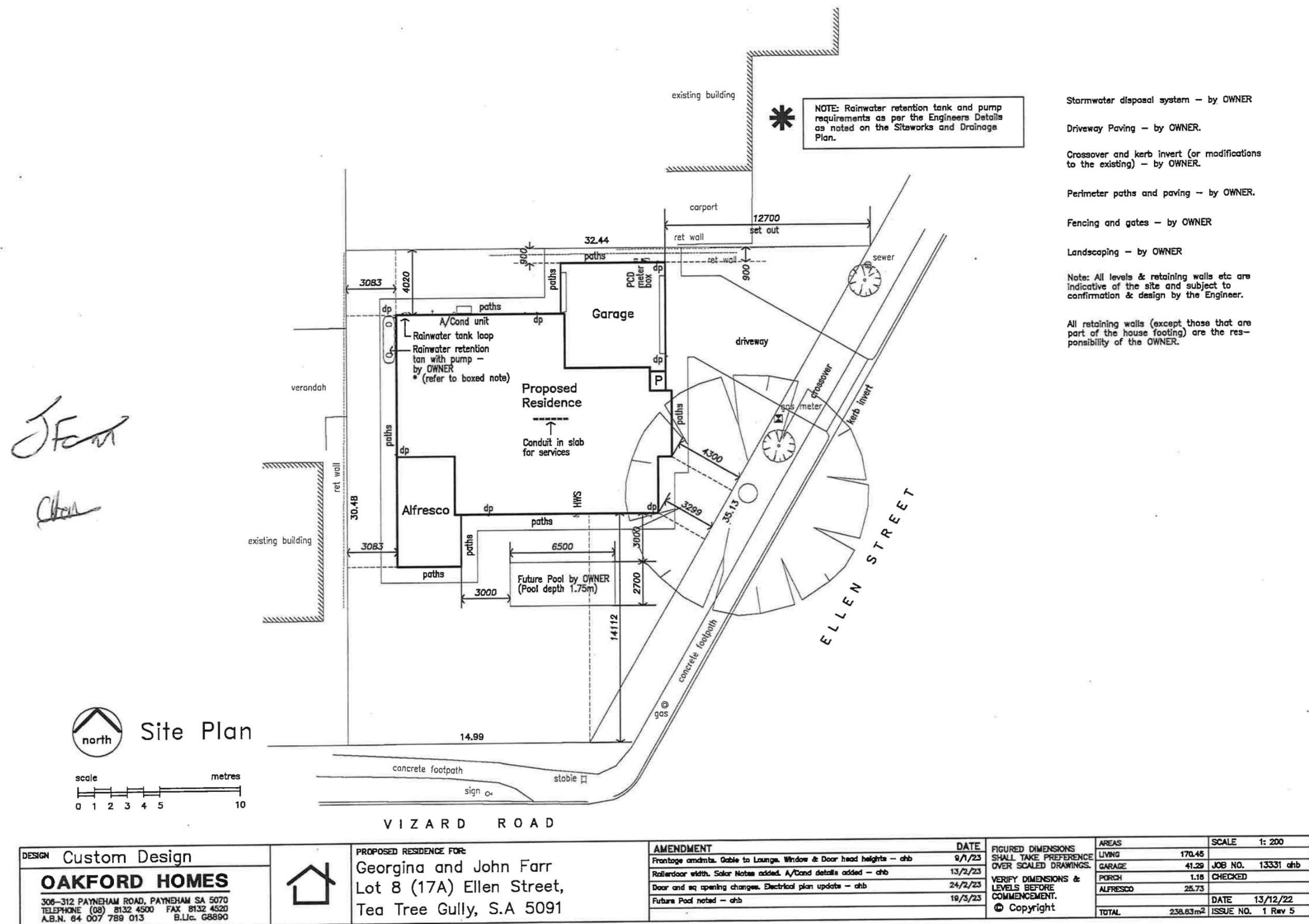
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Rollerdoor width. Solar Notes added. A/C and details added - chb	13/2/23
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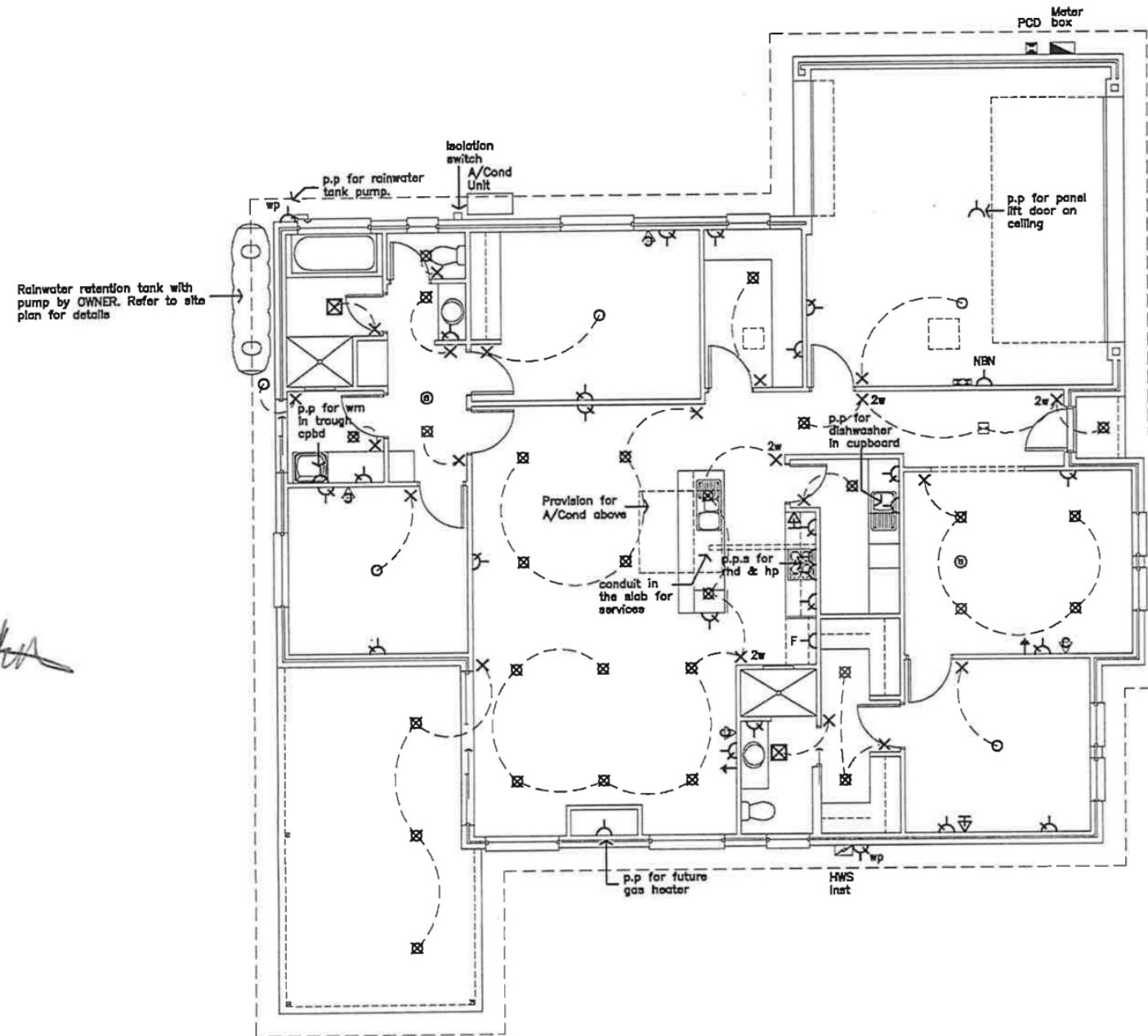
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AREAS	SCALE	1: 100
LIVING	170.45	
GARAGE	41.29	JOB NO. 13331 chb
PORCH	1.18	CHECKED
ALFRESCO	25.73	
TOTAL	238.65m ²	DATE 13/12/22
		ISSUE NO. 1 Rev 5





Electrical Plan

NBN Provision - Basic Fibre Optic Package
Digital TV Antenna - by Builder

ELECTRICAL LEGEND

- ✕ light switch
- light point
- ⊙ Oyster light point (CLA OYSADMIN 20w dimmable)
- ✕ 9w LED downlight (warm white)
- ▽ flood light
- ⌋ power point
- ⌋ multiple power point
- ⊙ wall light
- television point
- ▽ telephone point
- ◀ gas point
- ⊙ exhaust fan (mechanical exhaust ventilator)
- ✕ 3 in 1 tastic (mechanical exhaust ventilator)
- wp waterproof
- fluorescent light
- ⊠ junction box
- ✕ isolation switch

self contained smoke alarm shall comply with AS 3786 and be connected to the consumer mains power. Where more than one they shall be interconnected.

HWS designed & installed in accordance with AS 3500

General:

Fixture Type	Height above f.f.l.
light switches	1350
	(Owners Request)
power points	200
p.p. to standard vanity	950
p.p. to semi-rec'd vanity	1000
p.p. to kitchen	1050
p.p. behind fridge	1500
phone points	200
(If above kitchen servery) then	1325

- ⊙ ceiling fan
- ⊙ Owner supplied ceil. fan
- ⊙ bunker light
- ⊙ PIR sensor
- ⊙ sensor light
- ⊙ Ceil. oyster light
- ⊙ ceiling rose
- + future light fitting
- Owners fitting
- ⊙ door bell
- ⊙ security camera
- ⊙ key pad
- ⊙ data outlet
- ⊙ intercom

Power Supply Unit

PSU

NTD Network Termination Device

FWO Fibre Wall outlet

PCD Premises Connection Device

Antenna

Three Phase Power Supply

NBN provision - Basic Fibre Optic Package

Note: Owners request - Light switches 1350mm above finished floor level

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PROPOSED RESIDENCE FOR:

Georgina and John Farr
Lot 8 (17A) Ellen Street,
Tea Tree Gully, S.A 5091

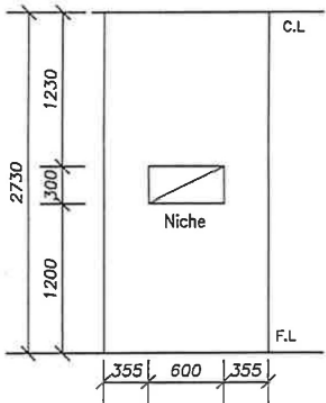
AMENDMENT

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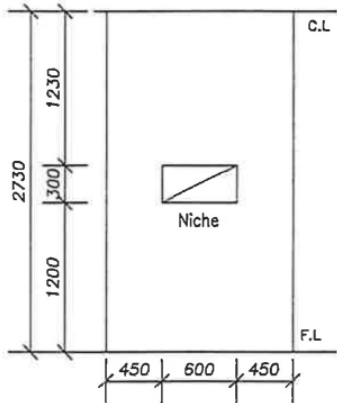
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LIVING	170.45	
GARAGE	41.29	JOB NO. 13331 chb
PORCH	1.16	CHECKED
ALFRESCO	25.73	
TOTAL	238.63m ²	DATE 13/12/22 ISSUE NO. 1 Rev 5

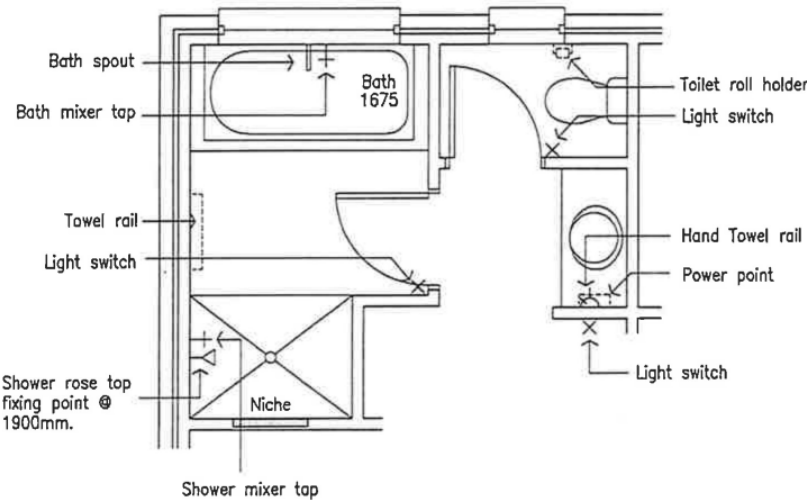
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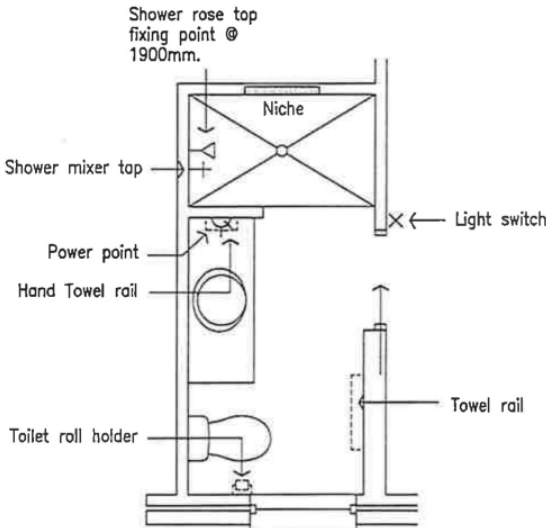
Bath Niche



