



MINUTES

of

COUNCIL ASSESSMENT PANEL MEETING

pursuant to the provisions of section 91 of the
Local Government Act 1999

held at

**WALKERVILLE COUNCIL CIVIC CENTRE
COUNCIL CHAMBERS
66 WALKERVILLE TERRACE GILBERTON**

on

MONDAY, 09 DECEMBER 2024 AT 5.30PM

MINUTES

09 DECEMBER 2024

The presiding member declared the meeting open at 5.30 pm.

ACKNOWLEDGEMENT OF COUNTRY

Town of Walkerville would like to acknowledge the Kaurna people as the traditional custodians of the land we are meeting on today, and respect their spiritual relationship with their country.

We recognise the many generations of stewardship the Kaurna people have provided to this land, and respect that their cultural heritage and beliefs are as important today as they were for their ancestors.

1. ATTENDANCE RECORD

1.1 Present

Mr Michael Doherty (Presiding Member)
Mr Ross Bateup
Mr John Zeppel
Mr Julian Rutt

Staff in Attendance

Assessment Manager, Planning, Environment & Regulatory Services, Michael Walmesley
Senior Planner, Planning, Environment & Regulatory Services, Siobhan Kelly
Acting Group Manager Public Relations, Lisa Cuculowskyj

1.2 Apologies

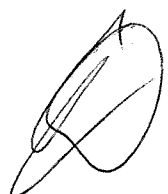
Mr Arron Broom
Ms Zoe Garnaut
Senior Planner, Planning, Environment & Regulatory Services, Chandhini Kumar

1.3 Not Present / Leave of Absence

Nil.

2. DECLARATIONS OF INTEREST

Nil.



3. DECISION REPORTS

- 3.1 Application: 24033098
Applicant: Corporation of the Town of Walkerville – Ross Oates
Location: 39 Smith St Walkerville SA 5081 + 2 more location(s)
Proposal: Construction of a new indoor recreation facility, change of use (part of land from Council depot to indoor recreation facility), ancillary kiosk, storage, visitor amenities , and associated car parking.
Zoning: Community Facilities Zone

Grazio Maiorano from URPS attended and spoke on behalf of the applicants.

Kerry Jelbart attended and spoke on behalf of their representation.

CAP1/24-25

Moved: Michael Doherty

Seconded: Julian Rutt

1. The Council Assessment Panel resolve that the proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

CARRIED UNANIMOUSLY

Moved: Ross Bateup

Seconded: Julian Rutt

2. The Council Assessment Panel resolve Development Application Number 24033098, by Corporation of the Town of Walkerville is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

The development granted *Planning Consent* shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

During construction and at all times thereafter, stormwater generated from the approved development shall be managed so as to not:

- pond against or near the footings;
- affect the stability of any building;
- flow or discharge onto adjoining properties;
- flow across the surface of footpaths or public ways; or
- create unhealthy or dangerous conditions on the site or within any building.

Condition 3

All stormwater discharged from the development shall be controlled with flow leaving the site not to exceed the pre-development flow rate to the satisfaction of Council.

Condition 4



Development incorporating music includes noise attenuation measures that will achieve the following noise levels (measured externally at the nearest existing noise sensitive location):

- A music noise level of less than 8dB above the level of background noise (L90,15min) in any octave band of the sound spectrum ($LOCT_{10,15} < LOCT_{90,15} + 8dB$).

Condition 5

Areas for activities including loading and unloading, storage of waste refuse bins in or wash-down areas used for the cleaning of vehicles, vessels, plant or equipment must be:

1. designed to contain all wastewater within a bunded and roofed area to exclude the entry of external surface stormwater run-off
2. paved with an impervious material
3. designed to drain wastewater to either:
 - a treatment device such as a sediment trap and coalescing plate oil separator with subsequent disposal to a sewer, private or Community Wastewater Management Scheme or
 - a holding tank and its subsequent removal off-site on a regular basis.

Condition 6

Waste storage areas and/or receptacles shall be screened so as to reduce their visual prominence when viewed from the surrounding locality, to the reasonable satisfaction of the Council.

Condition 7

All external lighting must be designed and constructed according to conform to Australian Standard (AS 4282-1997).

Condition 8

All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.

