



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

**26 APRIL 2023**

**MEMBERS PRESENT**

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

**STAFF**

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

The meeting commenced at 6.30pm.

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

**APOLOGIES**

Apologies were received from Mr M Atkinson.

**LEAVE OF ABSENCE**

Nil

**ADOPTED MINUTES FROM PREVIOUS MEETING**

The Minutes of the Council Assessment Panel Meeting held on 28 March 2023, be taken as read and confirmed.

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## DECLARATIONS OF CONFLICTS OF INTEREST

Ms M English, General Manager City Development, declared a conflict of interest in relation to Items 8.1.2, 8.1.3 and 8.1.4 and advised that she would leave the meeting when the Items are being considered by the Panel.

Mr B Brug declared a conflict of interest, being an Elected Member on Council in relation to Items 8.1.2, 8.1.3 and 8.1.3 and advised that he would leave the meeting when the Items are being considered by the Panel.

## REPORTS

### *Development Applications*

#### **8.1.1 22031936**

Three (3) Two Storey Detached Dwellings in a Terrace Arrangement and Four (4) Group Dwellings with associated Landscaping, Common Driveway, Retaining Walls and Fencing Over 2.1m at 11 & 13 Goodall Road, Para Hills SA 5096 for Zaina Stacey Development Consultants

## REPRESENTORS

Ms I Reid spoke to her representation.

## APPLICANT

Mr D Furnell spoke on behalf the applicant.

Mr Bateup moved, Ms Gill 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.
- B. Pursuant to 107 of the *Planning, Development and Infrastructure Act 2016*, Planning Consent is **GRANTED** to application number 22031936 for construction of Three (3) Two Storey Detached Dwellings in a Terrace Arrangement and Four (4) Group Dwellings with associated Landscaping, Common Driveway, Retaining Walls and Fencing Over 2.1m 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 and hardstand surfaces; and
  - b. Cut/fill details; and
  - c. Retaining walls, kerbing or ramps, their design and grades; and
  - d. Pavement design details and gradients; and
  - e. Car parking dimensions, aisle widths, circulation movements and associated pavement markings and signage; and
  
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.
  
3. The final colour schedule of the external surfaces of the buildings and the roofs shall be provided that is in accordance with the following:
  - Be of new non-reflective materials; and
  - Be finished in natural tones; and
  - Be maintained in good condition at all times.

Development Plan Consent Conditions

1. The development shall be carried out in accordance with the details submitted with the application and the following stamped approved plans and documents, except where otherwise varied by the conditions herein:

<b>Drawing No.</b>	<b>Plan Type</b>	<b>Date</b>	<b>Prepared By</b>
837 - Rev D	Site Plan - Lower	9 Mar 2023	InProperty Design
837 - Rev D	Site Plan - Upper	9 Mar 2023	InProperty Design

837 - Rev D	Floor Plan – Res 1 -3	9 Mar 2023	InProperty Design
837 - Rev D	Elevation Plan (Two Storey)	9 Mar 2023	InProperty Design
837 - Rev D	Floor Plan – Res 4-6	9 Mar 2023	InProperty Design
837 - Rev D	Elevation Plan (Single Storey)	9 Mar 2023	InProperty Design
837 – Rev D	Floor Plan – Res 7	9 Mar 2023	InProperty Design
837 – Rev D	Elevation Plan – Res 7	9 Mar 2023	InProperty Design
837 – Rev D	Streetscape	9 Mar 2023	InProperty Design
837 – Rev D	Fence Elevation Plan	9 Mar 2023	InProperty Design

2. The external surfaces of the buildings shall be in accordance with reserve matter 3.
3. Except where otherwise approved, the freestanding sides of any alfresco, verandah or pergola shall not be enclosed with any solid material.
4. 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.
5. All driveway, car parking and manoeuvring areas designated on the Civil Plan approved under reserved matter 1 shall be constructed with brick paving or concrete. The driveway and car parking area shall be established, prior to grant of the Certificate of Occupancy 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 approved under Reserved Matter 2. All landscaping shall be completed within 3 months from grant of the Certificate of Occupancy 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. All side and rear windows fixed to the upper storey walls of the building 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 dwelling and shall be maintained to the reasonable satisfaction of Council.

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*Note: Other forms of privacy screening may be a suitable alternative to the above such as fixed external screens, so long as it can be demonstrated to Council that the alternative screening solution will prevent overlooking. Should you wish to use an alternative screening method, you will be required to lodge a Development Application to vary the above condition.*

9. 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.

10. 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.*

11. 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.

