



**MINUTES OF COUNCIL ASSESSMENT PANEL MEETING HELD IN THE COUNCIL CHAMBER, SALISBURY COMMUNITY HUB, 34 CHURCH STREET, SALISBURY ON**

**29 MARCH 2022**

**MEMBERS PRESENT**

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

**STAFF**

Assessment Manager, Mr C Zafiropoulos  
General Manager City Development, Ms M English  
Senior Development Officer Planning, Ms K Thrussell  
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

**ENDORSED MINUTES FROM PREVIOUS MEETING**

The Minutes of the Council Assessment Panel Meeting held on 23 February 2022, be taken as read and confirmed.

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## DECLARATIONS OF CONFLICTS OF INTEREST

Mr B Brug declared a conflict of interest in relation to development application 21034988 at 89-97 Kings Road, Salisbury Downs when Council resolved to make a representation on this development application.

Mr Brug is a Councillor on the City of Salisbury, and is the nominated Elected Member on the Council Assessment Panel.

Mr Brug made the following statement to the effect of he did not believe that he had a conflict of interest as a member of the Council Assessment Panel, especially as when the matter was discussed at Council he appropriately declared a conflict, and did not participate or vote; and left the room which is reflected in the minutes of the Council meeting.

That said, given that the Council had resolved to lodge a representation on this development application and passed a formal resolution to oppose the Application, even without the Councillor in the room as noted above, it was suggested by the Applicant for this item that there was the potential for a reasonable apprehension of bias due to Mr Brug being an Elected Member of the Council.

In response, Mr Brug decided that he would acknowledge the potential for a reasonable apprehension of bias on his part due to his membership of the Council & therefore he would not participate in the consideration, assessment & determination of the development application. Following his acknowledgement Mr Brug left the meeting at 6.42pm prior to any consideration of the application & did not return until the application had been determined by the remaining members of CAP.

## REPORTS

### *Development Applications*

#### **8.1.2      21034988**

Land Division - Creation of 18 Allotments, Public Roads and Reserve and construction of Retail Fuel Outlet with associated Signage and Fencing (on proposed Allotment 100) at 89 - 97 Kings Road, Salisbury Downs SA 5108 for 48 Commercial Road Salisbury Pty Ltd.

## REPRESENTORS

Deputy Mayor C Buchanan and Cr K Grenfell, and Mr D Hutchinson, Access Planning, spoke on behalf of the Mr J Harry representation.

Mr R Bower spoke to his representation.

Ms S Ouk spoke to her and Ms C M Ping's representations.

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Mr V McCall, spoke to his representation.

## APPLICANT

Ms T James, URPS, and Mr T Wilson, CIRQA, spoke on behalf of the applicant.

Ms C Gill moved, Mr R Bateup seconded 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 application number 21034988 for Land Division - Creation of 18 Allotments, Public Roads and Reserve and construction of Retail Fuel Outlet with associated Signage and Fencing (on proposed Allotment 100) 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 33(3) of the Development Act 1993:

- 1. Civil and stormwater plans prepared by a suitably qualified engineer are required detailing:
  - a) Finished floor levels for all buildings and hardstand surfaces
  - b) Cut/fill details
  - c) Retaining walls, kerbing or ramps, their design and grades including provision of pram ramps either side of the access driveways if the footpath and driveway levels do not match.
  - d) Pavement design details and gradients
  - e) Car parking dimensions, aisle widths, circulation movements and associated parking markings and signage
  - f) Stormwater management arrangements consistent with the FMG Stormwater Management Report (Rev 2) including:
    - a. Water sensitive quality treatment measures; and
    - b. Onsite stormwater detention; and
    - c. Surface water treatment measures to ensure EPA and Council water quality objectives are met.
- 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.

