



Development Assessment Commission

**Minutes of the 455th Meeting of the
Development Assessment Commission
held on Thursday 9 February 2012 commencing at 1:50pm
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	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	Tom Victory (17.1 & 19.2) Stephanie Ryan (19.3) Damian Dawson (19.4) Nitsan Taylor (21.1) Simon Neldner (21.1)

1. **APOLOGIES** – Carolyn Wigg
Betty Douflias left the meeting at 4:00pm and did not hear items 19.3, 17.1 and 21.1.
2. **CONFIRMATION OF THE MINUTES**
 - 2.1. **RESOLVED** that the Minutes of the 454th meeting held on 19 January 2012 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**

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

9. **MINISTER'S DECISIONS** – Nil.

10. **MAJOR DEVELOPMENTS**

10.1 **Major Developments update** – Nil.

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

12. **COMMITTEES**

12.1 **Building Fire Safety** – Nil.

12.2 **Building Rules Assessment**– Nil.

13. **DELEGATIONS**

13.1 **Section 33 and Section 49 Decisions**

13.2. **Section 48 Decisions determined by the Presiding Member** – Nil.

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

15. **PRINCIPAL PLANNER'S REPORT**

15.1 **Principal Planner's report** - Nil

16. **ANY OTHER BUSINESS** – Nil.

17. **DEFERRED APPLICATIONS**

17.1 **Botten Levinson - Two Storey Dwelling and Boat Shed (retrospective) - Lot 15, Greenbanks (near Murray Bridge) - Flood and Fringe Zone - Murray Bridge Council – (415/0754/08)**

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 for a Two Storey Dwelling and Boat Shed (415/0754/08), subject to the concurrence of the Minister for Planning and the conditions outlined below.

Note – Pursuant to Section 35 (3a) of the Development Act, 1993, the concurrence of the Rural City of Murray Bridge is not required for the application.

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 following details and amended plans, as submitted in development application number 415/0754/08:
 - Drawing No. 209-014B, Site Plan, dated 21/12/2011
 - Drawing No. 209-014B, Ground Floor Plan dated 21/12/2011
 - Drawing No. 209-014B, 1st Floor Plan dated 21/12/2011
 - Drawing No. 209-014B, South and West Elevations dated 21/12/2011
 - Drawing No. 209-014B, North and East Elevations dated 21/12/2011
2. That as invited by the applicant in its letter dated 10 August 2011, the applicant shall remove the overflow pipe from the rainwater tank on the western side of the subject building so that any overflow from that tank discharges on to the grassed area rather than into the river.
3. That landscaping, using locally indigenous species shall be established and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

Conditions Directed by the Minister for the River Murray

1. The following actions should be taken within 24 hours of a flood warning being issued for the district so as to not impede any floodwaters:
 1. Open the understorey roller doors and side doors
 2. Remove the contents of the understorey area of the dwelling, particularly materials that may pollute water resources (eg. chemicals, fuel, fertilisers etc.), and transport them to a site above the 1956 flood level.
2. The dwelling must be painted in appropriate colours that ensure that the dwelling will appear unobtrusive and blend with the natural environment (i.e. green, grey, brown, colours *not red or yellow*)
3. The parapet portico to be removed to reduce the height and bulk of the structure when viewed from the River.

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) You are 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) You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements.
- d) The applicant is required to submit separate applications for development approval of the boat ramp and for the necessary licence under the *Crown Land Management Act*.
- e) The applicant is advised to seek written approval from the Department for Water that the amended plans adequately address directed condition #6.

Notes Directed by the Minister for the River Murray

- f) The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
- g) This advice does not obviate any considerations that may apply to the Australian Government's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).
- h) The applicant is encouraged to plant native vegetation on the riverside of the building.

18. **MAJOR DEVELOPMENTS** – Nil.

