



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

28 MARCH 2023

MEMBERS PRESENT

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

STAFF

General Manager, City Development, Ms M English
Team Leader Planning, Mr C Carrey
Development Officer Planning, Ms K Thrussell
Administration Officer Development Services, Mr A Kalms

The meeting commenced at 6:30pm

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

APOLOGIES

Apologies were received from

Assessment Manager, Mr C Zafiropoulos

LEAVE OF ABSENCE

ADOPTED MINUTES FROM PREVIOUS MEETING

The Minutes of the Council Assessment Panel Meeting held on 28
February 2023, 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 8.1.1 - development application 22040408 at 15-21 Brown Terrace and 23 Brown Terrace, Salisbury SA 5108 for Rossdale Homes.

He advised that he would leave the meeting when the Item is being considered by the Panel.

Mr B Brug declared a conflict of interest, being an Elected Member on Council in relation to Item 8.1.2 – development application 23005553 at 23-29 Amsterdam Crescent, Salisbury Downs SA 5108, Lot 56 Amsterdam Crescent, Salisbury Downs SA 5108 for John Bested & Associated Pty Ltd.

He advised that he would leave the meeting when the Item is being considered by the Panel.

Mr B Brug left at: 6:36pm and did not return

Ms M English, General Manager City Development, declared a conflict of interest in relation to Item 8.1.1 and advised that she would leave the meeting when the Item 8.1.1 is being considered by the Panel.

Ms M English left at: 6:36pm

REPORTS

Development Applications

8.1.1 22040408

Health Hub comprising community and indoor recreation facilities and consulting rooms with associated car parking and landscaping and the removal of five regulated trees at 15-21 Brown Terrace and 23 Brown Terrace, Salisbury SA 5108 for Rossdale Homes

REPRESENTORS

There were no representations received for this application

APPLICANT

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

14. STAFF RECOMMENDATION

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 Section 102 of the *Planning, Development and Infrastructure Act 2016*, Planning Consent is **GRANTED** to Development Application 22040408 for Health Hub comprising community and indoor recreation facilities and consulting rooms with associated car parking and landscaping and the removal of five regulated trees at 15-21 and 23 Brown Terrace, Salisbury, in accordance with the plans and details submitted with the application and subject to the following Reserved Matters and Conditions.

Reserved Matters:

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

1. A revised civil design whereby roof stormwater is discharged unrestricted to the downstream receiving stormwater system within Brown Terrace. Stormwater generated by pavement areas is to be discharged through overland flows un-detained to Brown Terrace via safe overland flow routes.
2. A revised Arboricultural Report prepared by a suitably qualified arborist that addresses the following:
 - The accuracy of encroachments into the TPZ of existing trees;
 - The accurate identification of tree species;
 - Consideration of the location of services, drainage infrastructure and the provision of irrigation;
 - Details of crown management, including pruning that is required allow construction of the building and carpark.

Development Plan Consent 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
	Response to Request for Information	16 February 2023	Thomson Planning
MLM/23-0009	Traffic Assessment	7 February 2023	MFY
	Planning Report	29 November 2022	Thomson Planning
Sheet 1 of 6	Site Plan	14 February 2023	Goostry Smith Design
Sheet 2 of 6	Floor Plan	14 February 2023	Goostry Smith Design
Sheet 3 of 6	Elevations	14 February 2023	Goostry Smith Design
Sheet 4 of 6	Perspective Views	14 February 2023	Goostry Smith Design
Sheet 5 of 6	Roof Plan	14 February 2023	Goostry Smith Design
Sheet 6 of 6	Landscaping Plan	14 February 2023	Goostry Smith Design
	Arboricultural Impact Assessment and Tree Protection Plan Revision B	3 March 2023	Tertiary Tree Consulting
	Waste Management Plan Revision B	17 November 2022	Colby Phillips
2022-001	Storm Water Management Plan	November 2022	Struktura