**Planning Conditions**

**Conditions Applicable to both Retail Fuel Outlet and Land Division**

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>
S01 Revision D	Cover Page and Drawing List	2 March 2022	Hodge Collard Preston
S02 Revision D	Existing Site Conditions	2 March 2022	Hodge Collard Preston
S03 Revision D	Proposed Site Plan	2 March 2022	Hodge Collard Preston
S04 Revision D	Proposed Floor Plan	2 March 2022	Hodge Collard Preston
S05 Revision D	Proposed Elevations	2 March 2022	Hodge Collard Preston
S06 Revision D	Signage Plan and Details	2 March 2022	Hodge Collard Preston
S07 Revision D	Proposed Landscaping Plan	2 March 2022	Hodge Collard Preston
S08 Revision D	3D Views	2 March 2022	Hodge Collard Preston
S09 Revision D	Boundary Elevations	2 March 2022	Hodge Collard Preston
20940 - DIV Version 8 - Sheet 1	Land Division – Proposed Allotment and Road Layout	3 March 2022	John C Bested & Assoc
20940 – DIV Version 8 – Sheet 2	Land Division – Topographical Detail	3 March 2022	John C Bested & Assoc
S56399 - 277895	Stormwater Management Report	28 January 2022	FMG
SK-C01	Concept Grading	7 February 2022	FMG
S31364	Letter from Project Green	21 January 2022	Project Green

N/A	Letter to Theresa James from Project Green	8 February 2022	Project Green
21320	Traffic and Parking Report	9 November 2021	CIRQA
21320/BNW	Response to Representations	20 January 2022	CIRQA
21320	Internal Road Review	31 January 2022	CIRQA
21ADL-0552	Planning Report – Kings Road Development	11 November 2021	URPS
21ADL-0552	Letter to Chris Carrey from URPS	24 January 2022	URPS
21ADL-0552	Letter to EPA – Response to Request for Further Info	24 January 2022	URPS
21ADL-0552	Letter of Response to EPA Information Request	28 January 2022	URPS
21ADL-0552	Response to Representations	28 January 2022	URPS
JC0879_PSI	Preliminary Site Investigations report	20 January 2022	AGON Environmental
S7050C3	Environmental Noise Assessment	November 2021	Sonus

2. Site work, demolition work and building work shall be carried out only between the hours of 7.00am to 7.00pm Monday to Saturday and 9.00am to 5.00pm Sunday.

*Department for Infrastructure and Transport Conditions*

3. The road works to Kings Road shall be consistent with Hodge Collard Preston Proposed Site Plan, Project No. 77.21, Drawing No. S03, Revision A dated 15 November 2021 and CIRQA Traffic Report, Version 1.0 dated 9 November 2021, and include (but not be limited to) the following road upgrades:
  - a. A raised median on Kings Road to physically restrict access to the Retail Fuel Outlet (Lot 100) to left in and left out movements only.

- b. An indented bus stop designed to the satisfaction of SAPTA/DIT and Council.
- c. The new 'Road A' junction with Kings Road is to be designed to cater simultaneous two-way vehicle movements of an 8.8m Medium Rigid Vehicle. Check vehicle to be determined in detailed design. This may require the entry/exit radius to be modified on both sides of the New Road.
- d. The Kings Road/Road A junction shall provide a minimum 3.0 x 3.0 metre corner cut off.
- e. Suitable delineation of the retail fuel outlet entry point and exit point to ensure the safe and convenient flow of vehicles and pedestrians and match into existing infrastructure (including the pedestrian refuge located further east in front of 85 Kings Road).
- f. The access points to the Retail Fuel Outlet shall incorporate chevron line marking to permit access for a 19.0 metre semi-trailer.
- g. Any on-street parking along the 'Road A' shall be sufficiently setback from Kings Road so as to ensure unrestricted entry movements can be achieved and to provide adequate on-site storage at the junction in order to prevent queueing back onto Kings Road.
- h. Any additional alterations/modifications to road infrastructure required to support the development.

*(Note: the plans referenced in Condition 3 above have been superseded by those documents listed in Planning Condition 1 – however, points a) – h) all remain relevant).*

4. The Kings Road access points and all internal connections (within Lot 100) shall be suitably signed and line marked to reinforce the desired traffic flow to/from the site.
5. Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
6. Any obsolete crossover/s (or any portion thereof) on Kings Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.
7. Signage shall not contain any element of LED or LCD display, except for the fuel prices on the pylon signs. The fuel prices shall be white characters on a black background.

