



**MINUTES OF COUNCIL ASSESSMENT PANEL MEETING HELD IN LITTLE PARA  
CONFERENCE ROOMS, 34 CHURCH STREET, SALISBURY ON**

**29 JANUARY 2020**

**MEMBERS PRESENT**

Mr T Mosel (Presiding Member)  
Mr R Bateup  
Ms C Gill  
Mr B Brug

**STAFF**

General Manager City Development, Mr T Sutcliffe  
Manager Development Services, Mr C Zafirooulos (Assessment Manager)  
Team Leader – Planning, Mr A Curtis  
Planning Consultant, Mr M Atkinson  
Team Leader, Business Services, Mrs H Crossley

The meeting commenced at 6.33pm.

The Presiding Member welcomed the members, staff and the gallery to the meeting.

**APOLOGIES**

Apologies were received from Mr M Canny.

**ENDORSED MINUTES FROM PREVIOUS MEETING**

The Minutes of the Council Assessment Panel Meeting held on 17 December 2019, be taken and read as confirmed.

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## DECLARATIONS OF CONFLICTS OF INTEREST

Nil

## REPORTS

### *Development Applications*

#### **5.1.1 361/1323/2019/3B**

Road transport terminal comprising warehouse, office and fuel station, weighbridge, fencing, hardstand, car parking, signage, lighting and landscaping at 4-16 Penner Avenue, Burton for Booth Transport Pty Ltd

#### **REPRESENTORS**

Mr J Stuart, spoke to their representation and on behalf of S Ritchie & K F Ritchie.

#### **APPLICANT**

Mr Graham Burns, Masterplan and Mr Matthew Ward, Sonus Acoustic Consultants, spoke on behalf of the applicant.

Mr R Bateup moved, Ms C Gill seconded, and the Council Assessment Panel resolved that:

- A. The proposed development is not considered to be seriously at variance with the Salisbury Development Plan – Consolidated 4 April 2019.
- B. Pursuant to Section 33 of the *Development Act 1993*, Development Plan Consent is **GRANTED** to application number 361/1323/2019/3B for a Road transport terminal comprising warehouse, office and fuel station, weighbridge, fencing, hardstand, car parking, signage, lighting and landscaping in accordance with the plans and details submitted with the application; subject to the following conditions and reserved matters:

#### *Reserved Matters:*

The following matter/s shall be submitted for further assessment and approval by the Manager – Development Services, as delegate of the Council Assessment Panel, as Reserved Matters under Section 33(3) of the *Development Act 1993*:

1. A Construction Environmental Management Plan (CEMP) which shall include all of the following:
  - a) Hours of operation;
  - b) Arrangements for management of stormwater, noise and dust;
  - c) Measures to eliminate drag-out from the site during wet weather events;

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- d) Where contaminated soils are identified and/or disturbed, measures to contain of the soils to the satisfaction of the EPA.
2. Final stormwater management plan and accompanying stormwater design calculations, prepared by a qualified and experienced stormwater engineer, which shall address all of the following:
    - a) Design of all finished floor levels of buildings shall be at least 150mm above the Q100 flood level adjacent the building;
    - b) The post-development rate of discharge from the site shall not exceed the rate of discharge in pre-development conditions;
    - c) The stormwater drainage system shall incorporate Water Sensitive Urban Design methods, to ensure that pre-development peak flows are not exceeded and that water quality targets are met;
    - d) The following stormwater quality targets shall be met:
      - (i) Suspended solids – 80% retention of the typical urban annual load with no treatment;
      - (ii) Total phosphorus – 60% retention of the typical urban annual load with no treatment;
      - (iii) Total nitrogen – 60% retention of the typical urban annual load with no treatment;
      - (iv) Gross pollutants – 100% retention of the typical urban annual load with no treatment;
      - (v) No visible oil and grease up to the 3-month ARI peak flow.
    - e) Stormwater quality shall be verified through provision of a MUSIC model.
  3. Final Civil and Siteworks Plan, prepared by a qualified and experienced stormwater engineer, for all civil and stormwater works, which shall address all of the following:
    - a) Finished floor levels for all buildings and hardstand surfaces;
    - b) Cut/fill details;
    - c) Retaining walls, kerbing or ramps, their design and grades;
    - d) Pavement design details and gradients;
    - e) Car parking dimensions, aisle widths, circulation movements and associated parking markings and signage;
    - f) Stormwater management arrangements;
    - g) Water sensitive urban design measures;
    - h) Surface water treatment to ensure the water quality objectives are met.
  4. Final Landscaping Plan, which shall include all of the following:
    - a) Final locations for all landscaped areas, including designated areas for trees, shrubs and groundcovers, taking into account any changes arising from the final Stormwater Management Plan and Civil/Siteworks Plan;

