



Development Assessment Commission

Minutes of the 538th Meeting of the Development Assessment Commission held on Thursday, 21 January 2016 commencing at 10.00 AM 28 Leigh Street, Adelaide

1. OPENING

1.1. PRESENT

Presiding Member	Simone Fogarty
Members	Helen Dyer (Presiding Member) Chris Branford Peter Dungey David O'Loughlin Dennis Mutton
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	Simon Neldner (Agenda Item 2.1 & 3.3) Nitsan Taylor (Agenda Item 3.2)

1.2. APOLOGIES – Sue Crafter

2. DEFERRED APPLICATIONS

2.1 Matt Major, Major Ventures

DA 753/L002/15

Renmark Paringa Council

Proposal: Tourist Accommodation (in the form of the River Murray Queen to be moored at the Renmark Town Wharf) with associated restaurant/cafe, wine cellar / sales outlet, internal and external refurbishment, services and civil works, small scale signage, and car parking.

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

Applicant(s)

- Matthew Major
- David Altmann (TBC)

The Commission discussed the application.

RESOLVED

- 1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) RESOLVE that the Development Assessment Commission is satisfied that the proposal will not compromise the conservation and environmental values of the River Murray Flood Zone, whereupon the permanent mooring of the Murray River Queen at the Renmark Town Wharf can be effectively serviced and integrated with both current and envisaged uses of the Waterfront and District Centre Zones within the Renmark township. In addition, further information was provided to ensure that the vessel will be appropriately refurbished and upgraded to complement its riverine environment and Renmark townscape.
- 3) RESOLVE to grant Development Plan Consent to the proposal by Major Ventures PL for consent to use the Renmark Town Wharf for the permanent mooring (change of use) of the Murray River Queen subject to the following reserved matters and conditions of consent and, pursuant to Section 35(3)(a) of the *Development Act 1993*, seek the concurrence of the Renmark Paringa Council and the Minister for Planning for this non-complying development.

RESERVED MATTERS

1. 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:
 - 1.1 Provision of a detailed carpark layout plan - comprising the final design of the Rowing Club Lane carpark (including the provision of lighting, management of stormwater, line marking, signage etc).

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 following plans submitted in Development Application No 753/L002/15:

Plans and Documentation:

- Site Location Plan - PD 001A dated 26.10.2015
- Elevation and Streetscape View - PD-003A dated 26.10.2015
- Deck Levels - PD-002A dated 28.8.2015
- MFY - Proposed Carpark - Rowing Club Lane - MFY 15-0247_01B dated 16.10.2015
- MFY - Car Turn Around within Aisle - MFY 15-0247_01_SH01 dated 16.10.2015
- MFY - Rowing Club Vehicle Access - MFY 15-0247_01B_SH02 dated 16.10.2015
- Letter to EPA from Major Ventures - dated 19 October 2015
- Statement of Effect - Planning and Development Answers – updated August 2015
- Project and Planning Report - Development Answers - dated August 2015
- Letter from MFY to DAC - Traffic and parking - dated 31 August 2015
- Response to Representations - Development Answers - dated 28 October 2015
- Letter from Mike Tweedie - Survey of the Murray River Queen - dated 10 October 2015
- Letter from Lawrie Commercial Diving - dated Monday 5 October 2015
- Letter from Development Answers to DAC - dated 1 September 2015
- Letter from Renmark Paringa Council to applicant - dated 3 August 2015

Additional information

- Letter from Matthew Major to DAC dated 6 January 2016
 - Email from George Manos to David Altmann dated 23 December 2015
 - Schedule and details of external renovation works
 - Photomontage – External finishes and materials
 - Photomontage – permanent mooring – Renmark Town Wharf
 - Service infrastructure locations – Drawing PD002A – dated 5.1.2016
2. Prior to the operation of the development from the Renmark Town Wharf, an all weather pedestrian access path shall be established between the public carpark on Rowing Club Lane and the Renmark Town Wharf to facilitate the movement of pedestrians to and from the wharf and carpark. The pedestrian path shall be established in accordance with Council requirements - including the provision of appropriate wayfinding signage and low-scale lighting fixtures.
 3. That the applicant, or any other person with the benefit of the approval, will pay the Renmark Paringa Council the sum of \$15,000 in lieu of car parking being provided to service the development. The monetary contribution shall be paid via instalments, with five annual payments of \$3000, commencing from 1 July 2016.
 4. The development shall not operate from the Renmark Town Wharf until all sewerage, electrical and water service infrastructure has been installed, tested and connected to the Murray River Queen in accordance with Council and stage agency requirements (SA Health, DEWNR and EPA).
 5. The Murray River Queen shall not be used for itinerant worker or backpacker accommodation when moored at the Renmark Town Wharf.
 6. No amplified music shall be used on the Murray River Queen at any time.
 7. The design and installation of all berthing and gangway structures shall comply with *Australian Standard AS 4997-2005: Guidelines for the Design of Maritime Structures*.
 8. The Murray River Queen shall be inspected out of the water and the hull condition and thickness verified by an AMSA Accredited Marine Surveyor prior to being moored at the Renmark Town Wharf.
 9. All Council, utility or state-agency maintained infrastructure that is demolished, altered, removed or damaged during the establishment of the development shall be reinstated to Council, utility or state agency specifications. All costs associated with these works shall be met by the proponent.
 10. All external lighting affixed to the Murray River Queen shall be installed and operated 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.
 11. The final design of the Rowing Club Lane carpark shall ensure that all carparking and manoeuvring areas conform to the Australian/New Zealand Standard for off-street carparking; AS/NZS 2890.1:2004 Off-Street carparking; and AS/NZ 2890.6: 2009 Off-Street parking for people with disabilities.
 12. The Rowing Club Lane carpark shall be sealed and line-marked with an all-weather surface and drained in accordance with recognised engineering practices to the reasonable satisfaction of Council.
 13. All trade waste and other rubbish shall be stored in covered containers prior to removal from the Murray River Queen and shall be kept screened from public view on the vessel.

