

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 2 April 2024, commencing at 5.00 pm

in the Council Offices, 43-51 Tanunda Road, Nuriootpa



The Barossa Council

MINUTES

I N D E X

1. Welcome	3
2. Attendance	3
3. Confirmation of Minutes	3
4. Business Arising from Minutes	4
5. Declaration of Interest by Members of the Panel	4
6. Reports – Application for Decision (Planning, Development and Infrastructure Act 2016)	5
6.1 23026949 - 17 Queen Street Williamstown, 19 Queen Street Williamstown and 21-23 Queen Street Williamstown	5
6.2 23028764 - 54 Penrice Road Angaston and 56 Penrice Road Angaston	13
7. Reports – Review of Assessment Manager Decisions (Planning, Development and Infrastructure Act 2016)	19
Nil	
8. Reports – Panel Updates	19
Nil	
9. Reports – Other Business	19
Nil	
10. Reports – Confidential	19
Nil	
11. Next Meeting	19
12. Closure of Meeting	20

1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:01pm.

2. ATTENDANCE

2.1 Present

Panel Members

Michael Wohlstadt	Presiding Member
Susan Giles	Member
Grant Hewitt	Member
Jane Evans	Member
Graham Burns	Deputy Member

Aaron Curtis	Assessment Manager
--------------	--------------------

Council Staff

Jake McVicar	Director, Development and Community Services
Steve Kaesler	Manager, Engineering Services
Sam Hosking	Heritage Advisor
Chris Kruger	Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

The following amendment to the minutes of the Barossa Assessment Panel meeting held 5 March 2024, has been requested by Jane Evans:

Item 6.1 Application 23034819

Jane Evans declared a conflict of interest in respect to Item 6.1 due to the following reason:

J Evans has known the representors Robert O'Callaghan and James March of Rockford Wines personally, and worked with them on a voluntary basis assisting with community initiatives for a number of years.

PANEL DECISION

Moved: G Hewitt

Seconded: G Burns

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 5 March 2024, including the amendment to the conflict of interest submitted by J Evans (as contained within page 4 of the minutes), be received and confirmed.

CARRIED

PANEL DECISION

Moved: G Hewitt

Seconded: G Burns

That the minutes of the Special Barossa Assessment Panel meeting held on Tuesday 26 March be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

The following disclosures have been made in relation to:

Item	Panel Member
6.2 – 23028764 - 54 Penrice Road Angaston and 56 Penrice Road Angaston	Michael Wohlstadt

M Wohlstadt advised that he has previously provided professional planning advice to the landowners in the locality of the proposed development at 54 and 56 Penrice Road Angaston, and therefore will declare an interest and leave the meeting for the hearing of the application.

6. REPORTS – APPLICATION FOR DECISION (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

6.1 23026949 - 17 Queen Street Williamstown, 19 Queen Street Williamstown and 21-23 Queen Street Williamstown

Representors

Lyn Venning addressed the Panel at 5:07pm.

Applicant

Sean Elliott (Beyond Ink) addressed the Panel at 5:12pm, and answered questions from the Panel.

Sam Hosking (Heritage Advisor) answered questions from the Panel at 5:25pm

PANEL DECISION

Moved: G Burns

Seconded: G Hewitt

Seriously at Variance

The Barossa Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit and is not Seriously at Variance with the Planning and Design Code.

CARRIED

PANEL DECISION

Moved: S Giles

Seconded: G Hewitt

Character Preservation

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment panel has had regard to the objects of that Act and, in determining this application, has resolved that there are no significant impacts on the character values of the district.

