



MINUTES OF COUNCIL ASSESSMENT PANEL MEETING HELD IN THE COUNCIL CHAMBER, SALISBURY COMMUNITY HUB, 34 CHURCH STREET, SALISBURY ON

27 SEPTEMBER 2022

MEMBERS PRESENT

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

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

Nil

LEAVE OF ABSENCE

Nil

ADOPTED MINUTES FROM PREVIOUS MEETING

The Minutes of the Council Assessment Panel Meeting held on 23 August 2022, be taken as read and confirmed.

DECLARATIONS OF CONFLICTS OF INTEREST

Mr B Brug declared a conflict of interest in relation to Item 8.1.2 - development application 21038042 at 14 & 16 Shepherdson Road, Parafield Gardens when Council resolved to make a representation on this development application.

Mr B Brug is a Councillor on the City of Salisbury, and is the nominated Elected Member on the Council Assessment Panel.

Mr B Brug made the following statement to the effect of he did not believe that he had a conflict of interest as a member of the Council Assessment Panel, especially as when the matter was discussed at Council he appropriately declared a conflict, and did not participate or vote; and left the room which is reflected in the minutes of the Council meeting.

That said, given that the Council had resolved to lodge a representation on this development application and passed a formal resolution to oppose the Application, even without the Councillor in the room as noted above, it there is the potential for a reasonable apprehension of bias due to Mr Brug being an Elected Member of the Council.

In response, Mr B Brug decided that he would acknowledge the potential for a reasonable apprehension of bias on his part due to his membership of the Council & therefore he would not participate in the consideration, assessment & determination of the development application. Following his acknowledgement Mr B Brug left the meeting at 7.06 pm prior to any consideration of the application & did not return until the application had been determined by the remaining members of CAP.

Ms M English, General Manager City Development, declared a conflict of interest in relation to Item 8.1.2 and advised that she would leave the meeting when the Item 8.1.2 is being considered by the Panel.

REPORTS

Development Applications

8.1.1 22009141

Detached Dwelling, Retaining walls and Fencing at 19b Anzac Street Salisbury Heights SA 5109 for Vatsu Design

REPRESSENTORS

Mr T Keen, spoke in relation to his representation.

APPLICANT

Mr G Jenkins, Heynen Planning Consultants, spoke on behalf of the applicant

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

- A. The proposed development is not considered to be seriously at variance with the Planning and Design Code.
- B. Pursuant to Section 107 of the *Planning, Development and Infrastructure Act 2016*, Planning Consent is **GRANTED** to application number 22009141 for Detached Dwelling, Retaining walls and Fencing 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:

Drawing No.	Plan Type	Date	Prepared By
211261 A101	Site Plan	30/08/2022	Vatsu Design
211261 A102	Floor Plan	30/08/2022	Vatsu Design
211261 A104	Landscape Plan	21/02/2022	Vatsu Design
211261 A103	Roof Plan	30/08/2022	Vatsu Design
211261 A201	Elevations	30/08/2022	Vatsu Design
211261 A202	Side Elevation	30/08/2022	Vatsu Design
AJX 2123.04	Retaining Wall Elevations & Section – Revision H	25/08/2022	Ajax Engineering
AJX 2123.04	Site Drainage Plan – Revision G	25/08/2022	Ajax Engineering
	Overshadow Diagram at 9am	24/05/2022	Vatsu Design
	Overshadow Diagram at 12pm	24/05/2022	Vatsu Design
	Overshadow Diagram at 3pm	24/05/2022	Vatsu Design
	Overshadow Diagram at 9am	29/07/2022	Vatsu Design
	Overshadow Diagram at 12pm	29/07/2022	Vatsu Design
	Overshadow Diagram at 3pm	29/07/2022	Vatsu Design
	Overshadow Diagram at 9am	22/08/2022	Vatsu Design
	Overshadow Diagram at 12pm	22/08/2022	Vatsu Design
	Overshadow Diagram at 3pm	22/08/2022	Vatsu Design

2. The external surfaces of the buildings shall:
 - be of new non-reflective materials; and
 - be finished in natural tones; and
 - be maintained in good condition at all times.
3. The invert, crossover and driveway shall be constructed, prior to commencement of use, in accordance with Council's Vehicle Crossover Standard Detail, Drawing SD-12, SD-13 and SD-14.
4. Soft landscaping shall be provided on the site within 12 months from the date of occupation of the dwelling in accordance with all of the following:
 - a. At least 20% of the site area; and
 - b. At least 30% of any land between the primary street boundary and the primary building line.