Ensuite Niche



Bathroom/Vanity/WC




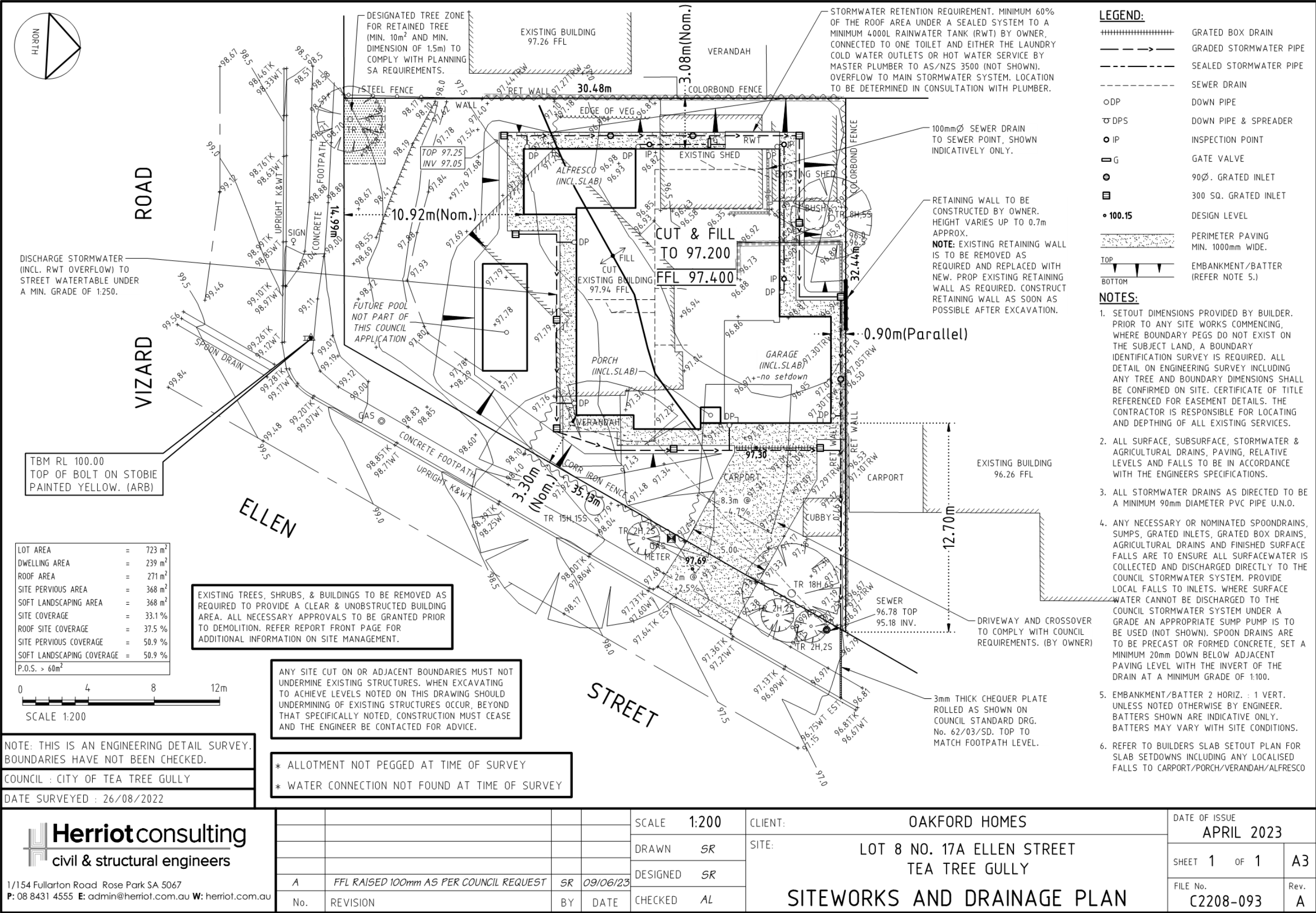
Ensuite

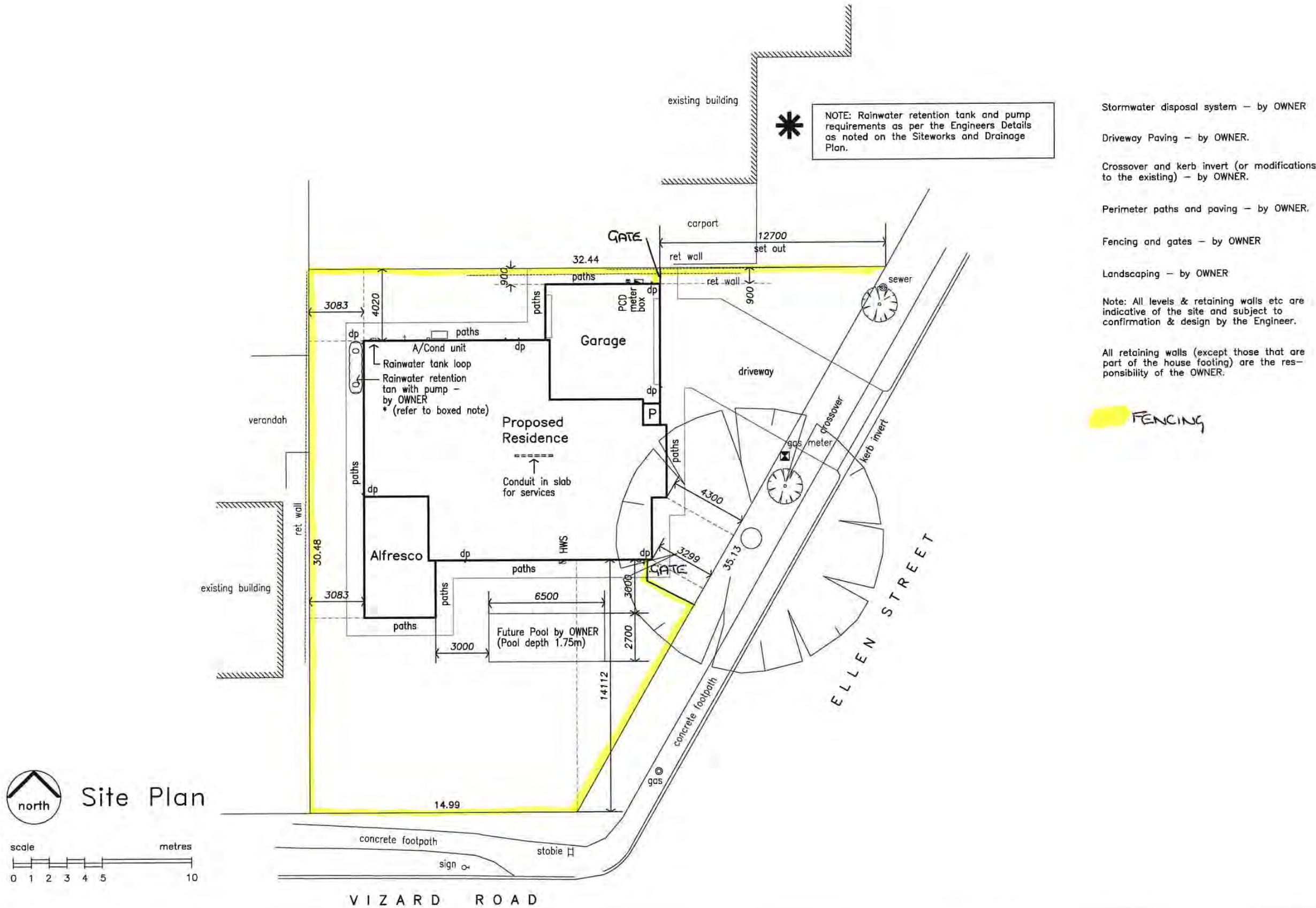
Bathroom and Ensuite Details


Standard Heights:

Fixture Type	Height
Hand towel ring/rail	550mm above vanity bench
Towel rail	1050mm above floor
Toilet roller holder	850mm above floor
Shower head	1900mm above floor
Tap in shower	1050mm above floor
Bath tap and spout	700mm above floor
Niche (bottom) (uno)	1200mm above floor
Niche (top) (uno)	1500mm above floor
Robe hook	1700mm above floor

<div>DESIGN Custom Design</div> <div>OAKFORD HOMES</div> <div>306-312 PAYNEHAM ROAD, PAYNEHAM SA 5070 TELEPHONE (08) 8132 4500 FAX 8132 4520 A.B.N. 64 007 789 013 B.Lic. G8890</div>		PROPOSED RESIDENCE FOR:	AMENDMENT	DATE	FIGURED DIMENSIONS	AREAS	SCALE	1: 50
		Georgina and John Farr Lot 8 (17A) Ellen Street, Tea Tree Gully, S.A 5091	Frontage amdmnts. Gable to Lounge, Window & Door head heights - ahh	9/1/23	SHALL TAKE PREFERENCE OVER SCALED DRAWINGS. VERIFY DIMENSIONS & LEVELS BEFORE COMMENCEMENT. © Copyright	LIVING	170.45	JOB NO. 13331 ahh CHECKED DATE 13/12/22 ISSUE NO. 1 Rev 4
			Rollerdoor width, Solar Notes added, A/Cond details added - ahh	13/2/23		GARAGE	41.29	
			Door and sq opening changes. Electrical plan update - ahh	24/2/23		PORCH	1.16	
						ALFRESCO	25.73	
					TOTAL	238.63m2		





DESIGN Custom Design		PROPOSED RESIDENCE FOR: Georgina and John Farr Lot 8 (17A) Ellen Street, Tea Tree Gully, S.A 5091	AMENDMENT Frontage amdmnts. Gable to Lounge. Window & Door head heights – ahb Rollerdoor width. Solar Notes added. A/Cond details added – ahb Door and sq opening changes. Electrical plan update – ahb Future Pool noted – ahb	DATE 9/1/23 13/2/23 24/2/23 19/3/23	FIGURED DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DRAWINGS. VERIFY DIMENSIONS & LEVELS BEFORE COMMENCEMENT. © Copyright	AREAS	SCALE 1: 200
						LIVING 170.45 GARAGE 41.29 PORCH 1.16 ALFRESCO 25.73 TOTAL 238.63m ²	JOB NO. 13331 ahb CHECKED DATE 13/12/22 ISSUE NO. 1 Rev 5



23/05/2023

Miss Mandy Lam

Request for Information

Applicant: Oakford Homes

Application ID: 23011430

Subject Land:

17A ELLEN ST TEA TREE GULLY SA 5091

Additional Location Information: Lot 8

Title ref.: CT 5729/910

Plan Parcel: D6735 AL8

Council: CITY OF TEA TREE GULLY

Dear Miss Lam,

The following additional information is required by the due date 16/08/2023 to assist with the assessment of your Planning Consent for proposed development.

Proposed Development:

Single storey detached dwelling with fencing and retaining walls

The proposed dwelling seeks to create a side yard with angled frontage to Ellen Street. Authority identified following concerns need further information and recommended amendment to proceed the application.

Required Information

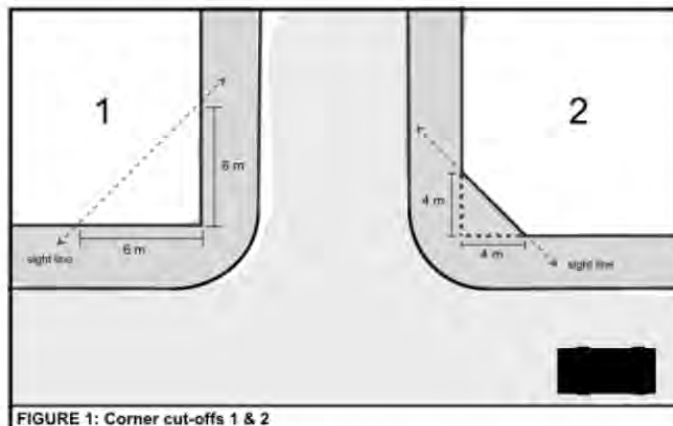
1. Demonstrate how the what amendment allows dwelling to meet the setbacks requirement.
Comparing to the existing dwelling, the proposed new dwelling changed the primary frontage from Vizard Road to Ellen Street. The following requirements for setbacks demonstrated one way to achieved the relevant performance outcome:
 - Font setback (Ellen Street) – 8m
 - Rear setback – minimum 4m

The proposed development provides 3.3m front setback with angled frontage to primary street. The rear setback provides 3m. The design of dwelling is neither considered to contribute to the existing pattern of the street setbacks, nor to contribute to the suburban character.

There are opportunities to retain the frontage still being Vizard Road, while using existing vehicle access from the secondary street (Ellen Street). This will allow a better setbacks and private open space design.
2. Better passive surveillance outcome.
The proposed dwelling provides very long fence aligning both secondary and primary street frontage. The angled primary frontage with limited windows face to the Ellen Street is not considered to provide sufficient passive surveillance to the streetscape. The dwelling should be redesigned or re-orientated to encourage passive surveillance.
3. Fencing encroachment to council's land is not allowed.
4. Fence needs to provided sufficient setback from tangent point ensure safe traffic sight line.
Any fence over 1m in height need to provide 6m corner cut off for both streets as following diagram.

Council approval is required for any fence higher than 1 metre above ground level within a distance of 6 metres of the intersection of two roads (measured along the property boundaries adjoining those roads).

As per Figure 1 below (refer to Site 1):



5. Street flood mitigation solution.
The proposed FFL level is much lower than the top of kerb. Therefore, council requires plinth to installed aligning front boundary provides at least 100mm higher than top of kerb level. Please provide top of retaining wall level aligning both street boundary.
6. Provide satisfied tree planting detail for *Urban Tree Canopy Overlay*.
The subject site is over 450m², which requires planting 1 new medium tree with mature height 6m. spread 4m on a 30m² deep soil area. The plan only provide a small tree.

If you require additional time to provide the information, please contact the Authority on the details below as soon as possible to allow for consideration of your request.

Please note failure to provide the requested information may result in refusal of your application.

If you have any other questions regarding your application, please use the contact details below.

