



# *Development Assessment Commission*

---

## **Minutes of the 521st Meeting of the Development Assessment Commission held on Thursday, 28 May 2015 commencing at 10.30 AM Basement Level, 26-28 Leigh Street, Adelaide**

### **1. OPENING**

#### **1.1. PRESENT**

Presiding Member	Simone Fogarty (Presiding Member)
Members	Helen Dyer (Deputy Presiding Member) Chris Branford Peter Dungey Sue Crafter
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	Daniel Pluck (Agenda Item 3.3) Nitsan Taylor (Agenda Item 3.4 & 3.5) David Storey (Agenda Item 6.1) Simon Neldner (Agenda Item 6.2)
City of Salisbury	Ben Green (Agenda Item 3.1 & 3.2)

#### **1.2. APOLOGIES** – Dennis Mutton, David O’Loughlin

---

### **2. DEFERRED APPLICATIONS** – Nil.

### **3. NEW APPLICATIONS**

- 3.1. **Vartzokas Architects Pty Ltd**  
DA 361/328/2015  
**Office 1 / 27-29 Metro Parade, Mawson Lakes**  
City of Salisbury

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

Applicant(s)

- David Hutchison

The Commission discussed the application.

### **RESOLVED**

The proposed development is not considered to be "seriously at variance" with the Salisbury (City) Development Plan – Consolidated 18 December 2014.

Pursuant to Section 33 of the Development Act 1993, Development Plan Consent is **GRANTED** to application number 361/328/2015 for a partial change of use of existing multi storey mixed-use building (entire second floor) from gymnasium to residential and office comprising 13 apartments and commercial office space in accordance with the plans and details submitted with the application and subject to the following conditions:

1. The proposal shall be developed in accordance with the details and Council/ Commission stamped approved plans, except where varied by the conditions herein.
2. The developer shall employ measures to eliminate dust emissions from the site during the construction period so as not to cause nuisance to adjoining residents.
3. Should the development require the relocation of any public infrastructure or services, all such works shall be the responsibility of the developer and at no cost to Council. Such works may include, but are not limited to, street trees, light poles and stormwater entry pits.
4. All mechanical services to the building shall be designed, installed and operated in such a manner that any person or persons living within or adjacent to the site should not be subjected to any nuisance or inconvenience from noise or fumes.
5. Any air-conditioning units or external pipework or exhaust system mounted on the roofs or walls of buildings within the development shall be in materials and colours to match the principal building.
6. No materials, goods or containers shall be stored in the designated car parking area or driveways.
7. Containers, bins or receptacles used for the temporary storage of garbage, waste or refuse arising from the premises, must be stored within the designated bin storage area on the ground floor.
8. Outside lighting shall be restricted to that necessary for security purposes only and shall be directed and shaded to prevent light overspill and/or nuisance to adjacent occupiers or distraction to drivers on adjacent public roads.

- 3.2 **Construct Living Pty Ltd**  
DA 361/563/2015/2A  
**28 Northcote Walk, Mawson Lakes**  
City of Salisbury

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

Applicant(s)

- Phillip Botsaris

The Commission discussed the application.

### **RESOLVED**

The proposed development is not considered to be seriously at variance with the Salisbury (City) Development Plan – Consolidated 18 December 2015.

Pursuant to Section 33 of the Development Act 1993, Development Plan Consent is **GRANTED** to application number 361/563/2015/2A to construct two (2) two storey dwellings at 28 (Allotment 646) Northcote Walk, Mawson Lakes in accordance with the plans and details submitted with the application and subject to the following conditions:

1. The proposal shall be developed in accordance with the details and plans relating to Development Application Number 361/563/2015/2A, except where varied by the following conditions of consent.

*Reason: To ensure the proposal is established in accordance with the plans submitted.*

2. Refinement of upper storey bedroom windows on dwelling one to achieve a balance between natural light, privacy and passive surveillance over the street to the reasonable satisfaction of the Development Assessment Commission.

*Reason: To maintain visual privacy and reduce the potential for overlooking to occur.*

3. An engineered Site Works and Drainage Plan shall be submitted to Council for approval prior to Development Approval being issued. The plan shall detail:

- Existing ground levels, proposed ground and bench levels, top of kerb and water table levels and the proposed finished floor levels of the dwellings;
- Vehicle access arrangements, including the location and dimension of proposed vehicle access points and driveway gradients;
- The location of road and street infrastructure, such as public lighting, street trees and side entry pits; and
- On-site management and disposal of stormwater runoff from roofs and impervious surfaces.