14. External mechanical and service equipment (i.e. air conditioning and exhaust systems) installed to the Murray River Queen shall be located within designated plant areas (as detailed by the approved deck plans) and where required, shall be appropriately screened and attenuated to comply with requirements under the *Environment Protection (Noise) Policy 2007*.
15. A wayfinding and carparking plan shall be developed and published (including online) that enables guests and patrons of the Murray River Queen to locate and access the Rowing Club Lane carpark, or when fully occupied, alternative car park locations within the Renmark Town Centre.
16. That prior to the operation of the development, a final service and waste management plan for the delivery of goods and the collection of waste shall be provided to the reasonable satisfaction of Council.

Renmark Paringa Council conditions

17. The colour and finishes of all external building work shall be sympathetic to the visual amenity of the waterfront location.
18. Flashing, intermittent, changing colour or rotating lights must not be displayed and any advertising must be in accordance with Council's Development Plan.
19. The vessel shall be cleaned and maintained so it remains in good repair at all times to the reasonable satisfaction of Council.
20. Waste shall be contained and disposed of in a manner to the reasonable satisfaction of Council.
21. The full length of the Renmark Town Wharf shall be made accessible to pedestrians at all times.
22. The short and long term storage of goods (perishable and non-perishable) in relation to the vessel shall not be permitted on the Renmark Town Wharf.
23. The weight of any vehicles permitted on the Town Wharf will be subject to a structural engineer's determination or assessment prior to Development approval.
24. All dining activities and the consumption of drinks that are purchased on the vessel shall be confined to the vessel at all times.
25. The Murray River Queen shall be positioned and moored on the Renmark Town Wharf not less than 30 metres to the south of the Rowing Club boat ramp with the bow facing in a north direction.

Environment Protection Authority - directed condition

26. The Murray River Queen must be maintained in accordance with the Maintenance Plan provided in the letter from Major Ventures dated 19 October 2015.

Minister for Water and the River Murray - directed condition

27. During the development, the area must be managed in a manner as to ensure no pollutants enter the River Murray system.

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 authorisation will lapse if not commenced within 12 months of the date of this Notification.
- c. 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.
- d. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, 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.
- e. The applicant is advised that once the Murray River Queen has been permanently moored at Renmark, the EPA may inspect wastewater infrastructure from the vessel to the permanent connection point to confirm compliance with the *Code of Practice for Vessel and Facility Management (Marine and Inland Waters)* and the *Environment Protection (Water Quality) Policy 2003*. The Code of Practice is available at http://www.epa.sa.gov.au/xstd_files/Water/Code%20of%20practice/vessels.pdf
- f. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au> 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.
- g. The applicant is advised of their general duty of care under the *River Murray Act 2003* to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
- h. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts may be present on the subject land (eg. scarred trees, campsites, burial sites, middens, etc). Under section 20 of the *Aboriginal Heritage Act 1988* (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.
- i. Prior to the commencement of any works, Renmark Paringa Council will be required to seek the approval of the Minister for Sustainability, Environment and Conservation in the form of an amendment to Licence to Occupy RL053957 to enable continued occupation of the Crown land, pursuant to the Crown Land Management Act 2009. For further information please contact the Department of Environment, Water and Natural Resources (Berri office) on telephone 8595 2119 and quote reference DEWNR 11/5655, or visit: http://www.environment.sa.gov.au/Conservation/Land/Crown_lands

