



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

25 JULY 2023

MEMBERS PRESENT

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

STAFF

Assessment Manager, Mr C Zafirooulos
General Manager City Development, Ms M English
Acting Team Leader Planning, Ms K Thrussell
Development Officer Planning, Mr S Ondeyo
Development Officer Planning, Mr B Ferguson
Development, Officer Planning, Ms K Brown
Team Leader Business Services, Ms H Crossley

The meeting commenced at 6.30pm.

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

APOLOGIES

Nil.

LEAVE OF ABSENCE

Nil

ADOPTED MINUTES FROM PREVIOUS MEETING

The Minutes of the Council Assessment Panel Meeting held on 27 June 2023, be taken as read and confirmed.

DECLARATIONS OF CONFLICTS OF INTEREST

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

Ms M English left the meeting at 6.36 pm.

REPORTS

Development Applications

8.1.1 23013367

Change in Use from Detached Dwelling to Office with associated Carparking, Freestanding Internally Illuminated Sign and Landscaping. at 493 Bridge Rd, Para Hills SA 5096 for Mr John Outhred and Mr Brijesh Mishra.

REPRESENTORS

Mr G Spintao spoke on behalf of his representation.

APPLICANT

Mr J Outhred spoke on behalf of the applicant.

Mr R Bateup moved, Ms C 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 No 23013367 for Change in Use from Detached Dwelling to Office with associated Carparking, Freestanding Internally Illuminated Sign 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. 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.

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:

Drawing No.	Plan Type	Date	Prepared By
23.4.1930.01	Floor & Site Plan	May 2023	Elvio Ferrera
2312/053	Planning Report	9 May 2023	John Outhred
2312/073	Response to representation	6 July 2023	John Outhred

2. Except where otherwise approved, the freestanding sides of the verandah shall not be enclosed with any solid material.

3. Except where otherwise approved, the freestanding sides of any alfresco, verandah or pergola shall not be enclosed with any solid material.

4. The 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. 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).
7. Except where otherwise Approved, the landscaping shall be maintained in good health and condition at all times thereafter.

Conditions of the Commissioner for Highways

8. The development shall be in accordance with the Elvio Ferrara Floor and Site Plan, Drawing No 23.4.1940.01.
9. Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
10. The illuminated signage shall be permitted to use LED lighting for internal illumination of a light box only.
11. The illuminated signage shall be limited to a low level of illumination so as to minimise distraction to motorists ($\leq 150\text{cd/m}^2$).
12. The signage shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device.

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 willful damage.
3. The Council approved plans should be available at all times while performing the building work.
 4. 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.
 5. 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>
 6. 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.*
7. 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>

8. 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>.

Ms M English returned to the meeting at 7.16 pm.

8.1.2 22039606

Transport Depot with Associated Office (Unit 3) at 14 Barndioota Road Salisbury Plain, SA 5109 for Anna Parente.

REPRESENTORS

Representors were previously heard by the Panel at the meeting held on 23 May 2023.

APPLICANT

Mr D Iuliano 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. Pursuant to Section 107 of the Planning, Development and Infrastructure Act 2016, Planning Consent is GRANTED to application number 22039606 for Transport Depot with associated office (Unit 3) in accordance with the plans and details submitted with the application and subject to the following Reserve 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. 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, within the swale and perimeter boundaries, noting these should comprise species contained in the City of Salisbury Landscape Plan; and
 - c) Shade trees within the car parking areas;
 - 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 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
BAR4495-2 C101 Rev 2	Plan – Site (Tenancy Arrangement)	12/07/2023	Dean Iuliano
BAR4495-2 C102 Rev 2	Plan – Truck Parking	12/07/2023	Dean Iuliano
BAR4495-2 C103 Rev 3	Sectional Details - Swale	12/07/2023	Dean Iuliano

2. All driveways, car parking and manoeuvring areas shall be constructed by 30 November 2023, in accordance with the Plans approved under Planning Condition 1, and shall be maintained at all times thereafter to the reasonable satisfaction of Council.
3. The swale and stormwater infrastructure shall be constructed by 30 November 2023, in accordance with the plans approved under Planning Condition 1, and shall be maintained at all times thereafter to the reasonable satisfaction of Council.
4. The car parking layout including car park spaces, aisle widths and manoeuvring area shall be designed and constructed to comply with AS 2890.1-2009 – Off-Street Car Parking, Part 1, Austroads “Guide to Traffic Engineering Practice Part 11 – Parking”, AS 2890.2 – Facilities for Commercial Vehicles and AS 2890.6 – 2009 – Parking Facilities – Part 6: Off-street parking for people with disabilities.
5. 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 1. All landscaping shall be completed by 30 November 2023 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. 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.
7. Except where otherwise approved, no materials, goods or containers shall be stored in the designated car parking area or driveways at any time.
8. The developer shall employ measures to eliminate dust emission from the site so as not to cause nuisance to adjacent or nearby properties at any time.

Advice Notes

1. 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. 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.
3. 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>
4. 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.*
5. 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

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- 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>

6. 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>.

8.3.1 Applicant Appeal to Environment, Resources and Development Court, Development Holdings Pty Ltd v City of Salisbury Assessment Panel (ERD-23-000053) - Development Application 23002678

QUESTIONS OF APPELLANT

No questions were asked by the Panel of the appellants, Mr T Game and Mr R Gagetti (via Phone) in relation to the compromise proposal.

ORDER TO EXCLUDE THE PUBLIC

Mr M Atkinson moved, Ms C Gill seconded, and the Council Assessment Panel resolved to:

Exclude the public from the CAP proceedings for consideration of item 8.3.1 on the Agenda of the CAP meeting 25 July 2023 on the basis of regulation 13(2)(viii) & (ix) of the *Planning, Development and Infrastructure (General) Regulations 2017*.

The meeting moved into confidence at 7.37 pm.

All public left the meeting at 7.37pm.

8.3.1 Applicant Appeal to Environment, Resources and Development Court, Development Holdings Pty Ltd v City of Salisbury Assessment Panel (ERD-23-000053) - Development Application 23002678

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

1. Pursuant to regulation 13(2)(viii) & (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, the Council Assessment Panel determines, this matter be considered in confidence on grounds that it relates to legal advice and information to an appeal against the decision of the Council Assessment Panel to the Environment, Resources and Development Court that may prejudice the Court hearing.
2. Approves that the report, attachments and discussion for this item will remain confidential and not available for public inspection until the finalisation of the court action and potential subsequent appeals, with the exception of legal professional privilege that will remain confidential.
3. Decline the compromise offer by Development Holdings Pty Ltd at the conciliation conference before the ERD Court (Action No. 23-000053).

The meeting moved out of confidence at 7.59 pm.

OTHER BUSINESS

8.2.1 Status of Current Appeal Matters and Deferred Items

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

8.2.2 Assessment Manager Quarterly Report - April to June 2023

Ms C Gill moved, and the Council Assessment Panel resolved that the information was 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 29 August 2023.

ADOPTION OF MINUTES

Mr R Bateup moved, and the Council Assessment Panel resolved that the Minutes of the Council Assessment Panel Meeting be taken and read as confirmed.

The meeting closed at 8.21pm.

PRESIDING MEMBER: Mr T Mosel

DATE: 25 July 2023
(refer to email approving minutes registered in the City of Salisbury's Record Management System - Document Number 7873555.)