



Development Assessment Commission

**Minutes of the 435th Meeting of the
Development Assessment Commission
held on Thursday 24 February 2011 commencing at 1:40pm
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide**

PRESENT

Presiding Member	Ted Byrt
Deputy Presiding Member	Betty Douflias
Members	Damien Brown Geoffrey Loveday Megan Leydon Carolyn Wigg John Dagas
Secretary	Rocío Barúa
A/Principal Planner	Simon Neldner
DPLG Staff	Anna Provatas (Agenda Item 9.2) Gabrielle McMahon (Agenda Items 9.3 & 9.4) Glenn Searle (Agenda Item 9.5)

1. **APOLOGIES** – Nil.
2. **CONFIRMATION OF THE MINUTES**
 - 2.1. **RESOLVED** that the Minutes of the 434th meeting held on 10 February 2011 be taken as read and confirmed.
3. **DEFERRED APPLICATIONS**
 - 3.1. **Status of Deferred Applications**

RESOLVED that the Report be received and noted.
4. **OUTSTANDING MATTERS**
 - 4.1. **Status of Outstanding Matters**

RESOLVED that the Report be received and noted.

5. **COURT MATTERS**

5.1. **Status of Court Matters**

RESOLVED that the Report be received and noted.

6. **ENFORCEMENT MATTERS**

6.1. **Status of Enforcement Matters**

RESOLVED that the Report be received and noted.

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

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

9. **SCHEDULE 10 APPLICATIONS**

9.1 **Tom Playford – Land Division (5 into 6) – Lobethal Road, Norton Summit – Hills Face Zone and Watershed (Primary Production) Zone – Adelaide Hills Council (473/D016/05)**

The application was formally withdrawn at the applicant's request prior to the meeting. The matter was not considered by the Commission.

9.2 **Martin Shaw (Shaw & Smith Pty Ltd) – Land Division (2 into 2) – Jones Road, Balhannah – Watershed (Primary Production) Zone – Adelaide Hills Council (473/D047/10)**

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

Applicant(s)

- Martin Shaw
- Graham Burns

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 the application by Shaw and Smith Pty Ltd for a division of land by boundary realignment of Allotments 4 in Deposited Plan 52913 and 91 in Filed Plan 156826, Jones Road, Balhannah, in the Hundred of Onkaparinga, 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 submitted in development application number 473/D047/10.
2. That two copies of a certified survey plan shall be lodged for Certificate purposes.

Advisory Notes

- a. The development must be substantially commenced or application for certificate made 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 the final land division certificate must be obtained from the Development Assessment Commission to complete the development 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 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 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 0300).
 - g. The applicant is reminded of their 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, not to pollute the environment in a way which causes or may cause environmental harm.
 - h. The applicant is advised that any proposal to clear native vegetation on the land, unless the proposed clearance is subject to an exemption under the regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. The applicant should also note that 'clearance' includes any activity that could cause any substantial damage to native plants such as cutting down and removing plants, burning, poisoning, slashing of understorey, removal of branches, drainage and reclamation of wetlands, and in some circumstances, grazing by animals. The applicant should contact the Native Vegetation Council to ascertain relevant requirements on 8303 9777 or email nvc@sa.gov.au.
- 9.3 **Alteman (SA) Pty Ltd c/ Jensen Planning & Design - Rundle Place: To vary the Planning Consent for 020/0020/08 and the associated Consents (Variations 1 and 2) to include the following: Variation to the number of levels of office accommodation - to now be 72 metres in height, amend office floor plates, provision of a car parking area on the podium level (98 spaces), revised elevations and amendments to the U-Park building façade (colours and canopy treatment) - 75-91 Rundle Mall, 90-100 Grenfell Street, 12-18 Frances Street & 1-19 Lindes Lane, Adelaide - Central Business Area Zone and Hindley Street and Rundle Mall Policy Area 14 and Eastern and Western Core Policy Area 15 – Adelaide City (020/0020/08 Variation 3 (Council reference:DA/562/2008/B)**

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

Applicant(s)

- David Barone (Jensen Planning Design)
- David Tuckett (Pacific Shopping Centres)
- Ben Wilson (Traffic Management - Murray Young & Associates)
- Mariano DeDuonni (Hassell)

Council

- Damian Dawson
- Don Donaldson

The Commission discussed the application.