8. Signage shall not flash, scroll, move or change, with the exception of the LED fuel price signs, which may change on an as-needs basis.
9. Signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Accordingly, all illuminated signs visible from Kings Road shall be limited to a low level of illumination (i.e. < 150Cd/m<sup>2</sup>), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

<b>Ambient Conditions</b>	<b>Sign Illuminance Vertical Component (Lux)</b>	<b>Sign Luminance (Cd/m<sup>2</sup>) Max</b>
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	150

10. Signage shall, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.

#### **Planning – Retail Fuel Outlet Specific Conditions**

11. Except where otherwise approved, the external finishes of the building shall:
  - a. Be finished in new non-reflective materials; and
  - b. Be finished in natural tones, in accordance with the approved plans; and
  - c. Be maintained in good condition at all times.
12. Except where otherwise approved, the advertisements approved as part of this application shall not:
  - a. Move; or
  - b. Flash; or
  - c. Reflect light so as to be an undue distraction to motorists; or
  - d. Be internally or externally illuminated.
13. All advertising signs and advertising structures shall be maintained in good repair at all times with graffiti removed within 24 hours.
14. All mechanical services to the building and in conjunction with the proposed use shall be designed, installed and operated in such a manner that any

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person or persons working within or adjacent to the site should not be subjected to any nuisance or inconvenience from noise or fumes.

15. All loading and unloading of vehicles and manoeuvring of vehicles in connection with the now approved development shall be carried out entirely within the subject land.
16. All landscaping identified on the Approved Landscaping Plan, prepared by Hodge Collard Preston Architects Drawing No S07 Revision D, shall be completed, prior to commencement of use (as hereby approved) and shall be maintained at all times thereafter (including the replacement of diseased or dying plants and the removal of weeds and pest plants) to the reasonable satisfaction of Council.
17. Noise measured at the nearest residential property boundary shall remain within the requirements of the Environment Protection Authority (EPA) guidelines for development adjacent to a residential area.
18. All driveways, manoeuvring areas and hardstand areas shall be constructed in accordance with the Approved Site Plan, prepared by Hodge Collard Preston Architects Drawing No S03 Revision D. The surface shall consist of 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 the commencement of use (as hereby approved) and shall be maintained at all times to the reasonable satisfaction of Council.
19. The car parking layout and associated aisle widths and car park manoeuvring area shall be designed and constructed to comply with AS 2890.1 – Off-street parking, Part 1 and Austroads “Guide to Traffic Engineering Practice Part 11 – Parking” and AS 2890.2 – Facilities for Commercial Vehicles.
20. No materials, goods or containers shall be stored in the designated car parking area or driveways.
21. All waste and other rubbish shall be contained and stored pending removal in covered containers which shall be kept in the designated bin store/service area, screened from public view.
22. Outside lighting shall be directed and shaded to prevent light overspill and/or nuisance to adjacent occupiers or distraction to drivers on adjacent public roads.



23. All fencing shall be maintained in good repair at all times with graffiti removed within 24 hours to the reasonable satisfaction of Council.
24. Any roof mounted plant or equipment shall be sited to avoid being visible to the street view or otherwise be screened in a manner that forms and integral part of the building design.
25. All of the recommendations contained in the acoustic report, prepared by Sonus Acoustic consultants, numbered S7050C3 dated November 2021, shall be implemented in full, prior to commencement of use and shall remain in place at all times thereafter.
26. All of the recommendations contained in the Arborculturalist Impact Assessment report, prepared by Project Green consultants, numbered dated 8 February 2022, shall be implemented in full, prior to commencement of use.
27. Stormwater systems shall be designed and constructed to cater for minor storm flows (Industrial / Commercial ARI = 10yrs). 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 event ARI = 100 years.

*Environment Protection Authority Conditions – Retail Fuel Outlet*

28. Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.
29. Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that directs vapours back into the tank during vehicle refueling.
30. Prior to operation, all underground fuel storage tanks must be double-walled and fitted with a leak detection system designed and installed in accordance with clause 4.5 of Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems.
31. Prior to operation, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection

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system, designed and installed in accordance with clause 4.5 of Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems.

32. Stormwater runoff from all hardstand areas (including the refuelling and fuel delivery areas) must be managed in accordance with the provided plan 'Catchment Plan Drawing Number SK- C02, Revision D, prepared by FMG Engineering' and must be directed via grates and grade changes to a SPEL Puraceptor full retention oil/water separator (no bypass function) that:
- a. Has a minimum spill capture capacity of 10,000 litres
  - b. Reduces oil content in the outlet to less than 5 ng/L (as confirmed by independent third party scientific testing)
  - c. Operates effectively in the event of a power failure

### **Land Division – Specific Conditions**

#### ***Council Requirements***

1. Detailed designs and specifications for all civil engineering works, including earthworks, roads, culverts, footpaths, stormwater drainage, lighting, signage, line marking and pram ramps are to be submitted to Council for Approval by Council's Principal Development Engineer. No works shall commence until written approval has been issued by the Principal Development Engineer.
2. Driveway locations are to be shown on the line marking plan.
3. All civil and construction works shall be carried out in accordance with all detailed designs and specifications approved by Council under Land Division Consent Requirement 1.
4. A Soil Erosion and Drainage Management Plan and Construction Environment Management Plan (including final traffic management during construction) 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. No works shall commence until prior written approval has been issued by Council's Principal Development Engineer.

