



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

**21 DECEMBER 2021**

**MEMBERS PRESENT**

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

**STAFF**

Assessment Manager, Mr C Zafiropoulos  
General Manager, City Development, Ms M English  
Team Leader Planning, Mr C Carrey  
Team Leader Business Services, Ms H Crossley

The meeting commenced at 6.30pm.

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

**APOLOGIES**

Apologies were received from Mr M Atkinson and Mr R Bateup.

**LEAVE OF ABSENCE**

Nil

**ENDORSED MINUTES FROM PREVIOUS MEETING**

The Minutes of the Council Assessment Panel Meeting held on 23 November 2021, be taken as read and confirmed.

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## DECLARATIONS OF CONFLICTS OF INTEREST

Nil

## REPORTS

### *Development Applications*

#### **8.1.1 361/1618/2020/2A**

Retention of Existing Residential Units, Demolition of Existing Utility Building, Construction of Three (3) Two-Storey Group Dwellings and Pergola, Vehicular Access from Rear Laneway, Alterations to Onsite Car Parking, Retaining Walls, Fencing, Landscaping and Provision of Communal Areas at 173-175 Park Terrace, Brahma Lodge, SA 5109 for N27 Pty Ltd

## REPRESENTORS

Nil

## APPLICANT

Mr Garth Heynen spoke on behalf of the applicant.

Ms C Gill moved and the Council Assessment Panel resolved that:

That Development Application No 361/1618/2020/2A for Retention of Existing Residential Units, Demolition of Existing Utility Building, Construction of Three (3) Two-Storey Group Dwellings and Pergola, Vehicular Access from Rear Laneway, Alterations to Onsite Car Parking, Retaining Walls, Fencing, Landscaping and Provision of Communal Areas at 173-175 Park Terrace, Brahma Lodge, SA 5109 is not considered to be seriously at variance with the Objectives and Principles of the City of Salisbury Development Plan – Consolidated 4 April 2019 but is **REFUSED** Development Plan Consent for the following reasons:

- a) The proposed development is at variance with the Residential Zone Desired Character and Principle of Development Control 6 of the Residential Development Provisions that seeks low to medium density housing in appropriate locations.
- b) The siting, bulk and scale of the proposed dwellings do not complement the existing character of the locality, which is at odds with Design and Appearance Objective 1 and Principle of Development Control 1 and the Desired Character Statement for the Residential Zone;
- c) The proposed development is also considered to be at odds with Principle of Development Control 17 and 18 of the Residential Development Provisions and Principle of Development Control 4 of the Design and Appearance Provisions that seek to minimise the visual impacts of boundary walls;

- d) The proposed development is at variance with the private open space Principles of Development Control 21, 22, 24 and 25 of the Residential Development provisions;
- e) The proposed development is considered an overdevelopment of the site and not in accordance with the Orderly and Sustainable Development provisions of the Development Plan.

**8.1.2 21023908**

Three single storey detached dwellings in terrace arrangement, combined retaining walls and fencing exceeding 2.1 metres in height at 19 Penner Crescent, Para Hills for Urban Edge SA

**REPRESENTORS**

S and R Walker, advised they were unable to attend the meeting, however emailed a further letter dated 21 December 2021, which was provided to the Panel Members and the applicant at the meeting.

**APPLICANT**

Mr A Farah, Urban Edge, spoke on behalf of the applicant.

Ms C Gill moved, Mr B Brug seconded, and the Council Assessment Panel resolved that:

- A. The proposed development is not considered to be seriously at variance with the Planning & Design Code; and
- B. Pursuant to Section 102 of the *Planning, Development and Infrastructure Act 2016*, Planning Consent is **GRANTED** to application number 21023908 for Three single storey detached dwellings in terrace arrangement, combined retaining walls and fencing exceeding 2.1 metres in height in accordance with the plans and details submitted with the application and subject to the following conditions:

*Planning 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>
2052 Sheet 1	Floor Plan – Dwelling 1	19 July 2021	SA Building Designers
2052 Sheet 2	Elevations – Dwelling 1	19 July 2021	SA Building Designers

2052 Sheet 1	Floor Plan – Dwelling 2	19 July 2021	SA Building Designers
2052 Sheet 2	Floor Plan – Dwelling 2	19 July 2021	SA Building Designers
2052 Sheet 1	Floor Plan – Dwelling 3	19 July 2021	SA Building Designers
2052 Sheet 2	Floor Plan – Dwelling 3	19 July 2021	SA Building Designers
2052 Sheet 1	Site / Landscaping Plan	19 July 2021	SA Building Designers
AJX 2110.01 – Issue B	Site Drainage Plan	9 September 2021	Ajax Engineering
AJX 2110.01 – Issue A	Existing Contour Plan	11 August 2021	Ajax Engineering

2. Except where otherwise approved, the external surfaces of the building work shall:
  - a. be of new non-reflective materials; and
  - b. be finished in natural tones in accordance with the Approved Plans; and
  - c. be maintained in good condition at all times.
  