Condition 9

All car parking areas, driveways and vehicle manoeuvring areas must be line-marked in accordance with the approved plans and to comply with the Australian/New Zealand Standard for Parking Facilities (Part 1: Off-street Car Parking (AS/NZS 2890.1:2004) prior to occupation. Line marking shall occur prior to the use of the development herein approved and such line marking shall be maintained in good and substantial conditions at all times, to the reasonable satisfaction of the Council.

Condition 10

Bicycle facilities shall be provided and maintained in accordance with Australian Standard AS 1742.9-2000 Manual of uniform traffic control devices Part 9: Bicycle facilities, to the reasonable satisfaction of the Council.

Condition 11

Lighting to driveways, parking and manoeuvring areas shall be lit in accordance with the Australian Standard for Lighting for Roads and Public Spaces (AS1158.1 and AS1158.3) during the hours of darkness that they are in use and accessible by the general public, to the reasonable satisfaction of the Council.

Condition 12

Landscaping must be designed, undertaken and maintained in accordance with the plans and details forming part of the development authorisation.



Condition 13

Prior to commencement of any site works, a "Tree Protection Zone" shall be established and managed throughout the construction process in accordance with the Tree Protection Plan for 39 Smith Street, Walkerville SA 5081 prepared by Adelaide Arb Consultants and dated 09 September 2024, to the satisfaction of Council.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 14

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that any required remediation has been undertaken and the land is suitable for the proposed use.

Condition 15

For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination auditor informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.

CARRIED UNANIMOUSLY

ADVISORY NOTES

Planning Consent

Advisory Note 1

Conditions of previous consents continue to apply to the subject land unless expressly varied by this consent.

Advisory Note 2

Encumbrances although not administered by Council may apply to your property. You are therefore advised to check for encumbrances on your Certificate of Title prior to commencing work.

Advisory Note 3

Your attention is drawn to the EPA *Stormwater Pollution Prevention Code of Practice* which provides for site management practices during the construction process.

Advisory Note 4

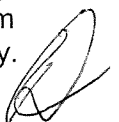
Whilst not administered by Council the provisions of the *Fences Act 1975* may apply to any works proposed affecting boundary fences including requirements for consultation and notification of adjoining owners. It is recommended that your obligations under the Fences Act are confirmed prior to any works affecting boundary fences (existing or proposed).

Advisory Note 5

Retaining walls constructed to retain a difference in ground levels exceeding (1) metre in height require development approval.

Advisory Note 6

Your attention is drawn to the provisions of the *Local Nuisance and Litter Control Act 2016* which makes it an offence to undertake an activity that results in a local nuisance including, but not limited to, fixed machine noise, odour, and the collection of waste noise before 9am or after 7pm on any Sunday or public holiday; or after 7pm or before 7am on any other day.



Advisory Note 7

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).

Advisory Note 8

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

Advisory Note 9

Any works undertaken on Council owned land (including but not limited to works relating to reserves crossing places landscaping footpaths street trees and stormwater connections and underground electrical connections) shall require authorisation of Council Further information and/or specific details can be obtained by contacting Council on 8342 7100

Advisory Note 10

The applicant shall at their own expense in all things carry out all alterations to any existing inverts, kerbs, watertable, footpaths, pavements, or other works in the public roads adjacent to the subject land necessary to give effect to any demolition or construction of buildings or structures, site works or other works forming part of the development approval to the reasonable satisfaction of the Council. The applicant shall also at their own expense in all things repair and make good any damage to any such inverts, kerbs, watertable, footpaths, pavements, or other such works to the reasonable satisfaction of the Council.

Advisory Note 11

Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment's must be repaired / reinstated to Council's satisfaction at the developer's expense.

Advisory Note 12

No trees or shrubs shall be removed or pruned on Council's road verge without Council approval.

Advisory Note 13

Excavations for footpath crossovers or any other work undertaken on the public road reserve must not be commenced until approval has been given by Council.

Advisory Note 14

The land owner/developer is responsible for ensuring that building work is sited in the approved position. This may necessitate a survey being carried out by a licensed land



surveyor. Allotment boundaries will not be certified by Council staff; however Council may enforce removal of any encroachments over council land.

Advisory Note 15

Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.

Advisory Note 16

You are further advised that Building Rules consent is required for the application pursuant to the *Planning, Development and Infrastructure Act 2016*.