CARRIED

PANEL DECISION

Moved: J Evans

Seconded: G Burns

Granting of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* resolves to GRANT Planning Consent for Application No. 23026949 by Beyond Ink Town Planning on behalf of Klose's Supermarkets to undertake the *Variation of Development Authorisation 960/493/2017 to demolish existing structures and construct new supermarket building, car park, earthworks, retaining walls, fencing, signage and associated landscaping (amendments principally involve redesign of and re-siting of the building and variation to car park design at 17, 19 and 21-23 Queen Street, Williamstown (CT 5358/482, CT 5090/36 and CT 5191/131) subject to the following Reserved Matters, Conditions and advisory notes:*

Reserved Matters

Pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment prior to the granting of Development Approval to the satisfaction of the Assessment Manager:

- (1) The relevant wastewater facilities shall be granted authorisation to connect to the Williamstown CWMS pursuant to the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.
- (2) The applicant shall submit a final working Landscape Plan for approval, that includes all of the following:
 - a) Final location for all proposed landscaping, comprising trees, shrubs and groundcovers;
 - b) Final nominated species to be used, noting species shall be suited to the local conditions;
 - c) Shade trees within the car parking areas, noting greater verticality of planting is desired than that shown on the current Landscaping Plan;
 - d) Planting types and locations;
 - e) Pot sizes;
 - f) Irrigation and maintenance methods, including protection of plantings from vehicles and pedestrians;
 - g) Retention of existing vegetation as marked on the approved plans;
- (3) Final civil and siteworks plan, prepared by a qualified and experienced stormwater engineer, for all civil and stormwater works, which shall include all of the following:
 - a) Finished floor level for all buildings and hardstand surfaces;
 - b) Cut/fill details;
 - c) Retaining walls, kerbing and ramps, designs and grades;
 - d) Car parking dimensions, aisle widths, circulation movements and associated pavement markings and signage;

- e) Stormwater management arrangements including pipes, sumps, drains, swales and basins, sizes and grades;
 - f) Water sensitive design measures;
 - g) Surface water treatment to ensure water quality objectives are met.
- (4) All recommended acoustic treatments identified within the Approved acoustic report shall be subject to final review as part of detailed design, so as to ensure that the desired noise attenuation levels are achieved, pursuant to the *Environment Protection (Commercial and Industrial) Noise Policy 2023*.
- (5) Consent for removal of the street tree and any tree pruning required to achieve sightlines, pursuant to Section 221 of the *Local Government Act 1999*.
- (6) Sightlines for vehicles and pedestrians shall be addressed as part of final design, pursuant to the referral advice provided by Commissioner of Highways, dated 28 February 2024.
- (7) The external finishes and detailing of retaining walls and boundary walls (those built on adjoining property boundaries) be approved by Council to improve their aesthetic qualities and after there has been consultation with affected landowners.

Council Conditions

- (1) The development shall be undertaken in accordance with the following endorsed plans and documentation accompanying the application except where varied by the conditions listed below:
- Cover Sheet, Beyond Ink, Dwg No. PA00-1, Revision E, 14.02.24
 - Site Analysis, Beyond Ink, Dwg No. PA00-2, Revision A, 02.11.23
 - Design Themes, Beyond Ink, Dwg No. PA00-3, Revision A, 02.11.23
 - Site Plan, Beyond Ink, Dwg No. PA01, Revision B, 14.02.24
 - Ground Floor Plan, Dwg No. PA02, Revision C, 14.02.24
 - Upper Floor & Roof Plan, Dwg No. PA03, Revision C, 14.02.24
 - External Elevations, Dwg No. PA04, Revision E, 14.02.24
 - Streetscape & Acoustic Fence Elevations, Dwg No. PA05, Revision E, 14.02.24
 - Landscaping Plan, Dwg No. PA06, Revision C, 14.02.24
 - Shadow Diagrams, Dwg No. PA07, Revision B, 14.02.24
 - Previous Development Overlay, Dwg No. PA08, Revision B, 14.02.24
 - Demolition Plan, Dwg No. PA09, Revision A, 12.09.23
 - Response to Request for Information, Beyond Ink, 2 November 2023
 - Response to Request for Information, 15 February 2023
 - Planning Report, Beyond Ink