- j. This approval does not obviate any considerations that may apply to the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). For further information visit: <http://www.environment.gov.au/epbc>.
- k. In regards to Condition 3, whilst the development is located on the Renmark Town Wharf, carparking areas that will service the development are located within the District Centre Zone. Where a development does not meet the required carparking provision for the intended use and/or activities proposed, contributions can be made to a designated carparking fund. In accordance with that designation, the relevant authority has determined that sufficient car parking to meet the operational needs of the development is unable to be satisfactorily provided on the site and it is more appropriate that a payment of \$15,000 be made into the Council's car parking fund. This equates to approximately 37 carparks.
- l. The applicant is advised that the site of the development (and subject of this development authorisation) is located within a designated area under the River Murray and Crown Lands Indigenous Land Use Agreement (RM ILUA) which was registered on 16 May 2012. This agreement requires the Development Assessment Commission or the Minister for Planning to notify the First Peoples of the River Murray and Mallee Region of any decision within 15 business days and advise the applicant of the following matters
- (a) that it is an offence under the Aboriginal Heritage Act 1988 to damage, disturb or interfere with any Aboriginal Sites, Objects or Remains; and
 - (b) that it is a requirement to comply with the duty of care established pursuant to the River Murray Act 2003 (SA); and
 - (c) that the First Peoples are responsible for undertaking Heritage Surveys in the ILUA Area.

If you require further any information on the River Murray and Crown Lands Indigenous Land Use Agreement (RM ILUA) you are advised to contact: South Australian Native Title Services Ltd, Level 4, 345 King William Street, Adelaide, South Australia 5000.

3. NEW APPLICATIONS

3.1 Alexander Symonds Pty Ltd

DA 292/D093/14

2 Andrews Road, Andrews Farm

City of Playford

Proposal: Land division – 1 into 832

Helen Dyer declared a conflict of interest and was not present for the hearing of this item.

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

Council

- Jordan Leverington

Agency

- Margaret Heathcote - Heritage

The Commission discussed the application.

RESOLVED

- 1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.

- 2) RESOLVE that the Development Assessment Commission does NOT CONCUR with the recommendation by the City of Playford's Development Assessment Panel to grant Development Plan Consent to the proposal by Alexander Symonds Pty Ltd to divide of one allotment into 832 allotments (in 21 stages) and the construction of an acoustic wall and associated infrastructure at Lot 2 Andrews Road, Andrews Farm, as detailed in Development Application No. 292/D093/14

Reason: The current design does not establish a strong enough relationship between the two State Heritage buildings to reflect their heritage context.

3.2. West Beach Trust (Adelaide Shores)

DA 211/V007/12 V2

West Beach Road, West Beach

City of West Torrens

RESOLVED

Confidential Resolution

3.3. O'Bahn City Access Project – Roads Opening & Closing process

East Terrace and Rundle Street

City of Adelaide

Recommendation: To make a Road Process Order.

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

Applicant(s)

- Dariusz Fanok
- Simone Tymukas
- Ana Glavinic
- Isabelle Gerrard
- Brenton Burman (AECOM)

Surveyor General

- Michael Burdett

Council

- Nicola Murphy
- Paul Addle
- Corna Kotze

Public Submissions

- Ian Fehlberg, *and for Dario Centrella*
- Malgo Schmidt
- Dario Centrella
- Kelly Henderson
- Kelleigh Marra (APA Group)

The Commission discussed the application.

RESOLVED

1. Resolve to make a Road Process Order in respect of Road Processes 15/0026;
2. Delegate authority to make the said Road Process Order to the General Manager, Investment Management to finalise technical details of the road closure and opening, including the granting of easements and rights of way where considered appropriate.

4. ADJOURN TO INNER METROPOLITAN DEVELOPMENT ASSESSMENT COMMITTEE

5. **MAJOR DEVELOPMENTS** – Nil.

6. **ANY OTHER BUSINESS** -

7. **NEXT MEETING – TIME/DATE**

7.1. Thursday, 28 January 2016 in Leigh Street, Adelaide SA

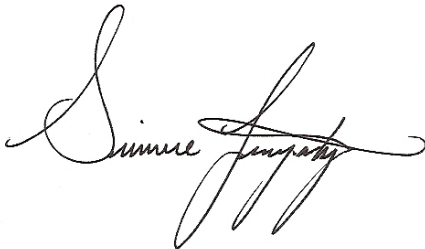
8. **CONFIRMATION OF THE MINUTES OF THE MEETING**

8.1. **RESOLVED** that the Minutes of this meeting held today be confirmed.

9. **MEETING CLOSE**

The Presiding Member thanked all in attendance and closed the meeting at 4.26 PM

Confirmed 22/01/2016

A handwritten signature in black ink, appearing to read 'Simone Fogarty', written in a cursive style.

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Simone Fogarty
PRESIDING MEMBER