Yours sincerely,

Hugh Wang

City of Tea Tree Gully

8397 7357

haonan.wang@cttg.sa.gov.au

Planning, Development and Infrastructure Act 2016 & Planning, Development and Infrastructure (General) Regulations 2017	Section 119(3) / Regulation 34
---	--------------------------------



Product	Register Search (CT 5729/9)
Date/Time	11/08/2022 04:14PM
Customer Reference	CT Ellen st
Order ID	20220811008238

REAL PROPERTY ACT, 1986



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5729 Folio 910

Parent Title(s)	CT 4277/644		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	01/02/2000	Edition	7
		Edition Issued	16/10/2017

Estate Type

FEE SIMPLE

Registered Proprietor

JOHN ROBERT FARR
 GEORGINA ANNE FARR
 OF 17A ELLEN STREET TEA TREE GULLY SA 5091
 AS JOINT TENANTS

Description of Land

ALLOTMENT 8 DEPOSITED PLAN 6735
 IN THE AREA NAMED TEA TREE GULLY
 HUNDRED OF YATALA

Easements

NIL

Schedule of Dealings

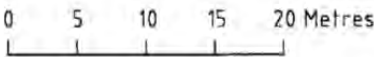
Dealing Number	Description
12808348	MORTGAGE TO AFSH NOMINEES PTY. LTD. (ACN: 143 937 437)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



Product	Register Search (CT 5729/9
Date/Time	11/08/2022 04:14PM
Customer Reference	CT Ellen st
Order ID	20220811008238



DocuSign Envelope ID: E8C3B345-DC89-406B-991B-161FD27288A8

DEVELOPMENT APPLICATION

Electricity Infrastructure Declaration

To

Tea Tree Gully Council

From

Georgina + John Farr

Date of application

Location of proposed development:

House no.

17A

Lot no.

8

Street

Ellen Street

Town/Suburb

Tea Tree Gully

Section no.

Hundred

Volume

5729

Folio

910

Nature of proposed development

Single storey dwelling.

I, Georgina + John Farr

☒ being the applicant☐ a person acting on behalf of the applicant

for the development described above declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. I make this declaration under clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017.

Signed  

Date 4/19/2023

DocuSign Envelope ID: E8C3B345-DC89-406B-991B-161FD27288A8

DEVELOPMENT APPLICATION

Electricity Infrastructure Declaration

Note 1

This declaration is only relevant to those development applications seeking authorisation for a form of development that involves the construction of a building (there is a definition of 'building' contained in section 3(1) of the Planning, Development and Infrastructure Act 2016), other than where the development is limited to –

- a) an internal alteration of a building; or
- b) an alteration to the walls of a building but not so as to alter the shape of the building.

Note 2

The requirements of section 86 of the Electricity Act 1996 do not apply in relation to:

- a) an aerial line and a fence, sign or notice that is less than 2.0 m in height and is not designed for a person to stand on; or
- b) a service line installed specifically to supply electricity to the building or structure by the operator of the transmission or distribution network from which the electricity is being supplied.

Note 3

Section 86 of the Electricity Act 1996 refers to the erection of buildings in proximity to powerlines. The regulations under this Act prescribe minimum safe clearance distances that must be complied with.

Note 4

The majority of applications will not have any powerline issues, as normal residential setbacks often cause the building to comply with the prescribed powerline clearance distances. Buildings/renovations located far away from powerlines, for example towards the back of properties, will usually also comply. Particular care needs to be taken where high voltage powerlines exist; or where the development:

- is on a major road;
- commercial/industrial in nature; or
- built to the property boundary.

Note 5

An information brochure: 'Building Safely Near Powerlines' has been prepared by the Technical Regulator to assist applicants and other interested persons. This brochure is available from council and the Office of the Technical Regulator. The brochure and other relevant information can also be found at sa.gov.au/energy/powerlinesafety

Note 6

In cases where applicants have obtained a written approval from the Technical Regulator to build the development specified above in its current form within the prescribed clearance distances, the applicant is able to sign the form.

DocuSign Envelope ID: E8C3B345-DC89-406B-991B-161FD27288A8

DEVELOPMENT APPLICATION

Native Vegetation Declaration

Date of application

Location of proposed development:

House no.

17A

Lot no.

8

Street

Ellen Street

Town/Suburb

Tea Tree Gully

Section no.

Hundred

Volume

5729

Folio

910

Nature of proposed development

Single storey dwelling

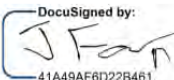
I, Georgina + John Farr

declare that:

- ☒ The proposed development will not or would not, involve the clearance of Native Vegetation under the Native Vegetation Act 1991, including any clearance that may occur in connection with a relevant access point and/or driveway, and/or within 10 metres of a building (other than a residential building or tourist accommodation), and/or within 20 metres of a dwelling or addition to an existing dwelling for fire prevention and control, and/or within 50 metres of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area.
- ☐ The application is supported by a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes clearance is categorised as 'Level 1 clearance' (for more information, please use the link below*). Please upload the report in relation to native vegetation on the next page.
- ☐ No report or declaration supplied with this application.

*[Regulation 18\(2\)\(a\) of the Native Vegetation Regulations 2017](#)

Signed 
41A49AF6D22B461...


41A49AF6D22B461...

Date 4/19/2023



DECISION NOTIFICATION FORM

Section 126(1) of the Planning, Development and Infrastructure Act 2016

TO THE APPLICANT(S):

Name: Oakford Homes
Postal address: PO Box 296 Marden SA 5070
Email: mandyl@cravengroup.com.au

IN REGARD TO:

Development application no.: 23011430	Lodged on: 10 May 2023
Nature of proposed development: Single storey detached dwelling with fencing and retaining walls	

LOCATION OF PROPOSED DEVELOPMENT:

Location reference: 17A ELLEN ST TEA TREE GULLY SA 5091		
Additional Location Information: Lot 8		
Title ref.: CT 5729/910	Plan Parcel: D6735 AL8	Council: CITY OF TEA TREE GULLY

DECISION:

Decision type	Decision (granted/refused)	Decision date	No. of conditions	No. of reserved matters	Entity responsible for decision (relevant authority)
Planning Consent	Refused	6 Jul 2023			Assessment Manager at City of Tea Tree Gully
Building Consent					Vittorio Barone - KD Building Certifiers - Building Level 1
Development Approval - Planning Consent; Building Consent					City of Tea Tree Gully

FROM THE RELEVANT AUTHORITY: Assessment Manager - Section 96 - Performance Assessed at City of Tea Tree Gully
Date: 7 Jul 2023

REFUSAL REASONS

Planning Consent

- **General Neighborhood Zone DO 1** which states Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.
- **General Neighborhood Zone, PO 5.1** which states that buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.

This form constitutes the form of a decision notification under section 126(1) of the Planning, Development and Infrastructure Act 2016, as determined by the Minister for Planning for the Purposes of regulation 57(1) of the Planning, Development and Infrastructure (General) Regulations 2017. Published: 7 July 2022.



Government of South Australia
Department for Trade and Investment

- **General Neighborhood Zone, PO 9.1** which states that Dwelling walls are set back from rear boundaries to provide:
 1. separation between dwellings in a way that contributes to a suburban character
 2. access to natural light and ventilation for neighbours
 3. private open space
 4. space for landscaping and vegetation.
- **Hazards (Flooding – Evidence Required) Overlay PO 1.1** which states Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.
- **Transport, Access and Parking PO 10.1** Development is located and designed to ensure drivers can safely turn into and out of public road junctions.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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).

Advisory Note 2

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.

CONTACT DETAILS OF CONSENT AUTHORITIES

Name: City of Tea Tree Gully	Type of consent: Planning
Telephone: 0883977444	Email: plansaportal@cttg.sa.gov.au
Postal address: PO Box 571, MODBURY SA 5092	

Name: KD Building Certifiers	Type of consent: Building
Telephone: 8273 0888	Email: admin@kdcertifiers.au
Postal address: 6 Moss Avenue, Marlestone SA 5033	

ASSESSMENT REPORT

DEVELOPMENT NO.:	23011430
APPLICANT:	Oakford Homes
NATURE OF DEVELOPMENT:	Single storey detached dwelling with fencing and retaining walls
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Affordable Housing • Hazards (Bushfire - Urban Interface) • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	10 May 2023
RELEVANT AUTHORITY:	Assessment manager at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION:	27 April 2023 (2023.6)

DETAILED DESCRIPTION OF PROPOSAL:

Single storey detached dwelling, retaining wall and fence

LOCATION OF DEVELOPMENT:

Location reference: 17A ELLEN ST TEA TREE GULLY SA 5091

Title ref.: CT 5729/910 **Plan Parcel:** D6735 AL8 **Council:** CITY OF TEA TREE GULLY

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - New housing
 - Detached dwelling: Code Assessed - Performance Assessed
 - Fences and walls

Retaining wall: Code Assessed - Performance Assessed

Fence: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

No

- **REASON**
General Neighbourhood Zone, Table 5, Column A (3)(f)

AGENCY REFERRALS

INTERNAL REFERRALS

- Traffic (Joshua Leong) (15/05/2023): *Hi Hugh, Based on the provided information, the applicant intends to install fencing that runs along their property boundary on the southern side, and seeks to install fencing beyond their property boundary and within council property for approx 13m on the south-eastern side before realigning the fencing back onto the property boundary. I share the same concerns you have for this application - which is having fencing beyond the property boundary. In fact, it should be set back at least 6m either side of the property boundaries adjoining Vizard Rd and Ellen St, as there is no corner cutoff provided, and that the proposed fencing height exceeds 1m. I am inclined for the applicant to clear the shrubs and bushes within the 6m setback to improve sight distance for traffic exiting Vizard Rd, but I am unsure if Council has authority to do so for existing condition. Please let me know if you have any questions. Kind regards, Josh*
- Traffic (Joshua Leong) (06/07/2023): *Hi Rhiya, Just quote from the PD&C re cut-off - "the intersection of 2 boundaries of land where those boundaries both face a road". The cut-off is not subject to any angle. The illustration provided is your typical cut-off example. In a previous correspondence, the owner of the property was proposing to extend the fenceline into council verge (see attached). With the overgrown on the south corner boundary already impacting sightline, add in the vehicles parking just beyond the junction, the extended fenceline will further impede on sight distance for traffic leaving Vizard Rd. You can also find these documents as part of this application. Hence, Council opposed this proposal, but in URPS's response, this was not even mentioned. As such, we need them to establish what is their intention with this application. Kind regards, Josh*
- Arboriculture – Street Tree (Tony Hall) (12/05/2023): *Hi Hugh I have inspected the site and reviewed the plans. No the small trees and shrubs either side of the driveway are not of any concern. Regards Tony Hall*
- Civil Stormwater (Dennis Kariuki) (12/05/2023): *Hi Hugh, It appears based upon levels as indicated within design they can achieve storm water discharge without a sump/ pump system. Correct, i would require a retaining wall built within property boundary along both Vizard road and Ellen street with top design level 100mm above Top of Kerb level. Of note, it is a council requirement for top design level of all retaining wall to be indicated*

within design plans for our approval. They would be building fence within their property boundary abutting council land, no concerns from a storm water perspective. Question for Joshua as to whether it would affect traffic sight lines for this intersection. Warm Regards

PLANNING & DESIGN CODE POLICIES

General Neighbourhood Zone

DO 1, PO 1.1, PO 3.1, PO 4.1, PO 5.1, PO 7.1, PO 8.1, PO 9.1

Hazards (Flooding – Evidence Required)

DO 1, PO 1.1

Stormwater Management Overlay

DO 1, PO 1.1

Urban Tree Canopy Overlay

DO 1, PO 1.1

Clearance from Overhead Powerlines

PO 1.1

Design in Urban Areas

PO 6.1, PO 8.1, PO 8.2, PO 8.3, PO 8.4, PO 8.4, PO 17.1, PO 17.2, PO 18.1, PO 20.1, PO 20.2, PO 20.3, PO 21.1, PO 21.2, PO 22.1, PO 23.1, PO 23.2, PO 23.3, PO 23.4, PO 23.5, PO 23.6, PO 24.1

Infrastructure and Renewable Energy Facilities

PO 11.2, PO 12.1, PO 12.2

Interface between Land Uses

DO 1

Transport, Access and Parking

PO 5.1

PLANNING ASSESSMENT

1. DETAILED DESCRIPTION OF PROPOSAL

The proposed application includes a single storey detached dwelling, retaining wall and fence on a 726.45sqm allotment. The existing single storey detached dwelling on the site would be demolished.

The proposed development is located within the General Neighbourhood Zone. The proposed dwelling has one building level as viewed from the street.

The proposed dwelling has a minimum front setback of 3.29m, a minimum 3.083m rear setback, a minimum 4.02m northern side setback and 14.12m southern side setback.

It is to be noted that the swimming pool represented on the site plan does not form part of the current development application.

The proposed dwelling is contemporary in design and style, with four bedrooms and a formal living area, two car parking space garage and an outdoor area consisting of verandah under the main roof.

Finishes to the dwelling include brickwork and stone veneer infill to the frontage with Colorbond pre-coloured steel roof, gutters and fascias.

2. SUBJECT LAND & LOCALITY

2.1 Site Description:

Location reference: 17A ELLEN ST TEA TREE GULLY SA 5091

Title ref.: CT
5729/910

Plan Parcel: D6735
AL8

Council: CITY OF TEA TREE
GULLY

The subject site comprises of a single allotment known as 17A Ellen Street, Tea Tree Gully SA. The site is irregular in shape, and is a corner allotment. The shorter boundary fronts Vizard Road. The allotment abuts residential allotment on the western and northern side.

There are no easements on the site.

The subject land exhibits a crossfall of approximately 2 metres from south to north over a length of 33.3m

2.2 Locality

The locality is considered the area depicted within Figure 1 below being the land encircled by the red line.

The locality is bound by Milne Road on the north, residential allotments on the east, west and south.