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 17

The applicant/owner/operator is reminded of the general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

3.2	Application:	24017574
	Applicant:	Buckingham Arms Development Pty Ltd
	Location:	1 Walkerville Tce Gilberton SA 5081 + 15 more location(s)
	Proposal:	Partial demolition, change of use from hotel and car park to residential flat buildings and shop (restaurant), construction of 29 x 3 level, 3-bedroom medium-rise townhouses (in four (4) residential flat buildings), significant and regulated tree removal, refurbishment and building alterations of a Local Heritage Place and construction of a freestanding wall.
	Zoning:	Urban Corridor (Living) Zone

Matthew King (URPS), Chelsea Jurek (URPS), Scott Meek (SMFA) and Tom Wilson (CIRQA) attended and spoke on behalf of the applicants.

CAP2/23-24

Moved: Michael Doherty

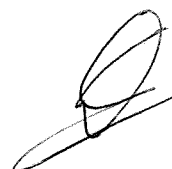
Seconded: Julian Rutt

1. The Council Assessment Panel resolve that the proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

CARRIED UNANIMOUSLY

Moved: Ross Bateup

Seconded: Julian Rutt



2. The Council Assessment Panel resolve that Development Application Number 24017574, by Buckingham Arms Development Pty Ltd is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

The development granted *Planning Consent* shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

The finish of any exposed outer facing walls on the property boundary shall be finished in a professional manner and standard equivalent to the other external walls of the subject dwelling, to the reasonable satisfaction of Council.

Condition 3

Upper-level windows facing side or rear boundaries shared with another residential allotment/site must:

1. be permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm; or
2. have sill heights greater than or equal to 1.5m above finished floor level; or
3. incorporate screening to a height of 1.5m above finished floor level.

Any fixed and obscured glazing or screening shall be established prior to occupation of the dwelling, and be maintained to the reasonable satisfaction of Council at all times thereafter.

Condition 4

During construction and at all times thereafter, stormwater generated from the approved development shall be managed so as to not:

- pond against or near the footings;
- affect the stability of any building;
- flow or discharge onto adjoining properties;
- flow across the surface of footpaths or public ways; or
- create unhealthy or dangerous conditions on the site or within any building.

Condition 5

All stormwater discharged from the development shall be controlled with flow leaving the site not to exceed the pre-development flow rate to the satisfaction of Council.

Condition 6

The hours of operation of the shop (restaurant) are limited to the following times:

- 7:00 am to 10:00 pm everyday

Condition 7

Either:

Replacement trees must be planted within 12 months of completion of the development at the following rates:

1. if the development relates to a regulated tree—2 trees to replace a regulated tree; or
2. if the development relates to a significant tree—3 trees to replace a significant tree; or

Payment of an amount calculated in accordance with the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 be made into the relevant urban trees fund (or if an urban trees fund has not been established for the area where the relevant tree is situated, or the relevant authority is the Commission or an assessment panel



appointment by the Minister or a joint planning board, the Planning and Development Fund) in lieu of planting 1 or more replacement trees. Payment must be made prior to the undertaking of development on the land.

Conditions imposed by Environment Protection Authority under Section 122 of the Act
Condition 8

Remediation works must be undertaken in accordance with the '*Construction Environmental Management Plan, Former Buckingham Arms 1-9 Walkerville Terrace, Gilberton, South Australia - Citify Group*', prepared by *Agon Environmental* (9 November 2023) and must be overseen by a suitably qualified and experienced site contamination consultant.

Condition 9

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

If a certificate of occupancy is not required pursuant to regulation 103 of the *Planning, Development and Infrastructure (General) Regulations 2017*, a person must not occupy the building for the purpose authorised under the development approval until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Condition 10

For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination consultant.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 11

1. The Northcote Terrace access and the Walkerville Terrace access points shall be located in accordance with the SMFA Citify plan, Walkerville Terrace Development Townhouses, Site Analysis – Context, Drawing No. 1.03, Revision PL01 dated 6.9.2024 and the access treatments shall be as shown in the CIRQA plan Northcote Terrace Vehicle Access/ D.Way Proximity Rev G dated 23/10/24 and Walkerville Terrace Vehicle Access/ D.Way Proximity Rev G dated 23/10/24. The Northcote Terrace access shall operate on a left turn in and left turn out basis only and the Walkerville Terrace access shall cater for left turn in, left turn out and right turn in movements only. The access points shall be suitably signed, and line marked to reinforce the desired traffic flow.