5. Cut-off corners are to be adequate to comply with line of sight, footpath and service access requirements. The minimum cut-off dimension is to be 3.0m x 3.0m for local access roads.
6. Existing bores and wells previously used for irrigation and water supply are to be identified, abandoned, plugged and backfilled in accordance with the Natural Resources Management Act 2004, the Department of Environment, Water and Natural Resources (DEWNR) and relevant region NRM board to prevent contamination, degradation and wastage of groundwater.
7. A Proof Roll is to be undertaken at each stage of road construction (ie. Subgrade, prior to kerb and prior to sealing) with both Council and Superintendent Representatives in attendance, to ensure compliance with the approved plans and specifications. Council is to be given a minimum of 24 hours' notice of required attendance.
8. A geotechnical Inspection and Testing Plan (ITP) is to be forwarded to Council prior to construction. The fully completed ITP is to be provided to Council prior to Practical Completion. Field Density testing is to be undertaken on all pavement layers and common service backfill in accordance with AS 3798-2007 and AS 1289-2003.
9. CCTV footage of the underground drainage system is to be supplied prior to Practical Completion to confirm that works have been completed in accordance with the specification. Preferably CCTV footage will be provided prior to road sealing to enable rectifications of any defects.
10. The street lighting design is required to take into account the proposed footpath location and be submitted and approved along with the civil design drawings.
11. Street and public area lighting shall comply in all respects with the Lighting Code AS1158. The style and type of lighting shall be Approved by Council, prior to the commencement of any works. All public lighting must incorporate the use of unmetered LED Luminaires that are certified to be compliant with TS 1158.6 and must be listed on the AEMO load table. The standard public lighting tariff shall be Energy Only and electrical designs shall comply with AS 3000. Lighting design is to comply with AS/NZS 1158.
12. Public Roads A, B and C shall be constructed in the locations shown in the Approved Plan of Division and the roads shall be sealed in hot mix to a standard Approved by Council under Land Division Consent

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Requirement 1. Statutory line marking and signage shall be installed in accordance with the Road Traffic Act 1961 and Australian Standard 1742 Manual of Uniform Traffic Control Devices.

13. To ensure the minimum thickness of hot mix has been achieved during road pavement construction, Council require certification from a registered surveyor that the road formation levels have been checked prior to and after road surfacing (5 points every 50m). Council may at its discretion request core samples to verify asphalt thickness and compaction.
14. Boundary fencing shall be constructed using 1.8m high pre-colour coated metal in a natural finish (ie. grey or green) as follows:
  - a. Full length of the rear boundaries of Lots 110 – 114 inclusive of required retaining walls;
  - b. Northern side boundary of Lot 110, termination of Road C adjacent Lot 120, and full length of rear boundaries of Lots 104 – 109;
  - c. Eastern side boundary of Lot 104, termination of Road B adjacent Lot 119, and full length of rear boundaries of Lots 101 - 103
15. The terminating boundaries of Road B and Road C shall be fitted with the largest and longest D4-5 Hazard Board adjacent the fencing at the terminating ends of the road. Signs shall face toward the road.
16. Unless otherwise approved by Council, Lot 119 and Lot 120 (Reserve) shall be landscaped with compacted rubble unless notified otherwise by Council.
17. The stormwater system shall be designed and constructed as follows:
  - a. Underground piped stormwater system to cater for minor storm flows (ARI = 5 years); and
  - b. Overland flow path designated to cater for the 100 year ARI major storm event.
18. All surface runoff in the 100 year ARI major storm event shall be safely conveyed through the new road network, providing an overland flow path within the road reserves to accommodate peak flow.
19. Allotment fill may be required to ensure that the floor levels of proposed residential development will be 300mm above top of kerb for the proposed road frontage and graded a minimum 0.5% towards the road. This may require that the general level of each residential allotment be raised in layers of 150mm of compacted fill. Any filling in excess of 300mm is to be constructed with Level 1 Supervision.