The locality accommodates residential development. The residential development consists of large allotments between 450-1200sqm. The built form and character of the locality is predominantly single storey detached dwellings, typical in design and stylings of the late 1990s to mid-2000s. Dwellings are generally conventional with hipped roofs and gable ends with brick, render and iron sheeting being the common building materials. The locality is considered to be well established with gardens and fencing. Low density prevails in the locality.



Figure 1: Locality Map, with subject site highlighted in orange

3. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, contained in the above section.

3.1 Quantitative Provisions

Table 1 General Neighbourhood Zone – Quantitative Provisions (DPF criteria)

DPF	Provision	Requirement	Provided	Complies
3.1	Site coverage	Maximum 60% on sites	33.06%	✓
4.1(a)	Building height	2 Building Levels and 9m maximum	1 level and 5.675m	✓
5.1	Front setback	1m forward of neighbouring dwellings = 5.6m	3.2m	X
8.1	Side setback	at least 900mm where the wall height is up to 3m – northern side boundary	0.9m	✓
		at least 900mm where the wall height is up to 3m – southern side boundary	14.11m	✓
9.1	Rear setback	4m ground floor	3.083m	X

General Neighbourhood Zone PO 5.1 states that “Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.”

As seen from figure 2 and figure 3, the existing/emerging setback of the street is generally consistent, and a 3.2m front setback and 14.11m southern side setback would detract from the streetscape. The proposed dwelling would be too close to the street and dominating when viewed from Ellen Street. **General Neighbourhood Zone PO 5.1** is not satisfied.



Figure 1: Existing setback pattern along Ellen Street



Figure 1: Existing setback pattern along Vizard Street

Technically, by Planning and Design Code Administrative Terms and Definitions table, Primary street is defined as: "in relation to an existing or proposed building on a site is: (c) in any other case, the road that forms part of the street address of the building as determined by the council for the relevant area when it is allocated numbers to buildings and allotments under section 220 of the *Local Government Act 1999*."



In the request for further information dated 23/05/2023, the planning officer had suggested that *"there are opportunities to retain the frontage still being Vizard Road, while using vehicle access from the secondary street (Ellen Street). This will allow a better setbacks and private open design"*. The applicant has chosen to retain the proposal fronting Ellen Street.

The Zone DPF 9.1 is lesser than the provisions of the Code. The criteria is not met.

The side setbacks are greater than the specifications of the Code. The **Zone DPF 8.1** is met.

3.2 Building Height

The proposed dwelling comprises of one building levels and a maximum building height of 5.67m to the top of the top of the roof ridgeline. **General Neighbourhood Zone PO 4.1** states that *buildings contribute to a low-rise suburban character*. The corresponding **Designated Performance Feature (DPF) 4.1** seeks dwellings with a maximum height of 2 building levels and 9m. The Code definition of 'low-rise' means development up to and including 2 building levels.

The proposal comprises one building level which is considered to **satisfy the General Neighbourhood Zone PO 4.1**.

3.4 Design and Appearance

There are multiple windows on the front elevation facing the primary street from a habitable room that encourage passive surveillance and make a positive contribution to the streetscape. As such, **Design in Urban Areas PO 17.1** is satisfied.

The entry door to the dwelling is identifiable from the primary street and this design is acceptable with respect to **Design in Urban Areas PO 17.2**.

The verandah under the main roof is located at the rear of the allotment. The living room provides an external outlook of the private open space. **Design in Urban Areas PO 18.1** is satisfied.

A double-spaced carport is proposed, being setback 8.3m from the primary street boundary, and has a 4.8m wide opening. This is consistent with the garage requirements set out in **Design in Urban Areas PO 20.1**.

Design in Urban Areas DTS/DPF 20.2 states that each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:

1. A minimum of 30% of the building wall is set back an additional 300mm from the building line
2. A porch or portico projects at least 1m from the building wall
3. A balcony projects from the building wall
4. A verandah projects at least 1m from the building wall
5. Eaves of a minimum 400mm width extend along the width of the front elevation
6. A minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm
7. A minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with maximum of 80% of the building elevation in a single material or finish.

The proposed dwelling has a flat building face design, building line projecting forward of the porch. 300mm eaves extend along the width of the front elevation. There are multiple finishes proposed for the front elevation. The garage is setback 300mm from the building line. **Design in Urban Area DPF 20.2** is satisfied.

Given the nature of proposed development, and the lack of appropriate front setback, generous side setback, the visual mass of the dwelling is considered to detract from the streetscape, especially Ellen Street. **Design in Urban Area PO 20.3** is not satisfied.

3.5 Landscaping and private open space

With respect to the landscaping, **Design in Urban Areas DPF 22.1** requires a minimum 25% of the allotment to comprise soft landscaping, with 30% of the front setback area also comprising soft landscaping. The proposal provides 45.65% and 56.12% respectively to satisfy these requirements.

A 10sqm area with minimum dimension 1.5m has been designated on the civil plan for a tree has been represented on the site plan to comply with **Urban Tree Canopy Overlay DPF 1.1**. It is to be noted, that this does not satisfy the provisions of the Code, however, there is plenty of space to plant a medium tree or 2 small trees. The Urban Tree Canopy Overlay DPF 1.1 is satisfied.

With respect to private open space, the provision of 343.58m² space to the rear and southern side of the site satisfies **Design in Urban Areas 22.1**. The area might change depending on the fencing, however, more than 60sqm of private open space would be achieved. The private open space remains directly accessible from living areas of the dwelling, as sought in **Design in Urban Areas DPF 21.2**.

3.6 Traffic Access and Parking

The proposed dwelling has a double space garage under the main roof which will allow for two undercover carparking spaces. Further visitor parking is also available in the driveway, and the driveway width at the primary street boundary is 5m.

With respect to parking, **Design in Urban Areas PO 23.1, PO 23.2 and PO 23.3** are satisfied. There is no street furniture or street trees that might hinder access, which is consistent with **Design in Urban Areas PO 23.4**.

The site is generally flat. The driveway and crossover grades have been deemed acceptable.

The driveway gradient also satisfies **Design in Urban Areas PO 8.2, PO 8.3 and PO 23.5**.

The applicant has made enquiry about encroaching into council verge and fencing within the Council verge. This has been deemed unacceptable by Council's verge.

Applicant was requested to remove any fencing within 6mx6m of the corner cut-off due to traffic sightlines and safety issues. The applicant has declined to make any amendments. The applicant has also not demonstrated that the fencing would not impede any traffic sightlines. **Transport, Access and Parking PO 10.1** is not satisfied.

The development therefore has not been appropriately designed for the site and does not provide safe and convenient vehicle movement.

3.7 Environmental Factors

3.7.1 Stormwater Management Overlay

For an allotment of 726m², Stormwater Management Overlay requires 4000L retention tank that is connected to a minimum of 60% of the roof area. The plans provide a 4000L stormwater retention tank that is plumbed into the dwelling. **Stormwater Management Overlay DPF 1.1** is satisfied.

3.7.2 Hazards (Flooding – Evidence Required) Overlay

Hazards (Flooding – Evidence Required) Overlay DPF 1.1 states that *habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above:*

1. *The highest point top of kerb of the primary street*
- Or
2. *The highest point of natural ground level at the primary street boundary where there is no kerb.*

The FFL is significantly lower than the highest point top of kerb. It is noted that it is difficult to achieve an FFL that is higher than a 300mm of the highest point of top of kerb and it would lead to significant fill. The applicant was asked to provide a plinth along the front boundary (excluding the driveway) 100mm higher than the top of kerb level. The applicant has declined to provide the plinth.

Development is not sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

Hazards (Flooding – Evidence Required) Overlay PO 1.1 and DPF 1.1 is not satisfied.

3.8.3 Waste Management

Domestic waste can be disposed of in standard bins for which there is storage spaces on the site that are screened from public view. The waste storage complies with **Design in Urban Areas PO 24.1**.

RECOMMENDATION

The proposal is for a single storey detached dwelling and associated retaining walls and fences, all of which are envisaged within the General Neighbourhood Zone.

The proposal exhibits some significant variances in terms of setbacks and presentation to the street and is considered to be excessive and detrimental to the locality and zone. The dwelling does not contribute to the desired patten of development in the locality and detracts from the residential amenity.

It is acknowledged that some quantitative provisions for setbacks have either been met or have an insignificant shortfall, and that other assessment requirements such as the number of carparks and private open space are acceptable under the Planning and Design Code.

These issues relate to unacceptable bulk and scale of built form which has not been appropriately designed for the locality, lack of built form articulation through varying materials or boundary setbacks, and risk of stormwater entering the site.

There are serious concerns regarding traffic sightlines along the intersection and the movement of vehicles safely in the street. The development impedes on sightlines.

The applicant had been provided with an opportunity to make amendments to the plans, however the applicant has chosen to proceed with the development application in its current form.

On balance, it is considered that the application warrants refusal.

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.

In particular, the proposal is at variance with the following provisions of the Planning and Design Code:

- i. **General Neighborhood Zone DO 1** which states Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.
- ii. **General Neighborhood Zone, PO 5.1** which states that buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.
- iii. **General Neighborhood Zone, PO 9.1** which states that Dwelling walls are set back from rear boundaries to provide:
 - a. separation between dwellings in a way that contributes to a suburban character
 - b. access to natural light and ventilation for neighbours
 - c. private open space
 - d. space for landscaping and vegetation.

- iv. **Hazards (Flooding – Evidence Required) Overlay PO 1.1** which states Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.
- v. **Transport, Access and Parking PO 10.1** Development is located and designed to ensure drivers can safely turn into and out of public road junctions.

OFFICER MAKING RECOMMENDATION

Name: Rhiya Singh

Title: Planning Officer

Date: 06/07/2023

DECISION AUTHORITY

Relevant Authority: Assessment panel/Assessment manager at City of Tea Tree Gully

Consent: Planning Consent

Date: 06/07/2023

Delegation Policy: Instrument D

Delegate Name: Nathan Grainger

Delegate Title: Manager City Development

APPLICATION TO ASSESSMENT PANEL¹

Decision Review Request

Prescribed form pursuant to section 203(1) for review of a decision of an Assessment Manager under section 202(1)(b)(i)(A) of the *Planning, Development and Infrastructure Act 2016* (Act)

Applicant details:	Name: Nevarc Constructions C/- URPS Phone: 81324500 Email: jvaccarella@urps.com.au Postal address: PO Box 296 Marden SA 5070
Development Application Number:	23011430
Subject Land:	Lot 8 Ellen Street (17A), TEA TREE GULLY SA 5091
Date of decision of the Assessment Manager:	6 July 2023
Decision (prescribed matter²) for review by Assessment Panel:	Refused <ul style="list-style-type: none"> • General Neighborhood Zone DO 1 which states Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity. • General Neighborhood Zone, PO 5.1 which states that buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape. • General Neighborhood Zone, PO 9.1 which states that Dwelling walls are set back from rear boundaries to provide: <ol style="list-style-type: none"> 1. separation between dwellings in a way that contributes to a suburban character 2. access to natural light and ventilation for neighbours 3. private open space 4. space for landscaping and vegetation. • Hazards (Flooding – Evidence Required) Overlay PO 1.1 which states Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

¹ This application must be made through the relevant facility on the SA planning portal. To the extent that the SA planning portal does not have the necessary facilities to lodge this form, the application may be lodged—

(i) by email, using the main email address of the relevant assessment panel; or
(ii) by delivering the application to the principal office or address of the relevant assessment panel.


² **Prescribed matter**, in relation to an application for a development authorisation, means—

- (a) any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the application; or
- (b) a decision to refuse to grant the authorisation; or
- (c) the imposition of conditions in relation to the authorisation; or
- (d) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of the assessment manager under the Act in relation to the authorisation.

This form constitutes the form of an application to an assessment panel under section 202(1)(b)(i)(A) of the *Planning, Development and Infrastructure Act 2016*, determined by the Minister for Planning and Local Government, pursuant to regulation 116 of the *Planning, Development and Infrastructure (General) Regulations 2017*. Last amended: 31 July 2020



Government of South Australia
Attorney-General's Department

	<p>• Transport, Access and Parking PO 10.1 Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</p>
Reason for review:	<p>The applicant believes the proposal adequately satisfies the relevant provisions of the Code,</p> <p>A detailed response to the Grounds for Refusal is attached.</p>
Do you wish to be heard by the Assessment Panel?	<p><input checked="" type="checkbox"/> Yes – Nevarc & Owner represented by URPS</p> <p><input type="checkbox"/> No</p>
Date:	25 July 2023
Signature:	 <p><input checked="" type="checkbox"/> <i>If being lodged electronically please tick to indicate agreement to this declaration.</i></p>

Ref: 22ADL-1665

2 August 2023

Mark Adcock
Independent Presiding Member
City of Tea Tree Gully Council Assessment Panel

Sent via email - development.enquiries@cttg.sa.gov.au
cc - nathan.grainger@cttg.sa.gov.au

Dear Mark

23011430 - Application to Council Assessment Panel for Review of Decision

Introduction

Pursuant to section 203 of the *Planning, Development and Infrastructure Act 2016* and regulation 116 of the *Planning, Development and Infrastructure (General) Regulations 2017*, I write to you requesting that the Tea Tree Gully Council Assessment Panel (CAP) review the decision dated 6 July 2023 to refuse the development application referred to above.

Development Application

In May 2023, we were engaged by Oakford Homes to assist with the above development application.

The application was submitted by Oakford Homes on 20 April 2023 and was described by Council as "Single storey detached dwelling with fencing and retaining walls".

The site is a corner allotment with frontages to Ellen Street and Vizard Road. The site has an irregular shape that reflects the angled orientation of Ellen Street. Because of the angled nature of the Ellen Road, dwellings are not sited perpendicular to road frontages; particularly those on corner sites.

