



## *Development Assessment Commission*

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**Minutes of the 453<sup>rd</sup> Meeting of the  
Development Assessment Commission  
held on Thursday 8 December 2011 commencing at 1:20 PM  
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide**

**PRESENT**

Presiding Member	Ted Byrt
Members	Betty Douflias Geoffrey Loveday Megan Leydon Damian Brown Carolyn Wigg John Dagas
Secretary	Rocío Barúa
Principal Planner	Mark Adcock
DPLG Staff	Tom Victory (Agenda Items 19.1 & 21.1) Glenn Searle (Agenda Item 19.2) Damian Dawson (Agenda Item 19.3) Fiona Tummel (Agenda Item 20.1)

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1. **APOLOGIES** – Nil.

2. **CONFIRMATION OF THE MINUTES**

2.1 **RESOLVED** that the Minutes of the 452<sup>nd</sup> meeting held on 24 November 2011 be taken as read and confirmed.

3. **DEFERRED APPLICATIONS**

3.1 **Status of Deferred Applications** – Nil.

4. **OUTSTANDING MATTERS**

4.1 **Status of Outstanding Matters** – Nil.

5. **COURT MATTERS**

5.1 **Status of Court Matters** – Nil.

6. **ENFORCEMENT MATTERS** – Nil.

7. **PRESIDING MEMBER'S REPORT** – Nil.

8. **DETERMINATION OF CATEGORY 2 HEARINGS** – Nil.

9. **MINISTER'S DECISIONS – UPDATE** – Nil.

10. **MAJOR DEVELOPMENTS – UPDATE** – Nil.

11. **MATTERS DELEGATED BY THE GOVERNOR** – Nil.

12. **COMMITTEES REPORT**

12.1 **Building Fire Safety** – Nil.

12.2 **Building Rules Assessment** – Nil.

13. **DELEGATION REPORT**

13.1 **s33 & s49 Decisions** – Nil.

13.2. **s48 Decisions determined by the Presiding Member** – Nil.

14. **DEVELOPMENT APPLICATION STATISTICS** – Nil.

15. **PRINCIPAL PLANNER'S REPORT**

15.1 DAC meeting for 19 January 2011 foreseen to have a large number of applications.

**RESOLVED** that the meeting commence in the morning if necessary.

16. **ANY OTHER BUSINESS** – Nil.

17. **DEFERRED APPLICATIONS** – Nil.

18. **MAJOR DEVELOPMENTS** – Nil.

## 19. SCHEDULE 10 APPLICATIONS

### 19.1 Rundle East Co. Pty Ltd – Construction of a six-level building with ground floor retail and tourist accommodation above – 8-10 Union Street, Adelaide – Mixed Use Zone, East End Policy Area 20 – Adelaide City Council (020/0004/09)

The Presiding Member welcomed the following people to address the Commission:

#### Applicant(s)

- James Levinson (for the applicant)
- Michael Loucas

#### Adelaide City Council

- Rick Hutchins

#### Representor(s)

- Elke Obermeier (herself & proxy for Yuddir Kybdgreb, Naomi Kottege, Dharmasri Jayantha Kottege, Yubei Shi, Yunli Zhou, Crystal Yangchen (Yuru Chen), Karen Hasenohr, Neil Duncan, Andor Lundgren)
- Julia Miller
- Magdalena Hadji (herself & proxy for John Polias, Robert Holten, Brian Dare, Mike Davey, Bernard Croese)
- Marjorie Hewitt

#### Department of Planning, Transport and Infrastructure

- Philippe Mortier

The Commission discussed the application.