RESOLVED

1. That the Development Assessment Commission supports the following elements of the amended proposal:
 - a. The proposed redesign of the office tower and associated canopy / ribbon element on Grenfell Street;
 - b. The proposed increase in carparking numbers;
 - c. The proposed bicycle parking location within the carpark.
2. That the Development Assessment Commission DEFER further consideration of Development Plan Consent to Development Application 020/0020/08 Variation 3, for the variation to Development Applications 020/0020/08, 020/0020/08 Variation 1 and 020/0020/08 Variation 2 - being for the re-development of Harris Scarfe, including the demolition of existing buildings and the construction of a 19 storey building comprising 4 storeys of retail (including basement) and 16 storeys of office accommodation) by Alteman (SA) Pty Ltd, c/- Jensen Planning & Design, for the following reasons:
 - a. For a traffic and pedestrian management solution to be developed that is capable of implementation. The preferred solution must ensure that the safety of pedestrians and the efficiency of the existing carpark (in particular) and Grenfell Street (in general) is maintained, consistent with the overall increase in parking numbers for the development.
 - b. That the design of the ground level areas (including the design of the office tower foyer and its relationship with the public spaces) be reconsidered to increase the level of pedestrian choice and movement – particularly the level of accessibility to and from Francis Street to ensure a high level of street activation and public safety. Additional background information on the upgrade of this thoroughfare would also be of assistance to the Commission.

9.4 Charter Hall Funds Management Ltd – Construction of a 22 level office building, with ground level retail and two levels of car parking - 49-57 Pirie Street, Adelaide – Central Business Area Zone, King William Street North Policy Area 16 - Adelaide City (020/0049/10 (Council reference: DA/829/2010)

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

Applicant(s)

- Stephen Holmes (Connor Holmes)
- Kiran Jagdev (Fitzpatrick & Partners)

Council

- Damian Dawson
- Don Donaldson

Applicants in attendance

- Angus Gardner (Charter Hall Funds Management)
- Mathew Lane (Charter Hall Funds Management)
- Dean Day (Daycorp Capital)
- Jason Shultz (Dash Architects)
- Paul Morris (GTA Consultants)

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 Development Application 020/0049/10 by Charter Hall Funds Management Ltd to demolish an existing building and part building and to construct a 22 level office building with ground floor retail and 2 basement levels of car parking at 51 Pirie Street, Adelaide, subject to the following reserved matters, conditions and advisory notes:

Reserved Matters:

1. That pursuant to Section 33 (3) of the Development Act 1993, the following matters shall be reserved for further assessment, to the satisfaction of the Development Assessment Commission, prior to the granting of Development Approval:
 - a. That the final details of extent and methodology for the restoration works proposed for the heritage façade shall be prepared and submitted, in consultation with Adelaide City Council's heritage advisor.
 - b. That the final details and extent of protrusion the window boxes to the façade of the Local Heritage Place (Townscape) shall be prepared and submitted. An irreversible loss of heritage value to these windows would not be supported and it is required that the applicant consider this in its design.
 - c. That the final details of the type, location and noise generation of any air-conditioning plant and equipment located on the land shall be prepared and submitted.
 - d. That the final details for the incorporation of ESD elements – including solar, wind and stormwater capture and reuse – into the development shall be prepared and submitted.
 - e. That the final details of the shared access and loading arrangements to the subject site and 45 Pirie Street shall be prepared and submitted. This is in order to facilitate the safe and efficient movement of service vehicles to and from both properties (and taking into account existing traffic volumes, pedestrian movements and delivery vehicles that utilise Gawler Place). The applicant must also confirm that previous approvals granted in respect to the access and loading arrangements to 45 Pirie Street do not conflict with the current proposal.

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 as submitted in development application number 020/0049/10 (Council reference DA/0829/10).
 - Plans by Fitzpatrick and Partners project No. 2730:
 - Demolition Plans
 - Drawing No. APX A-1, Revision A
 - Drawing No. APX A-2, Revision A
 - Drawing No. APX B-1, Revision A
 - Architectural Drawings
 - Drawing Numbers: DA-002, Revision A through to and including Drawing No. DA-0045, Revision A
 - Planning Statement by Connor Holmes, dated October 2010
 - Heritage Impact report by Dash Architects, dated 30/9/2010 and report dated 11/2/11
 - ESD report by Cundall, dated September 2010
 - W & G letter dated 31 August 2010
 - Wind Impact Assessment by CPP (Wind Engineering and Quality Consultants), dated September 2010
 - Traffic Impact Assessment by GTA Consultants, dated 22/10/2010 and report dated 10/2/2011
 - Letter by Charter Hall, dated 11 February 2011
2. That lighting to the colonnade and at the rear of the building adjoining the pedestrian linkage and the public square shall be installed in accordance with Adelaide City Council's guideline entitled "Under Veranda/Awning Lighting Guidelines" to the reasonable satisfaction of the Development Assessment Commission and prior to the occupation or use of the Development. This lighting shall be operational during the hours of darkness at all times to the reasonable satisfaction of the Development Assessment Commission.
3. That the connection of any storm water discharge from the land to any part of the Adelaide City 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.
4. 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.
5. That the development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
6. That all trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
7. That that the proposal shall be capable of achieving a minimum of a 5 Star green Star and a 5 Star NABERS Energy and Water rating.