- b) Where stormwater swales are proposed, species that are suited to growing in conditions where water is temporarily detained within the swales;
- c) Designated species to be used, noting should comprise species generally contained within the Approved Landscaping Plan, prepared by DM Lawrence Design, dated 7<sup>th</sup> January 2020;
- d) Shade trees within the car parking areas;
- e) In the case of tree planting shall comprise advanced growth species at time of planting;
- f) Maintenance methods including irrigation, barriers and protection from vehicles and pedestrians.

Development Plan Consent Conditions

1. The development shall be carried out in accordance with the details submitted with the application and the following stamped approved plans and documents, except where otherwise varied by the conditions herein:

<b>Drawing No.</b>	<b>Plan Type</b>	<b>Date</b>	<b>Prepared By</b>
Dated 9 August 2019	Covering Letter	9 August 2019	DM Lawrence Design
Dated 25 October 2019	Response to Council Letter	25 October 2019	DM Lawrence Design
WD01 Issue C	Site Plan	1 November 2019	DM Lawrence Design
WD02 Issue D	Landscaping Plan	7 January 2020	DM Lawrence Design
WD03 Issue A	Floor Plan – Overall Building	2 August 2019	DM Lawrence Design
WD04 Issue B	Elevations – Overall Building	23 October 2019	DM Lawrence Design
WD05 Issue A	Floor Plan – Main Office	2 August 2019	DM Lawrence Design
WD06 Issue B	Elevations – Main Office	23 October 2019	DM Lawrence Design
WD07 Issue A	Floor Plan & Elevations – Drivers Area	2 August 2019	DM Lawrence Design
WD08 Issue B	Floor Plan & Elevations – Wash Bay & Fueling Station	23 October 2019	DM Lawrence Design
WD09 Issue B	Location Plan	1 November 2019	DM Lawrence Design
WD10 Issue A	Sight Line Diagrams	4 December 2019	DM Lawrence Design
51539LET01	Letter to Council including response to representations	19 December 2019	Masterplan

S6198C2	Environmental Noise Assessment	December 2019	Sonus
S46547 - 267453	Stormwater Management Plan	December 2019	FMG Engineering

- \* *The approved documents referred to above are subject to change permitted by minor variations through the Building Rules Consent process as per Regulation 47A of the Development Regulations 2008.*
- \* *Except where otherwise stated, the development shall be completed prior to occupation/commencement of use.*
- \* *All documents Approved by Council under Reserved Matters 1-4 inclusive constitute approved documents and form part of this consent.*

*Reason: To ensure the proposal is established in accordance with the submitted plans and documents.*

2. No loading or unloading shall occur external to the building between midnight and 6:00am on any day. Loading and unloading during these hours shall be confined to within the building, and the doors to the eastern elevations of the building shall remain closed during unloading and loading operations.

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

3. Except where otherwise approved, no materials, goods or containers shall be stored in the designated car parking area or driveways at any time.

*Reason: To ensure the car parking areas and manoeuvring areas are always available for the purpose they are designed. Further, that the site be maintained in a clean and tidy state.*

4. Except where otherwise approved, the external finishes of the building work shall:
  - (a) be finished in new non-reflective materials; and
  - (b) be finished in accordance with the approved plans; and
  - (c) be maintained in good condition at all times.

*Reason: To achieve the buildings achieve a high standard of appearance.*

5. All trade waste and other rubbish shall be contained and stored pending removal in covered containers which shall be contained within the building and not in public view.

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

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6. Except where otherwise approved, the advertisements approved as part of this application shall not:

- (a) move; or
- (b) flash; or
- (c) reflect light so as to be an undue distraction to motorists; or
- (d) be internally or externally illuminated.