This initial application proceeded through the following assessment steps:

- | | |
|---|---------------|
| • Application submitted | 20 April 2023 |
| • Request for Mandatory Documentation (RMD) | 21 April 2023 |
| • Oakford response to RMD | 21 April 2023 |
| • A second RMD | 24 April 2023 |

We acknowledge the Kaurna People as the Traditional Custodians of the land on which we work and pay respect to Elders past, present and emerging.

https://urpsau.sharepoint.com/Shared Documents/Synergy/Projects/22ADL/22ADL-1665 - Lot 8 Ellen Street, Tea Tree Gully - OAK/CAP review/230731_C1_V1_Application for CAP Review.docx



Adelaide
12/154 Fullarton Rd
Rose Park, SA 5067
08 8333 7999
urps.com.au





- Oakford response to second RMD 9 May 2023
- Verification complete invoice issued 10 May 2023
- Fees paid 10 May 2023
- Request for Further Information (RFI) 23 May 2023
- URPS response to RFI 16 June 2023
- A second RFI 19 June 2023

URPS has maintained its view that the proposed development is worthy of Planning Consent for reasons discussed in detail in our response to RFI and subsequent correspondence.

Despite several attempts to discuss the merits of the proposal to Council staff, the application was ultimately refused on 6 July 2023.

Reasons of Refusal and Response

The reasons for refusal provided in Council's decision are unclear.

The decision simply quotes several desired and performance outcomes of both the Zone and the General Section of the Planning and Design Code, however, does not provide any rationale as to why Council have refused the application (i.e. commentary on how these policies have not been satisfied).

It is our view the referenced provisions of the Code in Council's decision have been adequately met for reasons we have outlined previously, and for the purposes of this application, will reiterate below.

Reason 1

"General Neighbourhood Zone DO 1 which states Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity."

Response

The proposed development provides "low rise" housing in that it comprises a single storey detached dwelling on an existing 722m² allotment that achieves a "low net residential density".

*The definitions above reference the administrative terms and definitions in Part 8 of the Code.



Reason 2

"General Neighbourhood Zone, PO 5.1 which states that buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape."

Response

The performance outcome seeks for the setback of buildings to "contribute to the existing/emerging pattern of street setbacks in the streetscape".

As highlighted in our previous correspondence, the existing/emerging pattern of street setbacks in the streetscape in our view, is:

- Largely discordant (i.e. no consistent pattern prevails). Dwellings are not constructed perpendicular to the street frontage.
- Often concealed by the several natural characteristics of the locality including mature gum trees. This means the presence of buildings and their contribution to the streetscape is noticeably muted.
- Emerging, in that primary street setbacks of new buildings are as little as:
 - 2.5m – 3m at 30 and 30A Ellen Street (approximately 15m from the subject land).
 - 2m at 26 Ellen Street (approximately 35m from the subject land).

Council's second RFI letter states that the eastern side of Ellen Street is "not relevant" to the assessment of the primary street setback. I disagree with this opinion.

The term "streetscape" is not defined in the Code. For the purposes of defining the streetscape for this assessment, I have referred to "adjacent land" which is defined in the Planning, Development and Infrastructure Act 2016 as follows:

adjacent land in relation to other land, means land that is no more than 60 metres from the other land.

While the above definition is not referenced in PO 5.1, it is a good starting point.

The pattern of setbacks of buildings on allotments within 60m of the subject land undoubtedly contributes to the "streetscape" in this instance, and therefore relevant in the application of Zone PO 5.1.

Furthermore, the proposed dwelling replaces an existing dwelling that is setback from Ellen Street as little as 3m to the building line and 2m to the verandah, and will therefore have a lesser visual impact on the streetscape.



Reason 3

"General Neighbourhood Zone, PO 9.1 which states that Dwelling walls are set back from rear boundaries to provide:

1. separation between dwellings in a way that contributes to a suburban character
2. access to natural light and ventilation for neighbours
3. private open space
4. space for landscaping and vegetation."

Response

The building achieves a rear setback of 3.08 metres which is appropriate in this context having considered:

- The development provides separation between buildings in a way that contributes to a suburban character through:
 - A rear setback that exceeds the Code's guidance on side setbacks, which on a site like this would lend itself to development fronting Vizard Road.
 - Removal of existing ancillary buildings currently sited on rear boundary for 11.5m.
- Neighbours will continue to enjoy access to sunlight and ventilation as a result of the development.
- The development provides:
 - Areas of private open space that exceeds the 60m². desired by the Code.
 - Space for landscaping and vegetation that exceeds the 25% desired by the Code.

Reason 4

"Hazards (Flooding – Evidence Required) Overlay PO 1.1 which states Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings."

Response

The subject land exhibits a crossfall of approximately 2m from the south to the north. The proposed finished floor level (FFL) has been designed by a suitably qualified



engineer to ensure stormwater is suitably discharged to the existing stormwater network on Ellen Street.

Furthermore, the following additional factors seek to minimise flood risk:

- A grated box drain located in front of the garage will collect excess stormwater and divert to the street water table.
- In the event of a flood, it is likely that the existing topography of the land would naturally divert stormwater away from the land onto the street.
- The proposed FFL of 97.20 is consistent or higher than the FFL's of adjoining dwellings at 30 Vizard Road (97.26) and 19 Ellen Street (96.26).

Reason 5

"Transport, Access and Parking PO 10.1 Development is located and designed to ensure drivers can safely turn into and out of public road junctions."

Response

We have had a sight distance plan prepared by Ben Wilson – Managing Director CIRQA Traffic Consultants – refer **Attachment B**.

The sight line requirement reaches to the nearby intersection and provides 97m of sight distance (travel distance) which meets (and exceeds) the Safe Intersection Sight Distance requirements for 50 km/h design speed. This is conservative as vehicles travelling around the intersection corners into Ellen Street would do so at lower speeds.

Importantly, the sight line requirement is well clear of the 4.5 x 4.5 m cut-off sought by the DTS/DPF criteria in the Code. There is therefore no need to provide a cut-off to achieve sight distance provisions (it would effectively be of no benefit).

Additionally, I note the relevant Performance Outcome also simply refers to safe accommodation of turning movements into and out of an intersection. Retention of the existing boundary line (and fencing of it) would not impact achievement of the PO in my opinion.

Conclusion

In refusing this Development Application, I consider the Council staff have placed too much weight on Designated Performance Features of the Code to the extent that the intent of the corresponding Performance Outcomes have been either misinterpreted or disregarded.

In contrast, I consider that the proposal is a sensible development on an envisaged land use in the General Neighbourhood Zone that will have negligible and acceptable off-site impacts.

I have lodged this appeal to the CAP via email direct to the relevant authority (the City of Tea Tree Gully) as there is no option available via the PlanSA Portal to lodge a review.

I look forward to receiving confirmation that this appeal can be heard at the next CAP meeting. I also request that I be given opportunity to formally address the CAP in accordance with regulation 116(2) of the Planning, Development & Infrastructure (General) Regulations 2017.

Please call me on 0409 701 595 if you would like to discuss this appeal further.

Yours sincerely



Jake Vaccarella
Senior Consultant

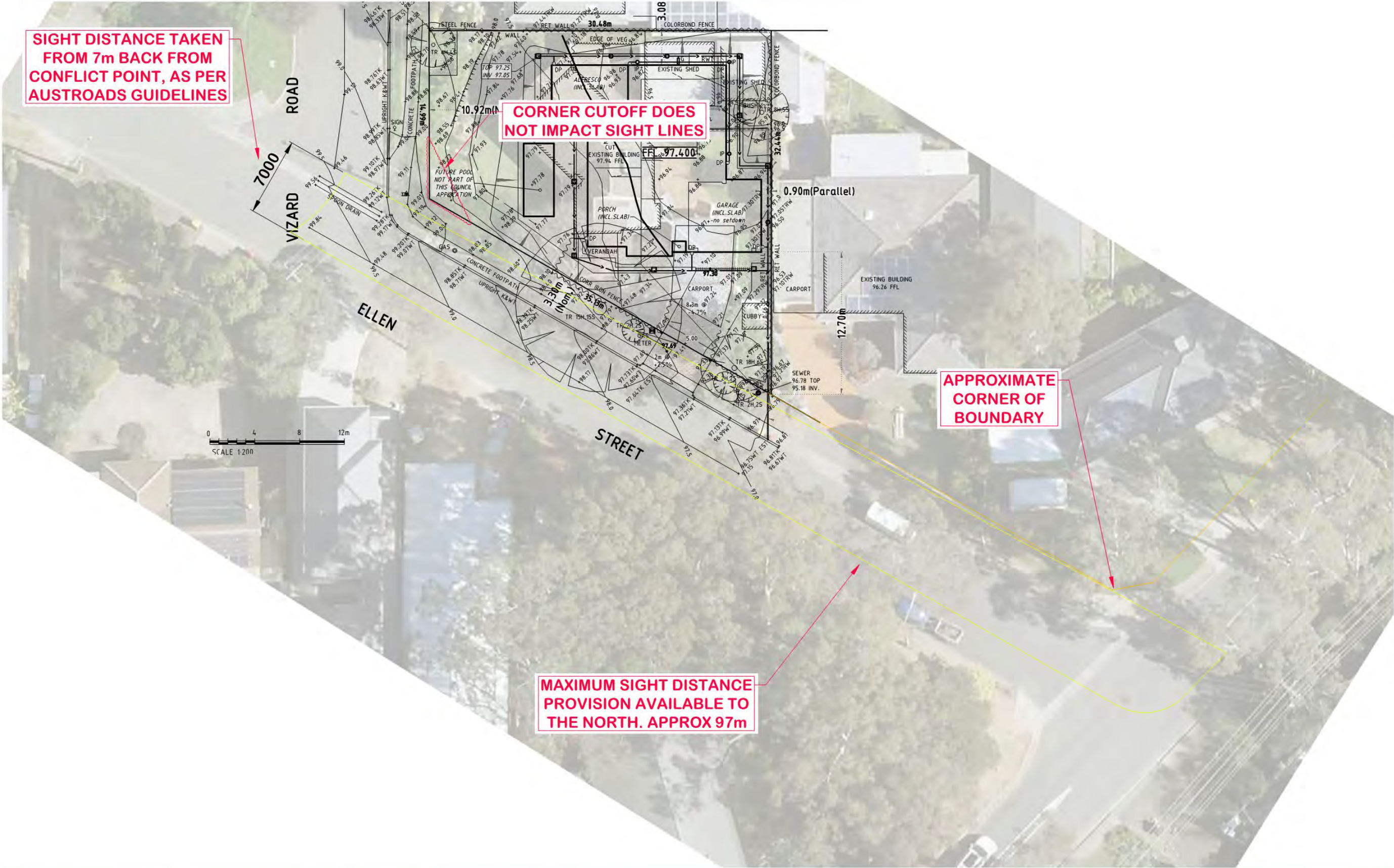


Appendix A – Application to Assessment Panel Form



Appendix B – Sight Distance Plan prepared by CIRQA Traffic Consultants





ABN: 12 681 029 983 | PO Box 144, Glenside SA 5065 | E: info@cirqa.com.au

This drawing is a concept plan only and subject to the provision of detailed survey information (by others) and the preparation of detailed design. The drawing is not suitable for construction purposes. The information and data identified within this drawing are the property of CIRQA Pty Ltd and copyright. This drawing and the information contained therein is for the use of the authorised Client noted below. The drawing may not be used, copied, reproduced or modified in whole or in part for any purpose other than for which it was supplied by CIRQA Pty Ltd. CIRQA Pty Ltd accepts no responsibility or liability to any other party who may use or rely upon this drawing or the information contained therein.

DRAWING AMENDMENTS				
VER	DATE	DESCRIPTION	DWN	CHK
A	01/08/2023	FOR REVIEW	ABH	BNW
<div>C23339_01A.DWG1/8/2023 3:45 PM</div>				



RESIDENTIAL DEVELOPMENT
11A ELLEN STREET, TEA TREE GULLY
SIGHT DISTANCE REVIEW
PROJECT # 23339 SHEET # 01_SH02

RECORD NO: D23/57429

TO: COUNCIL ASSESSMENT PANEL MEETING - 15 AUGUST 2023

FROM: Nathan Grainger
Manager City Development

SUBJECT: AMENDMENT TO THE CAP OPERATING PROCEDURES

SUMMARY

Under the Planning Development and Infrastructure Act (Act), the Council Assessment Panel (CAP) as a relevant authority must operate in accordance with the Act and the Regulations and within the ambit of other relevant delegations, policies, and operating procedures which are relevant to the CAP. Notwithstanding, and subject to the Act, the operating procedures are to be observed in relation to the conduct of the business of the CAP and will be determined by the CAP members.

This report allows the CAP members to review and adopt these meeting operating procedures so that they can be recorded and available for public inspection in the interest of transparency.

At the CAP meeting dated 18 July 2023, CAP members requested Council staff to prepare a report including draft updated meeting procedures document to be added to the next CAP agenda.

1. BACKGROUND

At the CAP meeting dated 18 July 2023, Ms. Merrigan (Independent Member) suggested that the agenda should be updated to include an Acknowledgement of Country.

Cr Wyld advised that it is on the agenda for Council meetings but not all committee meetings.

As a result of this discussion, Council staff were requested to prepare a report including an amended draft meeting procedures document to be presented to the next CAP meeting dated 15 August 2023.

The Assessment Manager is required to ensure that the Council Assessment Panel meeting operating procedures are reviewed regularly and are to be read in conjunction with the meeting procedures contained within the Planning, Development and Infrastructure (General) Regulations 2017 (Regulations) and the Assessment Panel Members - Code of Conduct.

Councils Assessment Panel has the powers to endorse its own meeting procedures. The terms of reference are required to be endorsed by Council.

The draft Council Assessment Panel Meeting Procedures can be found in Attachment 1.

