



Development Assessment Commission

**Minutes of the 440th Meeting of the
Development Assessment Commission
held on Friday 28 April 2011 commenced at 1:20 PM
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 John Dagas
Secretary	Rocío Barúa
A/Principal Planner	Simon Neldner
DPLG Staff	Daniel Pluck (Agenda Item 9.1, 11.1) Glenn Searle (Agenda Items 10.1, 10.2, 13.3) Phil Turvey (Agenda Items 11.2 & 11.3) Anna Provatas (Agenda Item 11.4) Victoria Samuel-White (Agenda Item 13.2) Nitsan Atkinson (Agenda Item 20.2) Tom Victory (Agenda Item 20.3) John Paynter (Agenda Item 6.2) Ben Murphy & Alix Phair

1. **APOLOGIES** – Member Carolyn Wigg.

2. **CONFIRMATION OF THE MINUTES**
 - 2.1. **RESOLVED** that the Minutes of the 439th meeting held on 07 April 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.

5.2 Crown Solicitor's Office update on 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.

6.2 John Paynter (Senior Investigations Officer) reported on a recent enforcement matter involving unlawful works at the Marree Roadhouse. An inspection of the property was undertaken on 21 March 2011 where a breach of the previous s.84 notice was confirmed. The works – subject to a current application – have now ceased but will be routinely monitored pending determination of the matter. The Commission will further consider the issue at an upcoming meeting.

RESOLVED

1. That the report be received and noted.

7. PRESIDING MEMBER'S REPORT

7.1 Correspondence was received from the Eyre Peninsula Local Government Association. Concerns were raised in respect to the coordinated delivery of support services and public infrastructure within the region.

RESOLVED

1. That the letter be received and noted.

2. That the A/Principal Planner forward a copy of this correspondence to Mr Ian Nightingale (Chief Executive - DPLG) and appropriate state government agencies for their review and consideration.

8. DETERMINATION OF CATEGORY 2 HEARINGS – Nil.

9. SCHEDULE 10 APPLICATIONS

9.1 **Civecon Developments – 48 unit accommodation village – Lot 604 and 460, Government Road, Andamooka – Remote Areas Zone (Andamooka**

Policy Area 1) – Out of Councils (010/U046/07) - Request for an extension of time

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

Applicant(s)

- Craig Glynn
- Ian Day

The Commission discussed the application.

RESOLVED

1. That the Development Assessment Commission APPROVE the request for a further extension to the Development Plan Consent dated 22 April 2009 for the construction of a 48 unit accommodation village (DA 010/U046/07) within the Andamooka township but this extension be limited to a period of six (6) months (i.e. until 22 October 2011).

10. SECTION 34 APPLICATIONS

Members Betty Douflias and Megan Leydon left the meeting room for this item.

Given the similarity of the planning issues raised and that the representatives for Agenda Items 10.1 & 10.2 were the same, the Presiding Member made the practical suggestion that both applications be considered together. There was no objection.

The Presiding Member invited the following people to address the Commission.

Representor(s)

- Wayne Goedecke (Spilsby Island Management Association Inc)

PIRSA Aquaculture

- Peter Lauer

Applicants(s)

- Brian Jeffries (Australian Tuna Association)

In attendance but did not speak:

- Marcella Benvenue (Fisher Jeffries)
- Sam Pitman (Fisher Jeffries)
- Stephen Madigan (PIRSA Aquaculture)

10.1 Tony's Tuna International Pty Ltd – (Aquaculture) holding and cultivation of fin fish – not within a zone and not within a Council (010/A002/11)

Point 1	627,049	E	6,147,355	N
Point 2	627,049	E	6,146,506	N
Point 3	631,649	E	6,146,506	N
Point 4	631,649	E	6,147,355	N

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/A002/11 for consent to establish an 391 ha pilot site (AQ00247) for the holding and cultivation of fin fish (Southern Blue Fin Tuna) 14.5 km south east of Spilsby Island 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 No 011/A002/11.
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 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 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.

10.2 Ajka Pty & Blaslov Fishing Pty Ltd - (Aquaculture) holding and cultivation of fin fish – not within a zone and not within a Council Area (O10/A002/11)

Point 1	625,990	E	6,152,821	N
Point 2	625,990	E	6,152,321	N
Point 3	627,590	E	6,152,321	N
Point 4	627,590	E	6,152,821	N

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/A003/11 for consent to establish an 80 ha pilot site (AQ00240) for the holding and cultivation of fin fish (Southern Blue Fin Tuna) 9.5 km south east of Spilsby Island 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 No 011/A003/11.
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 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.

