



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

24 OCTOBER 2023

MEMBERS PRESENT

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

STAFF

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

The meeting commenced at 6.31pm.

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 26 September 2023, be taken as read and confirmed.

DECLARATIONS OF CONFLICTS OF INTEREST

Mr B Brug declared a perceived conflict of interest, being an Elected Member on Council for the Ward in which the development application is proposed in relation to Item 8.1.2 and advised that he would leave the meeting when the Item is being considered by the Panel. Mr B Brug did not debate or vote on the item.

Mr B Brug declared a conflict of interest, being an Elected Member on Council in relation to Item 8.1.3 and advised that he would leave the meeting when the Item is being considered by the Panel. Mr B Brug did not debate or vote on the item.

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

REPORTS

Development Applications

8.1.1 23025281

Construction of a Two-Storey Childcare Centre with Associated Car Parking, Landscaping and Boundary Acoustic Fencing at 12, 14 & 16 Shepherdson Rd, Parafield Gardens SA 5107 for Development Holdings Pty Ltd

REPRESENTORS

Mr John Fulbrook, MP, spoke on behalf of community members from a street corner meeting held on 25 September 2023.

APPLICANT

Mr Rob Gagetti, Ekistics, and Mr Ben Wilson, CIRQA, spoke on behalf of the application.

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 number 23025281 for Construction of a Two-Storey Childcare Centre with Associated Car Parking, Landscaping and Boundary Acoustic Fencing in accordance with the plans and details submitted with the application and subject to the following Reserved Matters and Conditions:

Reserved Matters:

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

1. Civil and Siteworks Plan, prepared by a qualified and experienced stormwater engineer, for all civil and stormwater works, which shall address all of the following:
 - (a) Finished floor levels for all buildings, hardstand surfaces, pavement design details and gradients; and
 - (b) Cut/fill details; and
 - (c) Retaining walls, kerbing or ramps, their design and grades; and
 - (d) To provide additional protection from stormwater within the road, the level of the driveway at the boundary is to maintain a minimum 150mm boundary rise be raised from the adjacent top of kerb in accordance with Council's standard detail SD-13; and
 - (e) Car parking dimensions, aisle widths, circulation movements and associated pavement markings and signage; and
 - (f) Pumped stormwater systems are to be designed and constructed in accordance with AS3500.3 – Section 8. This includes the provision of duplicate, alternate duty pumps, alarms and emergency storage; and
 - (g) Plans prepared are to be consistent and reflective of the advice received by third party consultants (Environmental Noise Assessment, Traffic and Parking Report, Landscape Plans and Waste Management Advice)
2. Stormwater management arrangements, including accompanying design calculations, which consider the 10% AEP minor storm and 1% AEP major storm events.
3. 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 appropriate 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.

When responding to Reserved Matters 1 and 2, your attention is drawn to engineering comments provided via email on 11 October 2023.

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
3577 DA04 Rev 1	Site Plan	11/08/23	Brown Falconer
3577 DA05 Rev 1	Floor Plan	11/08/23	Brown Falconer
3577 DA06 Rev 1	Elevation Plan	11/08/23	Brown Falconer
3577 DA08 Rev 1	Elevation Plan	11/08/23	Brown Falconer
23335 Parafield Gardens CCC Issue 2	Parafield Gardens Child Care Centre Landscape Design	14 August 2023	DAS Studio
230237	Stormwater Management Plan	8 October 2023	CPR Engineers
S7142.1C2	Environmental Noise Assessment	August 2023	SONUS
23286	Traffic and Parking Report	21 Aug 23	CIRQA