Advisory Notes

- a. Crane operations associated with construction shall be the subject of a separate application. Adelaide Airport Limited requires 28 days prior notice of any crane operations during the construction. Crane assessment may also have to be conducted by the Civil Aviation Safety

Authority (CASA). If you require any additional information contact Brett Eaton, Airside Safety manager from Adelaide Airport on 8308 9245.

- b. Adelaide Airport Limited advises that restrictions may apply to lighting illumination. Any lighting proposed shall confirm to airport lighting restrictions and shall be shielded from aircraft light paths.
- c. A separate Encroachment Consent is required to be obtained from Adelaide City Council.
- d. The approval does not include any signage, which would need to be the subject of a separate application to the relevant planning authority.
- e. 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.
- f. 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>
- g. 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
- h. The proposal incorporates the following stages and Development Approval may be sought for each stage:
 - Stage 1: Demolition and site works
 - Stage 2: Base Building (basements and ground)
 - Stage 3: Tower
- i. 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.
- j. Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs as a result of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage.
- k. 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, contact City Services on 8203 7332.
- l. For further clarification or additional information, please contact the Adelaide City Council Customer Service Centre on 8203 7203.
- m. The emission of noise from the premises is subject to control under the Environment Protection Act 1993 and Environment Protection

Regulations 2009 and the applicant (or person with the benefit of this consent) should comply with those requirements.

- n. The development must be substantially commenced within 3 years of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- o. The applicant is also advised that any act or work authorised or required by this Notification must be completed within 5 years of the date of the Notification unless this period is extended by the Commission.
- p. The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
- q. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval. 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. 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).

9.5 **Nuleaf Organics Pty Ltd – The expansion of an existing composting facility (by the creation of a second windrow – Sections 403 & 404 in the Hundred of Finniss, Mannum-Sedan Road, Mannum being the Certificate of Title: Volume 5856, Folio 290 & Volume 5856 Folio 291 – Rural Zone and Policy Area 16, Murray Plains – Mid Murray Council (711/0250/10)**

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

Applicant(s)

- Rob Robenbury (Consultant)
- Phil Haby (Nuleaf)
- Andy Morris (Nuleaf)

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 to Development Application No 711/250/10 for the expansion of an existing composting facility (by the creation of a second windrow) at Sections 403 & 404 in the Hundred of Finniss, Mannum-Sedan Road, Mannum subject to the following conditions and advisory notes:

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 711/250/10:

Nuleaf Organics - Composting Depot and Environment Management Plan – April 2010 - Revision 4 – prepared by RWS

2. That the plans conditions in Development Approval 711/367/01 must be fully complied with except where varied by the current application and conditions attached to it.
3. That a landscaping plan which creates a wind break along the eastern boundary shall be submitted to the satisfaction of the Development Assessment Commission prior to construction.
4. That access to the site shall be sealed from the property boundary to the edge of the sealed carriageway of the Mannum-Sedan Road, and include provision for roadside drainage, in order to minimise deterioration to the edge of the road seal and loose debris being carried onto the road.

Conditions Directed by the EPA

5. The development must be undertaken in accordance with the plans and specifications contained in the Development Application No 711/250/10.
6. An "As Constructed Report" must be submitted to the satisfaction of the EPA in accordance with the requirements specified in the EPA guideline titled Draft for Public Consultation Guidelines for Construction Specifications and Reports for Landfill, leachate ponds, composting facilities and waste water lagoons following completion of construction works and prior to commencement of any composting activity on the site.
7. The excavated marl proposed for use as a liner material must be homogenous in nature and the following pre qualification testing must be completed after the marl has been removed and screened and is ready for use, and the test results confirming compliance with AS 1289 6.7 must be included with the "As Constructed Report".
 - 1 test per material source for material hydraulic conductivity conditioned to the design compaction and moisture content (AS 1289 6.7.3).
8. The windrow pad liner must be constructed of two layers, each of 150 millimetres (mm) compacted thickness with a hydraulic conductivity of less than or equal to 1×10^{-9} metres/second (m/s). A statement indicating that the pad liner has been constructed to this standard must be included within the "As Constructed Report".
9. Site construction works (windrow pad liner and wastewater pond) must occur under the supervision of a suitably qualified and experienced engineer and must incorporate the following pre qualification and field compliance testing and acceptance criteria:

Item	Test method	Pre-qualification testing frequency	Frequency of field compliance	Acceptance criteria
Dry density	AS 1289 5.1.1 or AS 1289 5.7.1		As provided in Table 8.1 of AS 3798 2007	Minimum dry density ratio of 95% relative to standard or a minimum Hilf density of 95% standard
Moisture content	AS 1289 5.1.1 or AS 1289 5.7.1		Same as for dry density testing	0% to +3% of the Standard Optimum Moisture Content (SOMC) or within a Hilf moisture variation of 0% to +3%
Particle size	AS 1289 3.6.1	2 per material	2 per pad liner	As provided below

		source		
Particles passing 19 mm sieve	AS 1289 3.6.1			>90%
Particles passing 2.36 mm sieve	AS 1289 3.6.1			>70%
Particles passing 0.075 mm sieve	AS 1289 3.6.1			>30%
Maximum particle size	AS 1289 3.6.1			40 mm
Atterberg Limits	AS 1289 3.1.2, 3.2.1, 3.31, 3.4.1	2 per material source	2 per pad liner	As provided below
Plasticity Index	AS 1289 3.31			
Liquid Limit	AS 1289 3.1.2			>30%
Permeability (remoulded)	AS 1289 6.7.3	1 test per material source		Less than or equal to 1×10^{-9} m/sec (300 mm thick clay pad liner or less than or equal to 1×10^{-8} m/sec (600 mm thick clay pad liner or equivalent material)
Permeability on undisturbed tube samples collected from the completed pad liner	ASTM D5084		1 test per constructed pad liner	Less than or equal to 1×10^{-9} m/sec (300 mm thick clay pad liner or less than or equal to 1×10^{-8} m/sec (600 mm thick clay pad liner or equivalent material)
Emerson Class Number	AS 1289 3.8.1	2 per pad liner	2 per pad liner	<4

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 you are 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. 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.

- h. An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements.
- i. A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
- j. 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>

10. **SECTION 34 APPLICATIONS** - Nil.

11. **SECTION 35 APPLICATIONS** – Nil.

12. **OTHER APPLICATIONS** – Nil.

13. **CROWN/INFRASTRUCTURE APPLICATIONS**

13.1 **Report on Minister's Decisions** - Nil.

14. **MAJOR DEVELOPMENTS**

14.1 **Major Developments update – January 2011**

14.2 **Whyalla Rare Earth - Major development project**

14.3 **Sheep Hill Export facility – Major development project**

RESOLVED that a site inspection will be arranged for the Commission to visit both the Whyalla Rare Earth and Sheep Hill Export facilities in March 2011.

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

16. **COMMITTEES**

16.1 **Building Fire Safety** – Nil.

16.2 **Building Rules Assessment**– Nil.

17. **DELEGATIONS**

17.1 **Section 33 and Section 49 Decisions during the month of January 2011**

RESOLVED that the Report be received and noted.

17.2. **Section 48 Major Development Decisions determined by the Presiding Member** – Nil.

18. **DEVELOPMENT APPLICATION STATISTICS**

18.1 **Monthly Update – January 2011**

RESOLVED that the Report be received and noted.

19. PRINCIPAL PLANNER'S REPORT

19.1 A/Principal Planner's report

19.1.1 Delegation Changes

RESOLVED

That the amended instrument of delegation dated 24 February 2011 be adopted by the Commission pursuant to Section 20 of the Development Act 1993.

19.1.2 Concurrence requests

RESOLVED

That the Development Commission will consider all further concurrence requests from Council in private. Councils and State Agencies may provide a written commentary or summary of issues to the Commission for their consideration prior to a formal hearing. No external parties will be invited to attend Commission meetings for concurrence requests.

20. ANY OTHER BUSINESS - Nil

21. NEXT MEETING – TIME/DATE

Thursday, 10 March 2011
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide.

The Presiding Member thanked all in attendance and closed the meeting at 5:00 PM

Confirmed / /2011

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Ted Byrt
PRESIDING MEMBER

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Rocío Barúa
SECRETARY