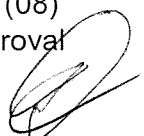
Condition 12

The bus stop on Walkerville Terrace shall be relocated (including bus pad, shelter, tactiles and stop, etc) to the satisfaction of DIT and Council with all costs being borne by the applicant.

Condition 13

All road works deemed required to facilitate safe access to the development (including relocation of road signs, bus stops, side entry pits and other road infrastructure) shall be designed and constructed to the satisfaction of the Department for Infrastructure and Transport, with all costs (including design, construction, project management and any changes to road drainage, lighting, vegetation removal, etc. required) being borne by the applicant. All works shall be completed prior to occupation of the development.

Note: Prior to undertaking any construction works, 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 obtain approval



and discuss any technical issues regarding the required road works. The applicant may be required to enter into a Developer Agreement with DIT to undertake and complete this work.

Condition 14

The largest vehicle permitted on-site shall be restricted to a 10-metre vehicle.

Condition 15

All off-street car parking areas shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009 and all commercial vehicle facilities shall be designed in accordance with AS 2890.2:2018

Condition 16

Any infrastructure within the road reserve (e.g. road signs, side entry pits, etc) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

Condition 17

All redundant crossovers to Northcote Terrace and Walkerville Terrace shall be reinstated with council standard kerb and gutter prior to occupation of the development. All costs shall be borne by the applicant.

Condition 18

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

CARRIED UNANIMOUSLY

ADVISORY NOTES

Planning Consent

Advisory Note 1

Conditions of previous consents continue to apply to the subject land unless expressly varied by this consent.

Advisory Note 2

Encumbrances although not administered by Council may apply to your property. You are therefore advised to check for encumbrances on your Certificate of Title prior to commencing work.

Advisory Note 3

Your attention is drawn to the EPA *Stormwater Pollution Prevention Code of Practice* which provides for site management practices during the construction process.

Advisory Note 4

Whilst not administered by Council the provisions of the *Fences Act 1975* may apply to any works proposed affecting boundary fences including requirements for consultation and notification of adjoining owners. It is recommended that your obligations under the Fences Act are confirmed prior to any works affecting boundary fences (existing or proposed).

Advisory Note 5

Retaining walls constructed to retain a difference in ground levels exceeding (1) metre in height require development approval.

Advisory Note 6



Your attention is drawn to the provisions of the *Local Nuisance and Litter Control Act 2016* which makes it an offence to undertake an activity that results in a local nuisance including, but not limited to, fixed machine noise, odour, and the collection of waste noise before 9am or after 7pm on any Sunday or public holiday; or after 7pm or before 7am on any other day.

Advisory Note 7

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).

Advisory Note 8

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

Advisory Note 9

Any works undertaken on Council owned land (including but not limited to works relating to reserves crossing places landscaping footpaths street trees and stormwater connections and underground electrical connections) shall require authorisation of Council Further information and/or specific details can be obtained by contacting Council on 8342 7100

Advisory Note 10

The applicant shall at their own expense in all things carry out all alterations to any existing inverts, kerbs, watertable, footpaths, pavements, or other works in the public roads adjacent to the subject land necessary to give effect to any demolition or construction of buildings or structures, site works or other works forming part of the development approval to the reasonable satisfaction of the Council. The applicant shall also at their own expense in all things repair and make good any damage to any such inverts, kerbs, watertable, footpaths, pavements, or other such works to the reasonable satisfaction of the Council.

Advisory Note 11

Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment's must be repaired / reinstated to Council's satisfaction at the developer's expense.

Advisory Note 12

No trees or shrubs shall be removed or pruned on Council's road verge without Council approval.

Advisory Note 13

Excavations for footpath crossovers or any other work undertaken on the public road reserve must not be commenced until approval has been given by Council.

Advisory Note 14



The land owner/developer is responsible for ensuring that building work is sited in the approved position. This may necessitate a survey being carried out by a licensed land surveyor. Allotment boundaries will not be certified by Council staff; however Council may enforce removal of any encroachments over council land.

Advisory Note 15

Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.

Advisory Note 16

You are further advised that Building Rules consent is required for the application pursuant to the *Planning, Development and Infrastructure Act 2016*.

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 17

The applicant/owner/operator is reminded of the general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

Advisory Note 18

Should traffic flows on Northcote Terrace and Walkerville Terrace be impacted during the construction/demolition works, the applicant shall notify DIT's Traffic Management Centre (TMC) – Roadworks on 1800 434 058 or email dit.roadworks@sa.gov.au to gain approval for any road works, or the implementation of a traffic management plan during the construction phase.