12. 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.*

13. Rainwater tank storage shall be provided, prior to occupation of the dwelling, in accordance with all of the following:

- i. Connected to at least 60% of the roof area; and
- ii. Connected to one toilet;
- iii. The laundry cold water outlets or hot water service; and
- iv. Have a minimum tank capacity of 2,000 litres for retention; and
- v. Where site perviousness is less than 30% of the total site area, 1,000 litres for detention; and
- vi. 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.

14. Rainwater tank storage shall be provided, prior to occupation of the dwelling, in accordance with all of the following:
- i. Connected to at least 60% of the roof area; and
  - ii. Connected to one toilet; and
  - iii. The laundry cold water outlets or hot water service; and
  - iv. Have a minimum tank capacity of 4,000 litres for retention; and
  - v. Where site perviousness is less than 35% of the total site area, 1,000 litres for detention; and
  - vi. 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. This Development Approval does not constitute land owner's 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/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.

3. 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.
4. This Decision Notification Form does not extend the operative period of Development Consent 22031936. You must have obtained Building Consent and Development Approval on or before 26 April 2025, otherwise the Consent will lapse and a new Application must be lodged, unless an extension is obtained.
5. The Council approved plans should be available 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 –*
  - *On any Sunday or public holiday;*
  - *After 7pm or before 7am on any other day.*
9. 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:

- (a) 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;
- (b) 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;
- (c) 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>

10. 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>.



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## 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 be received.

### 8.2.2 Assessment Manager Quarterly Report - January to March 2023

Ms C Gill moved, and the Council Assessment Panel resolved that the information be received and noted.

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

Nil

### 8.2.4 Future Meetings & Agenda Items

Next meeting scheduled for Tuesday 23 May 2023.

Mr B Brug and Ms M English left the meeting at 7.25pm and advised they would not return to the meeting.

## REPORTS

### 8.1.3 22038410

Twenty-Eight (28) Single Storey Dwellings and Removal of Three (3) Significant and Sixteen (16) Regulated Trees, and Retention of Two (2) Significant and Ten (10) Regulated Trees at 20 Hissar Avenue, Salisbury North SA 5108, Lot 82 Hissar Avenue, Salisbury North SA 5108, Lot 279 Holstein Drive, Salisbury North SA 5108, Lot 322 Holstein Drive, Salisbury North SA 5108, Proposed Allotments 8-35 in Land Division 22036925 / 361/D565/22 for Rossdale Homes.

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 33 of the *Development Act 1993*, Development Plan Consent is **GRANTED** to application number 22038410 for Twenty-Eight (28) Single Storey Dwellings and Removal of Three (3) Significant and Sixteen (16) Regulated Trees, and Retention of Two (2) Significant and Ten (10) Regulated Trees 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 under Section 33(3) of the *Development Act 1993*:

1. Civil and Siteworks Plan, prepared by a qualified and experienced engineer, for all civil and stormwater works, which shall address all of the following:
  - a) Finished floor levels for all buildings and hardstand surfaces; and
  - b) Cut/fill details; and
  - c) Retaining walls, kerbing or ramps, their design and grades; and
  - d) Pavement design details and gradients; and
  - e) Car parking dimensions, aisle widths, circulation movements and associated pavement markings and signage; and
  - f) Stormwater management arrangements, including accompanying design calculations, which consider the minor storm (18.3% AEP) and major storm (1% AEP) events; and
  - g) Water sensitive urban design measures; and
  - h) Surface water treatment.

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 external surfaces of the buildings 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 with brick paving or concrete, prior to occupation of each dwelling, in accordance with Council's Vehicle Crossover Standard Detail, Drawing SD-12, SD-13 and SD-14 and shall be maintained at all times thereafter to the reasonable satisfaction of Council.

4. Designated landscaping areas associated with each dwelling, shall be planted with shade trees, shrubs and ground covers in accordance with the Approved Site Plans (prepared by Rossdale Homes).

All landscaping shall be completed within 12 months from the date of occupation 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).

5. Tree planting associated with each dwelling 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. The Applicant shall prepare and submit a final landscaping plan, identifying the location for all replacement trees, to offset the removal of Regulated and Significant Trees.

The landscape plan shall be subject of review and approval by Council's Parks and Open Space Assets section.

All 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 inground swimming pool.

7. Rainwater tank storage shall be provided, prior to occupation of each dwelling, in accordance with all of the following – for allotments less than 400sqm in area:
  - a) Connected to at least 60% of the roof area; and
  - b) Connected to one toilet;
  - c) The laundry cold water outlets or hot water service; and
  - d) Have a minimum tank capacity of 2,000 litres for retention; and
  - e) Where site perviousness is less than 30% of the total site area, 1,000 litres for detention; and
  - f) Where detention is required, includes a 20-25mm diameter slow release orifice at bottom of the detention component of the tank (or tanks).

