

**MINUTES  
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE GULLY HELD ON  
TUESDAY 18 APRIL 2023 AT 10.01AM IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD,  
MODBURY**

**1. Attendance Record:**

**1.1 Present**

Mr M Adcock	<i>(Independent Member)-(Presiding Member)</i>
Mr A Mackenzie	<i>(Independent Member)</i>
Ms B Merrigan	<i>(Independent Member)</i>
Mr J Rutt	<i>(Independent Member)</i>
Mr D Wyld	<i>(Elected Member)</i>

**Officers in Attendance**

Mr M Pereira	General Manager, Community Services
Mr N Grainger	Manager, City Development
Mr H Wang	Planning Officer
Ms C Gustafson	Development Services Administration Officer
Ms J Perry	Senior Planning Officer
Mr B O'Neil	Senior Planning Officer

**1.2 Apologies - Nil**

**1.3 Public Gallery - 8 attendees**

**1.4 Media - Nil**

**2. Minutes of Previous Meeting**

Moved Cr Wyld, Seconded Mr Rutt

That the Minutes of the Council Assessment Panel Meeting held on 21 March 2023 be confirmed as a true and accurate record of proceedings.

**Motion Carried (234)**

**3. Business Arising from Previous Minutes - Nil**

#### 4. Reports and Recommendations

##### 4.1 CAP.22025982 - Construction of a Childcare Centre with Associated Signage, Boundary Fencing and Retaining Walls at 285-289 Milne Road Modbury North

###### Conflict of Interest

In accordance with the CAP Members Code of Conduct, Mr Wyld declared he would have a conflict if he participated in discussion on item 4.1 due to taking part in previous discussions on the matter in his role as a ward councillor.

10.03am - Mr Wyld left the meeting

The following people attended the meeting and addressed panel members in support of their representations;

- Mr Keith Quast
- Mr Alan Zwar

Mr A Mrotek attended the meeting on behalf of the applicant and addressed panel members in support of the application.

Moved Ms Merrigan, 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 22025982, by Mr Craig McAloney and Miss Natalie Scinto is granted Planning Consent subject to the following reasons/conditions/reserved matters:

#### CONDITIONS

##### Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 21030842 except where varied by any condition(s) listed below.

##### Condition 2

The materials used on the external surfaces of the development 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 structures herein consented to.

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

**Condition 3**

The premises must be kept tidy and buildings, fences, landscaping and paved or sealed surfaces must be maintained in good condition at all times.

*Reason: To maintain the amenity of the site and locality.*

**Condition 4**

The hours of operation herein approved are as follows:

Monday to Friday 6:30am to 6:30pm

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

*Reason: To minimise the impact on adjoining properties.*

**Condition 5**

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 6**

All off-street car parking spaces must be line marked, in accordance with the approved plans and Australian Standards AS 2890.1:2004 and 1742.2.2009. The line marking, signposting and directional arrows must be maintained to a clear and visible standard at all times.

*Reason: To maintain safety for users.*

**Condition 7**

Free and unrestricted access must be available to all the designated carparking spaces and the vehicle access ways at all times.

*Reason: To ensure useable access and appropriate off-street carparking is provided.*

**Condition 8**

Driveways, parking and manoeuvring 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 minimise the impact on adjoining properties and provide a safe environment for users during darkness*

**Condition 9**

Except where varied by the approved plans or other conditions listed below, the new or modified crossing place must 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 new crossing places must be constructed and/or modified, as per the approved plans and conditions, prior to the occupation of the childcare centre.

*Reason:* To maintain consistency of the streetscape and protect the infrastructure within the road verge

**Condition 11**

Stormwater management and water discharge must be undertaken in accordance with the Stormwater Management Plan prepared by Gama Consulting dated 6 October 2022 with works outside the boundary of the site to be undertaken to the satisfaction of Council's engineer.

*Reason:* To assist and maintain water quality entering Council's drainage network and minimise the impact of development on neighbouring properties.

