



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

28 FEBRUARY 2023

MEMBERS PRESENT

Mr T Mosel (Presiding Member)
Mr R Bateup
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
Development Officer Planning, Mr S Ondeyo
Team Leader Business Services, Ms H Crossley

The meeting commenced at 6:34pm.

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

APOLOGIES

Apologies were received from Ms C Gill.

LEAVE OF ABSENCE

Nil

ADOPTED MINUTES FROM PREVIOUS MEETING

The Minutes of the Council Assessment Panel Meeting held on 20 December 2022, be taken as read and confirmed.

DECLARATIONS OF CONFLICTS OF INTEREST

Mr B Brug declared a conflict of interest, being an Elected Member on Council in relation to Item 8.1.2 - development application 22030607 at 71-75 Woomera Avenue, EDINBURGH SA 5111 for Northern Adelaide Waste Management Authority (NAWMA), having previously voted in relation to NAWMA items presented to Council. He advised that he would leave the meeting when the Item 8.1.2 is being considered by the Panel.

REPORTS

Development Applications

8.1.1 **22037064**

Change of Use of portion of Site to Storage Facility ('Store') comprising Storage of Caravans with Associated Carparking, Fencing over 2.1m in height and Landscaping at 1-9 Lolands Rd, Salisbury Plain SA 5109 for Mr Justin Foti

REPRESENTORS

There were no representors present.

APPLICANT

The applicant was present but was not requested to respond to questions from the Panel.

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. Section 107 of the *Planning, Development and Infrastructure Act 2016*, Planning Consent is **GRANTED** to application number 22037064 for Change of Use of portion of Site to Storage Facility ('Store') comprising Storage of Caravans with Associated Carparking, Fencing over 2.1m in height and Landscaping 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. 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) Stormwater Quality Treatment modelling is to be provided to demonstrate that Council’s water quality targets can be achieved. 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. It’s recommended that the following water quality targets requirements apply. These are to be verified through provision of a Stormwater Quality Treatment 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
2. 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. Shade trees within the car parking areas; and
 - d. Pot sizes, confirming the tree planting shall comprise advanced growth species at time of planting; and
 - e. Maintenance methods including irrigation, barriers and protection from vehicles and pedestrians.

Planning Conditions

1. The proposal shall be developed in accordance with the details submitted with the application and the following Council stamped approved plans and documents, except where varied by the conditions herein:

Drawing No.	Plan Type	Date	Prepared By
ME2768 – Sheet 01 of 06 Services	Site Plan	20/2/2023	Maxwell Project
ME2768 – Sheet 03 of 06 Services	Street View	20/2/2023	Maxwell Project

The approved documents referred to above may be subject to minor variation, pursuant to Regulation 65 of the Planning, Development and Infrastructure (General) Regulations 2017.

Except where otherwise stated, the development shall be completed prior to occupation/commencement of use.

All documents referred to under Reserved Matters 1 and 2 inclusive constitute approved documents and form part of this Consent.

2. 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.
3. 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.
4. All driveways, car parking and manoeuvring areas 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.
5. The designated landscaping areas shall be planted with shade trees, shrubs and ground covers in accordance with the Landscape Plan approved under Reserved Matter 2. 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).
6. The approved use operating times shall be limited to 5.00am to 10.00pm.

-
7. Noise measured at the nearest residential property boundary shall comply with the Environment Protection (Noise) Policy 2007 at all times.
 8. Except where otherwise approved, no materials, goods or containers shall be stored in the designated car parking area or driveways at any time.
 9. 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’.

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 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 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.

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

8.2.3 Review of Assessment Manager Decision - DA22031953, Unit 1-2, 30 Shepherdson Road, Parafield Gardens

Mr T Game, Botten Levinson Lawyers, on behalf of the applicant, responded to questions of the Panel.

ORDER TO EXCLUDE THE PUBLIC

Mr M Atkinson moved, Mr R Bateup seconded, and the Council Assessment Panel resolved to:

Exclude the public and Mr C Zafiropoulos, Assessment Manager, from the CAP proceedings for consideration of item 8.2.3 on the Agenda of the CAP meeting 28 February 2023 on the basis of regulation 13(2)(b) of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Mr B Brug moved, and the Council Assessment Panel resolved to affirm the Assessment Manager's decision on development application no. 22031953, for 'Construction of Two (2) Single Storey Group Dwellings In Association With Four (4) Existing Single Storey Group Dwellings, Shared Driveway, Visitor Car Parking And Landscaping' at Unit 1-2, 30 Shepherdson Road, Parafield Gardens, SA 5107.

8.1.2 22030607

Industrial Building for recycled paper processing in association with existing material recovery facility and Removal of One (1) Significant Tree and One (1) Regulated Tree at 71-75 Woomera Avenue, EDINBURGH SA 5111 for Northern Adelaide Waste Management Authority (NAWMA)

REPRESENTORS

Nil

APPLICANT

Mr D Dunn (NAWMA), Mr D Bills and Mr G Maiorano (URPS) 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. Section 107 of the *Planning, Development and Infrastructure Act 2016*, Planning Consent is **GRANTED** to application number 22030607 for Industrial Building for recycled paper processing in association with existing material recovery facility and Removal of One (1) Significant Tree and One (1) Regulated Tree 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 Team Leader Planning, as delegate of the Council Assessment Panel, as Reserved Matters pursuant to Section 102(5) of the *Planning, Development and Infrastructure Act 2016*:

Stormwater Management Plan

1. 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. The site stormwater drainage system shall be designed to control the quantity and quality of stormwater discharged from the site to minimise flooding, to prevent adverse impacts on downstream drainage systems and to protect the water quality of receiving waters. In particular, the following components shall be included in the stormwater drainage design:
 - i) Finished floor level shall be at least 150mm above the Q100 flood level adjacent the building;
 - ii) Storm runoff from the building roof areas should be separated from the runoff from ground or paved surfaces and may be discharged directly to Council's downstream underground drainage system without treatment to improve water quality;
 - iii) Grassed or vegetated swale drains and sedimentation/detention basins shall be used to convey storm runoff from paved surfaces including car parking areas to Council's downstream drainage system to reduce the extensive use of hard concrete kerb edges and underground piped drainage systems. The use of permeable paving for light vehicle car parking areas is suggested as a means of increasing the site stormwater detention / retention and infiltration rates and reducing the peak discharge rates and volume of runoff that discharge to Council's downstream drainage system;

- iv) The minor stormwater drainage system of grassed swale drains, culverts, pits and pipes shall be designed with capacity to convey the runoff resulting from a 1 in 10 year ARI storm event;
- v) Grassed swale systems and basins shall be designed to provide primary treatment of stormwater runoff by filtering and removal of silt, sediment, oil and grease before discharge to downstream drainage systems and may also incorporate bio-retention treatment systems;
- vi) Gross pollutant traps including trash racks and trash nets shall be included in the stormwater drainage system to capture stormwater pollutants such as rubbish and floatable litter.
- vii) Gross pollutant traps, water quality treatment devices and drainage systems shall include high flow bypass and overflow provisions to accommodate extreme storm events resulting from the 1 in 100 year Ari major storm event.
- viii) The following water quality requirements shall be met:
 - i) 80% retention of the typical urban annual load for Total Suspended Solids (TSS);
 - ii) 60% retention of the typical urban annual load for Total Phosphorus (TP);
 - iii) 60% retention of the typical urban annual load for Total Nitrogen (TN)(45% reduction target is applicable if discharge < 60L/sec);
 - iv) No visible oil flows up to the 3 month ARI peak flow;
 - v) MUSIC modelling is required to verify that water quality targets are achieved;
 - vi) Gross pollutant traps, water quality treatment devices and drainage systems shall include high flow bypass and overflow provisions to accommodate extreme storm events resulting from the 1 in 100 year ARI major storm event.

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
BG_10, Bg_20, BG_30, BG_31	Site Plan, Floor Plan and Elevations	31/10/22	BG Building Group
C1.00 to C3.01	Civil Drawings	18/11/22	Triaxial Consulting
N/A	Tree Risk Assessment Report	26/05/22	Adelaide ARB Consultants
N/A	Traffic Letter	15/11/22	CIRQA
N/A	Environmental Noise Assessment	23/08/2022	Echo Acoustic Consulting

2. 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.
3. The access point to Tugger Way shall be limited to exit movements only for semi-trailers.
4. All loading and unloading of vehicles and manoeuvring of vehicles in connection with the approved land use shall be carried out entirely within the site at all times.
5. Except where otherwise approved, no materials, goods or containers shall be stored in the designated car parking area or driveways at any time.
6. 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.
7. 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’.
8. A Tree Protection Plan shall be prepared by a qualified Arborist in accordance with the recommendations in the Tree Assessment Report prepared by Adelaide ARB Consultants prior to the granting of full Development Approval.
8. Replacement trees must be planted within 12 months of completion of the development at the following rates:
 - i. if the development relates to a regulated tree—2 trees to replace a regulated tree; or
 - ii. if the development relates to a significant tree—3 trees to replace a significant tree.

Replacement trees cannot be within a species specified under regulation 3F(4)(b) of the Planning, Development and Infrastructure (General) Regulations 2017, and cannot be planted within 10 metres of an existing dwelling or in-ground swimming pool;

EPA Conditions

9. The detailed design of the stormwater management system including swales and bioretention must incorporate the outcomes outlined in the Water Cycle Management Plan Report, prepared by Triaxial Consulting, dated 25 November 2022 and accompanying Stormwater Management Drawings, 18 November 2022.
10. Only the Pellenc Mistral+ 2000 sorting machines (or other sorting machine with an equivalent or lower sound power level) must be installed at the site.
11. Prior to commencing operation, the internal side of the sheet metal roof and walls of the new building must be fitted with a minimum 50mm thick thermal insulation with a minimum density of 10kg/m³ and a sarking protective cover.

Advice Notes

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).

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.

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.

Advice regarding Council land

This Development Approval does not constitute land owners approval. The following applies to any works on Council land:

- 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.
- 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.
- 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;
- 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.

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.

Plans Available Onsite

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

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>

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.

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.

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 web site:
<http://www.epa.sa.gov.au>.

OTHER BUSINESS

8.2.1 Assessment Manager Quarterly Report - October to December 2022

Mr R Bateup moved, that the Council Assessment Panel resolved that the information was received and noted.

8.2.2 Status of Current Appeal Matters and Deferred Items

Mr M Atkinson moved, that the Council Assessment Panel resolved that the information was received.

8.2.4 Policy Issues Arising from Consideration of Development Applications

Nil

8.2.5 Future Meetings & Agenda Items

Next meeting scheduled for Tuesday 28 March 2023

ADOPTION OF MINUTES

Mr M Atkinson 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 7.36pm.

PRESIDING MEMBER: Mr T Mosel

DATE: 28 February 2023
(refer to email approving minutes registered in the City of Salisbury's Record Management System - Document Number 7676864)