2. The external surfaces of the building shall:
 - a. be of new non-reflective materials; and
 - b. be finished in natural tones; and
 - c. be maintained in good condition at all times.
3. The invert, crossover and driveway shall be constructed, prior to commencement of use, in accordance with Council’s Vehicle Crossover Standard Detail, Drawing SD-12, SD-13 and SD-14.
4. The car parking layout including car park spaces, aisle widths and manoeuvring area shall be designed and constructed to comply with AS 2890.1-2009 – Off-Street Car Parking, Part 1, Austroads “Guide to Traffic Engineering Practice Part 11 – Parking”, AS 2890.2 – Facilities for Commercial Vehicles and AS 2890.6 – 2009 – Parking Facilities – Part 6: Off-street parking for people with disabilities.
5. All driveways, car parking and manoeuvring areas as designated on the Civil Plan, requested under Reserved Matter 1 shall be constructed with brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicle types. Individual car parking bays shall be clearly line marked. Driveways and car parking areas shall be established prior to commencement of use and shall be maintained at all times thereafter to the reasonable satisfaction of Council.
6. All existing crossovers made redundant by this development shall be reinstated to kerb, prior to commencement of use, in accordance with Council’s kerb design standard, to the satisfaction of Council.

7. The designated landscaping areas shall be planted with shade trees, shrubs and ground covers in accordance with the approved landscaping plan approved under reserve matter 3. All landscaping shall be completed, prior to commencement of use and shall be maintained at all times thereafter to the reasonable satisfaction of Council (including the replacement of diseased or dying plants and the removal of weeds and pest plants).
8. The approved use operating times shall be limited Monday to Friday 6:30am to 6.30pm with no activity on Saturdays, Sundays and Public Holidays.
9. Noise measured at the nearest residential property boundary shall comply with the *Environment Protection (Noise) Policy 2007* at all times.
10. Except where otherwise approved, no materials, goods or containers shall be stored in the designated car parking area or driveways at any time.
11. All waste and rubbish from the activity shall be contained and stored pending removal in covered containers which shall be kept in an area screened from public view.
12. 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’.
13. Waste collection shall only occur as follows:
 - a. On Sundays and public holidays, between the hours of 9am and 7pm;
 - b. On any other day, between the hours of 7am and 7pm.

Advice Notes

1. 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:

- i. providing a stabilised entry/exit point to the site for all construction and trade vehicles, including contained wash down area for vehicles and equipment*
- ii. appropriately located stockpiles and storage materials*
- iii. a suitable and designated area for brick cutting and concrete works*

- iv. *a contained area for paint and plastering waste and wash waters*
- v. *appropriate location of noisy equipment so as to avoid unreasonable impacts to neighbours*
- vi. *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>.

2. 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. 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. This Development Approval does not constitute land owners approval. The following applies to any works on Council land:
 - i. 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.
 - ii. 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.
 - iii. 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;
 - iv. 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 willful damage.
5. The Council approved plans should be available on site 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 –

- i. On any Sunday or public holiday;
- ii. After 7pm or before 7am on any other day.

Mr B Brug left the meeting at 7.55pm and did not return to the meeting.

8.1.2 23009326

Telecommunications Facility Comprising 25 Metre High Monopole (Overall Height 27.5 Metres) With Cluster Mount Headframe Supporting Nine (9) Antennas With Associated Equipment Cabinet And 2.4 Metre High Compound Fencing at 4 Dan Street, Mawson Lakes SA 5095 for Indara Infrastructure

REPRESENTORS

Mr Md Rajibul Karim, spoke on behalf of his representation.

Mr S Tehan, spoke on behalf of his representation.

APPLICANT

Mr Mel Tuangthong, CPS Technology and Infrastructure, spoke on behalf of the application via MS Teams.

Ms C Gill moved, Mr R Bateup 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 Section 102 of the *Planning, Development and Infrastructure Act 2016*, Planning Consent is **GRANTED** to Development Application 23009326 for Telecommunications Facility Comprising 25 Metre High Monopole (Overall Height 27.5 Metres) With Cluster Mount Headframe Supporting Nine (9) Antennas With Associated Equipment Cabinet And 2.4 Metre High Compound Fencing in accordance with the plans and details submitted with the application and subject to the following conditions:

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
A0618-P1 Revision 01	Draft Site Layout Sheet 1 of 2	13 July 2023	CPS Technology & Infrastructure
A0618-P2 Revision 01	Draft Site Layout Sheet 2 of 2	13 July 2023	CPS Technology & Infrastructure
A0618-P3 Revision 01	Draft Site Elevation	13 July 2023	CPS Technology & Infrastructure
L1 B	Landscape Plan	11 August 2023	Species Landscape Architecture
	Planning Permit Application Report	30 March 2023	CPS Technology & Infrastructure
	Response to Request for Further Information	2 August 2023	CPS Technology & Infrastructure
	Response to Second Request for Further Information	11 August 2023	CPS Technology & Infrastructure
	Response to Submissions	29 September 2023	CPS Technology & Infrastructure

2. Except where otherwise approved, the external finishes of the facility shall:
 - (a) Be of new non-reflective materials; and
 - (b) Be finished in materials and colours/tones as shown on the Approved Plans; and
 - (c) Be maintained in good condition at all times.