**Condition 12**

Where stormwater is to be discharged to the street gutter, the stormwater system installation must meet the minimum requirements of City of Tea Tree Gully drawing:

- 62/15/SD – 'Stormwater Pipe Connection to Council Kerb and Gutter'

*Reason:* To maintain consistency of the streetscape and protect the infrastructure within the road verge.

**Condition 13**

Any lights on the subject land including the carpark must be installed, directed and screened in accordance with Australian Standard AS 4282—1997 – Control of Obtrusive Effects of Outdoor Lighting.

*Reason:* To ensure that overspill of light into the nearby properties is avoided and motorists are not distracted and to minimise the impact on adjoining properties and motorists

**Condition 14**

No materials or equipment are to be stored outside except within the designated areas marked on the approved site plans prepared by Aspex Building Designers.

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

**Condition 15**

The planting and landscaping identified in the Landscape Concept Plan prepared by Greenhill herein consented to, and submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the land. Such planting and landscaping must not be removed nor the branches of any tree lopped and any plants which become diseased or die shall be replaced by suitable species.

*Reason:* To maintain amenity and site of locality.

**Condition 16**

The acoustic treatments recommended for the site in the acoustic report provided by Sonus, document reference S7468C1 dated September 2022, are complied with and completed prior to commencement of the use and will remain in place and be maintained to the satisfaction of Council thereafter.

*Reason:* To minimise the impact on adjoining properties.

**Condition 17**

Waste collection services must be undertaken between:

9:00am and 4:00pm on Saturday, or

9:00am and 4:00pm on Sunday.

*Reason:* To minimise the impact on adjoining properties.

**Condition 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.

**Condition 19**

The illumination of the signage must be kept to a level which ensures, that no hazard, difficulty or discomfort is caused to either approaching drivers on adjacent public roads or nuisance to adjoining residents, and in accordance with the relevant Australian Standards.

*Reason:* To not distract road users and adjoining properties.

**Reserved Matters**

The following matter has been reserved pursuant to Section 102 of the Planning, Development and Infrastructure Act 2016, and must be finalised to the satisfaction of the Assessment Manager prior to the issue of Development Approval:

- To review the landscaping to include larger canopy trees in the carparking area.
- To improve the interface treatment to the public open space to the southern and western elevations.
- To increase the water sensitive urban design treatments to the carpark.
- To improve the passive surveillance to the public open space.

**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

Planning Consent

### **Advisory Note 1**

This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.

### **Advisory Note 2**

The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations.

### **Advisory Note 3**

The development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the *Environmental (Noise) Policy 2007*.

### **Advisory Note 4**

The applicant/developer is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practical measures to ensure the activities on the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm. This includes being mindful of and minimising off site noise, dust and vibration impacts associated with development.

### **Advisory Note 5**

The cost of rectifying any damage or conflict with any existing services or infrastructure arising out of this development will be borne by the applicant.

### **Advisory Note 6**

The applicant/owner is advised that any driveway crossovers on the Council verge, and shown on the stamped plans, has been approved as part of this application. For further information on the specifications and conditions relating to crossovers and stormwater connections, please contact Council's Civil Operations Department on 8397 7444.

Any works undertaken on Council owned land (including but not limited to works relating to reserves, crossing places, landscaping, footpaths, street trees and stormwater connections and underground electrical connections), shall require a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Civil Operations department on 8397 7444.

### **Advisory Note 7**

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](http://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.
- The pruning, removal and replacement of any tree as approved in accordance with Council's Tree Management Policy and the Council's Fees and Charges Register.

**Advisory Note 8**

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 9**

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 10**

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.

**Advisory Note 11**

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 12**

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 (135)**

10.58 - Mr Wyld returned to the meeting

**4.2 CAP.22015322** - Two Residential Flat Buildings Comprising of 14 Dwellings (Affordable Housing) at 17-19 Fleming Avenue Ridgehaven

Moved Mr Mackenzie, Seconded Ms Merrigan

Mr F Barone attended the meeting and addressed panel members in support of the application.