20. The excavation and filling of land must be undertaken in accordance with the specifications of Council. Those specifications shall comply with “AS 3798-2007: Guidelines on earthworks for commercial and residential developments”. Geotechnical documentation shall be provided to Council, prior to Section 51 clearance, demonstrating that all filling complies with the requirements of AS 2870-1011: Residential Slabs and Footings.
21. Existing footpaths and verge areas shall be reinstated to Council specification after excavation trenching and underground services have been installed.
22. Electricity supply servicing the development shall be installed underground in accordance with SA Power Networks Technical Standards for underground residential distribution of electricity.
23. All Communication Carriers services (including NBN Broadband) shall be installed underground.
24. A 1.5m wide footpath, associated pram ramps and landings shall be constructed along one side of all local roads in accordance with Council’s specification. The footpath is to connect to the existing external footpath and the location and materials shall be Approved by Council under Land Division Consent Requirement 1.
25. A Landscaping Plan shall be submitted to Council for Approval, prior to commencement of site works. The Landscaping Plan shall achieve the following:
  - a. Incorporate advanced growth street trees (at least 1.2m at planting) at a rate of at least 1 tree per allotment frontage (on both sides of all public roads), of a species agreed to by Council’s Team Leader – Landscape Design;
  - b. Removal of all weed and pest species on the site and preparation of the topsoil within all road reserves, such that weed and pest species do not thrive.
26. All landscaping works identified on the Landscaping Plan, Approved by Council under Land Division Consent Condition 25, shall be completed in full or bonded.
27. A Construction Environmental Management Plan (CEMP) is to be provided to Council for approval prior to works commencing on site. The CEMP is to be adhered to at all times.

28. All conditions must be met, including zero defects and full payment of any contributions prior to acceptance of Practical Completion and “handover” of infrastructure. Until the “Acceptance of Practical Completion and Asset Transfer” is issued by Council, all liability and maintenance of infrastructure remains responsibility of the Developer.
29. A bond for 10% of the agreed total value of the land division (ie. the development) or 100% of the agreed value of the outstanding works (whichever is greater) shall be provided to Council, prior to Section 138 Clearance, to be held by Council during the Defects Liability Period and returned upon satisfactory Final Completion of the Land Division.
30. Damage sustained to any new or existing infrastructure during the course of the works shall be rectified to Council satisfaction prior to the completion of development works.
31. The Defects Liability Period for the civil works will be 12 months from the date of issue of the Acceptance of Practical Completion and Asset Transfer.
32. An ‘as constructed’ survey, of all infrastructure including but not limited to stormwater pipes, kerbing, road pavement, line-marking, footpaths, signage, lighting and street tree plantings, shall be provided to Council in PDF and DWG format, prior to Practical Completion.
33. All road and reserve areas are to be vested to Council, at no cost to Council.
34. The applicant shall provide Council with a list of street names for approval by Council.
35. All street signs shall be supplied and installed, at the cost of the developer, in accordance with Council’s street sign guidelines.
36. All buildings and structures and loose materials (including rubbish) shall be removed from the site.

***EPA Conditions – Land Division***

37. A land division certificate under section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a statement of site suitability is issued by a site contamination consultant certifying the land is suitable for the proposed use.

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### *State Planning Commission – Land Division*

38. Payment of \$57,807.00 into the Planning and Development Fund (7.31 allotment/s @ \$7,908.00 /allotment). Payment may be made via credit card (Visa or MasterCard) online at plan.sa.gov.au, over the phone on 7109 7018, or cheques may be made payable to the State Planning Commission, marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001.
39. A final plan complying with the requirements for plans set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Planning Commission for Land Division Certificate purposes.

### *SA Water – Land Division*

40. The necessary infrastructure for this development is likely to be constructed by the developer under a Land Development Agreement.

In order to facilitate clearance, SA Water's easement, financial and Augmentation requirements shall be met by the developer.

An ongoing investigation is taking place and further details and appropriate servicing strategy will be provided in due course.

If a connection/s off an existing main is required, an investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard.

### *Advice Notes*

#### *Council 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).
- 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.

- 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 Applicant shall enter into an Infrastructure Agreement with Council prior to undertaking any works on Council land. The appropriate contact for setting up the Agreement is Council's Principal Development Engineer, Sam Kenny, who can be contacted on (08) 8406 8222 or via [deveng@salisbury.sa.gov.au](mailto:deveng@salisbury.sa.gov.au)
- A final survey of the site boundaries is recommended to ensure the approved building works are accommodated within the designated footprint and achieve the designated boundary setbacks.
- With regards to all proposed boundary retaining walls and fencing, the applicant is reminded to consult with adjoining property owners and follow due process pursuant to the *Fences Act 1975*.

