

**MINUTES  
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE  
GULLY HELD ON TUESDAY 15 AUGUST 2023 AT 10.06AM IN THE COUNCIL  
CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

**1. Attendance Record:**

**1.1 Present**

Mr M Adcock *(Independent Member)-(Presiding Member)*  
Mr A Mackenzie *(Independent Member)*  
Mr J Rutt *(Independent Member)*

**Present (Via electronic means)**

Mr D Wyld *(Elected Member)*

**Officers in Attendance**

Mr M Pereira General Manager Community Services  
Mr N Grainger Manager, City Development  
Ms C Tully Team Leader, Planning  
Ms J Perry Senior Planning Officer  
Ms R Singh Planning Officer  
Mrs C Gustafson Development Services Administration Officer

**1.2 Apologies**

Ms B Merrigan *(Independent Member)*  
Ms N Taylor *(Deputy Independent Member)*

**1.3 Public Gallery**

13 attendees

**1.4 Media - Nil**

**2. Minutes of Previous Meeting**

Moved Mr Rutt, Seconded Mr Mackenzie

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

**Motion Carried Unanimously (240)**

**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

Moved Mr Mackenzie, Seconded Mr Rutt

Mr and Mrs Truscott attended the meeting and addressed Panel Members in support of their representation.

Mr A Humby attended the meeting on behalf of the applicant and addressed Panel Members in support of the application.

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, except where required for deliveries and egress/ access. The door shall be kept closed as a matter of priority at the conclusion of the access/delivery being undertaken.

*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 business shall operate in accordance with all of the recommendations of the Echo Acoustic Engineers report, dated 23 June 2023, Ref ID 240-3 forming part of this application.

*Reason: To minimize the impact of noise on adjoining residential properties*

9. 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.*

10. 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.*

11. 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.*

12. 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.*
13. 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.*
14. 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.*
15. 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.*
16. 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.*
17. 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.*
18. 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.*
19. Private waste collection must occur between the hours of 7am – 7pm Monday to Saturday.  
*Reason: To minimize impact of noise on the adjoining properties.*

20. 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.

**Motion Carried Unanimously (241)**

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

Moved Mr Rutt, Seconded Mr Mackenzie

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](http://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](mailto:newdevelopments@nbnco.com.au)**.

**Motion Carried Unanimously (242)**

**4.3 CAP.22014549 - Application to CAP for review of Assessment Manager Decision at 17A Ellen Street, Tea Tree Gully**

Mr J Vacarella of URPS attended the meeting on behalf of the applicant and addressed Panel Members in support of his application for review.

Mr J Leong (City of Tea Tree Gully Traffic Engineer) attended the meeting and answered questions from Panel Members.

Moved Mr Rutt, Seconded Mr Mackenzie

1. 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:

Development Application 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 determined by the Assessment Manager with the inclusion of a reserved matter to address flood risk to the satisfaction of the Council Engineer.*

**Motion Carried Unanimously (243)**

#### **4.4 Amendment to the CAP Operating Procedures**

Moved Mr Rutt, Seconded Mr Mackenzie

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

Resolve that determination of the matter be deferred to the next meeting of CAP.

**Motion Carried Unanimously (244)**

#### **5. Other Business**

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

##### **5.2 Policy Considerations - Nil**

#### **6. Information Reports - Nil**

**7. Date of Next Meeting**

19 September 2023

The Presiding Member declared the meeting closed at 12.01pm.

Confirmed.....  
Presiding Member 19 September 2023