The soft landscaping shall be designated and maintained in good health and condition at all times.

Note: Soft landscaping means "*Landscaped areas that are pervious and capable of supporting the growth of plant species. It does not include artificial turf or any form of pervious paving or paved/hardstand areas used for pedestrian and/or vehicle movement.*"

5. Tree planting shall be undertaken within 12 months from the date of occupation of the dwelling in accordance with the following table:
 - Where allotment is less than 450 square metres, 1 small tree; or
 - Where allotment between 450 square metres and 800 square metres, 1 medium tree or 2 small trees; or
 - Where allotment between 800 square metres, 1 large tree or 2 medium trees or 4 small trees.

Except where otherwise Approved, the tree planting shall be maintained in good health and condition at all times thereafter.

Note: For meaning of tree sizes, please refer to the Urban Tree Canopy Overlay, Planning and Design Code.

6. Rainwater tank storage shall be provided, prior to occupation of the dwelling, in accordance with all of the following:
 1. Connected to at least 60% of the roof area; and
 2. Connected to one toilet;
 3. The laundry cold water outlets or hot water service; and
 4. Have a minimum tank capacity of 2,000 litres for retention; and
 5. Where site perviousness is less than 30% of the total site area, 1,000 litres for detention; and
 6. 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.

Advice Notes

1. Building Consent and Development Approval must be obtained within 24 months from the date of this Notification, unless this period has been extended by the Council. Work cannot commence until a Development Approval is obtained.
2. The Council approved plans should be available on site at all times while performing the building work.
3. It is your responsibility to ensure that any 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.
4. 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>.

5. 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;*
 - *After 7pm or before 7am on any other day.*

Mr B Brug, Panel Member, and Ms M English, General Manager City Development, left the meeting at 7.06 pm.

8.1.2 21038042

Construction of a child care centre with associated signage, carparking, landscaping and boundary acoustic fencing at 14 & 16 Shepherdson Road, Parafield Gardens SA 5107 for Hewlett Property C-/ Future Urban

REPRESENTORS

Ms K Amos, Principal, Parafield Gardens High School spoke in relation to her representation.

Ms K Grenfell, Parafield Gardens High School Governing Council Chair, spoke on behalf of Ms K Amos representation.

Cr C Buchanan and Cr S Ouk, spoke on behalf of City of Salisbury to their representation.

APPLICANT

Mr M Duncan, Hewlett Property C-/ Future Urban, Mr B Wilson, CIRQA, and Mr J Reynolds, spoke on behalf of the applicant.

Mr R Bateup moved, and the Council Assessment Panel resolved that:

- A. The proposed development is not considered to be seriously at variance with the Planning and Design Code.
- B. Pursuant to 107 of the *Planning, Development and Infrastructure Act 2016*, Planning Consent is **GRANTED** to application number 21038042 for Construction of a child care centre with associated signage, carparking, landscaping and boundary acoustic fencing in accordance with the plans and details submitted with the application and subject to the following Reserved Matters and Conditions:

Reserved Matters:

The following matter/s shall be submitted for further assessment and approval by the Assessment Manager, as delegate of the Council Assessment Panel, as Reserved Matters under Section 102(5) of the *Planning, Development and Infrastructure Act 2016*:

1. 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, hardstand surfaces, pavement design details and gradients; and
 - (b) Cut/fill details; and
 - (c) Retaining walls, kerbing or ramps, their design and grades; and
 - (d) To provide additional protection from stormwater within the road, the level of the driveway at the boundary is to maintain a minimum 150mm boundary rise be raised from the adjacent top of kerb in accordance with Council's standard detail SD-13; and
 - (e) Car parking dimensions, aisle widths, circulation movements and associated pavement markings and signage; and
 - (f) Pumped stormwater systems are to be designed and constructed in accordance with AS3500.3 – Section 8. This includes the provision of duplicate, alternate duty pumps, alarms and emergency storage; and
 - (g) Plans prepared are to be consistent and reflective of the advice received by third party consultants (Environmental Noise Assessment, Traffic and Parking Report, Landscape Plans and Waste Management Advice)
2. Stormwater management arrangements, including accompanying design calculations, which consider the 10% AEP minor storm and 1% AEP major storm events.
 - (a) Stormwater discharge to the downstream system is not to exceed the pre development discharge rate for the equivalent minor and major storm events; and
 - (b) Stormwater systems shall be designed and constructed to cater for minor storm flows (10% AEP). 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 conditions and no runoff into neighbouring property for the 1% AEP major storm event
 - (c) Surface drainage systems are to be designed and constructed in accordance with AS3500.3 – Section 5. Surface drainage systems are to be designed to ensure overflows, in storm events with an ARI of 100 years, do not present a hazard or nuisance to people or property or discharge over any adjoining land. Roof drainage systems are to be designed in accordance with AS3500.3 – Section 3. Stormwater discharge from the site to the downstream stormwater system is not to exceed the equivalent of the pre-developed minor storm event (10% AEP)
 - (d) MUSIC modelling is to be provided to demonstrate that Council's water quality targets can be achieved. The P&D Code (Design in Urban Areas – Assessment Provision PO 42.2) includes the following Water Sensitive Design provision; Water discharged from a development site is to be of a physical, chemical and biological condition equivalent to of better than its pre-development state. To achieve the requirements of the Code and

ensure Council's water quality objectives are met, it's recommended that the following water quality targets requirements apply. These are to be verified through provision of a MUSIC model to support the proposal:

- i. 80% retention of the typical urban annual load for Total Suspended Solids
 - ii. 60% retention of the typical urban annual load for Total Phosphorus
 - iii. 45% retention of the typical urban annual load for Total Nitrogen
 - iv. 100% retention of the typical urban annual load for Gross Pollutants (litter)
 - v. No visible oil flows up to the 3month ARI peak flow.
3. Final landscaping plan, prepared by a qualified and experienced landscape architect or horticulturalist, which shall include all of the following:
- a. Final locations for all landscaped areas, including designated areas for trees, shrubs and groundcovers; and
 - b. Designated species to be used, noting should comprise species contained in the City of Salisbury Landscape Plan; and
 - c. Pot sizes, confirming the tree planting shall comprise advanced growth species at time of planting; and
 - d. Maintenance methods including irrigation, barriers and protection from vehicles and pedestrians.

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:

Drawing No.	Plan Type	Date	Prepared By
DA00 to DA06	Plans and Elevations	2 June 2022	Insite Architects
LS 101 to LS 106	Landscape Plans	June 2022	Nature Play Solutions
S56681 - 279301	Stormwater Management Report	21 June 2022	FMG Engineering
S7142C4	Environmental Noise Assessment	June 2022	Sonus
21451	Traffic and Parking Report	10 June 2022	CIRQA
	Waste Management Advice	10 June 2022	Colby Phillips Advisory

2. The external surfaces of the building shall:
- a. be of new non-reflective materials; and
 - b. be finished in natural tones; and
 - c. be maintained in good condition at all times.

3. The invert, crossover and driveway shall be constructed, prior to commencement of use, in accordance with Council's Vehicle Crossover Standard Detail, Drawing SD-12, SD-13 and SD-14.
4. The car parking layout including car park spaces, aisle widths and manoeuvring area shall be designed and constructed to comply with AS 2890.1-2009 – Off-Street Car Parking, Part 1, Austroads "Guide to Traffic Engineering Practice Part 11 – Parking", AS 2890.2 – Facilities for Commercial Vehicles and AS 2890.6 – 2009 – Parking Facilities – Part 6: Off-street parking for people with disabilities.
5. All driveways, car parking and manoeuvring areas as designated on the Civil Plan, requested under Reserved Matter 1 shall be constructed with 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 commencement of use and shall be maintained at all times thereafter to the reasonable satisfaction of Council.
6. All existing crossovers made redundant by this development shall be reinstated to kerb, prior to commencement of use, in accordance with Council's kerb design standard, to the satisfaction of Council.
7. The designated landscaping areas shall be planted with shade trees, shrubs and ground covers in accordance with the Landscaping Plan approved under Reserved Matter 3. All landscaping shall be completed, prior to commencement of use 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).
8. The approved use operating times shall be limited Monday to Friday 6:30am to 6.30pm with no activity on Saturdays, Sundays and Public Holidays.
9. Noise measured at the nearest residential property boundary shall comply with the *Environment Protection (Noise) Policy 2007* at all times.
10. The windows fixed to the upper storey walls of the building on the eastern and southern elevations shall have a sill height of at least 1.5m above finished floor level, or where the sill height is less than 1.5m above finished floor level, the window shall be fixed, unable to be opened and provided with translucent glass or film up to a height of 1.5m above finished floor level. The above window treatments shall be established prior to occupation of the building and shall be maintained to the reasonable satisfaction of Council.
11. Prior to the occupation of the building, the glazing around the upper-level outdoor play area shall be provided with translucent glass or film to minimise the potential for overlooking to adjacent residential development. This treatment shall be established and maintained to the reasonable satisfaction of Council.

12. Except where otherwise approved, no materials, goods or containers shall be stored in the designated car parking area or driveways at any time.
13. All waste and rubbish from the activity shall be contained and stored pending removal in covered containers which shall be kept in an area screened from public view.
14. The advertisement and advertising structure shall be maintained in good repair at all times.
15. Except where otherwise approved, the approved advertisements shall not:
 - a. Move; or
 - b. Flash; or
 - c. Reflect light so as to be an undue distraction to motorists; or
 - d. Be externally illuminated.
16. Except where otherwise approved, outside lighting shall be restricted to that necessary for security purposes only 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’.
17. Waste collection from Boston Avenue shall only occur as follows:
 - a. Monday to Friday between the hours of 10am and 2pm.

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.

In addition, the applicant is responsible for ensuring the development (including demolition, civil works and construction activities) do not cause a ‘local nuisance’ under the Local Nuisance and Litter Control Act 2016

Accordingly, your site planning activities should consider:

- i. *providing a stabilised entry/exit point to the site for all construction and trade vehicles, including contained wash down area for vehicles and equipment*
- ii. *appropriately located stockpiles and storage materials*
- iii. *a suitable and designated area for brick cutting and concrete works*
- iv. *a contained area for paint and plastering waste and wash waters*
- v. *appropriate location of noisy equipment so as to avoid unreasonable impacts to neighbours*
- vi. *dust control measures such as use of a water cart and/or covering stockpiles*

Note: 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>.

2. Building Consent and Development Approval must be obtained within 24 months from the date of this Notification, unless this period has been extended by the Council. Work cannot commence until a Development Approval is obtained.
3. The development shall be lawfully commenced by substantial work on the site of the development within 2 years from the date of Development Approval. If substantial work on the site has occurred within 2 years, the development shall be substantially or fully completed within 3 years from the date of Development Approval.
4. This Development Approval does not constitute land owners approval. The following applies to any works on Council land:
 - i. 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.
 - ii. 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.
 - iii. Residents and businesses are encouraged to develop and maintain the verge area between their property boundary and the kerb. However, some types of development such as irrigation, tree planting and landscaping may be restricted in some areas and therefore permission should be first sought from Council before commencing any works;
 - iv. 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.
5. The Council approved plans should be available on site at all times while performing the building work.
6. It is your responsibility to ensure that any 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.

7. You will need to obtain your 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>
8. 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 –

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

Mr T Mosel requested a 10 minute break at 8.03pm.

Meeting reconvened at 8.12pm.

Mr B Brug, Panel Member, and Ms M English, General Manager City Development, returned to the meeting at 8.12 pm.

OTHER BUSINESS

8.2.1 Status of Current Appeal Matters and Deferred Items

Mr B Brug moved, and the Council Assessment Panel resolved that the information was received .

8.2.1 Policy Issues Arising from Consideration of Development Applications

Mr B Brug moved, and the Council Assessment Panel resolved that:

A report be prepared for the consideration of the Panel on the options for the Elected Member on Panels, where a council resolves to make a representation on a development application before a Panel.

8.2.2 Future Meetings & Agenda Items

Next meeting scheduled for Tuesday 25 October 2022

ADOPTION OF MINUTES

Mr R Bateup 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 8.36pm.

PRESIDING MEMBER: Mr T Mosel

DATE: 27 September 2022
(refer to email approving minutes registered in Dataworks
Document Number 7484641)