Advisory Note 19

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a 4.5m strip of land from the Northcote Terrace frontage for future upgrading of the Northcote Terrace / Robe Terrace / Park Road / Walkerville Terrace intersection. The consent of the Commissioner of Highways under the *Metropolitan Adelaide Road Widening Plan Act 1972* is required to all building works on or within 6.0m of the possible requirement.

As the proposed development is located within the above areas, the attached consent form should be completed by the applicant and returned to DIT (via email dit.landusecoordination@sa.gov.au), together with a copy of the Decision Notification Form and the approved site plan/s.



- 3.3 Application: 24019478
 Applicant: Ms Lucy Hargraves
 Heritage Building Group
 Location: 158 Stephen Tce Gilberton SA 5081
 Proposal: Two storey detached dwelling, indoor swimming pool
 and safety barrier fencing
 Zoning: Established Neighbourhood Zone

Tom Gregory (Ben Green associates) and Con Vanco (landowner) attended and spoke on behalf of the applicants.

Gerald Matthews attended and spoke on behalf of their representation.

CAP3/23-24

Moved: Michael Doherty

Seconded: Julian Rutt

1. The Council Assessment Panel resolve that the proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

CARRIED UNANIMOUSLY

Moved: Ross Bateup

Seconded: Julian Rutt

2. The Council Assessment Panel resolve that Development Application Number 24019478, by Lucy Hargraves and Heritage Building Group is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

The development granted *Planning Consent* shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

Tree(s) must be planted and/or retained in accordance with DTS/DPF /DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

Condition 3

Rainwater tank(s) must be installed in accordance with DTS/DPF /DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

Condition 4

Upper level windows facing side or rear boundaries shared with another residential allotment/site must:



1. be permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm; or
2. have sill heights greater than or equal to 1.5m above finished floor level; or
3. incorporate screening to a height of 1.5m above finished floor level.

And

Balconies facing a boundary shared with another residential allotment/site must:

1. incorporate screening to a height of 1.7m above finished floor level.

Any fixed and obscured glazing or screening shall be established prior to occupation of the dwelling, and be maintained to the reasonable satisfaction of Council at all times thereafter.

Condition 5

During construction and at all times thereafter, stormwater generated from the approved development shall be managed so as to not:

- pond against or near the footings;
- affect the stability of any building;
- flow or discharge onto adjoining properties;
- flow across the surface of footpaths or public ways; or
- create unhealthy or dangerous conditions on the site or within any building.

Condition 6

All stormwater discharged from the development shall be controlled with flow leaving the site not to exceed the pre-development flow rate to the satisfaction of Council.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 7

All access to the development shall be gained in accordance with the Site Plan produced by Heritage Building Group, Revision 07, dated 29/7/2024.

Condition 8

Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line adjacent to the access points to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath. Accordingly, all fencing and vegetation/landscaping within these areas shall be open in nature or $\leq$ 1m in height.

Condition 9

All vehicles shall enter and exit the site in forward direction only. All on-site vehicle manoeuvring areas shall remain clear of any impediments.

Condition 10

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.

Condition 11

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

CARRIED UNANIMOUSLY



ADVISORY NOTES

Planning Consent

Advisory Note 1

Conditions of previous consents continue to apply to the subject land unless expressly varied by this consent.

Advisory Note 2

Encumbrances although not administered by Council may apply to your property. You are therefore advised to check for encumbrances on your Certificate of Title prior to commencing work.

Advisory Note 3

Your attention is drawn to the EPA *Stormwater Pollution Prevention Code of Practice* which provides for site management practices during the construction process.

Advisory Note 4

Whilst not administered by Council the provisions of the *Fences Act 1975* may apply to any works proposed affecting boundary fences including requirements for consultation and notification of adjoining owners. It is recommended that your obligations under the Fences Act are confirmed prior to any works affecting boundary fences (existing or proposed).

Advisory Note 5

Retaining walls constructed to retain a difference in ground levels exceeding (1) metre in height require development approval.

Advisory Note 6

Your attention is drawn to the provisions of the *Local Nuisance and Litter Control Act 2016* which makes it an offence to undertake an activity that results in a local nuisance including, but not limited to, fixed machine noise, odour, and the collection of waste noise before 9am or after 7pm on any Sunday or public holiday; or after 7pm or before 7am on any other day.