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

7. The advertisements shall be maintained in good repair at all times to the reasonable satisfaction of Council.

*Reason: To maintain the visual amenity of the locality.*

8. All mechanical services to the building and in conjunction with the proposed use shall be designed, installed and operated in such a manner that any person or persons working within or adjacent to the site should not be subjected to any nuisance or inconvenience from noise or fumes.

*Reason: To limit the effect of the mechanical services for activities on the subject land within the site, thereby maintaining the amenity of the locality.*

9. All loading and unloading of vehicles and manoeuvring of vehicles in connection with the now approved development shall be carried out entirely within the site.

*Reason: To ensure that vehicles associated with the land use do not cause disruption or danger to vehicles on adjoining public roads.*

10. All landscaping identified on the Landscaping Plan, Approved by Council under Reserved Matter 4, shall be completed, prior to commencement of use (as hereby approved) and shall be maintained at all times thereafter (including the replacement of diseased or dying plants and the removal of weeds and pest plants).

*Reason: To ensure the site is landscaped so as to enhance the visual and environmental amenity of the locality.*

11. The noise levels from the road transport terminal measured at residences (the noise affected premises) shall comply with the *Environment Protection (Noise) Policy 2007* at all times.

*Reason: To ensure that noise does not cause nuisance to adjoining residential occupiers or owners.*

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12. All driveways, manoeuvring areas and hardstand areas shall be constructed in accordance with the Civil and Siteworks Plan, Approved by Council under Reserved Matter 3. The surface shall consist of brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicle types. Individual car parking bays shall be clearly line-marked. Driveways and car parking areas shall be established prior to the commencement of use (as hereby approved) and shall be maintained at all times thereafter to the satisfaction of Council.

*Reason: To ensure access and car parking is provided on the site in a manner that maintains and enhances the amenity of the locality.*

13. The car parking layout and associated aisle widths and car park manoeuvring area shall be designed and constructed to comply with AS 2890.1 – Off-street parking, Part 1 and Austroads “Guide to Traffic Engineering Practice Part 11 – Parking” and AS 2890.2 – Facilities for Commercial Vehicles.

*Reason: To ensure that the development complies with Standards and Best Engineering Practice.*

14. The developer shall employ measures to eliminate dust emission from the site during the construction period so as not to cause nuisance to adjacent or nearby properties at any time.

*Reason: To preserve the amenity of the locality during construction work.*

15. Except where otherwise approved, outside lighting shall be restricted to that necessary for safe operations within the site and shall be directed and shaded to prevent light overspill and/or nuisance to adjacent occupiers or distraction to drivers on adjacent public roads. All lighting shall be in accordance with Australian Standard 4282 – 1997 ‘Control of the obtrusive effects of outdoor lighting’.

*Reason: To ensure that lighting does not cause nuisance or danger to adjoining or nearby occupiers or road users thereby reducing the amenity of the locality and/or making road use unsafe.*

16. The stormwater system shall be designed and constructed to cater for minor storm flows (Industrial / Commercial ARI = 10 years). The design of the stormwater system shall ensure that no stormwater is discharged onto any adjoining land. Surface stormwater is to be managed in a manner that ensures no ponding of water against buildings and structures, no creation of any insanitary condition and no runoff into neighbouring property for the major storm event ARI = 100 years.

*Reason: To ensure flood protection of the building.*

17. The site and building shall be connected to the SA Water sewerage system prior to occupation of the development and at all times thereafter.

*Reason: To ensure adequate wastewater disposal.*

18. All of the recommendations contained in the Environmental Noise Assessment, prepared by Sonus, dated October 2019, shall be implemented in full, prior to commencement of use and shall be implemented at all times thereafter. Acoustic fencing shall remain in good condition at all times in accordance with the recommendations of the report. Except where otherwise approved, refrigerated trailers (including containers, units and the like) are not permitted on the site at any time.

*Reason: To ensure that the proposed development will not have an unreasonable impact on the amenity of adjacent and nearby land.*

19. All crossovers made redundant by this development (ie. Those not required by the approved development) shall be removed and reinstated to upright kerb, in accordance with Council's Design Standard.

*Reason: To ensure that redundant crossovers are reinstated to upright kerb.*

20. A bunding system shall be in place in accordance with the EPA Guidelines "Liquid Storage", May 2016, at all times to minimise the risk of environmental harm from liquid spills and leaks arising from the fuel station.