2. An Acknowledgement of Country

An Acknowledgement of Country is a way of showing respect and an awareness of Aboriginal and Torres Strait Islander owners of the land on which a meeting or event is being held, and of recognising the continuing connection of Aboriginal and Torres Strait Islander peoples to their Country.

At the City of Tea Tree Gully an Acknowledgement of Country Statement may be read by the Presiding Member, or at their discretion another Elected Member, at each Council and Committee meeting (where members of the public are present). Council recognises the need for flexibility in the content of the statement to ensure it demonstrates respect for the traditional custodians.

The following statements are provided as examples that can be read from Council's "Code of Practice for Meeting Procedures".

"The City of Tea Tree Gully recognises this City's considerable natural and cultural heritage, including thousands of years of Traditional Ownership by the Kurna people and the more recent contributions from all who live here. We build on this heritage today by respecting and listening to each other, being receptive to new ideas and acting wisely for the current and future well-being of our community".

"The City of Tea Tree Gully recognises that we are meeting on the traditional lands of the Kurna people of the Adelaide Plains. We recognise and respect their cultural heritage, beliefs and relationship with the land of their Ancestors. We acknowledge the Kurna people living today as the custodians and caretakers of their land and pay our respect to elders both past and present"

"The City of Tea Tree Gully recognises that we are meeting on the traditional lands of the Kurna people of the Adelaide Plains. We recognise and respect their cultural heritage, beliefs and relationship with the land of their Ancestors."

"We would like to Acknowledge that the land we meet on today is the traditional land for the Kurna people and that we respect their spiritual relationship with their Country. We also acknowledge the Kurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.'
(Statement of Acknowledgement from Reconciliation SA)

3. CONCLUSION

The amendment to the CAP Meeting Procedures will include an acknowledgement of Country Statement at the commencement of each meeting. Members will be provided an opportunity to discuss the amendment to the meeting procedures with two recommendations to be provide for your consideration.

4. Recommendation:

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

- a) adopt the revised Meeting Procedures which includes an acknowledgement of Country provided in Attachment 1.

Or

- b) retain the existing Meeting Procedures provided in Attachment 2.

Attachments

- 1. Draft Meeting procedures.230
- 2. CAP-Meeting Operating Procedures Reviewed and endorsed 21-March-2023.....243

Report Authorisers

Nathan Grainger	
Manager City Development	8397 7200
Michael Pereira	
General Manager Community Services	8397 7377

Council Assessment Panel
Meeting Procedures

Record number	D23/16235
Panel Members	Independent Member(s): Mr Mark Adcock (Presiding Member) Mrs Beth Merrigan Mr Julian Rutt Mr Alex Mackenzie Ms Nitsan Taylor (Deputy Member) Elected Member(s): Cr Damien Wyld
Last reviewed	21 March 2023
Adoption reference	
Resolution number	233
Previous review dates	

1. INTERPRETATION

Act means the *Planning, Development and Infrastructure Act 2016* (SA).

Additional Member means a person appointed pursuant to clause 4.1.

CAP means the Tea Tree Gully Council Assessment Panel.

connect means able to hear and/or see the meeting by electronic means, including via live stream;

Code of Conduct means the code of conduct to be observed by members of an assessment panel adopted by the Minister under clause 1(1)(c) of Schedule 3 of the Act.

Council means the City of Tea Tree Gully constituted under the *Local Government Act 1999* (SA).

Deputy Member means a person appointed pursuant to clause 3.3 of the Terms of Reference.

Development Act means the *Development Act 1993* (SA).

disconnect means to remove the connection so as to be unable to hear and see the meeting;

electronic means includes a telephone, computer or other electronic device used for communication;

ERD Court means the Environment, Resources and Development Court constituted under the *Environment, Resources and Development Court Act 1993*.

live stream means the transmission of audio and/or video from a meeting at the time the meeting is occurring.

Planning Rules has the meaning given to it in the Act and includes the Planning and Design Code.

Prescribed Matter has the meaning given to it in section 201 of the Act.

Presiding Member means an Independent Member appointed pursuant to clause 3.11 of the Terms of Reference.

Regulations means the *Planning, Development and Infrastructure (General) Regulations 2017* (SA).

Terms of Reference means the Tea Tree Gully Council Assessment Panel Terms of Reference.

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

These Meeting Procedures will be interpreted subject to the provisions of the Act and the Tea Tree Gully Council Assessment Panel Terms of Reference.

2. MEETINGS

Ordinary Meetings

- 2.1 Ordinary meetings of the CAP will be held at such times and places as determined by the CAP.
- 2.2 Notice of an ordinary meeting will be given to all CAP Members by the Assessment Manager not less than five clear days prior to the holding of the meeting in accordance with clause 2.3.
- 2.3 Notice of a meeting of the CAP must:
 - 2.3.1 be in writing;
 - 2.3.2 set out the date, time and place of the meeting;
 - 2.3.3 be signed by the Assessment Manager;
 - 2.3.4 contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable);
 - 2.3.5 be given to a CAP Member personally, by post to a place authorised in writing by the CAP Member or by other means authorised by the CAP Member as being an available means of giving notice;
 - 2.3.6 where attendance at the CAP Meeting is able to occur by electronic means (in whole or in part), include details of how to connect to the meeting.
- 2.4 A notice that is not given in accordance with clause 2.3 is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the CAP Members.
- 2.5 A copy of the agenda and all available attachments for meetings of the CAP will be available for viewing by the public on the Council's website as soon as practicable after the time that notice of the meeting has been given to CAP Members and until the conclusion of the CAP meeting. Where the CAP meeting is to be live streamed for viewing by members of the public, details of how to access and/or connect to the live stream will be made available to the public on the Council's website as soon as possible.
- 2.6 If a representor or applicant is to appear before the CAP and be heard pursuant to clauses 8.4.1 to 8.4.3 (inclusive) of these Meeting Procedures, the Assessment Manager must provide written notice of the following to such persons as soon as practicable after the time that notice of the CAP meeting has been given to CAP Members:
 - 2.6.1 an invitation to appear and be heard at the meeting;
 - 2.6.2 the date, time and place of the meeting; and

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

- 2.6.3 where attendance at the meeting is able to occur by electronic means (in whole or in part), include details of how to connect to the meeting.
- 2.7 The Assessment Manager may cancel or reschedule the scheduled CAP meeting where circumstances dictate or where there are no matters of business listed on the agenda.
- 2.8 In rescheduling a meeting, the Assessment Manager will work with the CAP Members to ensure the availability and convenience of CAP Members.
- 2.9 The Assessment Manager may, with leave or at the request of the Presiding Member:
 - 2.9.1 include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to CAP Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to CAP Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public as soon as practicable; and
 - 2.9.2 at the written request of the applicant, remove from the agenda the applicant's item which was to be considered at the meeting to which the agenda relates (including after notice of the agenda has been given to CAP Members). In such an instance, if practicable, the Assessment Manager shall provide an updated agenda to CAP Members and notice of the removal of the item from the agenda to the applicant and any representors who had indicated a wish to appear before the CAP in relation to that agenda item. The Assessment Manager will also make an updated agenda available to the public as soon as practicable.
- 2.10 The Presiding Member may adjourn a CAP Meeting to a future date, time and place, unless the CAP resolves to continue the meeting.
- 2.11 A CAP meeting will break as determined by the Presiding Member.
- 2.12 The CAP may exclude the public from attendance at a meeting in accordance with regulation 13(2) of the Regulations.

Special Meetings

- 2.13 The Presiding Member or two or more CAP Members, may by delivering a written request to the Assessment Manager, require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 2.14 On receipt of a request pursuant to clause 2.13, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP members at least 4 days before the commencement of the special meeting.

2.15 The Assessment Manager can of their own accord require a special meeting of the CAP to be held where there exists in their opinion a justifiable reason for holding the special meeting.

2.16 On forming the relevant opinion in clause 2.15, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP Members at least 4 days before the commencement of the special meeting.

3. DEPUTY MEMBERS

3.1 If a CAP Member is unable or unwilling to attend a meeting or part of a meeting, they must use their best endeavours to notify the Presiding Member or Assessment Manager at the earliest opportunity.

3.2 If notification pursuant to clause 3.1 is given, the Assessment Manager may request a Deputy Member attend the meeting in place of the CAP Member for the meeting or part of the meeting.

3.3 Unless the context otherwise requires, a reference to a CAP Member in these Meeting Procedures includes a Deputy Member.

4. ADDITIONAL MEMBERS

4.1 The CAP may appoint up to two Additional Members in accordance with Section 85 of the Act.

4.2 Where the CAP has appointed Additional Member(s), the Presiding Member, in consultation with the Assessment Manager, may invite one or both Additional Members to attend any meeting (or part thereof) where they consider the Additional Member(s) will, by virtue of their qualifications, expertise or experience, assist the CAP in dealing with a matter that it must assess under the Act (or the Development Act (as applicable)).

4.3 A request that an Additional Member attend a meeting must be made in writing and be accompanied by the notice for the meeting in accordance with clause 2.3, highlighting the item(s) the Additional Member is required to consider.

4.4 Unless the context otherwise requires, a reference to a CAP Member in these Meeting Procedures includes an Additional Member, save that an Additional Member is not able to vote on any matter arising for determination by the CAP.

5. ELECTRONIC MEETINGS

5.1 One or more CAP Members may attend a meeting via electronic means.

5.2 A CAP Member attending a meeting via electronic means is taken to be present at the meeting provided that the CAP Member:

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

- 5.2.1 can hear and, where possible, see all other CAP Members who are present at the meeting;
 - 5.2.2 can hear and, where possible, see all representors (or their representatives) and applicants (or their representatives) who speak at the meeting;
 - 5.2.3 can be heard and, where possible, seen by all other CAP Members present at the meeting; and
 - 5.2.4 can be heard and, where possible, seen by the person recording the minutes of the meeting.
- 5.3 Where a meeting occurs via electronic means, it will (to the extent that the public is not able to physically attend the meeting) be live streamed.
- 5.4 Where a meeting is being live streamed, the live stream must be disconnected only during those parts of the meeting during which the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations.
- 5.5 Where the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations, the Assessment Manager or a person nominated by the Assessment Manager must ensure that all parties except for the Assessment Manager or a person nominated by the Assessment Manager and CAP Members disconnect from or are disconnected from the meeting.
- 5.6 Where a person is entitled or has been requested to appear before the CAP (including the Assessment Manager or delegate), the person may appear via electronic means. The Presiding Member may require that any such appearance be via electronic means.

6. COMMENCEMENT OF MEETINGS

- 6.1 Subject to a quorum being present, a meeting of the CAP will commence as soon as possible after the time specified in the notice of a meeting.
- 6.2 If the number of apologies received by the Assessment Manager or Presiding Member indicates that a quorum will not be present at a meeting, the Presiding Member may adjourn the meeting to a specified date, time and place.
- 6.3 If at the expiration of thirty minutes from the commencement time specified in the notice of the meeting a quorum is not present, the Presiding Member may adjourn the meeting to a specified date, time and place.

7. AGENDA AND ORDER OF BUSINESS

- 7.1 Order of Business The order of business to be considered at an ordinary or special Council and Committee meetings has been determined as follows;

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

a. [Welcome](#)

b. [Acknowledgement of Country Statement- One of the following statements:](#)

- [“The City of Tea Tree Gully recognises this City’s considerable natural and cultural heritage, including thousands of years of Traditional Ownership by the Kaurna people and the more recent contributions from all who live here. We build on this heritage today by respecting and listening to each other, being receptive to new ideas and acting wisely for the current and future well-being of our community”.](#)
- [“The City of Tea Tree Gully recognises that we are meeting on the traditional lands of the Kaurna people of the Adelaide Plains. We recognise and respect their cultural heritage, beliefs and relationship with the land of their Ancestors. We acknowledge the Kaurna people living today as the custodians and caretakers of their land and pay our respect to elders both past and present”](#)
- [“The City of Tea Tree Gully recognises that we are meeting on the traditional lands of the Kaurna people of the Adelaide Plains. We recognise and respect their cultural heritage, beliefs and relationship with the land of their Ancestors.”](#)
- [“We would like to Acknowledge that the land we meet on today is the traditional land for the Kaurna people and that we respect their spiritual relationship with their Country. We also acknowledge the Kaurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.”
\(Statement of Acknowledgement from Reconciliation SA](#)

[6.37.2 Officers in Attendance](#)

[6.47.3 Business Arising from previous minutes](#)

[6.57.4 Reports and Recommendations](#)

[6.67.5 Other business](#)

[6.77.6 Information reports](#)

[6.87.7 Date of the next meeting](#)

[7.8 Presiding member to close the meeting.](#)

7.8. ASSESSMENT OF DEVELOPMENT APPLICATIONS

- 7.18.1** In relation to each application it considers, the CAP:
- 7.1.18.1.1** must determine whether the proposal is seriously at variance with the Planning Rules (or Development Plan (as applicable)) and provide reasons for its determination;
 - 7.1.28.1.2** if the CAP determines that a proposal is seriously at variance with the Planning Rules (or Development Plan (as applicable)), must refuse Planning Consent to the application and provide specific reasons for refusal;
 - 7.1.38.1.3** must provide reasons for granting or refusing Planning Consent and for the imposition of any conditions; and
 - 7.1.48.1.4** may defer consideration of the application to enable full and proper assessment of the application.
- 7.28.2** If the CAP determines that a proposal is seriously at variance with the Planning Rules (or Development Plan (as applicable)), it must refuse development authorisation to the application.
- 7.38.3** The Presiding Member may, in their discretion, exclude:
- 7.3.18.3.1** a representation or response to representation(s) which is received out of time; or
 - 7.3.28.3.2** a representation or response to representation(s) which is otherwise invalid.
- 7.48.4** In relation to each application to be considered and determined by the CAP:
- 7.4.18.4.1** a person who has lodged a representation in relation to a publicly notified application which has not been excluded pursuant to clause 8.3 and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
 - 7.4.28.4.2** where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;
 - 7.4.38.4.3** where no representors appear at the meeting, the Presiding Member may, in their discretion, allow an applicant to be heard in support of their application, in person or by an agent;
 - 7.4.48.4.4** representors and applicants will be allowed five (5) minutes each to address the CAP. The representative of multiple representors will be allowed five (5) minutes in total to address the CAP. The Presiding Member may allow a party additional time at their discretion;
 - 7.4.58.4.5** CAP Members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
 - 7.4.68.4.6** following addresses from representors and the applicant, the Presiding Member will invite all CAP Members to speak on any matter relevant to the application.