*Reason: To ensure the land is developed in an orderly manner*

4. Stormwater must be disposed of in such a manner that it does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.

*Reason: To provide adequate protection against the possibility of stormwater inundation to neighbouring properties.*

5. The Developer shall employ measures to eliminate silt, mud and dust emission from the site during construction period so as not to cause nuisance to adjoining residents.

*Reason: To preserve the amenity of the locality during construction work.*

6. Should the development require the relocation of any public infrastructure or services, all such works shall be the responsibility of the developer and at no

cost to Council. Such works may include, but are not limited to, street trees, light poles and stormwater entry pits.

7. All mechanical services to the building shall be designed, installed and operated in such a manner that any person or persons living within or adjacent to the site should not be subjected to any nuisance or inconvenience from noise or fumes.
8. Any air-conditioning units or external pipework or exhaust system mounted on the roofs or walls of buildings within the development shall be colourbond material to match the principal building.
9. Additional detail of building materials and finishes be provided to the reasonable satisfaction of the Development Assessment Commission.
10. Landscape management plan for the southern boundary be provided to the reasonable satisfaction of the Development Assessment Commission.

#### Advisory Note

- a) Any fencing on the Southern boundary is to secure the private open space area only, should be decorative in nature and should not obscure the ground floor elevation of the dwelling.

### 3.3 **Peregrine Corporation**

DA 050/E001/15

**20A Main North Road and 45 Carter Street, Thorngate (CTs 5611/448, 5611/449 and 5499/857)**

Prospect Council

Simone Fogarty (Presiding Member) declared a conflict of interest and was not present for the hearing of this item.

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

#### Applicant(s)

- Robert King – Adelaide Development Services
- Thuy Luu-Nguyen - Peregrine
- Jason Turner – Sonus
- Chris Dunn – GHD
- Jason Schulz – Dash Architects

#### Council

- Cherie Gill

#### Representor

- John Brook
- Hugh Lambert
- Phil Brunning for Mr & Mrs Komninos

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 to grant Development Plan Consent with the following planning conditions and notes attached:

## 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. 050/E001/15

### Plans

ADS Architect Plans

07/05/15 – 14/JN1216sk01 – Site and Floor Plan

07/05/15 – 14/JN1216sk03d – Elevations

07/05/15 – 14/JN1216sk02d – Elevations

2. That prior to operation of the restaurant a carbon filtration system (Odor-Gard or equivalent) shall be installed to mitigate odour from the cooking operations in accordance with the manufacturers design and specification. Ongoing maintenance shall also be undertaken in accordance with manufacturer's specification.
3. That all car parks, driveways and vehicle manoeuvring areas shall conform to Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the satisfaction of the Development Assessment Commission prior to the occupation or use of the development.
4. That all car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of the Development Assessment Commission.
5. That all materials and goods shall be loaded and unloaded within the boundaries of the subject land.
6. That the applicant shall submit a detailed landscaping plan, including trees of a substantial size, to the satisfaction of the Development Assessment Commission prior to the commencement of site works. The landscaping shown on that approved plan shall be established prior to the operation of the development and shall be maintained at all times
7. That the development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
8. That all trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
9. That the air conditioning and/or air extraction plant and/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.
10. 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.
11. 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 or public road.

12. Following consultation with the adjoining owner the applicant shall submit a comprehensive design for the acoustic fence on the western boundary of the proposal, which incorporates the use of design techniques that will assist to minimise the amenity impact of the fence to the adjoining owner. The fencing design shall be provided to the satisfaction the Development Assessment Commission prior to the commencement of site works.

### **TSSD Conditions**

13. The Main North Road Access points shall be suitably line marked and signed in order to reinforce the desired traffic flow through the site.
14. The largest vehicle permitted on site shall be restricted to a 19.0 metre articulated vehicle as per AS2890.2-2002.