3. The designated landscaping areas shall be planted with shade trees, shrubs and ground covers in accordance with the Approved Landscaping Plan, prepared by Species Landscape Architecture, dated 11 August 2023. 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).
4. 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.

Advice Notes

- 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 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.
- 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.
- 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

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- landscaping may be restricted in some areas and therefore permission should be first sought from Council before commencing any works;
 - 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.
 - 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.
 - The Council approved plans should be available on site at all times while performing the building work.
 - 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>
 - 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.*
- 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>

Parafield Airport

- The development as described at an approximate height of RL 40.70m Australian Height Datum (AHD) does not penetrate the Parafield Airport Obstacle Limitation Surface (OLS) airspace protected for aircraft operations. Any further proposed addition to the structure, including aerials or masts, must be subject to a separate assessment.
- Crane operations associated with construction shall be the subject of separate application. Cranes may require approval in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*.
- Restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths.

Presiding Member called for a 5 minute break at 8.49pm.

Meeting resumed at 8.54pm.

Ms M English left the meeting at 8.55 pm.

8.1.3

23010242

Construction of a community housing development comprising 10 single-storey dwellings, a two-storey supported accommodation building with 16 units, 4 single story dwellings for high needs care, a community hall and associated internal roads, car parking, landscaping and fencing at 11-17 Orange Avenue, 15-21 and 23 Brown Terrace Salisbury SA 5108 for Rossdale Homes.

APPLICANT

Mr Giles French, representative for Rossdale Homes, was present at meeting to answer questions of 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; and
- B. Pursuant to Section 102 of the *Planning, Development and Infrastructure Act 2016*, Planning Consent is **GRANTED** to Development Application 23010242 for Construction of a community housing development comprising 10 single-storey dwellings, a two-storey supported accommodation building with 16 units, 4 single story dwellings for high needs care, a community hall and associated internal roads, car parking, landscaping and fencing in accordance with the plans and details submitted with the application and subject to the following Reserved Matters and Conditions:

Reserved Matters:

The following matters 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. A revised civil stormwater design that includes appropriate water quality treatments and management of runoff from the community hall and is supported DRAINS modelling.
2. Additional site/soil investigations demonstrating that site contamination is unlikely to exist (as demonstrated in a site contamination declaration form) or a site contamination audit report prepared under Part 10A of the Environment Protection Act 1993.

Planning Consent Conditions

1. *The development shall be carried out in accordance with the plans and supporting documents, except where otherwise varied by the conditions herein.*
2. *All driveways, parking and maneuvering 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.*
3. *All car parking areas shall be marked in a distinctive fashion to delineate the parking spaces, prior to the occupation of the development.*
4. *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.*
5. *Driveway, car parking spaces, maneuvering areas and landscaping areas shall not be used for storage or display of materials or goods.*
6. *All landscaping shall be planted in accordance with the Landscape Plan prepared by GSD dated 29 March 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.*
7. *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.*

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 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>.

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 to the meeting at 9.02 pm.

OTHER BUSINESS

8.2.1 Assessment Manager Quarterly Report - July to September 2023

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

8.2.2 Status of Current Appeal Matters and Deferred Items

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

8.2.3 Policy Issues Arising from Consideration of Development Applications

Nil

8.2.4 Future Meetings & Agenda Items

Next meeting scheduled for Tuesday 28 November 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 9.10 pm.

PRESIDING MEMBER: Mr T Mosel

DATE: 24 October 2023
(refer to email approving minutes registered in the City of Salisbury's Record Management System - Document Number 7988744)