### **RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the Development Assessment Commission GRANT development plan consent for the construction of a 6 level building with ground floor retail and tourist accommodation above by Rundle Street Co P/L (020/0004/09), subject to the following conditions and advisory notes:

### **Planning Conditions**

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans, including the amended plans (listed below) as submitted in development application number 020/0004/09.
  - A1897 Sk01 Issue P4 Site and Locality Plan
  - A1897 Sk03 Issue P6, Ground, First, Second and Third Floor Plans
  - A1897 Sk03 Issue P6, Fourth, Fifth and Roof Plans
  - A1897 Sk04 Issue P5, West Elevation and Streetscape
  - A1897 Sk05 Issue P5, Elevations and Section
  - A1897 Sk06 Issue P5, Perspectives
  - A1897 Sk07 Issue P5, Details
  - A1897 Sk09 Issue P4, Sun Diagrams for June
  - A1897 Sk10 Issue P4, Materials and Finishes Summary
  - Detail Survey, Job Number 10418

2. That pursuant to Section 33(3) of the Development Act 1993 (Reserved Matters) the applicant:
  - 2.1 submit final details of the proposed mural on the eastern facade for further assessment and approval, prior to any building work commencing.
  - 2.2 amend the ground floor plan and elevation to remove the bicycle parking area with a corresponding reduction of that space to the satisfaction of the Development Assessment Commission prior to issue of development approval. The expressed shadow line (recess) to remain.
3. That the development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
4. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property.
5. That all signage associated with the development shall be contained fully within the site.
6. That no sound shall be emitted from any device on the subject land so as to impair or impinge upon the enjoyment of residents or users of adjoining properties.
7. Graffiti shall be removed within five (5) business days of the graffiti becoming known or visible with the timely removal of graffiti being the responsibility of the operators of the development.
8. That air conditioning or air extraction plant or ducting shall be screened such that no nuisance or loss of amenity is caused to residents and users of properties in the locality to the reasonable satisfaction of the Development Assessment Commission.
9. That all external lighting of the site, including car parking areas and buildings, shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site.
10. That the acoustic attenuation measures forming part of this consent shall be undertaken within the Development to the reasonable satisfaction of the Development Assessment Commission. Such acoustic measures shall be operational prior to the occupation or use of the Development.
11. That any lighting to the Union Street Canopy shall be installed in accordance with Council's guideline entitled "Under Veranda/Awning Lighting Guidelines" at all times to the reasonable satisfaction of the Development Assessment Commission and prior to the occupation or use of the Development. Such lighting shall be operational during the hours of darkness at all times to the reasonable satisfaction of the Development Assessment Commission.
12. That the finished floor level of the ground floor level at the entry point to the development shall match the existing footpath unless otherwise agreed to by the Adelaide City Council in writing.
13. That the connection of any storm water discharge from the Land to any part of the Council's underground drainage system shall be undertaken in accordance with the Council Policy entitled 'Adelaide City Council Storm

Water Requirements' to the reasonable satisfaction of the Development Assessment Commission.

14. That the applicant or the person having the benefit of this consent shall ensure that all storm water run off from the canopy is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the canopy storm water run off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Development Assessment Commission.
15. That roof water collected from the Development shall be re-used for toilet flushing and/or similar re-use within the Development to the reasonable satisfaction of the Development Assessment Commission.
16. That doors to the proposed tenancy on the ground floor shall not extend beyond the boundary alignment.
17. That the proposal shall include the treatment of service doors and exits onto public footpaths to minimise potential conflict with pedestrians or create points of concealment.
18. That final details of waste management practices shall be submitted to and approved by the Adelaide City Council prior to Development Approval being issued. These details shall include a Waste Management Plan which covers the three phases of the development.
  - 18.1 resource recovery during demolition;
  - 18.2 waste minimisation and resource recovery during construction; and
  - 18.3 resource recovery during use (office paper and staff kitchen recycling facilities).
  - 18.4 A subsequent Waste Management Plan shall be undertaken in accordance with the approved plan.
19. That details of mechanical plant or equipment shall be provided to the satisfaction of the Development Assessment Commission prior to obtaining final approval. The noise level associated with the combined operation of plant and equipment such as air conditioning, ventilation and refrigeration systems when assessed at the nearest existing or envisaged noise sensitive location in or adjacent to the site shall not exceed Environment Protection Act requirements.
20. That during construction, all materials and goods shall be loaded and unloaded within the boundaries of the subject land.
21. That all trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.