*Reason: To minimise the risk of environmental harm arising from liquid spills and/or leaks arising from the fuel station.*

#### Advice Notes

1. The Applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
2. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc. can be accessed on the following web site:  
<http://www.epa.sa.gov.au>.
3. A final survey of the site boundaries is recommended to ensure the new buildings are accommodated within the designated footprint and achieve the designated boundary setbacks.



4. The site is not connected to the SA Water sewerage system and therefore any wastewater connections on the proposed site will require an application to be lodged for an on-site wastewater treatment system to be installed in compliance with the Public Health Waste Control Regulations. Alternatively, the applicant will need to obtain a connection to the SA Water sewer network at their cost.
5. The site is located in the vicinity of Pipeline License (PL) 13, licensed to SEA Gas Pty Ltd for the Port Campbell to Adelaide gas pipeline (PCA) under the Petroleum and Geothermal Energy Act 2000 (PGE Act).

The PGE Act requires all transmission pipelines to be designed, constructed, operated and maintained in accordance with Australian Standard (AS) 2885: Pipelines – Gas and Liquid Petroleum (Regulation 29). This standard exists to ensure protection of the pipeline, which in turn ensures the safety of the community, protection of the environment and security of (gas) supply to users.

AS 2885 requires that the pipeline be designed to ensure it will be compatible with the surrounding land use. Where there is a change in land use, it must be demonstrated that risks have been reduced to Low as Reasonably Practicable (ALARP).

Prior to the development being undertaken in the proposed location, the pipeline operator will need to be provided with further information to determine whether there are any threats associated with the construction work (including installation of new services in the vicinity of the pipeline) and long term maintenance of the development that could impact the integrity of the pipeline.

The Department for Energy and Mining recommends that the proponent contact SEA Gas prior to undertaking works, to allow SEA Gas to approve design of any crossings and determine conditions of work (if necessary) over the pipeline.

The Department for Energy and Mining recommends that the proponent contact SEA Gas prior to undertaking works, to allow SEA Gas on this matter should be through Michael Jarosz on 0477 112 463 Michael.Jarosz@seagas.com.au.

6. The Applicant is reminded that demolition and construction is required to be carried out so that it complies with the mandatory construction noise provisions of Part 6, Division 1 of the Environment Protection (Noise) Policy 2007 and the provisions of the *Local Nuisance and Litter Control Act 2016*. Under the *Local Nuisance and Litter Control Act 2016*, construction noise is declared a local nuisance as follows:

The noise has travelled from the location of the construction activity to neighbouring premises –

- On any Sunday or public holiday; or
- After 7pm or before 7am on any other day.

7. The approved vehicle access points conflict with existing light columns. Relocation of the light column is required as construction of the driveway access works and all costs associated with design and delivery of the relocated light columns shall be met by the proponent. The design shall be approved by Council, prior to commencement of relocation works.
8. If you are a developer, you are responsible for providing telecommunications infrastructure in your developments. You can choose any carrier you want to service your development, if you don't wish to choose another carrier, NBN is the infrastructure provider of last resort (IPOLR) in those areas of its fixed line footprint where NBN has established its network, or where it has publicly identified an area as a fixed line rollout region. NBN is also the IPOLR for developments with 100 lots or more. Telstra is the IPOLR in developments with fewer than 100 lots where NBN Co has not established its network. Carriers, including NBN and Telstra, can charge for providing infrastructure in new developments. More information can be found at <https://www.communications.gov.au/policy/policy-listing/telecommunications-new-developments>

If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/buildwithnbn> once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works commence.

All telecommunications infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/design-build-install.html>

## **OTHER BUSINESS**

### **5.2.1 Status of Current Appeal Matters and Deferred Items**

Nil

### **5.2.2 Policy Issues is Arising from Consideration of Development Applications**

Nil

### **5.2.3 Future Meetings & Agenda Items**

Next meeting scheduled for Tuesday 25 February 2020 to be confirmed.

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**ADOPTION OF MINUTES**

Ms C Gill moved , and the Council Assessment Panel resolved that the Minutes of the Council Assessment Panel Meeting be taken and read as confirmed.

The meeting closed at 7.52 pm.

**PRESIDING MEMBER:**

Mr T Mosel

**DATE:**

29 January 2020  
(refer to email approving minutes registered in Dataworks Document Number 5784434)