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

~~7.4.7~~~~8.4.7~~ clauses 8.4.1 to 8.4.3 are satisfied if a representor or applicant (as the case may be) appears via electronic means. The Presiding Member may require that any such appearance be by electronic means.

~~7.5~~~~8.5~~ The Presiding Member may in their discretion accept and allow any additional material submitted by a representor or applicant after notice of the CAP meeting has been given in accordance with clause 2.3. The CAP may defer consideration of the application to enable full and proper assessment of the further information.

~~7.6~~~~8.6~~ Such additional material to be considered by the CAP pursuant to clause 7.5 must, to the extent practicable, be provided to the applicant and/or representor(s) (as the case may be) and those parties are to be provided with an opportunity to respond either in writing or verbally, at the discretion of the Presiding Member.

~~8.9.~~ REVIEW OF DECISION OF AN ASSESSMENT MANAGER

Commencing a review

~~8.19.1~~ An application for review of a decision of an Assessment Manager must relate to a Prescribed Matter in relation to which the Assessment Manager was the relevant authority.

~~8.29.2~~ An application for review of a Prescribed Matter must be:

~~8.2.19.2.1~~ made using the *Application to CAP for Assessment Manager's Decision Review (Form)*;

~~8.2.29.2.2~~ lodged in a manner identified on the Form; and

~~8.2.39.2.3~~ lodged within one (1) month of the applicant receiving notice of the Prescribed Matter, unless the CAP in its discretion grants an extension of time.

~~8.39.3~~ In determining whether to grant an extension of time, the CAP may consider:

~~8.3.19.3.1~~ the reason for the delay;

~~8.3.29.3.2~~ the length of the delay;

~~8.3.39.3.3~~ whether any rights or interests of other parties would be affected by allowing the review to be commenced out of time;

~~8.3.49.3.4~~ the interests of justice;

~~8.3.59.3.5~~ whether the applicant has, or is within time to, appeal the prescribed matter to the ERD Court; and

~~8.3.69.3.6~~ any other matters the CAP considers relevant.

~~8.49.4~~ An application for review should, upon receipt by the CAP, be notified to the Assessment Manager within 2 business days.

Materials for review hearing

~~8.59.5~~ The Presiding Member may, in his or her discretion, determine that an application for review shall not be considered by the CAP on the basis that it is frivolous or vexatious, or is otherwise an abuse of process.

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

~~8-69.6~~ The Assessment Manager shall provide to the CAP:

~~8-6-19.6.1~~ all materials which were received by the Assessment Manager (or delegate) in relation to the Prescribed Matter including the delegated officer's assessment report;

~~8-6-29.6.2~~ a further report on any aspect of the subject matter of the review, or any other relevant material if requested by the Presiding Member or a CAP Member.

Review hearing

~~8-79.7~~ The Assessment Manager must advise the applicant of the time and date of the CAP meeting at which the review application will be heard and where attendance at the meeting is able to occur by electronic means (in whole or in part), include details of how to connect to the meeting not less than 5 clear business days before the meeting.

~~8-89.8~~ If the Presiding Member so requires:

~~8-8-19.8.1~~ the Assessment Manager must be present at the CAP meeting to respond to any questions or requests for clarification from the CAP; or

~~8-8-29.8.2~~ where the Prescribed Matter relates to a decision which was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.

~~8-99.9~~ The review hearing will be conducted within the following parameters:

~~8-9-19.9.1~~ the CAP will consider the matter afresh;

~~8-9-29.9.2~~ subject to clause 9.9.3, information, materials and submissions which were not before the Assessment Manager at the time of the decision on the Prescribed Matter will not be considered by the CAP, except for information provided to the CAP in response to a request from the Presiding Member or a CAP Member;

~~8-9-39.9.3~~ the CAP may receive submissions or additional information from the applicant as part of the review process at the discretion of the Presiding Member;

~~8-9-49.9.4~~ the Presiding Member will permit CAP Members to ask questions or seek clarification from the applicant and/or Assessment Manager (or delegate) in their discretion.

Outcome on review hearing

~~8-109.10~~ The CAP may, on a review:

~~8-10-19.10.1~~ affirm the Assessment Manager's decision on the Prescribed Matter;

~~8-10-29.10.2~~ vary the Assessment Manager's decision on the Prescribed Matter;

~~8-10-39.10.3~~ set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision;

~~8-10-49.10.4~~ defer review of the Prescribed Matter with the agreement of the applicant.

9.10. QUORUM

A quorum at a meeting of the CAP is the number obtained by dividing the total number of CAP Members for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.

10.11. DECISION MAKING

10.11.1 Each CAP Member present at a meeting of the CAP (including a Deputy Member) is entitled to one vote on any matter arising for decision. If the votes are equal, the Presiding Member is entitled to a second or casting vote. Additional Members appointed to the CAP to provide expert advice and assistance are not entitled to vote.

10.211.2 Matters arising for decision at a meeting of the CAP will be decided by a majority of the votes cast by CAP Members present at the meeting and entitled to vote, being no less than a quorum.

10.311.3 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a CAP Member, applicant, representor or other member of the public) to a specified date, time and place.

10.411.4 The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave or disconnect from a meeting where the person/people are, in the opinion of the Presiding Member:

10.4.111.4.1 behaving in a disorderly manner; or

10.4.211.4.2 causing an interruption or disruption to the meeting.

11.12. MINUTES AND REPORTING

11.112.1 The CAP must ensure that accurate minutes are kept of all meetings.

11.212.2 The Assessment Manager, or a person nominated by the Assessment Manager, will take minutes of all meetings.

11.312.3 The minutes will record:

11.3.112.3.1 the names of all CAP Members present;

11.3.212.3.2 the names of all CAP Members from whom apologies have been received;

11.3.312.3.3 the name and time that a CAP Member enters or leaves the meeting;

11.3.412.3.4 the name of every person who makes a representation;

11.3.512.3.5 in relation to each application determined by the CAP:

- (a) the determination of the CAP as to whether the proposal is seriously at variance with the Planning Rules (or Development Plan (as applicable));

- (b) the reasons for granting or refusing Planning Consent and for the imposition of any conditions; and
- (c) where a decision is by majority vote, the decision and its mover and seconder, but not each CAP Member's vote;

~~11.3.6~~12.3.6 if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;

~~11.3.7~~12.3.7 in relation to the review of a decision of an Assessment Manager, the determination of the CAP pursuant to clause 9.10;

~~11.3.8~~12.3.8 a decision to exclude the public from attendance pursuant to the Regulations;

~~11.3.9~~12.3.9 any disclosure of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development made by a CAP Member in accordance with Section 83(1)(g) of the Act, and the nature of the interest;

~~11.3.10~~12.3.10 any disclosure of a conflict of interest made by a CAP Member pursuant to the Code of Conduct, and the nature of the interest; and

~~11.3.11~~12.3.11 if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date, time and place to which the meeting is adjourned.

~~11.4~~12.4 All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the following CAP meeting.

~~11.5~~12.5 Minutes must be available under to the public within 5 clear business days after their adoption by the CAP.

~~12.13.~~ **NOMINATION BY ASSESSMENT MANAGER**

~~12.1~~13.1 Subject to clause 13.4, the Assessment Manager may nominate another person (**Nominee**) to undertake the powers and functions of the Assessment Manager contained in these Meeting Procedures for a period of time not exceeding three (3) months. This is primarily to ensure that the CAP can continue to function efficiently in the absence of the Assessment Manager from time to time, for periods of annual or personal leave of the Assessment Manager.

~~12.2~~13.2 Any nomination under clause 13.1 must be made by notice in writing from the Assessment Manager to the Presiding Member and the Nominee, and may relate to all or only some of the powers and functions of the Assessment Manager in these Meeting Procedures.

~~12.3~~13.3 Where a nomination has been made pursuant to clauses 13.1 and 13.2, a reference to the Assessment Manager in these Meeting Procedures will be taken to include (for the duration of the nomination) a reference to the Nominee (as applicable).

~~12.4~~13.4 The Nominee is not themselves permitted to nominate another person to undertake the powers and functions of the Assessment Manager under this clause 13.

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

~~13.14.~~ **ADDITIONAL PROCEDURES**

~~13.1~~14.1 Insofar as any procedure to be followed by the CAP is not prescribed by the Act, Regulations, Terms of Reference or the Code of Conduct the CAP may by resolution determine the procedure for itself. Any such determination may amend or add to these Meeting Procedures.

~~13.2~~14.2 The CAP may call for and consider such professional assistance from the Assessment Manager and, in consultation with the Assessment Manager, other professional advisors as it deems necessary and appropriate from time to time.

Council Assessment Panel Meeting Procedures

Record number	D23/16235
Panel Members	Independent Member(s): Mr Mark Adcock (Presiding Member) Mrs Beth Merrigan Mr Julian Rutt Mr Alex Mackenzie Ms Nitsan Taylor (Deputy Member) Elected Member(s): Cr Damian Wyld
Last reviewed	21 March 2023
Resolution number	233
Previous review dates	

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

1. INTERPRETATION

Act means the *Planning, Development and Infrastructure Act 2016* (SA).

Additional Member means a person appointed pursuant to clause 4.1.

CAP means the Tea Tree Gully Council Assessment Panel.

connect means able to hear and/or see the meeting by electronic means, including via live stream;

Code of Conduct means the code of conduct to be observed by members of an assessment panel adopted by the Minister under clause 1(1)(c) of Schedule 3 of the Act.

Council means the City of Tea Tree Gully constituted under the *Local Government Act 1999* (SA).

Deputy Member means a person appointed pursuant to clause 3.3 of the Terms of Reference.

Development Act means the *Development Act 1993* (SA).

disconnect means to remove the connection so as to be unable to hear and see the meeting;

electronic means includes a telephone, computer or other electronic device used for communication;

ERD Court means the Environment, Resources and Development Court constituted under the *Environment, Resources and Development Court Act 1993*.

live stream means the transmission of audio and/or video from a meeting at the time the meeting is occurring.

Planning Rules has the meaning given to it in the Act and includes the Planning and Design Code.

Prescribed Matter has the meaning given to it in section 201 of the Act.

Presiding Member means an Independent Member appointed pursuant to clause 3.11 of the Terms of Reference.

Regulations means the *Planning, Development and Infrastructure (General) Regulations 2017* (SA).

Terms of Reference means the Tea Tree Gully Council Assessment Panel Terms of Reference.

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

These Meeting Procedures will be interpreted subject to the provisions of the Act and the Tea Tree Gully Council Assessment Panel Terms of Reference.

2. MEETINGS

Ordinary Meetings

- 2.1 Ordinary meetings of the CAP will be held at such times and places as determined by the CAP.
- 2.2 Notice of an ordinary meeting will be given to all CAP Members by the Assessment Manager not less than five clear days prior to the holding of the meeting in accordance with clause 2.3.
- 2.3 Notice of a meeting of the CAP must:
 - 2.3.1 be in writing;
 - 2.3.2 set out the date, time and place of the meeting;
 - 2.3.3 be signed by the Assessment Manager;
 - 2.3.4 contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable);
 - 2.3.5 be given to a CAP Member personally, by post to a place authorised in writing by the CAP Member or by other means authorised by the CAP Member as being an available means of giving notice;
 - 2.3.6 where attendance at the CAP Meeting is able to occur by electronic means (in whole or in part), include details of how to connect to the meeting.
- 2.4 A notice that is not given in accordance with clause 2.3 is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the CAP Members.
- 2.5 A copy of the agenda and all available attachments for meetings of the CAP will be available for viewing by the public on the Council's website as soon as practicable after the time that notice of the meeting has been given to CAP Members and until the conclusion of the CAP meeting. Where the CAP meeting is to be live streamed for viewing by members of the public, details of how to access and/or connect to the live stream will be made available to the public on the Council's website as soon as possible.
- 2.6 If a representor or applicant is to appear before the CAP and be heard pursuant to clauses 7.4.1 to 7.4.3 (inclusive) of these Meeting Procedures, the Assessment Manager must provide written notice of the following to such persons as soon as practicable after the time that notice of the CAP meeting has been given to CAP Members:
 - 2.6.1 an invitation to appear and be heard at the meeting;
 - 2.6.2 the date, time and place of the meeting; and
 - 2.6.3 where attendance at the meeting is able to occur by electronic means (in whole or in part), include details of how to connect to the meeting.
- 2.7 The Assessment Manager may cancel or reschedule the scheduled CAP meeting where circumstances dictate or where there are no matters of business listed on the agenda.