Please note combined retaining walls and fencing in excess of 2.1m require Development Authorisation.

For further information, please visit the Legal Services Commission of SA website: <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; or*
- *After 7pm or before 7am on any other day.*
- If you are a developer, you are responsible for providing telecommunications infrastructure in your developments. You can choose any carrier you want to service your development, if you don't wish to choose another carrier, NBN is the infrastructure provider of last resort (IPOLR) in those areas of its fixed line footprint where NBN has established its network, or where it has publicly identified an area as a fixed line rollout region. NBN is also the IPOLR for developments with 100 lots or more. Telstra is the IPOLR in developers with



fewer than 100 lots where NBN Co has not established its network. Carriers, including NBN and Telstra, can charge for providing infrastructure in new developments. More information can be found at <https://www.communications.gov.au/policy/policy-listing/telecommunications-new-developments>

If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/buildwithnbn> once registered you will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works commence.

All telecommunications infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/design-build-install.html>

- This Development Approval does not constitute land owners approval. The following applies to any works on Council land:
  - Any person making alteration to Council land including erecting or installing a structure (pipes, wires, cables, fixtures, fittings), storing building materials, erecting temporary fencing, altering the kerb, gutter, footpath or crossover etc. in, on, under or over Council land, is subject to a permit from Council pursuant to Section 221 of the Local Government Act 1999.
  - Service infrastructure should be located as far as practicable away from street trees, in order to protect the root zone and to prevent future damage to the infrastructure from roof expansion.
  - Residents and businesses are encouraged to develop and maintain the verge area between their property boundary and the kerb. However, some types of development such as irrigation, tree planting and landscaping may be restricted in some areas and therefore permission should be first sought from Council before commencing any works;
  - It is the 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.

#### *Council Trees*

- A number of Regulated Trees are located on the adjoining Council Reserve to the west of the subject site, close to the rear boundaries of Allotments 110 – 114. Future developers of these allotments are advised of the proximity of these trees, and detailed arborist advice may be required at the dwelling application

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phase (to be arranged by the developer at their own expense) to demonstrate future development does not result in tree damaging activity.

*Food Business – Retail Fuel Outlet*

- A Food Business Notification form as prescribed under the Food Act must be completed prior to commencement or any food sale or production activities.
- The structure and design of any designated food preparation and kitchen must be constructed in compliance with *Food Act 2001 and Food Safety Standard 3.2.3*.

*Environment Protection Authority Advice Notes – General*

- The applicant/owner/operator are reminded of its general environmental duty, as required by Section 25 of the *Environmental Protection Act*, to take all reasonable and practicable measures to ensure that the activities on the whole site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au).

*Environment Protection Authority Advice Notes – Retail Fuel Outlet*

- An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant/owner should contact the Environment Protection Authority on (08) 8204 2058 or email [EPAlicensing@sa.gov.au](mailto:EPAlicensing@sa.gov.au) for information about the licencing process and requirements
- A licence may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.
- The applicant is advised that any sludge from the SPEL Purceptor Class 1 full retention oil/water separator should be removed as necessary by a waste transporter licensed by the EPA to carry such material to an appropriate waste facility.

*Department for Infrastructure and Transport – Advice Notes*

- The applicant shall enter into a Developer Agreement with DIT to undertake and complete the required road works.
- All road works deemed required to facilitate safe and efficient access to the proposed development and 'Road A' shall be designed and constructed to DIT's satisfaction, with all costs (including but not limited to design, construction,

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project management and any changes to road drainage, lighting etc. required) being borne by the applicant.

Prior to undertaking detailed design, the applicant shall contact Mr Narendra Patel, Senior Network Integrity Engineer, Network Management Services on telephone (08) 8226 8244, mobile 0400 436 745 or via email: narendra.patel@sa.gov.au to progress this.