- Stormwater Management Plan, CPR engineers, Rev C, 14 February 2024, Project Number 230105
 - Stormwater Management Plan, Dwg No. 230105-C001, Rev D, 14.02.24
 - Traffic and Parking Assessment, Cirqa, Ref 23125 BNW, 31 October 2023
 - 14.7m semi-turn path assessment, Cirqa, 31 October 2023, Version D
 - Supplementary Information, Cirqa, 15 February 2024, Ref 23125 BNW
 - Traffic Management Policy, Klose's, Revision 1, August 2022
 - Environmental Noise Assessment, Sonus, S5276C5, August 2023
- (2) Prior to commencement of use, the building authorised herein shall be connected and remain connected to the Williamstown CWMS to the reasonable satisfaction of Council.
- (3) An augmentation fee shall be paid pursuant to the *Water Industry Act* and Council's Rates and Charges, to account for the increase in loads from the development upon the Williamstown Communal Wastewater Management Scheme (CWMS).

Note: Under the wastewater application, Council will determine what is being connected to the CWMS, what the flows will be and the types of loads, so as to determine the final charge applicable to the development. The wastewater application must be approved prior to any building works being granted development approval, in order to account for the discharge limits, possible drain upgrades and final augmentation charge. The augmentation charge must be paid before wastewater approval.

- (4) Operating hours of the use shall not exceed the following times:

Day	Store Opening Hours	Operational Hours
Monday	7:30 am – 9.00 pm	6:30 am – 9:15 pm
Tuesday	7:30 am – 9.00 pm	6:30 am – 9:15 pm
Wednesday	7:30 am – 9.00 pm	6:30 am – 9:15 pm
Thursday	7:30 am – 9.00 pm	6:30 am – 9:15 pm
Friday	7:30 am – 9.00 pm	6:30 am – 9:15 pm
Saturday	7:30 am – 9.00 pm	6:30 am – 9:15 pm
Sunday	7:30 am – 9.00 pm	6:30 am – 9:15 pm

- (5) The external building materials of all approved buildings shall:
- a) Be of new non-reflective materials; and
 - b) Be in accordance with the approved plans; and
 - c) Be maintained in good condition at all times.
- (6) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the *Environment Protection (Commercial*

and Industrial Noise) Policy 2023 and such that any resulting noise is not considered a nuisance, to the satisfaction of Council.

- (7) The vehicle parking area shall be provided with adequate lighting for safe night time use. All external lighting shall be in accordance with AS 4282:2019 '*Outdoor Lighting Obtrusive Effects*' so as to prevent any adverse effect on adjoining sensitive receivers.
- (8) All waste material shall be stored in covered containers screened from view and shall be regularly removed from the site.
- (9) All stormwater management from the site shall be in accordance with the final Stormwater Management Plan, authorised pursuant to the Reserved Matter.
- (10) Stormwater disposal systems shall be fully installed at the completion of the construction of the buildings and adequate measures shall be deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties to the satisfaction of Council.
- (11) All landscaping shown on the landscaping plan, authorised pursuant to the Reserved Matter, shall be established in accordance with the landscaping plan, prior to commencement of use and shall be maintained and nurtured at all times thereafter, with any diseased or dying plants replaced in a timely manner.
- (12) The detailed design of all footpaths, access roads, open spaces and other publicly accessible areas must comply with the requirements of the *Disability Discrimination Act 1992*.
- (13) Except where otherwise shown on the Approved Plans, the driveway access, car parking and vehicle manoeuvring areas shall be constructed with sealed pavement and comply with the requirements of AS 2890.1 Parking Facilities – Part 1: Off-street car parking and AS 2890.6 Parking Facilities – Part 6: Off-street parking for people with disabilities. The driveway access, internal roadways, car parking and manoeuvring areas shall be constructed prior to commencement of use and shall be maintained in good condition at all times thereafter.
- (14) All acoustic treatments outlined within the Approved Sonus Environmental Noise Assessment, dated August 2023, but subject to any changes authorised pursuant to the Reserved Matter, shall be implemented and remain in place at all times.
- (15) Illuminated signage shall not flash, scroll, move, change or imitate a traffic control device in any way.

- (16) 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 shall be limited to a low level of illumination (ie $<150\text{Cd/m}^2$).