3. The designated landscaping areas shall be planted with shade trees, shrubs and ground covers in accordance with the Approved Site Plan, prepared by SA Building Designers, Sheet 1 of 1, Revision A, dated 10<sup>th</sup> September 2021. All landscaping shall be completed prior to occupation of the dwellings and shall be maintained at all times thereafter to the reasonable satisfaction of Council (including the replacement of diseased or dying plants and the removal of weeds and pest plants).
  
4. A ‘small tree’ (as defined under the Urban Tree Canopy Overlay) shall be planted, prior to occupation of the dwellings, within the front yards of the dwellings, as shown on the Approved Site Plan, prepared by SA Building Designers, Sheet 1 of 1, Revision A, dated 10<sup>th</sup> September 2021. Except where otherwise Approved, the tree planting shall be maintained in good health and condition at all times thereafter.
  
5. Rainwater tank storage shall be provided, prior to occupation of the dwellings, in accordance with all of the following:
  - a) Connected to at least 60% of the roof area; and
  - b) Connected to one toilet;
  - c) The laundry cold water outlets or hot water service; and
  - d) Have a minimum tank capacity of 2,000 litres for retention; and
  - e) Where site perviousness is less than 30% of the total site area, 1,000 litres for detention; and
  - f) Where detention is required, includes a 20-25mm diameter slow release orifice at bottom of the detention component of the tank (or tanks).

The rainwater tank storage shall remain in place at all times thereafter.

6. The inverts, crossovers and driveways shall be constructed, prior to occupation of the dwellings, in accordance with Council's Vehicle Crossover Standard Detail, Drawing SD-12, SD-13 and SD-14.
7. The driveway and car parking area, designated on the Approved Site Plan, prepared by SA Building Designers, Sheet 1 of 1, Revision A, dated 10<sup>th</sup> September 2021, shall be constructed with brick paving or concrete. The driveways shall be established, prior to occupation of the dwellings and shall be maintained at all times thereafter to the reasonable satisfaction of Council.

Advice 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 any of a relevant authority in relation to the determination of this application, including conditions.
3. Building Consent and Development Approval must be obtained within 24 months from date of this Notification, unless this period has been extended by the Council. Work cannot commence until a Development Approval is obtained.
4. The development shall be lawfully commenced by substantial work on the site of the development within two years from the date of Development Approval. If substantial work on the site has occurred within two years, the development shall be substantially or fully completed within three years from the date of Development Approval.
5. This Development Approval does not constitute land owners approval. The following applies to any works on Council land.
  - a) Any person making alteration to Council land including erecting or installing a structure (pipes, wires, cables, fixtures, fittings), storing building materials, erecting temporary fencing, altering the kerb, gutter, footpath or crossover etc. in on under or over Council land, is subject to a permit from Council pursuant to Section 221 of the *Local Government Act 1999*.
  - b) Service infrastructure should be located as far as practicable away from street trees, in order to protect the root zone and to prevent future damage to the infrastructure from root expansion.
  - c) Residents and businesses are encouraged to develop and maintain the verge area between their property boundary and the kerb. However, some types of development as such irrigation, tree planting and landscaping may be restricted in some areas and therefore permission should be first sought from Council before commencing any works.

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- d) It is the developers/owners responsibility to ensure that damage does not occur to verge infrastructure during construction. Council regularly inspects the condition of verge infrastructure during construction and where damage is observed, Council may recover the costs from the owner for reinstatement of any damage to the footpath, kerb or gutter and may also impose a substantial penalty for any willful damage.
6. You will need to obtain permission from your neighbour should you wish to access their property to carry out construction work adjacent the boundary or if you wish to erect common boundary fencing or boundary retaining walls, pursuant to the *Fences Act 1975*. To find out more, please visit: <https:lsc.sa.gov.au/resources/fencesandthelawbooklet.pdf>.
7. It is your responsibility to ensure that building work is correctly sited with respect to the property boundaries of the site and it is strongly recommended that a boundary survey be undertaken before any work commences to ensure the building work is accommodated within the designated footprint and achieves the designated boundary setbacks.
8. 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.

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>.

9. 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 to constitute 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.*

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## **OTHER BUSINESS**

### **8.2.1 Council Assessment Panel 2022 Meeting Schedule**

Mr B Brug moved, and the Council Assessment Panel resolve that the Council Assessment Panel 2022 meeting schedule forming Attachment 1 to the agenda report, be adopted subject to further discussions.

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

Nil

### **8.2.3 Policy Issues Arising from Consideration of Development Applications**

Nil

### **8.2.4 Future Meetings & Agenda Items**

Next meeting scheduled for Tuesday 25 January 2022.

## **ADOPTION OF MINUTES**

Mr Brug 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 7.37pm.

**PRESIDING MEMBER:** Mr T Mosel

**DATE:** 21 December 2021  
(refer to email approving minutes registered in Dataworks Document Number 7112975)