***DIT Mark Maintenance – Advice Notes***

- 1 PSM is required to be placed at the position marked on the attachment.
  - The following number shall be used: 6628/63366
  - The new PSM must be witnessed.
  - The following is to be supplied once the PSM has been placed:
    - Location sketch
    - MGA2020 coordinates

***DIT Public Transport – Advice Notes***

- SAPTA will support the application on the condition that bus stop 41 Kings Road (both sides) remains accessible for Adelaide Metro Buses in its current location. In the instance where a stop is requested to be relocated by the applicant, SAPTA advises that Council are wholly responsible for notifying/consulting impacted residents, with the new location to be determined in conjunction with SAPTA. Council must notify the applicant that they are responsible for covering all costs associated with bus stop relocation, and if a suitable alternate location cannot be identified the stop must remain in the current position. Any new stops must meet DDA compliance. Any temporary impact to the bus stop during construction should be directed to Wayne Stewart - SAPTA

The Presiding Member called for a vote and the vote was tied 2 for and 2 against. The Presiding Member cast a second vote and the motion failed.

8.05pm the Presiding Member called for a recess of the meeting.

8.19pm the meeting opened.

Mr M Atkinson moved, and Mr T Mosel seconded:

- 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 **REFUSED** to application number 21034988 for Land Division - Creation of 18 Allotments, Public Roads and Reserve and construction

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of Retail Fuel Outlet with associated Signage and Fencing (on proposed Allotment 100) for the following reasons:

That the proposal does not sufficiently comply with the following fundamental land use provisions of the Planning and Design Code:

- General Neighbourhood Zone PO 1.1, 1.2, 1.3, 1.4 and 6.1
- General Development (Design in Urban Areas) PO 1.1
- General Neighbourhood Policies (Interface Between Land Uses) PO 1.2 and 2.1
- General Neighbourhood Zone DO 1
- General Development Policies (Interface Between Land Uses) DO1
- General Development (Design in Urban Areas) DO1

Presiding Member called for a vote and the vote was tied 2 for and 2 against. The Presiding Member cast a second vote and the motion passed.

Mr B Brug re-entered the meeting at 8.54pm

**8.1.1 21027237**

Redevelopment of existing hotel (Addition of a beer garden, reconfiguration of car parking, two (2) advertisements, 2.4m high fencing and landscaping) at 138 WATERLOO CORNER RD PARALOWIE SA 5108 for Urbis (Mietta Gleeson).

**REPRESENTORS**

Mr A Humphreys spoke to his representation.

Ms K Millar spoke to her representation.

**APPLICANT**

Ms M Gleeson, Senior Consultant, URBIS, spoke on behalf of the applicant.

Mr K Ettershank, Aus Venue Co, spoke on behalf of the applicant.

Mr N Henrys, Resonate Consultants, spoke on behalf of the applicant.

Mr T Wilson, CIRQA, spoke on behalf of the applicant.

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Mr R Bateup, 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 application number 21027237 for the Redevelopment of existing hotel (Addition of a beer garden, reconfiguration of car parking, two (2) advertisements, 2.4m high fencing 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(3) 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, 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:

<b>Drawing No.</b>	<b>Plan Type</b>	<b>Date</b>	<b>Prepared By</b>
21013 – DD 00.01 Revision G	Site Plan	12 November 2021	KP Architects
21014 – DD 00.02 Revision C	Demolition Site Plan	12 November 2021	KP Architects
21014 – DD 10.00 Revision F	Demolition Plan – Ground Level	12 November 2021	KP Architects
21014 – DD 10.01 Revision F	Floor Plan – Ground Level	9 November 2021	KP Architects
21014 – DD 11.01 Revision F	Roof Plan	9 November 2021	KP Architects

21014 – SD 20.01 Revision E	Elevations Plan (West and South)	3 September 2021	KP Architects
21014 – SD 20.02 Revision E	Elevations Plan (North)	3 September 2021	KP Architects
21014 – SD 30.01 Revision E	Sections Plan	3 September 2021	KP Architects
21234	Traffic and Parking Report	12 November 2021	CIRQA
N/A	Planning Report	September 2021	Urbis
N/A	Response to Representations	16 March 2022	Urbis
ATS6694 – 138WatCorRdDir	Arboricultural Impact Assessment and Development Impact Report	25 February 2022	Arborman Tree Solutions
A210395RP1 Revision C	Environmental Noise Assessment	11 March 2022	Resonate
N/A	Applicant’s response to matters raised by independent acoustic engineer	11 March 2022 and 16 March 2022	Urbis and Resonate
N/A	Landscape Concept Report	24 February 2022	Tract

2. Site work, demolition work and building work shall be carried out only between the hours of 7.00am to 7.00pm Monday to Saturday and 9.00am to 5.00pm Sunday.
3. Measures shall be implemented to eliminate dust emissions from the site during the construction period so as not to cause nuisance to adjacent properties or the adjacent road network
4. The advertisements and advertising structures shall be maintained in good repair at all times
5. Except where otherwise approved, the external finishes of the building 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.
6. Any roof mounted plant or equipment shall be sited to avoid being visible to street view or otherwise be screened in a manner that forms an integral part of the building design.
7. All of the recommendations contained in the Environmental Noise Assessment report, prepared by Resonate, numbered A210395RP1 Revision C dated 11 March 2022, shall be implemented in full, prior to commencement of use and shall remain in place at all times thereafter.