Commissioner of Highways

- (17) All access to/from the development shall be gained in accordance with the Proposed Site Plan produced by Beyond Ink, Project No. 22151, Sheet No. PA01, Revision B, dated 14/02/2024.
- (18) 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 to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
- (19) All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
- (20) The large vehicle permitted on-site shall be restricted to a 14.4m long semi-trailer. A Traffic Management Plan shall be established, prior to commencement of operation of the development that ensures that the southern access is closed to all passenger vehicle movements when commercial vehicles larger than a small rigid vehicle (6.4m long) are entering or exiting the site. All passenger vehicles shall be directed to the northern access during these times. Access to the site by vehicles larger than 6.4m long shall be undertaken outside of trading hours or during periods of low patronage.
- (21) The redundant crossover on Queen Street shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.
- (22) The roadside vegetation adjacent to the Queen Street access point(s) shall be trimmed where required so that sight distances in accordance with the Urban Transport Routes Overlay DTS/DPF 5.1(b) can be achieved. All costs associated with trimming of the roadside vegetation shall be borne by the applicant.
- (23) Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Advisory Notes

- (1) 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.
- (2) 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.
- (3) 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).
- (4) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the Relevant Authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- (5) The adjoining owner(s) should be advised of any proposed work on a boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.
- (6) Excavations on or near a boundary may require the giving of notification to the neighbour(s) pursuant to Section 139 of the *Planning, Development and Infrastructure Act 2016*.
- (7) The applicant is advised that any retaining works exceeding greater than one vertical metre constitutes 'development' and requires development approval in its own right.
- (8) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.

- (9) Appeal rights – general rights of review and appeal exist in relation to any assessment, request, direction or act of a Relevant Authority in relation to the determination of this application, including conditions.
- (10) The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- (11) Construction shall not take place on any Sunday or Public Holiday or after 7:00 pm or before 7:00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.
- (12) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the *Native Vegetation Act 1991*, <https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide>. Any specific queries regarding the clearance, removal or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.

- (13) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the *Environment Protection (Commercial and Industrial Noise) Policy 2023*, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.
- (14) You are advised that construction or alteration of any footpath, kerb, gutter or crossover on Council land will require a permit, under the *Local Government Act 1999* from Council's Works and Engineering Services Department. It is illegal to undertake work on Council land without permission.

Driveway cross-overs which affect a pedestrian footpath should maintain the level of the footpath or be consistent with the proposed footpath levels in instances where the footpath has not been constructed. When final Development Approval is applied for this should be shown on the plans.

Please note that construction shall be in accordance with the *Disability Discrimination Act* and relevant Australian Standards.

Further enquiries should be directed to the Works and Engineering team on 8563 8444.

- (15) The development shall comply with the *Food Act 2001* and Food Safety Standard. For further information, please visit:
www.barossa.sa.gov.au/development-business/food-industries/food-health-and-safety.
- (16) Extinguishment of the easement and any structures/buildings over the easement as shown on the approved plans is subject to separate consent of Council.
- (17) Should traffic flows on Queen Street be affected during the construction phase, the applicant shall contact DIT for any necessary traffic control. Approval for temporary traffic control will need to be obtained from DIT's Traffic Management Centre (TMC). The company engaged for traffic control will need to provide the TMC with a copy of the traffic management plan and seek approval for any temporary traffic control/signage. The Traffic Management Centre Roadworks team can be contacted on 1800 434 058 or email dit.roadworks@sa.gov.au.

CARRIED

6.2 23028764 - 54 Penrice Road Angaston and 56 Penrice Road Angaston

M Wohlstadt left the meeting at 5:35pm due to an earlier stated conflict of interest.

PANEL DECISION

Moved: G Hewitt

Seconded: S Giles

That the panel appoint Graham Burns as Deputy Presiding Member for the consideration of Item 6.2

CARRIED

G Burns assumed the Chair at 5:36pm.

Robert Meissner had submitted a representation and request to be heard, however he has withdrawn the request to be heard as he was satisfied with the proposed solution in relation to stormwater.

S Kaesler (Manager, Engineering Services) answered questions from the Panel at 5:39pm.