### **Advisory Notes**

- a. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- b. The applicant is also advised that any act or work authorised or required by this Notification must be completed within 3 years of the date of the Notification unless this period is extended by the Commission.

- c. The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
- d. The applicant has a right of appeal against the conditions which have been imposed on this Provisional Development Plan Consent or Development Approval.
- e. Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day of receiving this notice or such longer time as the Court may allow.
- f. The applicant should contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).
- g. The approval does not include any signage (other than directional), which would need to be the subject of a separate application to the relevant planning authority.
- h. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical 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.
- i. Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au/pub.html>
- j. The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.
- k. It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- l. Development Approval will not be granted until Building Rules Consent and/or an Encroachment Consent have been obtained. A separate application must be submitted for such consents. No building work or change of classification is permitted until the Development Approval has been obtained.
- m. An Encroachment Permit will be separately issued for the proposed encroachment into the public realm when Development Approval is granted. The applicant's attention is drawn to the following:
  - m.1 An annual fee may be charged in line with the Encroachment Policy.
  - m.2 Permit renewals are issued on an annual basis for those encroachments that attract a fee.
  - m.3 Unauthorised encroachments will be required to be removed.
  - m.4 The applicant may wish to contact the Approvals Section on 8203 7421 for further information

- n. A Building Site Management Plan is required prior to construction work beginning on site. The Building Site Management Plan should include details of such items as:
- Work in the Public Realm
  - Street Occupation
  - Hoarding
  - Site Amenities
  - Traffic Requirements
  - Servicing Site
  - Adjoining Buildings
  - Reinstatement of Infrastructure
- o. The applicant must ensure building sites have been identified as a soft target for vandalism and theft of general building materials. The Adelaide Local Service Area Police and the Adelaide City Council are working together to help improve security at building sites. Items most commonly stolen or damaged are tools, water heaters and white goods. To minimise the risk of theft and damage, consider co-ordinating the delivery and installation of the goods on the same day. The applicant should work builder to secure the site with a fence and lockable gate. Securing the site is essential to prevent unauthorised vehicle access and establishes clear ownership. Should the applicant have any further enquiries about ways to reduce building site theft, the applicant should not hesitate to contact the Adelaide Local Service Area Community Programs Section on 8463 7024. Alternatively, the applicant can contact Adelaide City Council for further assistance and information by calling Nick Nash on 8203 7562.
- p. With respect to the awning /canopy:
- p.1 A street work permit must be obtained prior to the commencement of any work on Council's property. For information in relation to the issuing of on-street work permits, the applicant should contact the Adelaide City Council Customer Service Centre on 8203 7203.
  - p.2 The top of the concrete pads for any support posts must provide a 100mm clearance to the finished footpath level.
  - p.3 Council will reinstate the footpath material at the street work permit holder's expense.
- q. Pursuant to Regulation 74, the Council must be given one business day's notice of the commencement and the completion of the building work on the site. To notify Council, the applicant must contact City Services on 8203 7332.
- r. For further clarification or additional information, the applicant may contact the Adelaide City Council Customer Service Centre on 8203 7203.
- s. The emission of noise from the premises is subject to control under the Environment Protection Act and Regulations, 1993 and the applicant (or person with the benefit of this consent) should comply with those requirements.

19.2 **Justin Enright - Consent to vary the farming system and move an abalone aquaculture licence (License No: FA00017) over an area of 10 hectares - The land is situated approximately 2.2 km east of Section**

**665 in Hundred of Lake Wangary (Coffin Bay National Park). The water that flows over the land is enclosed by the polygons with corners at the following reference points in Map Grid of Australia Zone (MGA Zone: 53) and Geocentric Datum of Australia (GDA 94): Point 1 - 522,146 E / 6,186,896 N; Point 2 - 522,146 E / 6,186,676 N; Point 3 - 522,601 E / 6,186,676 N; Point 4 - 522,601 E / 6,186,896 N – not in a policy area or Zone – not within a council (011/A006/11)**

The Presiding Member welcomed the following people to address the Commission:

Applicant(s)

- Justin Enright (via telephone conference)

PIRSA Aquaculture

- Luke Fraser
- Stephen Madigan

The Commission discussed the application.

**RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the Development Assessment Commission GRANT Development Approval to Development Application No 011/A006/11 for consent to relocate an existing 10 ha site (FA00017) for the holding and cultivation of abalone 2.2 km north east of Section 665 in the Hundred of Lake Wangary subject to the following conditions:

**Planning Conditions**

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans submitted in development application number No 011/A006/11:
2. That all structures, equipment, buoys and flotations (excepting those which may be required by the Minister administering the Harbours and Navigation Act 1993 and the Minister administering the Aquaculture Act 2001) shall be one uniform dark colour to ensure the structures blend with the natural features of the locality.
3. That the approved site shall be marked at all times in accordance with the requirements by the Minister administering the Harbours and Navigation Act 1993 and the Minister administering the Aquaculture Act 2001
4. That the approved area shall be maintained in a good condition with necessary repairs being carried out promptly, to the reasonable satisfaction of the Development Assessment Commission. All reasonable measures to prevent the escape of debris from the approved area shall be undertaken. In the event of the escape of any debris associated with the development (including any dead stock), the debris must be removed from the sea or shoreline and disposed of in a legally approved manner.
5. That when the area is no longer used for aquaculture, the site shall be returned to a condition which complies with PIRSA Aquaculture's Site Rehabilitation requirements, with all structures being removed and the cost of such reinstatement and removal being borne by the operator.

6. That all structures shall be adequately secured and sufficiently weighted to ensure that they do not drift outside the approved site area.
7. That human waste shall not be discharged into the approved area or the adjacent area.
8. That no structures shall be installed on the approved site or aquatic organisms introduced to the site until the relevant aquaculture licence and lease has been issued to the applicant by the Minister administering the Aquaculture Act 2001.
9. That the cleaning of structures (other than the removal of accumulated drifting benthos) shall be undertaken offsite within approved cleaning and maintenance facilities.

### **Advisory Notes**

- a. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- b. The applicant is also advised that any act or work authorised or required by the Notification must be completed within 3 years of the date of the Notification unless the period is extended by the Commission.
- c. The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
- d. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- e. Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day of receiving this notice or such longer time as the Court may allow.
- f. The applicant should contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).
- g. In addition to this approval, a permit to release farmed stock into marine waters and an aquaculture licence is required from PIRSA-Aquaculture. No structures should be installed on the approved site or fish introduced to the site until the relevant permit and licence are issued.
- h. The applicant's attention is drawn to the provisions of the Food Act 2001, in respect to the protection, handling, transportation and consumption of food for sale.
- i. The applicant's attention is also drawn to the requirement for the applicant to inspect the seabed for any material before development proceeds and to report any findings of shipwrecks to Heritage SA.
- j. The applicant is reminded of the general environmental duty as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that its activities on the whole site do not pollute the environment. In this respect the person undertaking the activity must take all reasonable and practical measures to prevent or minimise any resulting environmental harm (as defined in the Environment Protection (Water Quality) Policy 2003).

- k. As this proposal has the potential for causing environmental harm, proper and effective management of the operation is critical to preventing this. To ensure that harm does not result from the operation, an independently verified monitoring program is recommended, with reports to be provided at regular intervals.
- l. The proponent should make financial arrangements to provide for a bank guarantee, or other form of financial security, to ensure that the site is returned to its natural state once the use has been discontinued.
- m. A copy of the monitoring program and a copy of any additional monitoring requirements proposed by PIRSA should be provided to the Coast Protection Board.
- n. The Coast Protection Board recommends a precautionary approach to increasing stocking density, as seagrass loss can take quite some time to occur, and the early signs such as lower shoot density or biomass will not be picked up by video monitoring. Hence increases should be incremental, and over a sufficient length of time for impacts to be detected.