8. Consistent with the assessment of the Environmental Noise Assessment report, prepared by Resonate, numbered A210395RP1 Revision C dated 11 March 2022, the beer garden shall be restricted to a maximum 400 patrons at any one time.
9. Consistent with the assessment of Environmental Noise Assessment report, prepared by Resonate, numbered A210395RP1 Revision C dated 11 March 2022, live music (amplified) music with drum kit, electric guitar/bass (and the like) or night club style dance music is not permitted within the beer garden.
10. Consistent with the criteria identified with the Waterloo Station Hotel – Beer Garden Management Plan (dated February 2022), and the Environmental Noise Assessment report, prepared by Resonate, numbered A210395RP1 Revision C dated 11 March 2022, a sound limited device will be installed to ensure that music and television noise will be limited within the venue to L<sup>10</sup>71dB(A).
11. All of the recommendations contained in the Arboricultural Impact Assessment and Development Impact Report, prepared by Arborman Tree Solutions, dated 25 February 2022, shall be implemented in full, prior to commencement of use.
12. Noise measured at the nearest residential property boundary shall remain within the requirements of the Environment Protection Authority (EPA) guidelines for development adjacent to a residential area.
13. Storm runoff from the building roof areas is to be separated from the runoff from ground or paved surfaces and discharged directly to the existing underground drainage system.
14. Outside lighting shall be directed and shaded to prevent light overspill and/or nuisance to adjacent occupiers or distraction to drivers on adjacent public roads.
15. A 2.4-metre-high solid good neighbour perimeter boundary fencing with no gaps or alternative material with minimum mass of 8kg/m<sup>2</sup>, as detailed in the Environmental Noise Assessment report, prepared by Resonate, numbered A210395RP1 Revision C dated 11 March 2022, shall be established along the north-western and south-western boundaries of the site, prior to commencement of use and shall be maintained in good repair at all times with graffiti removed within 24 hours to the reasonable satisfaction of Council.
16. Ten (10) car parking spaces immediately south of the entry to the gaming room machine area shall be marked for staff car parking only.
17. The operating hours of the beer garden shall be limited to Sunday to Thursday 9am to 10pm and Friday and Saturday 9am to 12am.

Advice Notes

- With regards to all proposed boundary retaining walls and fencing, the applicant is reminded to appropriately consult with adjoining property owners and follow due process pursuant to the Fences Act 1975.

For further information, please visit the Legal Services Commission of SA website: <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; or
    - After 7pm or before 7am on any other day.
  - A Food Business Notification form as prescribed under the Food Act must be completed prior to commencement or any food sale or production activities.
  - The structure and design of any designated food preparation and kitchen must be constructed in compliance with Food Act 2001 and Food Safety Standard 3.2.3.
  - The applicant is advised of a general concern with behaviours in the car park area and the applicant is advised to increase the location of CCTV cameras around the venue, with particular focus on the car park areas.

## OTHER BUSINESS

### 8.2.1 Council Assessment Panel 2022 Meeting Schedule

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

- a. The information provided on this report is noted.

### 8.2.2 Status of Current Appeal Matters and Deferred Items

The Assessment Manager provided a verbal update on appeal by Mr Tony Maiello (N27 Pty Ltd) against to decision to refuse Development Plan Consent for development application 361/1618/2020/2A at 173-175 Park Terrace, Brahma Lodge. The appellant has prepared amended plans in response to the Panel's decision and the amended plans will be presented to the meeting in April 2022 for the Panel's consideration.



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

Nil

**8.2.4 Future Meetings & Agenda Items**

Next meeting scheduled for Wednesday 27 April 2022.

**ADOPTION OF MINUTES**

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

The meeting closed at 10.19pm.

**PRESIDING MEMBER:** Mr T Mosel

**DATE:** 29 March 2022  
(refer to email approving minutes registered in Dataworks Document Number [redacted] )