PANEL DECISION

Moved: G Hewitt

Seconded: J Evans

Not Seriously at Variance

The Barossa Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit, and is not seriously at variance with the Planning and Design Code.

CARRIED

PANEL DECISION

Moved: S Giles

Seconded: G Hewitt

Character Preservation

Pursuant to Section 6(2) of the Character Preservation (Barossa Valley) Act 2012, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, has resolved that there are no significant impacts on the character values of the district.

CARRIED

PANEL DECISION

Moved: G Hewitt

Seconded: S Giles

Granting of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* resolves to GRANT Planning Consent for Application No. 23028764 by JBG Architects to undertake the demolition of two freestanding carports and retaining walls; construction of two x tourist accommodation buildings and associated retaining walls, carparking and landscaping at 54 and 56 Penrice Road, Angaston(CT 5161/186 and CT 5161/185) subject to the following reserved matter, conditions and advisory notes:

Reserved Matters

Pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016*, the Relevant Authority reserves its decision in relation to the following matters to the satisfaction of the Assessment Manager:

- (1) Evidence that SA Water consents to connection of the buildings to the Angaston sewerage network.

- (2) The applicant shall submit a final working Landscape Plan for approval, that includes all of the following:
 - a) Final location for all proposed landscaping, comprising trees, shrubs and groundcovers;
 - b) Final nominated species to be used, noting species shall be suited to the local conditions where possible;
 - c) Planting types and locations;
 - d) Pot sizes;
 - e) Irrigation and maintenance methods, including protection of plantings from vehicles and pedestrians;
 - f) Retention of existing vegetation as marked on the approved plans;
- (3) Final civil and siteworks plan and stormwater management plan, prepared by a qualified and experienced stormwater engineer, for all civil and stormwater works, which shall include all of the following:
 - a) Details of control measures at the south-eastern corner of the property to ensure water collected in the swale drain can flow to the discharge point and not into the neighbouring property.
 - b) Provide details of control measures to ensure runoff will be contained within the swale drain (eg. Upstand/plinth and section).
 - c) Details of connection to the existing side entry pit are required to be provided (pipe size, inverts etc.).
 - d) Inlet capacity to accommodate flows from the swale.
 - e) Include proposed swale invert levels on the plan to demonstrate suitable grading is achievable.
 - f) Justification of proposed swale drain size is required, including estimate of anticipated flows entering the site.
 - g) Sections showing proposed levels at locations noted on the plans.
- (4) Shared rights of way shall be registered on the relevant Certificates of Title in respect to the common driveway, manoeuvring area and car parks.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation accompanying Application No. 23028764 except where varied by any condition(s) listed below.
 - Cover Sheet, Perspective & Block Plan, JBG Architects, P6, 14.03.24
 - Site Plan, JBG Architects, P6, 14.03.24
 - Existing & Demolition Site Plan, JBG Architects, P5, 28.09.23
 - Site Notes, JBG Architects, P3, 14.03.24
 - Landscape Notes, JBG Architects, P3, 14.03.23