Advisory Note 7

- If during excavation work, any filling, disturbed soil or soils subject to potential softening or “collapse” are revealed an Engineer’s investigation and recommendation shall be submitted to Council prior to the construction of the swimming pool.
- Your attention is drawn to the requirements for a hydrostatic value to be located at the base of the swimming pool to alleviate all external water pressure.
- Your attention is drawn to the requirement in the South Australian Additions of the Building Code of Australia for a swimming pool water recirculation and filtration system to comply with AS 1926.3 and have a least two pump intakes not less than 800mm apart.
- Your attention is drawn to the requirements in AS 1926.1 (swimming pool safety) for the fitting of childproof devices to windows and self-latching devices and closers to doors that open into the fenced area around the pool.
- Back flush water from the pool or spa shall be discharged to the sewer, common effluent (CWMS/STEDS) connection point or other method of disposal considered to be acceptable by Council’s Community Health Team pursuant to the South Australian Public Health Act 2011. Back flush water must not be discharged to Council’s stormwater system or a waste control system on the subject site.
- In accordance with the *Planning, Development and Infrastructure (Swimming Pool Safety) (Fencing) Variation Regulations 2021* you are advised that a prescribed swimming pool safety feature must be installed prior to filling the pool. Temporary fencing may only be installed and maintained for a period that does not exceed 2 months following the completion of the construction of a swimming pool. After 2 months has expired, temporary fencing will no



longer be permissible and the approved permanent designated safety feature for the pool must be in place

Advisory Note 8

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).

Advisory Note 9

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

Advisory Note 10

Any works undertaken on Council owned land (including but not limited to works relating to reserves crossing places landscaping footpaths street trees and stormwater connections and underground electrical connections) shall require authorisation of Council Further information and/or specific details can be obtained by contacting Council on 8342 7100

Advisory Note 11

The applicant shall at their own expense in all things carry out all alterations to any existing inverts, kerbs, watertable, footpaths, pavements, or other works in the public roads adjacent to the subject land necessary to give effect to any demolition or construction of buildings or structures, site works or other works forming part of the development approval to the reasonable satisfaction of the Council. The applicant shall also at their own expense in all things repair and make good any damage to any such inverts, kerbs, watertable, footpaths, pavements, or other such works to the reasonable satisfaction of the Council.

Advisory Note 12

Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment's must be repaired / reinstated to Council's satisfaction at the developer's expense.

Advisory Note 13

No trees or shrubs shall be removed or pruned on Council's road verge without Council approval.

Advisory Note 14

Excavations for footpath crossovers or any other work undertaken on the public road reserve must not be commenced until approval has been given by Council.



Advisory Note 15

The land owner/developer is responsible for ensuring that building work is sited in the approved position. This may necessitate a survey being carried out by a licensed land surveyor. Allotment boundaries will not be certified by Council staff; however Council may enforce removal of any encroachments over council land.

Advisory Note 16

Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.

Advisory Note 17

You are further advised that Building Rules consent is required for the application pursuant to the *Planning, Development and Infrastructure Act 2016*.

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act Advisory Note 18

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Stephen Terrace frontage of this site for future upgrading of the Stephen Terrace / North East Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement. As all building work is located outside of the possible requirement consent is not required in this instance.

4. REPORTS PRESENTED FOR INFORMATION

Nil.

5. CONFIDENTIAL ITEMS

Nil.

6. POLICY/PLANNING & DESIGN CODE

Nil.

7. OTHER BUSINESS

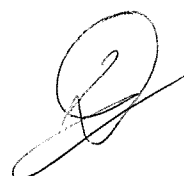
- 7.1 Council Assessment Panel 2025 meeting schedule.
- 7.2 Michael Walmesley advised of Chanhini Kumar's resignation.
- 7.3 Michael Walmesley Introduced Fiona Barr.

8. CONFIRMATION OF MINUTES

- 8.1 Council Assessment Panel Meeting Minutes held on 09 December 2024.

CAP4/23-24

Moved: Ross Bateup
Seconded: Julian Rutt



That the minutes of the Council Assessment Panel Meeting Minutes held on 09 December 2024 to be confirmed as a true and accurate record of the proceedings.

CARRIED UNANIMOUSLY

9. CLOSURE

The presiding member declared the meeting closed at 8.01pm.

M. J. Day 9 December 2024
Presiding Member