City of Tea Tree Gully Council Assessment Panel Meeting Operating Procedures

- 2.8 In rescheduling a meeting, the Assessment Manager will work with the CAP Members to ensure the availability and convenience of CAP Members.
- 2.9 The Assessment Manager may, with leave or at the request of the Presiding Member:
 - 2.9.1 include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to CAP Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to CAP Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public as soon as practicable; and
 - 2.9.2 at the written request of the applicant, remove from the agenda the applicant's item which was to be considered at the meeting to which the agenda relates (including after notice of the agenda has been given to CAP Members). In such an instance, if practicable, the Assessment Manager shall provide an updated agenda to CAP Members and notice of the removal of the item from the agenda to the applicant and any representatives who had indicated a wish to appear before the CAP in relation to that agenda item. The Assessment Manager will also make an updated agenda available to the public as soon as practicable.
- 2.10 The Presiding Member may adjourn a CAP Meeting to a future date, time and place, unless the CAP resolves to continue the meeting.
- 2.11 A CAP meeting will break as determined by the Presiding Member.
- 2.12 The CAP may exclude the public from attendance at a meeting in accordance with regulation 13(2) of the Regulations.

Special Meetings

- 2.13 The Presiding Member or two or more CAP Members, may by delivering a written request to the Assessment Manager, require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 2.14 On receipt of a request pursuant to clause 2.13, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP members at least 4 days before the commencement of the special meeting.
- 2.15 The Assessment Manager can of their own accord require a special meeting of the CAP to be held where there exists in their opinion a justifiable reason for holding the special meeting.
- 2.16 On forming the relevant opinion in clause 2.15, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP Members at least 4 days before the commencement of the special meeting.

3. DEPUTY MEMBERS

- 3.1 If a CAP Member is unable or unwilling to attend a meeting or part of a meeting, they must use their best endeavours to notify the Presiding Member or Assessment Manager at the earliest opportunity.

- 3.2 If notification pursuant to clause 3.1 is given, the Assessment Manager may request a Deputy Member attend the meeting in place of the CAP Member for the meeting or part of the meeting.
- 3.3 Unless the context otherwise requires, a reference to a CAP Member in these Meeting Procedures includes a Deputy Member.

4. **ADDITIONAL MEMBERS**

- 4.1 The CAP may appoint up to two Additional Members in accordance with Section 85 of the Act.
- 4.2 Where the CAP has appointed Additional Member(s), the Presiding Member, in consultation with the Assessment Manager, may invite one or both Additional Members to attend any meeting (or part thereof) where they consider the Additional Member(s) will, by virtue of their qualifications, expertise or experience, assist the CAP in dealing with a matter that it must assess under the Act (or the Development Act (as applicable)).
- 4.3 A request that an Additional Member attend a meeting must be made in writing and be accompanied by the notice for the meeting in accordance with clause 2.3, highlighting the item(s) the Additional Member is required to consider.
- 4.4 Unless the context otherwise requires, a reference to a CAP Member in these Meeting Procedures includes an Additional Member, save that an Additional Member is not able to vote on any matter arising for determination by the CAP.

5. **ELECTRONIC MEETINGS**

- 5.1 One or more CAP Members may attend a meeting via electronic means.
- 5.2 A CAP Member attending a meeting via electronic means is taken to be present at the meeting provided that the CAP Member:
 - 5.2.1 can hear and, where possible, see all other CAP Members who are present at the meeting;
 - 5.2.2 can hear and, where possible, see all representors (or their representatives) and applicants (or their representatives) who speak at the meeting;
 - 5.2.3 can be heard and, where possible, seen by all other CAP Members present at the meeting; and
 - 5.2.4 can be heard and, where possible, seen by the person recording the minutes of the meeting.
- 5.3 Where a meeting occurs via electronic means, it will (to the extent that the public is not able to physically attend the meeting) be live streamed.
- 5.4 Where a meeting is being live streamed, the live stream must be disconnected only during those parts of the meeting during which the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations.

- 5.5 Where the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations, the Assessment Manager or a person nominated by the Assessment Manager must ensure that all parties except for the Assessment Manager or a person nominated by the Assessment Manager and CAP Members disconnect from or are disconnected from the meeting.
- 5.6 Where a person is entitled or has been requested to appear before the CAP (including the Assessment Manager or delegate), the person may appear via electronic means at the discretion of the Assessment Manager or the Presiding Member.

6. COMMENCEMENT OF MEETINGS

- 6.1 Subject to a quorum being present, a meeting of the CAP will commence as soon as possible after the time specified in the notice of a meeting.
- 6.2 If the number of apologies received by the Assessment Manager or Presiding Member indicates that a quorum will not be present at a meeting, the Presiding Member may adjourn the meeting to a specified date, time and place.
- 6.3 If at the expiration of thirty minutes from the commencement time specified in the notice of the meeting a quorum is not present, the Presiding Member may adjourn the meeting to a specified date, time and place.

7. ASSESSMENT OF DEVELOPMENT APPLICATIONS

- 7.1 In relation to each application it considers, the CAP:
 - 7.1.1 must determine whether the proposal is seriously at variance with the Planning Rules (or Development Plan (as applicable)) and provide reasons for its determination;
 - 7.1.2 if the CAP determines that a proposal is seriously at variance with the Planning Rules (or Development Plan (as applicable)), must refuse Planning Consent to the application and provide specific reasons for refusal;
 - 7.1.3 must provide reasons for granting or refusing Planning Consent and for the imposition of any conditions; and
 - 7.1.4 may defer consideration of the application to enable full and proper assessment of the application.
- 7.2 **If the CAP** determines that a proposal is seriously at variance with the Planning Rules (or Development Plan (as applicable)), it must refuse development authorisation to the application.
- 7.3 The Presiding Member may, in their discretion, exclude:
 - 7.3.1 a representation or response to representation(s) which is received out of time; or
 - 7.3.2 a representation or response to representation(s) which is otherwise invalid.

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- 7.4 In relation to each application to be considered and determined by the CAP:
- 7.4.1 a person who has lodged a representation in relation to a publicly notified application which has not been excluded pursuant to clause 7.3 and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
 - 7.4.2 where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;
 - 7.4.3 where no representors appear at the meeting, the Presiding Member may, in their discretion, allow an applicant to be heard in support of their application, in person or by an agent;
 - 7.4.4 representors and applicants will be allowed five (5) minutes each to address the CAP. The representative of multiple representors will be allowed five (5) minutes in total to address the CAP. The Presiding Member may allow a party additional time at their discretion;
 - 7.4.5 CAP Members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
 - 7.4.6 following addresses from representors and the applicant, the Presiding Member will invite all CAP Members to speak on any matter relevant to the application.
 - 7.4.7 clauses 7.4.1 to 7.4.3 are satisfied if a representor or applicant (as the case may be) appears via electronic means. The Presiding Member may require that any such appearance be by electronic means.
- 7.5 The Presiding Member may in their discretion accept and allow any additional material submitted by a representor or applicant after notice of the CAP meeting has been given in accordance with clause 2.3. The CAP may defer consideration of the application to enable full and proper assessment of the further information.
- 7.6 Such additional material to be considered by the CAP pursuant to clause 7.5 must, to the extent practicable, be provided to the applicant and/or representor(s) (as the case may be) and those parties are to be provided with an opportunity to respond either in writing or verbally, at the discretion of the Presiding Member.

8. REVIEW OF DECISION OF AN ASSESSMENT MANAGER

Commencing a review

- 8.1 An application for review of a decision of an Assessment Manager must relate to a Prescribed Matter in relation to which the Assessment Manager was the relevant authority.
- 8.2 An application for review of a Prescribed Matter must be:
 - 8.2.1 made using the *Application to CAP for Assessment Manager's Decision Review (Form)*;
 - 8.2.2 lodged in a manner identified on the Form; and

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- 8.2.3 lodged within one (1) month of the applicant receiving notice of the Prescribed Matter, unless the CAP in its discretion grants an extension of time.
- 8.3 In determining whether to grant an extension of time, the CAP may consider:
 - 8.3.1 the reason for the delay;
 - 8.3.2 the length of the delay;
 - 8.3.3 whether any rights or interests of other parties would be affected by allowing the review to be commenced out of time;
 - 8.3.4 the interests of justice;
 - 8.3.5 whether the applicant has, or is within time to, appeal the prescribed matter to the ERD Court; and
 - 8.3.6 any other matters the CAP considers relevant.

Materials for review hearing

- 8.4 The Presiding Member may, in his or her discretion, determine that an application for review shall not be considered by the CAP on the basis that it is frivolous or vexatious, or is otherwise an abuse of process.
- 8.5 The Assessment Manager shall provide to the CAP:
 - 8.5.1 all materials which were received by the Assessment Manager (or delegate) in relation to the Prescribed Matter including the delegated officer's assessment report;
 - 8.5.2 a further report on any aspect of the subject matter of the review, or any other relevant material if requested by the Presiding Member or a CAP Member.

Review hearing

- 8.6 The Assessment Manager must advise the applicant of the time and date of the CAP meeting at which the review application will be heard and where attendance at the meeting is able to occur by electronic means (in whole or in part), include details of how to connect to the meeting not less than 5 clear business days before the meeting.
- 8.7 If the Presiding Member so requires:
 - 8.7.1 the Assessment Manager must be present at the CAP meeting to respond to any questions or requests for clarification from the CAP; or
 - 8.7.2 where the Prescribed Matter relates to a decision which was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
- 8.8 The review hearing will be conducted within the following parameters:
 - 8.8.1 the CAP will consider the matter afresh;
 - 8.8.2 subject to clause 8.8.3, information, materials and submissions which were not before the Assessment Manager at the time of the decision on the Prescribed Matter will not be considered by the CAP, except for information provided to the CAP in response to a request from the Presiding Member or a CAP Member;

- 8.8.3 the CAP may receive submissions or additional information from the applicant as part of the review process at the discretion of the Presiding Member;
- 8.8.4 the Presiding Member will permit CAP Members to ask questions or seek clarification from the applicant and/or Assessment Manager (or delegate) in their discretion.

Outcome on review hearing

- 8.9 The CAP may, on a review:
 - 8.9.1 affirm the Assessment Manager's decision on the Prescribed Matter;
 - 8.9.2 vary the Assessment Manager's decision on the Prescribed Matter;
 - 8.9.3 set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision;
 - 8.9.4 defer review of the Prescribed Matter with the agreement of the applicant.

9. QUORUM

A quorum at a meeting of the CAP is the number obtained by dividing the total number of CAP Members for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.

10. DECISION MAKING

- 10.1 Each CAP Member present at a meeting of the CAP (including a Deputy Member) is entitled to one vote on any matter arising for decision. If the votes are equal, the Presiding Member is entitled to a second or casting vote. Additional Members appointed to the CAP to provide expert advice and assistance are not entitled to vote.
- 10.2 Matters arising for decision at a meeting of the CAP will be decided by a majority of the votes cast by CAP Members present at the meeting and entitled to vote, being no less than a quorum.
- 10.3 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a CAP Member, applicant, representor or other member of the public) to a specified date, time and place.
- 10.4 The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave or disconnect from a meeting where the person/people are, in the opinion of the Presiding Member:
 - 10.4.1 behaving in a disorderly manner; or
 - 10.4.2 causing an interruption or disruption to the meeting.

11. MINUTES AND REPORTING

- 11.1 The CAP must ensure that accurate minutes are kept of all meetings.

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- 11.2 The Assessment Manager, or a person nominated by the Assessment Manager, will take minutes of all meetings.
- 11.3 The minutes will record:
 - 11.3.1 the names of all CAP Members present;
 - 11.3.2 the names of all CAP Members from whom apologies have been received;
 - 11.3.3 the name and time that a CAP Member enters or leaves the meeting;
 - 11.3.4 the name of every person who makes a representation;
 - 11.3.5 in relation to each application determined by the CAP:
 - (a) the determination of the CAP as to whether the proposal is seriously at variance with the Planning Rules (or Development Plan (as applicable));
 - (b) the reasons for granting or refusing Planning Consent and for the imposition of any conditions; and
 - (c) where a decision is by majority vote, the decision and its mover and seconder, but not each CAP Member's vote;
 - 11.3.6 if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
 - 11.3.7 in relation to the review of a decision of an Assessment Manager, the determination of the CAP pursuant to clause 8.9;
 - 11.3.8 a decision to exclude the public from attendance pursuant to the Regulations;
 - 11.3.9 any disclosure of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development made by a CAP Member in accordance with Section 83(1)(g) of the Act, and the nature of the interest;
 - 11.3.10 any disclosure of a conflict of interest made by a CAP Member pursuant to the Code of Conduct, and the nature of the interest; and
 - 11.3.11 if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date, time and place to which the meeting is adjourned.
- 11.4 All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the following CAP meeting.
- 11.5 Minutes must be available under to the public within 5 clear business days after their adoption by the CAP.

12. **NOMINATION BY ASSESSMENT MANAGER**

- 12.1 Subject to clause 12.4, the Assessment Manager may nominate another person (**Nominee**) to undertake the powers and functions of the Assessment Manager contained in these Meeting Procedures for a period of time not exceeding three (3) months. This is primarily to ensure that the CAP can continue to function efficiently in the absence of the Assessment Manager from time to time, for periods of annual or personal leave of the Assessment Manager.

- 12.2 Any nomination under clause 12.1 must be made by notice in writing from the Assessment Manager to the Presiding Member and the Nominee, and may relate to all or only some of the powers and functions of the Assessment Manager in these Meeting Procedures.
- 12.3 Where a nomination has been made pursuant to clauses 12.1 and 12.2, a reference to the Assessment Manager in these Meeting Procedures will be taken to include (for the duration of the nomination) a reference to the Nominee (as applicable).
- 12.4 The Nominee is not themselves permitted to nominate another person to undertake the powers and functions of the Assessment Manager under this clause 12.

13. **ADDITIONAL PROCEDURES**

- 13.1 Insofar as any procedure to be followed by the CAP is not prescribed by the Act, Regulations, Terms of Reference or the Code of Conduct the CAP may by resolution determine the procedure for itself. Any such determination may amend or add to these Meeting Procedures.
- 13.2 The CAP may call for and consider such professional assistance from the Assessment Manager and, in consultation with the Assessment Manager, other professional advisors as it deems necessary and appropriate from time to time.