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

8. Rainwater tank storage shall be provided, prior to occupation of the dwelling, in accordance with all of the following – for those allotments greater than 400sqm in area:
  - a) Connected to at least 60% of the roof area; and
  - b) Connected to one toilet; and
  - c) The laundry cold water outlets or hot water service; and
  - d) Have a minimum tank capacity of 4,000 litres for retention; and
  - e) Where site perviousness is less than 35% of the total site area, 1,000 litres for detention; and
  - f) Where detention is required, includes a 20-25mm diameter slow release orifice at bottom of the detention component of the tank (or tanks).

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

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).

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### **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:

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;

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>

### **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>.

#### 8.1.4 22038407

Seven (7) Single Storey Dwellings and Private Driveway at 20 Hissar Avenue, Salisbury North SA 5108, Lot 82 Hissar Avenue, Salisbury North SA 5108, Lot 322 Holstein Drive, Salisbury North SA 5108, Lot 279 Holstein Drive, Salisbury North SA 5108, (Proposed Allotments 1 - 7 in Land Division 22036926 - 361/C566/22) for Rossdale Homes.

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 107 of the Planning, Development and Infrastructure Act 2016, t Planning Consent is **GRANTED** to application number 22038407 for Seven (7) Single Storey Dwellings and Private Driveway in accordance with the plans and details submitted with the application and subject to the following 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 under Section 33(3) of the Development Act 1993:

1. Civil and Siteworks Plan, prepared by a qualified and experienced engineer, for all civil and stormwater works, which shall address all of the following:
  - a) Finished floor levels for all buildings and hardstand surfaces; and
  - b) Cut/fill details; and
  - c) Retaining walls, kerbing or ramps, their design and grades; and
  - d) Pavement design details and gradients; and
  - e) Car parking dimensions, aisle widths, circulation movements and

- associated pavement markings and signage; and
- f) Stormwater management arrangements, including accompanying design calculations, which consider the minor storm (18.3% AEP) and major storm (1% AEP) events; and
- g) Water sensitive urban design measures; and
- h) Surface water treatment.

Planning 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 external surfaces of the buildings 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 with brick paving or concrete, prior to occupation of each dwelling, in accordance with Council's Vehicle Crossover Standard Detail, Drawing SD-12, SD-13 and SD-14 and shall be maintained at all times thereafter to the reasonable satisfaction of Council.
4. Designated landscaping areas shall be planted with shade trees, shrubs and ground covers in accordance with the Approved Site Plans (prepared by Rossdale Homes).

All landscaping shall be completed within 12 months from the date of occupation 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).

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.



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*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

#### **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:

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;

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>

#### **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>.

**8.1.2 23006923**

Boundary realignment of Reserve and Creation of Twenty-Nine (29) Torrens Title Allotments for Residential Purposes, Public Road, Reserve Strip, retaining walls and fencing with combined height greater than 2.1m. at 20 Hissar Avenue, Salisbury North SA 5108, Lot 82 Hissar Avenue, Salisbury North SA 5108, Lot 322 Holstein Drive, Salisbury North SA 5108, Lot 279 Holstein Drive, Salisbury North SA 5108 for Rosedale Developments Unit Trust

**REPRESENTORS**

There were no representations to be heard for this application.

**APPLICANT**

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

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 23006923 for Boundary realignment of Reserve and Creation of Twenty-Nine (29) Torrens Title Allotments for Residential Purposes, Public Road, Reserve Strip, retaining walls and fencing with combined height greater than 2.1m.in accordance with the plans and details submitted with the application and subject to the following Conditions:

Planning 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 generation of airborne dust caused as a result of construction works shall be minimised at all times. Where generation of airborne dust is likely to cause nuisance beyond the site boundaries, dust control measures shall be implemented immediately.
3. A Soil Erosion and Drainage Management Plan and Construction Environment Management Plan shall be submitted to Council for Approval. The Soil Erosion and Drainage Management Plan and Construction Environment Management Plan shall be prepared in accordance with the document entitled "Handbook for Pollution Avoidance on Commercial and Residential Building Sites", prepared by the Environment Protection Authority.
  - (a) Hours of operation for all civil works;
  - (b) Arrangements for management of stormwater, noise and dust both during and post construction;
  - (c) Silt/erosion management both during and post construction;
  - (d) Measures to eliminate drag-out from the site during wet weather events.
4. All recommendations contained under the Soil Erosion and Drainage Management Plan and Construction Environment Management Plan, Approved under Planning Consent Condition 3, shall be met 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).

#### **Consent valid for 24 months**

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.

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## **ADOPTION OF MINUTES**

Ms C Gill 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 7.52pm.

**PRESIDING MEMBER:** Mr T Mosel

**DATE:** 26 April 2023  
(refer to email approving minutes registered in the City of Salisbury's Record Management System - Document Number 7745095)