11. SECTION 35 APPLICATIONS

11.1 Mid North Builders Supplies – Change of land use from residential to commercial use – Lot 28 Samuel Street, Laura – Residential Zone – Northern Areas Council (764/0224/09)

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 Northern Council's decision to grant Development Plan Consent to Development Application No. 764/0224/09 by Mid North Builders Supplies for a change in use from residential to commercial as it is seriously at variance with the following provisions of the Development Plan:

Council Wide

Objective 10(d), 11(b)

Principles of Development Control 6, 10, 56(a)

Residential Zone

Objective 1

Principles of Development Control 1, 2, 4, 21, 36

11.2 D & C Phillips – 2-storey dwelling – 63 John Lewis Drive, Port Broughton – Residential Zone – District Council of Barunga West (344/0076/10)

Member Geoffrey Loveday declared a conflict of interest with this item and left the meeting room.

Additional written correspondence from Mr Wayne Mitchell of 6 Darling Street, Port Broughton was tabled at the meeting.

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 CONCUR with the District Council of Barunga West's decision to grant Development Plan Consent for Development Application 544/076/10 by D & C Phillips to construct a two storey dwelling with double garage, at 63 John Lewis Drive, Port Broughton.

11.3 P & J Turner - Land Division (1 into 2) – Section 170, Hog Bay Road, Nepean Bay – General Farming Zone – District Council of Kangaroo Island (520/D0027/09)

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 NOT CONCUR to the application by PJ & JM Turner (Richard Andrews) for Development Plan consent and Land Division consent (1 into 2), Section 170 in Hundred Plan HP110500, Hundred of Haines, CT 5343/728, Hog Bay Road, Nepean Bay as the proposal is at variance with the following provisions of the Kangaroo Island Development Plan:

General Farming Zone

Objectives 1, 2, 3

Principles of Development Control 1, 8

11.4 Luve Group Pty Ltd – Commercial building with ground floor / retail show room and first floor office space and associated car parking – 360 Magill Road, Kensington Park – Local Business Zone – Burnside Council (180/0485/10)

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 CONCUR with the City of Burnside's decision to grant Development Plan Consent to Development Application No. 080/485/10 by Luve Group Pty Ltd for a commercial building with ground floor office/retail show room and first floor office space and associated car parking subject to the following additional reserved matter:
 - a. That the developer shall provide clarification on the location and design of areas/facilities for the accommodation of air conditioning plant and waste removal/storage area(s) to the satisfaction of Council prior to the issuing of Development Approval.

12. OTHER APPLICATIONS – Nil.

13. CROWN/INFRASTRUCTURE APPLICATIONS

13.1 Report on Minister's Decisions - Nil.

13.2 Department of Families and Communities – Land Division 1 allotment into 2 – 696-710 Grand Junction Road, Oakden, Allotment 3001, D 51099; CR 5547/140 – Residential Zone, Policy Area 44 – Port Adelaide Enfield (040/G379/10)

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 recommend that the Minister for Urban Development, Planning and the City of Adelaide APPROVE Development Application No. 040/G379/10 by the Land

Management Corporation on behalf of the Department of Families and Communities for the division of land (1 into 2) 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 as submitted in development application number 040/G379/10.
2. That the applicant shall ensure that any existing drainage infrastructure on Grand Junction Road or Sudholz Road can accommodate the proposed development and that any alterations to road drainage infrastructure as a result of this development are to be at the expense of the applicant. No stormwater from this development is permitted to discharge on-surface to either Grand Junction Road or Sudholz Road.
3. That all access to/from proposed Allotments 3002 and 3003 shall be via existing access from/to Grand Junction Road

Land Division Requirements

4. That the financial and augmentation requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water ID G561564).
5. That the internal drains shall be altered to the satisfaction of the SA Water Corporation.
6. That the necessary easements shall be granted to the SA Water Corporation free of cost.

Obligations Pursuant to the Development Act 1993 & Development Regulations 2008

- i. The development must be substantially commenced within 12 months or final plan deposited with the Lands Titles Office from the date of this Approval unless this period has been extended by the Minister for Urban Development, Planning and the City of Adelaide.
- ii. Any act or work authorised or required by this Approval must be completed within 3 years of the date of the Approval unless this period is extended by the Minister for Urban Development, Planning and the City of Adelaide
- iii. The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.

Advisory Notes

- a. Any request for an extension of time must be lodged with the Development Assessment Commission prior to the time periods specified above.
- b. The Metropolitan Adelaide Road Widening Plan illustrates a possible requirement for a strip of land up to 4.5 metres in width from the portion of both the Grand Junction Road and Sudholz Road frontages of this plan of division for future upgrading of the Grand Junction Road/Sudholz road intersection.

- c. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required for any building works on or within 6.0 metres of the current road widening requirement.
- d. That a right of way or common property will need to be shown on this plan of division for the shared access area.

13.3 Spencer Gulf Ports Pty Ltd (endorsed by the Department for Transport, Energy and Infrastructure) - To construct a commercial bulk shipping facility - Commercial Policy Area 13 of the Commercial Zone and Policy Area 15: Pasminco Metals Policy Area of the Industry Zone within the Port Pirie Regional Council Development Plan (Consolidated 7 October 2010) & LNWCA (Coastal Waters) Development Plan (Consolidated 11 March 2010) – Port Pirie Council (354/V050/10)

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

Applicant(s)

- Bob Duffin (Executive Chairman - WPG)
- Martin Jacobsen (Chief Operating Officer - WPG)

EPA

- Hayley Riggs
- Shaun Thomas

DTEI

- Ian Llewellyn (DTEI)

In attendance (but did not speak):

- Tom Van Loon (Como Engineers)
- Robert Easthope (GWA)
- Alana Horan (SKM)
- Adrian Horn (WPG)
- Malcolm Waldon (PIRSA)
- Arron Broom (DENR Planning Officer)
- George Hadji (DENR Coastal Engineer)
- Sam Gaylard (EPA)
- Bryan Holmes (EPA)
- Peter Reilly (EPA)

The Presiding Member invited Mr Duffin to address the Commission.

The Commission discussed the application.

RESOLVED

1. That the application for the construction of a commercial bulk shipping facility at Port Pirie (Development Application No 354/V050/10) be DEFERRED pending the provision and/or clarification of the following information:
 - (i) Written confirmation from the proponent on the commitment to further works in association with the development – in particular the construction of the overpass across Leahy Road prior to the commencement of operations (and the types of road traffic that can be accommodated) and any other road, rail or safety upgrades to be undertaken concurrently with the construction of the project;

- (ii) Confirmation from Nyrstar (Port Pirie Lead & Zinc Smelter) that their specific concerns have been addressed in respect to site access during rail freight shunting operations to and from the proposed commercial bulk shipping facility with the construction of the Leahy Road overpass;
- (iii) Finalisation of agency comments from the Environment Protection Authority (EPA) and the Department for Employment, Energy & Infrastructure (DTEI).

And – upon clarification of the above:

- (iv) Written advice from the City of Port Pirie on the recommended conditions of approval.

14. MAJOR DEVELOPMENTS

14.1 **Major Developments update** – 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** – March 2011.

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

18. DEVELOPMENT APPLICATION STATISTICS

18.1 **Monthly Update** – March 2011

RESOLVED that the Report be received and noted.

19. A/PRINCIPAL PLANNER'S REPORT

19.1 **Update on iPad Devices**

The devices have been ordered (with a delivery date to be confirmed).

RESOLVED that the update be received and noted.

19.2 **Public Notification and e-Planning initiatives**

Agenda and meeting documentation available to the public on the DAC Website is under review. A number of other electronic information and e-planning

initiatives are also being planned – including moves to upgrade the DAC website to increase the level of content to ensure a high level of transparency.

RESOLVED that the update be received and noted.

19.3 **Draft DAC Media Protocol**

A draft DAC Media protocol is currently being prepared.

RESOLVED that the update be received and noted.

20. **ANY OTHER BUSINESS**

Member John Dagas left the meeting room.

20.1 **Brickworks Market redevelopment**

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

Applicant(s)

- Simon Tonkin (on behalf of Fabcot Pty Ltd)

West Torrens Council:

- Terry Buss (Chief Executive Officer)

In attendance (but did not speak):

- Adrian Kilburn (Woolworths)
- Mario Dreosti (Brown Falconer)
- Jessica Whitford (Brown Falconer)

RESOLVED that the briefing be received and noted.

20.2 **Steplen Constructions (C/O Sawley Lock O'Callaghan Pty Ltd) – Land Division - Lot 2, Wireless Road East, Worrolong, Mount Gambier – Deferred Urban Zone – City of Mount Gambier (732/D013/09)**

EHomes (C/O Alexander Symonds Pty Ltd) – Land Division - Lot 835, Wireless Road East, Worrolong, Mount Gambier – Deferred Urban Zone – City of Mount Gambier (732/D008/09)

RESOLVED

That the Commission continue to DEFER its decision in relation to both concurrence requests until such time as the outstanding road network and traffic concerns raised by the Department for Transport, Energy and Infrastructure (DTEI – Transport Services Division) during the agency consultation process for the North Eastern Residential Growth Area Development Plan Amendment (NEGRA DPA) are satisfactorily addressed. The advice of the DPLG policy branch will then be sought as to the overall status and timing of the DPA prior to its submission to the Minister for Urban Development, Planning and Local Government.

21. **NEXT MEETING – TIME/DATE**

Thursday, 12 May 2011
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide.

A site visit is to be scheduled prior to the next meeting of the Commission to view a student accommodation demonstration unit in relation to two CBD developments.

Member Betty Douflias will be an apology for this meeting.

The Presiding Member thanked all in attendance and closed the meeting at 5.15pm

Confirmed / /2011

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Ted Byrt
PRESIDING MEMBER

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Frank Carpentieri
SECRETARY