

**MINUTES  
OF THE COUNCIL ASSESSMENT PANEL MEETING OF THE CITY OF TEA TREE  
GULLY HELD ON TUESDAY 17 OCTOBER 2023 AT 10.06AM 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>                    |
| Mr J Rutt      | <i>(Independent Member)</i>                    |
| Ms N Taylor    | <i>(Deputy 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                   |
| Ms C Tully     | Team Leader, Planning                       |
| Mr B O'Neil    | Senior Planning Officer                     |
| Mr H Wang      | Planning Officer                            |
| Ms C Gustafson | Development Services Administration Officer |

**1.2 Apologies**

|               |                             |
|---------------|-----------------------------|
| Ms B Merrigan | <i>(Independent Member)</i> |
|---------------|-----------------------------|

**1.3 Public Gallery**

Ten attendees

**1.4 Media - Nil**

**2. Minutes of Previous Meeting**

Moved Mr Rutt, Seconded Cr Wyld

That the Minutes of the Council Assessment Panel Meeting held on 19 September 2023 be confirmed as a true and accurate record of proceedings.

**Motion Carried Unanimously (248)**

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

**4. Reports and Recommendations**

**4.1 CAP. 23019316 - Animal Keeping (4 Sheep) On Residential Land - Retrospective at 19 Church Street Tea Tree Gully -**

Moved Mr Rutt, Seconded Ms Taylor

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 seriously at variance with the provisions of the Planning and Design Code; and
- B. Development Application Number 23019316, by Mr Heath Todd is refused Planning Consent subject to the following reasons:

**REFUSAL REASON**

Proposed Animal Keeping does not meet the following provisions of the Planning and Design Code:

General Neighbourhood Zone  
DO1, PO1  
Animal Keeping and Horse Keeping  
DO1, PO1.1, PO1.2, PO4.1

**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).

**Motion Carried Unanimously (249)**

**4.2 CAP. 23015291** - Construction of two warehouses with associated offices and car parking at 20 Dewar Ave, Ridgehaven

Mr Sheidow (applicant) attended the meeting and answered questions from panel members.

Moved Mr Mackenzie, Seconded Taylor

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 23015291 by Michael Sheidow is granted Planning Consent subject to the following reasons/conditions/reserved matters:

**CONDITIONS**

**Planning Consent**

Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in the application herein approved, except where varied by any condition(s) listed below.

#### Condition 2

The 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 warehouses.

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

#### Condition 3

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 4

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 5

A device shall be installed to ensure that all surface run-off, stormwater or other liquid, discharging from the site, must be free of site contaminants. These contaminants include, but are not limited to oils, grease, fuels, rubbish, litter or silt.

*Reason: To assist and maintain water quality entering Council’s drainage network.*

#### Condition 6

The hours of operation (including deliveries) herein approved are as follows:

7am to 7pm Monday to Friday.

8am to 5pm; Saturday.

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

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

Condition 7

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

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

Condition 8

The planting and landscaping identified on the proposed ground floor plan (dated 20.06.2023) submitted with the application must be completed in 6 months concurrent with or following commencement of the use of the warehouse. 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

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 10

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

*Reason: To maintain safety for users.*

Condition 11

Free and unrestricted access must be available to both 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 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.*

## 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

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.

Advisory Note 3

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 4

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 5

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

Advisory Note 6

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 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

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 9

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 10

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 11

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)**.

#### Advisory Note 12

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*.

**Carried Unanimously (250)**

## 5. Other Business

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

### 5.2 Planning Policy Considerations - Nil

### 5.3 Notice of motion

Members to consider holding ordinary meetings outside business hours and at a time similar to other Council Committees. The CEO to present report to the October Council meeting. A report will then be presented to CAP at the next available meeting.

### 5.4 Acknowledgement of Country

Report will be present to the next Council Assessment Panel to be considered as a part of an amended Meeting and Operating Procedure

## 6. Information Reports

**7. Date of Next Meeting**

21 November, 2023

The Presiding Member declared the meeting closed at 11.02 am.

Confirmed.....  
Presiding Member 21 November 2023