- Presentation Plan – South, JBG Architects, P5, 28.09.23
 - Presentation Plan – 54 Penrice, JBG Architects, P1, 14.03.24
 - Presentation Plan – 56 Penrice, JBG Architects, P1, 14.03.24
 - Roof Plan, JBG Architects, P1, 28.09.23
 - Site Elevations, JBG Architects, P6, 14.03.24
 - Elevations – North & East, JBG Architects, P6, 14.03.24
 - Elevations – South & West, JBG Architects, P6, 14.03.24
 - Elevation Notes – JBG Architects, P5, 28.09.23
 - Site Sections, JBG Architects, P5, 28.09.23
 - Site Sections, JBG Architects, P5, 28.09.23
 - Perspectives Exterior, JBG Architects, P5, 28.09.23
 - Request for Information Response, JBG Architects, 09.11.23
 - Request for Information Response, JBG Architects, 22.12.23
 - Cut & Fill 3D, JBG Architects, 2313-SK01-231222
 - Stormwater Detention Calculations, Triaxial, 18.03.24, Rev B, 1-5
 - Civil Plan, Triaxial, Dwg No. C2.00, Issue C, 18.03.24
- (2) Prior to commencement of use, the buildings authorised herein shall be connected and remain connected to the Angaston sewer system.
- (3) The external building materials of all approved buildings shall:
- 1) Be of new non-reflective materials; and
 - 2) Be in accordance with the approved plans; and
 - 3) Be maintained in good condition at all times.
- (4) All external lighting shall be in accordance with AS 4282:2019 '*Outdoor Lighting Obtrusive Effects*' so as to prevent any adverse effect on adjoining sensitive receivers.
- (5) The refuse bins shall be stored within the designated refuse storage area as marked within the approved plans. The refuse storage area shall be suitably screened and maintained in good condition at all times.
- (6) All stormwater management from the site shall be in accordance with the final Civil and Siteworks Plan and Stormwater Management Plan, authorised pursuant to the Reserved Matter.
- (7) Stormwater disposal systems shall be fully installed at the completion of the construction of the buildings and adequate measures shall be deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties to the satisfaction of Council.
- (8) All landscaping shown on the landscaping plan, authorised pursuant to the Reserved Matter, shall be established in accordance with the landscaping plan,

prior to commencement of use and shall be maintained and nurtured at all times thereafter, with any diseased or dying plants replaced in a timely manner.

- (9) Except where otherwise shown on the Approved Plans, the driveway access and car parking shall be constructed with sealed pavement in surface as shown on the approved plans and shall comply with the requirements of AS 2890.1 Parking Facilities – Part 1: Off-street car parking. The driveway access and car parking shall be constructed prior to commencement of use and shall be maintained in good condition at all times thereafter.
- (10) The open sides of the structures authorised herein shall not be enclosed on any side with any solid material, roller door, or the like without the prior approval of the Relevant Authority.

Advisory Notes

- (1) 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.
- (2) This consent or approval will lapse at the expiration of two years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- (3) Where an approved development has been substantially commenced within two years from the operative date of approval, the approval will then lapse three years from the operative date of the approval (unless the development has been substantially or fully completed within those three years (in which case the approval will not lapse).
- (4) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- (5) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- (6) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.

- (7) You are advised that construction or alteration of any footpath, kerb, gutter or crossover on Council land will require a permit, under the *Local Government Act 1999* from Council's Works and Engineering Services. It is illegal to undertake work on Council land without permission. If the existing entranceway (driveway cross-over) is to be removed it must be re-instated with kerb and gutter, including appropriate restoration of the footpath and verge, to Council's standard specification. Please contact Council's Works and Engineering Services to confirm the required standards. Driveway cross-overs which affect a pedestrian footpath should maintain the level of the footpath or be consistent with the proposed footpath levels in instances where the footpath has not been constructed. When final Development Approval is applied for this should be shown on the plans. Please note that construction is to be in accordance with the *Disability Discrimination Act* and relevant Australian Standards.
- (8) The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- (9) Construction shall not take place on any Sunday or Public Holiday or after 7.00 pm or before 7.00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.
- (10) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the *Native Vegetation Act 1991*,
<https://www.environment.sa.gov.au/topics/nativevegetation/interactive-guide>
Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council. The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.
- (11) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Commercial and Industrial Noise) Policy 2023, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.

- (12) The adjoining owner(s) should be advised of any proposed work on a boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.
- (13) Excavations on or near a boundary may require the giving of notification to the neighbour(s) pursuant to Section 139 of the *Planning, Development and Infrastructure Act 2016*.
- (14) The applicant is advised that any retaining works exceeding greater than one vertical metre constitutes 'development' and requires development approval in its own right.

CARRIED

M Wohlstadt returned to the meeting at 5:52pm and resumed the Chair.

7. REPORTS – REVIEW OF ASSESSMENT MANAGER DECISIONS (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

Nil.

8. REPORTS – PANEL UPDATES

Nil.

9. REPORTS – OTHER BUSINESS

Nil.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 7 May 2024 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:54pm.

Confirmed

Date:..... Chairman: