



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

**20 DECEMBER 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  
Team Leader Planning, Mr C Carrey  
Development Officer Planning, Mr M Sumito  
Team Leader Business Services, Ms H Crossley

The meeting commenced at 6.30 pm.

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 25 October 2022, be taken as read and confirmed.

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## DECLARATIONS OF CONFLICTS OF INTEREST

Nil

## REPORTS

### *Development Applications*

#### 8.1.1      **22037129**

Childcare centre with associated advertising and acoustic fencing at 51 Kings Road, Salisbury Downs SA 5108 for Leyton Property C-/ Future Urban Pty Ltd

## REPRESENTORS

Ms J Jones, spoke to her representation.

Ms L Lucas, spoke to her representation.

Mr J Fulbrook, MP, spoke on behalf of representors.

## APPLICANT

Mr M Duncan (Future Urban) and Mr B Wilson (CIRQA), spoke on behalf of the applicant.

Mr M Atkinson 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 22037129 for Childcare centre with associated advertising and 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. A Construction Environmental Management Plan (CEMP) which shall include:
- 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, including providing a stabilised
  - d. A Soil Erosion and Drainage Management Plan
  - e. Access and egress arrangements entry/exit point to the site for all construction and trade vehicles, including contained wash down area for vehicles and equipment from the site, which shall be restricted to/from Kings Road only

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:
  - DA01 – Front Cover Drawing Schedule – Rev 3 – dated 15/11/2022 – prepared by ON Architecture
  - DA02 – Existing Site / Demolition – Rev 1 – dated 07/10/2022 – prepared by ON Architecture
  - DA03– Site Plan – Rev 5 – dated 05/11/2022 – prepared by ON Architecture
  - DA04 – Floor Plan – Rev 4 – dated 05/12/2022 – prepared by ON Architecture
  - DA05 – Roof Plan – Rev 3 – dated 15/11/2022 – prepared by ON Architecture
  - DA06 – Elevations – Rev 3 – dated 15/11/2022 – prepared by ON Architecture
  - DA07 – Elevations – Rev 3 – dated 15/11/2022 – prepared by ON Architecture
  - DA08 – Material Selections – Rev 2 – dated 15/11/2022 – prepared by ON Architecture
  - DA09 – Concept Images – Rev 2 – dated 15/11/2022 – prepared by ON Architecture

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- DA10 – Landscape Plan – Rev 1 – dated 05/12/2022 – prepared by ON Architecture
  - DA11 – Landscape Plan – Rev 1 – dated 05/12/2022 – prepared by ON Architecture
  - JAC220698 – Stormwater Management Plan – Dated 22.11.2022 Rev D – prepared by Jack Adcock Consulting
  - 115-2 – Environmental Noise Assessment – dated 21/10/2022 – prepared by Echo Acoustic Consulting
  - 22476 – Traffic and Parking Report – dated 31/10/2022 Version 1.0 – prepared by CIRQA
  - Planning Report – dated 31/10/2022 – prepared by Future Urban
  - Response to Request for Information – dated 22/11/2022 – prepared by Future Urban
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, Approved 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 Approved Landscaping Plan, prepared by ON Architecture, dated 6 December 2022. 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. Except where otherwise approved, no materials, goods or containers shall be stored in the designated car parking area or driveways at any time.
11. 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.
12. The collection of waste via private contractor shall occur:
  - a. outside of the childcare centre operating hours approved under Planning Condition 8; and
  - b. in accordance with the Environment Protection (Noise) Policy between the hours of 9.00am and 7.00pm on Sundays or Public Holidays, and between 7.00am and 7.00pm on any other day.
13. The advertisement and advertising structure shall be maintained in good repair at all times.
14. 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.
15. 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’.
16. The five (5) car parks immediately to the east side of the building shall be marked for staff car parking.

*Commissioner of Highways – Directed Conditions*

17. All access to/from the development shall be gained in accordance with the Site Plan, Drawing No. DA03 Revision 5 dated 05/11/2022 by On Architecture.
18. All vehicles shall enter and exit the site in a forward direction.

19. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
20. Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
21. Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

#### Advice Notes

#### **1. Rights of Appeal**

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

#### **2. Building Rules Consent and Approval Still Required**

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. Commencement**

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. Advice regarding Council land**

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 roof 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 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;
- 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 wilful damage.

#### **5. Siting of Building Work**

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.

#### **6. Plans Available Onsite**

The Council approved plans should be available on site at all times while performing the building work.

#### **7. Fences Act**

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. Construction Noise**

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.*

#### **9. EPA and Local Nuisance Matters**

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.



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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:

- providing a stabilised entry/exit point to the site for all construction and trade vehicles, including contained wash down area for vehicles and equipment
- appropriately located stockpiles and storage materials
- a suitable and designated area for brick cutting and concrete works
- a contained area for paint and plastering waste and wash waters
- appropriate location of noisy equipment so as to avoid unreasonable impacts to neighbours
- 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

### 8.1.2 22031812

Variation to DA 21005622 (Vary Hours of Operation) at 13 Ceafield Road, Para Hills West SA 5096 for Lyall Hill

#### **REPRESSENTORS**

Cr P Jensen, spoke on behalf of Mr I Lorensini.

Mr M Brown MP, spoke on behalf of Ms G Buchanan & Ms M Spurr.

#### **APPLICANT**

Mr Hill, spoke to his application.

Mr R Bateup moved, and Mr Atkinson seconded, 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 – V2022.19.
- B. That Development Application 22031812 for Variation to DA 21005622 (Vary Hours of Operation) is **GRANTED** Planning Consent subject to the following conditions:

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Planning Consent Conditions

1. The proposal shall be developed in accordance with the details and Council stamped approved plans lodged with the application, except where varied by the conditions herein.
2. The approved use operating times shall be limited to:
  - a) Monday to Sunday 7.00am to 7.00pm; and
  - b) 5.00pm to 7:00pm for the following activities only:
    - Returning company vehicles;
    - Removing employee vehicles from the site.
  - c) No operations on Public Holidays.

Advice Note

1. Except where otherwise varied by this Consent, the conditions imposed herein shall be in addition to conditions that apply to the site from previous approvals that remain active.

**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 is received.

**8.2.2 Council Assessment Panel 2023 Meeting Schedule**

Ms C Gill moved, and the Council Assessment Panel resolved that the Council Assessment Panel 2023 meeting schedule forming Attachment 1 to the agenda report is adopted.

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

Nil

**8.2.4 Future Meetings & Agenda Items**

Next meeting scheduled for Tues 24 January 2023.

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**ADOPTION OF MINUTES**

Mr 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 8.16 pm.

**PRESIDING MEMBER:** Mr T Mosel

**DATE:** 20 December 2022  
(refer to email approving minutes registered in the City of Salisbury's Record Management System - Document Number 7597682)