### **EPA Conditions**

15. Development must be undertaken in accordance with the 'Construction Environmental Management Plan Proposed Fitzroy On the Run Service Station', prepared by Fyfe Pty Ltd (ref: 80017-6 Rev B), dated 16 February 2015.
16. The applicant must engage a suitably qualified and experienced site contamination consultant to implement the 'Construction Environmental Management Plan Proposed Fitzroy On the Run Service Station', prepared by Fyfe Pty Ltd (ref: 80017-6 Rev B), dated 16 February 2015, and to:
  - a. manage and dispose of contaminated material in accordance with EPA and other relevant guidelines (as stated in the CEMP).
  - b. validate Underground Storage systems (USS) excavations in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM) and other EPA Guidelines prior to backfilling or replacement of USS.
17. All fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes the underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tanker during filling.
18. The space between the walls of all double-walled fibreglass tanks must be filled with a gel that is monitored for any changes in colour. Any changes in colour must be promptly investigated.
19. All fill lines between the tanks and dispensers must be fitted with pressure leak detection sensors. In the event of product loss, the lines would lose pressure and immediately signal an alarm.
20. Following the installation of the in-ground fuel tanks all trafficked areas must be hard surfaced using either bitumen, concrete or other impervious material.
21. The forecourt canopy must be designed to extend beyond the bunded area by one metre for every three metres of canopy height to minimise the entry of clean stormwater.
22. All runoff from hard paved areas in the refuelling and fuel delivery area must be diverted to a 10,000 litre blind tank (with alarm), which is emptied as necessary via an EPA licensed waste transporter to an appropriate waste facility.

23. Any sludge and oily waste collected within the blind tank is considered waste and must be removed by an EPA licensed waste transporter to a licensed waste depot.

### **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 Development Plan Consent or Development Approval.
- e) 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.
- 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 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 remediation) during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- h) If in carrying out the activity, contamination is identified which poses actual or potential harm to the health or safety of human beings or the environment that is not trivial, taking into account the land use, the applicant may be need to remediate the contamination in accordance with EPA guidelines.
- i) If at any stage contamination is identified which poses actual or potential harm to water that is not trivial, a notification of contamination which affects or threatens groundwater (pursuant to Section 83A of the Environment Protection Act 1993) must be submitted to the EPA.
- j) 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>
- k) Signage should be designed in accordance with DPTI "Advertising Signs – Assessment Guidelines for Road Safety" (August 2014). The document is available via the following link:  
[http://www.dpti.sa.gov.au/\\_\\_data/assets/pdf\\_file/0019/145333/DPTIAdvertising-Signs-Assessment-Guidelines.pdf](http://www.dpti.sa.gov.au/__data/assets/pdf_file/0019/145333/DPTIAdvertising-Signs-Assessment-Guidelines.pdf)

3.4 **K & K Palmer**  
DA 252/2446/12  
**21 First Street, Hindmarsh**  
City of Charles Sturt

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

Applicant(s)

- Katie Palmer

Agency

- Stephen Schraepel

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 to GRANT Development Plan Consent to retrospective development application 252/2446/12 by K & K Palmer for alterations and additions undertaken without approval/contrary to the approval granted to DA 252/1463/11 for change in use from Office to Restaurant (Café), 21 First Street, Hindmarsh, 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 252/2446/12.

#### Milne Architects

Demolition Floor Plans, 11-110.XR.02 dated 8 November 2012

Ground Floor Plan, 11-110.XR.03 dated 8 November 2012

External Elevations, 11-110.XR.07 dated 8 November 2012

External Elevations, 11-110.XR.08 dated 8 November 2012

2. That a ripple iron ceiling shall be installed in the former Clerk's office and first passengers' room within 24 months from the date of this approval. The works shall be undertaken in consultation with and to the reasonable satisfaction of the State Heritage Unit of DEWNR.
3. That all conditions and advisory notes attached to the planning consent for Development Application 252/1463/11 remain applicable except where varied by this approval.

### **Advisory Notes:**

- a) The development must be substantially commenced within 24 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 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 on which this notice is received 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 Development Assessment Commission acknowledges the three outstanding items of rectification works and recommends that this be addressed through a Heritage Agreement with the State Heritage Unit of DEWNR that foresees this work to be undertaken upon change of ownership, change of land use, or substantial refit and/or maintenance works.

3.5 **A Bell**  
DA 453/D010/14  
**Lot 404 Lincoln Road, Hindmarsh Valley**  
City of Victor Harbor

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 to NOT CONCUR.

*Reason: The creation of a two hectare allotment would prejudice the achievement of the objectives of the General Farming Zone.*

**4. ADJOURN TO INNER METROPOLITAN DEVELOPMENT ASSESSMENT COMMITTEE**

**5. MAJOR DEVELOPMENTS – Nil.**

**6. ANY OTHER BUSINESS**

**6.1. SA Tyre Recyclers**

The resolution of this item is confidential

**6.2. Briefing:**

The resolution of this item is confidential

**7. NEXT MEETING – TIME/DATE**

- 7.1. Thursday, 11 June 2015 in Basement Level 6, 26-28 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 3.25PM

Confirmed / /2015

.....  
Simone Fogarty  
PRESIDING MEMBER