19.3 **Right Invest Pty Ltd – Partial demolition of existing building and construction of a seven-level apartment building with ground floor car parking – 14-20 Surfle Street, Adelaide – Mixed Use Zone; King William Street South Policy Area 28 – Adelaide City Council (020/0036/11)**

The Presiding Member welcomed the following people to address the Commission:

Applicant(s)

- Graham Burns (MasterPlan)
- Tom Vinall (JPE Design Studio)

Council

- Matthew Field
- Rebecca Rutschack

Representor(s)

- William Boucaut
- Francesca da Rimini (herself and for John Siviour and Merz Housing Cooperative)
- George Giannopoulos, Dr.
- John Polglase, Dr.
- Kveta Jackson
- Noel Johnson (for Mary Johnson)
- Michael Doyle (for Mitchell Chambers)

The Commission discussed the application.

**RESOLVED**

1. That the Development Assessment Commission DEFER Development Plan Consent for Development Application 020/0036/11 by Right Invest Pty Ltd for the partial demolition of the existing building and the construction of a seven (7) level apartment building with ground floor car parking at 14-20 Surfle Street, Adelaide to enable the applicant to consider the following:

- a. Amendments to the design and layout of the apartments so as to achieve an appropriate level of residential amenity, in particular the provision of adequate natural light, ventilation and outlook.
- b. The allocation of parking space(s) for disabled persons.
- c. Improvement to the car park layout to provide more convenient access to the lift.
- d. The formal allocation of car parks to those units requiring car parking in accordance with the Development Plan.

## 20. SECTION 35 APPLICATIONS

### 20.1 **F E Seppelt – Land division (creating one additional allotment) – Lot 94 Peter Seppelt Road, Seppeltsfield – Fringe (Seppeltsfield) Zone – Light Regional Council (313/D012/10)**

The Commission discussed the application.

#### **RESOLVED**

1. That the proposed development is **SERIOUSLY AT VARIANCE** with the policies in the Development Plan.
2. That the Development Assessment Commission **NOT CONCUR** with the Light Regional Council's decision to grant Development Plan Consent to Development Application No. 313/D012/10 by FE Seppelt for a land division (one into two) as it is seriously at variance with the following provisions of the Development Plan:
  - Fringe (Seppeltsfield) Zone Objectives: 1, 2, and 3 and PDC 1, 2, 3, 4, 5, 6, 7, 8, and 12;
  - Council Wide: Land Division Objective 1 and PDC 7 and 14

## 21. SECTION 34 APPLICATIONS

### 21.1 **Botten Levinson (for Mr. Merv Davies) – Two-Storey Dwelling and Boat Shed (retrospective) – Lot 15, Greenbanks (near Murray Bridge) – Flood and Fringe Zone – Murray Bridge Council (415/0754/08)**

The Presiding Member welcomed the following people to address the Commission:

Applicant(s)

- William Rudd (Botten Levinson)
- Merv Davies
- Phil Brunning (PBA)

Representor(s)

- Kym Tredrea (solicitor for Ms Janice Bade)

The Commission discussed the application.

#### **RESOLVED**

1. That the Development Assessment Commission **DEFER** for further consideration the application by Botten Levinson (for Mr. Merv Davies) for a Two-Storey Dwelling and Boat Shed (retrospective) at Lot 15, Greenbanks (DA 415/0754/08).

22. **CROWN/PUBLIC INFRASTRUCTURE** – Nil.

23. **OTHER APPLICATIONS** – Nil.

24. **NEXT MEETING – TIME/DATE**

Thursday, 19 January 2012  
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide.

The Presiding Member thanked all in attendance and closed the meeting at 6:25 PM

Confirmed                    /                    /2012

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Ted Byrt  
PRESIDING MEMBER

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Rocío Barúa  
SECRETARY