



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

23 APRIL 2024

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
Team Leader Planning, Mr C Carrey
Planning Consultant, Mr Barnes
Team Leader Business Services, Ms H Crossley

The meeting commenced at 6.33pm.

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

APOLOGIES

Nil.

LEAVE OF ABSENCE

Mr J Botten advised that he will be an apology for meeting to be held on 28 May 2024.

ADOPTED MINUTES FROM PREVIOUS MEETING

The Minutes of the Council Assessment Panel Meeting held on 27 February 2024, be taken as read and confirmed.

DECLARATIONS OF CONFLICTS OF INTEREST

Mr B Brug declared a conflict of interest, being an Elected Member on Council in relation to Item 8.1.1 Tree Climb Facility at Harry Bowey Reserve and advised that he would leave the meeting when the Item is being considered by the Panel. Mr B Brug will not debate or vote on the item.

OTHER BUSINESS

8.2.1 Assessment Manager Quarterly Report - January to March 2024

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

Mr B Brug left the meeting at 6.37pm and advised that he would not return to the meeting.

REPORTS

Development Applications

8.1.1 23003207

Tree climb facility with associated office, shop, signage and car parks (Located within Harry Bowey Reserve) at Harry Bowey Reserve – Allotments 42 and 43 Goddard Drive, Salisbury Park SA 5109 for Tree Climb.

REPRESENTORS

Ms Regan Jeffrey, spoke to her representation.

Mr Geoffrey Cooke, represented himself and Mr Ken Carey, Mr Jennifer Carey, Ms Susan Cooke and Ms Mel Cooke and advised that they agree with comments made by Ms Regan Jeffrey.

Mr Ian Hulmes spoke to his and Christine Taylor and Craig Taylor's representations.

Mr Garry Newsam, spoke to his representation.

Mr Robert Barnes, advised he agreed with previous representors that spoke.

Ms Konstantina Martinis, advised she agreed with previous representors that spoke and in particular representors Ms Regan Jeffrey and Mr Ian Hulmes.

Mr Timothy White, spoke to his representation.

APPLICANT

Mr Rick Hutchins, Ekistics, spoke on behalf of the applicant.

Mr David Kwong, Empirical Traffic, spoke on behalf of the applicant.

Mr Carmine Gallarello, spoke on behalf of the applicant.

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 23003207 for the construction of a recreational facility comprising a tree climb facility with associated office, shop and signage 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 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 Civil and Siteworks Plan, which shall address:
 - a. Finished floor levels for the eco-hut and hardstand surfaces; and
 - b. Footing details; and
 - c. Cut/fill details; and
 - d. Retaining walls, kerbing or ramps, their design and grades; and
 - e. Pavement design details and gradients; and

- f. Stormwater Management arrangements; and
- g. Location of trenching for underground services.

Note: The civil and siteworks plan should be developed in conjunction with the project arborist, having regard to Reserved Matter 2 below.

2. Detailed Arborist Assessment report prepared by qualified and experienced arborist which shall address all of the following:
 - a. Isolated pier construction is specified – consideration should be given to the use of permeable or open jointed paving to be installed without lowering the grade to maintain soil infiltration and oxygenation; and
 - b. Construction methodology for post supports;
 - c. Tree sensitive construction is recommended (i.e. permeable paving installed without lowering the grade); and
 - d. Appropriate construction methodologies and arborist supervision specified to minimize impacts within the SRZ of a tree; and
 - e. Site specific Tree Protection Plan which should include:
 - i. Site specific Tree Protection Zone (TPZ) fencing or other tree protection measures during the works on the site (considering that multiple trees require protection).
 - ii. Installation methodology for the proposed footings.
 - iii. Paving specification and installation methodology
 - iv. Other tree protection considerations as per AS4970.
 - f. The civil drawings, prepared in response to Reserved Matter 1, should be assessed by the arborist.

Planning Conditions – Council

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 approved use operating times shall be limited Monday to Sunday from 10.00am to 6.00pm.
3. Except where otherwise approved, the external finishes of the building shall:
 - (i) be of new non-reflective materials; and
 - (ii) be finished in natural tones; and
 - (iii) be maintained in good condition at all times.
4. In relation to access, maneuvering, surface treatments and car parking:
 - (i) All internal driveways and maneuvering areas, shall be constructed with brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicle types; and
 - (ii) A minimum of 85 car parking bays and 6 accessible car parking bays shall be constructed with brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicle types and shall be clearly line marked; and
 - (iii) 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 development herein approved must not commence operation until all of the proposed road, driveway and car-parking modification works as depicted on the stamped approved plans (prepared by the City of Salisbury, Pr No. 31127, Sheets C00-07 and A01-A04, Revision A inclusive) are completed to the reasonable satisfaction of the Council. For the avoidance of doubt, this includes all works within, and external to, the Harry Bowey Reserve including works on Riversdale Drive, Wildwood Drive and Malinya Drive.
6. All vehicle driveways, vehicle manoeuvring areas, car-parking areas and pedestrian footpaths which are:
 - (i) situated within the Harry Bowey Reserve; and
 - (ii) utilised by, or relied on in conjunction with, the development herein approved (whether depicted on the stamped approved plans or not) must be maintained at all times to the reasonable satisfaction of the Council.
7. Except where otherwise approved, outside lighting shall be restricted to that necessary for security purposes only and shall be directed and shaded to prevent light overspill and/or nuisance to adjacent occupiers or distraction to drivers on adjacent public roads. All lighting shall be in accordance with Australian Standard 4282 – 1997 ‘Control of the obtrusive effects of outdoor lighting’.
8. 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.
9. Except where otherwise approved, no materials, goods or containers shall be stored in the designated car parking area or driveways at any time.
10. All waste and other rubbish shall be contained and stored pending removal in covered containers which shall be contained within the building or otherwise screened from public view.
11. Stormwater systems shall be designed and constructed to cater for minor storm flows (Industrial / Commercial ARI = 10 years). The design of the stormwater system shall ensure that no stormwater is discharged onto any adjoining land. Surface stormwater is to be managed in a manner that ensures no ponding of water against buildings and structures, no creation of any insanitary condition, and no runoff into neighbouring property for the major storm ARI = 100 years.
12. All roof and ground level plant and equipment shall incorporate screening devices.

13. In relation to advertisements:

- (i) The advertisement and advertising structure shall be maintained in good repair at all times to the reasonable satisfaction of Council; and
- (ii) Except where otherwise approved, the approved advertisements shall not:
 - Move; or
 - Flash; or
 - Reflect light so as to be an undue distraction to motorists; or
 - Be externally illuminated.

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;
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.

OTHER BUSINESS

8.2.4 Future Meetings & Agenda Items

Next meeting scheduled for Tuesday 28 May 2024.

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 8.21pm.

PRESIDING MEMBER: Mr T Mosel

DATE: 23 April 2024
(refer to email approving minutes registered in the City of Salisbury's Record Management System - Document Number 8167897)