- * 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 external surfaces of the building shall:
 - be of new non-reflective materials; and
 - be finished in natural tones; and
 - be maintained in good condition at all times.
3. All driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained prior to occupation and shall be maintained in reasonable condition at all times to the satisfaction of Council.
4. All car parking areas shall be marked in a distinctive fashion to delineate the parking spaces, prior to the occupation of the development.
5. The proposed car parking layout and access areas and vehicle head clearances shall conform to Australian Standard AS 2890.1:2004- Off-street Car parking and Australian Standard 2890.6:2009 - Off-Street Parking for People with Disabilities.
6. Driveway, car parking spaces, manoeuvring areas and landscaping areas shall not be used for storage or display of materials or goods.
7. All landscaping shall be planted in accordance with the Landscape Plan prepared by Goostry Smith Design dated 14 February 2023 prior to the occupation of the development. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die.
8. The operating hours of the development approved herein shall be between 7.00am and 6.00pm Monday to Saturday.
9. 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
10. 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.
11. Deliveries and waste collection shall take place between the hours of 6.30am and 9.00pm Monday to Friday and between 8.00am and 6.00pm Saturday and Sunday.
12. External lighting shall be restricted to that necessary for security purposes only and be designed, directed and shielded in accordance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting so as to cause no adverse light overspill nuisance to nearby properties.
13. Replacement trees must be planted within 12 months of completion of the development at the following rates:

The 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.

- If the development relates to a regulated tree – 2 trees to replace a regulated tree; or
 - If the development relates to a significant tree – 3 trees to replace a significant tree.
14. The existing tree(s) on site indicated as being retained, as shown on the Approved Site Plan, prepared by Goostry Smith Design dated 14 February 2023, shall be retained and protected at all times in accordance with the arborist report prepared by Tertiary Tree Consulting and dated 3 March 2023, to the reasonable satisfaction of Council.
 15. The advertisements and advertising structures shall be maintained in good repair at all times.
 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. Noise measured at the nearest residential property boundary shall comply with the Environment Protection (Noise) Policy 2007 at all times.

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 owner's approval. The following applies to any works on Council land:

1. 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*.
2. 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.
3. 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;
4. It is the developer's/owner's 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>

Building Work Affecting Other Land

Pursuant to Section 139 of the *Planning, Development and Infrastructure Act 2016*, a person undertaking activity that affects stability of land or premises must serve notice in the prescribed form to the owner of the affected site. For the purposes of Section 139, work of the following nature is prescribed as building work which is to be treated for the purposes of that section as building work that affects the stability of other land or premises, namely:

- An excavation which intersects a notational plane extending downwards at a slope of 1 vertical to 21 horizontal from a point 600mm below natural ground level at a boundary with an adjoining site;
- An excavation which intersects any notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point at natural ground level at any boundary between 2 sites (not being a boundary with the site of the excavation), where the boundary is within a distance equal to twice the depth of the excavation;
- Any fill which is within 600mm of an adjoining site, other than where the fill is not greater than 200mm in depth (or height) and is for landscaping, gardening or other similar purposes.

To find out more, please visit:

<https://lawhandbook.sa.gov.au/ch28s02s06s03.php>

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>.

Amendments

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

Ms M English returned at 6:41pm

8.1.2 23005553

Land Division (Boundary Realignment) at 23-29 Amsterdam Crescent, Salisbury Downs SA 5108
 Lot 56 Amsterdam Crescent, Salisbury Downs SA 5108 for John Bested & Associated Pty Ltd

REPRESENTORS

There were no representations received for this application

APPLICANT

The Applicant was not present

14. STAFF RECOMMENDATION

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 23005553 for Land Division (Boundary Realignment) at 23-29 and Lot 56 Amsterdam Court, Salisbury Downs, 5108 in accordance with the plans and details submitted with the application and subject to the following conditions

Planning 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
25147-DIV	Amended	15/2/23	John Bested & Associates

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).

Advice regarding Council land

This Development Approval does not constitute land owner's 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 developer's/owner's 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.

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<https://lsc.sa.gov.au/resources/fencesandthelawbooklet.pdf>

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 Panel receives the information.

8.2.2 Policy Issues Arising from Consideration of Development Applications

The Panel noted the letter from the Minister for Planning commending Council's strategic planning work.

8.2.3 Future Meetings & Agenda Items

Next meeting scheduled for Wednesday 26 April 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 6:50pm

PRESIDING MEMBER: Mr T Mosel

DATE: 28 March 2023
(refer to email approving minutes registered in the City of Salisbury's Record Management System - Document Number 7708280.)