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 22015322, by Lofty Project Mgmt Pty Ltd is granted Planning Consent subject to the following conditions:

**CONDITIONS****Condition 1**

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 lodgment of the application) within 12 months of occupation of the dwelling(s).

**Condition 2**

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 residential flat buildings.

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

**Condition 3**

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 4**

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 5**

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 6**

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 7**

The new crossing place must be constructed and/or modified, as per the approved plans and conditions, within six (6) months of completing the residential flat buildings.

*Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.*

**Condition 8**

The planting and landscaping identified on the site plan, elevation and planning statement submitted with the application must be completed in the 12 months concurrent with or following commencement of the use of the residential flat buildings. 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 9**

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 10**

Where stormwater is to be discharged to the street gutter, the stormwater system installation shall meet the minimum requirements of City of Tea Tree Gully drawing: 62/15/SD – ‘Stormwater Pipe Connection to Council Kerb and Gutter’.

*Reason: To maintain consistency of the streetscape and protect the infrastructure within the road verge.*

**Condition 11**

Communal waste bins should be kept clean and tidy with bins serviced regularly avoiding impact to adjoining allotments.

**Condition 12**

Retaining wall levels on the primary and secondary street boundary must be minimum 100mm higher than top of kerb levels as mitigation solution for *Hazard (Flooding – Evidence Required) Overlay*.

**Condition 13**

All dwellings must be developed as ‘affordable housing’ in accordance with the affordable housing criteria in the Government Gazette Notice (under regulation 4 of the *South Australian Housing Trust Regulations 2010*) and submitted Affordable Housing Plan.

**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

Planning Consent

**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.

**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.

**Note 3**

All earthworks must be confined to and contained entirely within the property boundaries and must not encroach on or over the roadside verge/reserve.

**Note 4**

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)**.

**Note 5**

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](http://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.
- The pruning, removal and replacement of any tree as approved in accordance with Council's Tree Management Policy and the Council's Fees and Charges Register.

**Note 6**

The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

**Note 7**

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.

**Note 8**

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](http://www.lsc.sa.gov.au).

**Note 9**

Please be advised that your application involves work that may impact on the stability of neighbouring land. Pursuant to **Section 139 of the Planning, Development and Infrastructure (PDI) Act 2016**, you are reminded of your obligations to:

- 20 business days before the building is commenced, caused to be served on the owner of the affected land a notice of intention to perform the building work and the nature of that work; and
- Take precautions as may be prescribed to protect the affected land or premises and carry out work in accordance with the **Section 139 of the Act**.

**Note 10**

NBN Co. is responsible for the installation of National Broadband Network (NBN) fibre for all developments in areas where NBN Co. has already rolled out fibre. To ensure services are available when residents move in, developers and builders must register their developments and apply to NBN Co. before building has commenced. To determine if your site is in an NBN area and to register your development, please complete the pre-qualifier forms located at [www.nbnco.com.au/newdevelopments](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).

**Note 11**

The applicant is encouraged to market and offer for sale to Eligible Buyers in accordance with the eligible buyer criteria in the Government Gazette Notice (under regulation 4 of the *South Australian Housing Trust Regulations 2010*) and the HomeSeeker SA framework. Email [homeseeker.partners@sa.gov.au](mailto:homeseeker.partners@sa.gov.au) for more information.

**Motion Carried (236)**

**5. Other Business**

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

**5.2 Policy Considerations**

Panel members raised concern that there is inadequate policy to address internal and external amenity with regard to affordable housing. Mr Grainger will inform Council's Strategic Team. Mr Wyld requested that this information also be made available to Elected Members.

**6. Information Reports - Nil**

**7. Date of Next Meeting**

16 May 2023

The Presiding Member declared the meeting closed at 11.48 am.

Confirmed.....  
Presiding Member 16 May 2023