19. **SCHEDULE 10 APPLICATIONS**

19.1 **River Property Investments Pty Ltd – Land Division – Lot 1 Punyelroo Road, Punyelroo – River Murray Zone & Recreation and Tourism Policy Area – Mid Murray Council (711/C008/11) – WITHDRAWN.**

19.2 **L Brooks - Boundary Realignment (3 into 3) - Lots 11 and 12 in DP31709 and Section 5251 - Watershed (Primary Production) Zone - Adelaide Hills Council (473/D021/11)**

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

Applicant

- John Glatz (On behalf of Lucy Brooks)

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 APPROVE development plan consent for a land division (3 into 3 boundary realignment) by L Brooks, subject to the conditions outlined below:

Development Plan Consent 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 number 473/D021/11.

Land Division Consent Conditions

2. That two copies of a certified survey plan be lodged for Certificate purposes.

19.3 Item moved to 20.1

19.4 Hindmarsh Group - Construction of three 5 level residential apartment buildings, with ground level commercial space to Building One, redevelopment of an existing building for use as a community centre/art studio, associated car parking and removal of three regulated trees - 33-37 Wright Street, 11-39 Frew Street, 42-58 Sturt Street & 21 Stamford Court, Adelaide - Mixed Use Zone – King William Street, South Policy Area 28, Residential (Whitmore East) Zone - Adelaide City Council (020/0040/11)

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

Applicant(s):

- Damien Ellis
- Paul Morris
- Rachel Tassone
- Nigel Howden

Representors:

- George Staphopoulos
- Margaret Bush
- Beverly Clarke
- Glenys Woodroffe
- William Owens
- David Beattie (on behalf of Ann Marquard)
- Gary Sauer-Thompson (on behalf of Suzanne Heath)

The Commission discussed the application.

RESOLVED

- 1) RESOLVE that the application be deferred for further assessment.

20. SECTION 35 APPLICATIONS

20.1 Mr G Gilbertson - Land Division (1 into 2) - 151 hectare allotment wholly contained within General Farming Zone, one of four boundaries is adjacent the Rural Living Zone - General Farming Zone - Southern Mallee Council (723/D005/11)

The Commission discussed the application.

RESOLVED

- 1) RESOLVE to NOT concur with the Southern Mallee District Council's decision to grant Development Plan Consent to Development Application No. 723/D005/11 by Mr G. Gilbertson for a land division (1 into 2) as it is at variance with the following provisions of the Development Plan:

General Farming Zone
Objectives 1, 3

Principles of Development Control 1, 2, 27, 29, 31, 32,

Council Wide

Objectives 4, 9, 26, 27, 32

Principles of Development Control 25, 41, 42, 128, 234, 135

21. SECTION 34 APPLICATIONS

21.1 Westfield Ltd & YMCA - Car parking control devices and associated alterations to the existing shopping centre car park layout and vehicle access points - Westfield Marion Shopping Centre, Diagonal/Sturt/Morphett Roads, Oaklands Park - Regional Centre Zone - City of Marion (100/1687/11)

DAC Member, Megan Leydon advised of a conflict of interest with the application and left the room during the hearing and subsequent discussion.

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

Applicants

- Greg Vincent (Master Plan)
- Matt Healy (Westfield)
- Steve Woodrow (DPTI (Strategic Projects))
- Paul Anderson (Department of Recreation and Sport)
- Melissa Mellen (MFY)
- John McElhinney

Council

- Gavin Leydon (Norman Waterhouse Lawyers)
- Mayor Felicity Lewis
- Jeff Rittberger
- Mark Griffin

Representors

- Cheryl Wright (GP Plus)

The Commission discussed the application.

The Commission also acknowledged that the application was referred to the Development Assessment Commission for decision pursuant to Section 34(1)(b)(iii) of the *Development Act 1993*, and not Section 34(1)(b)(ii)(A) as stated in the agenda report.

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 the application by Westfield Limited & YMCA for the installation of automated car parking control structures and associated alterations to the existing shopping centre car park layout and vehicle access points (in association with the establishment of shared car parking arrangements between the SA Aquatic and Leisure Centre, Marion GP Plus and Marion Shopping Centre) at Morphett, Sturt and Diagonal Roads, Oaklands Park in Development Application No 100/1687/11 subject to the following conditions and advisory notes:

Reserved Matter:

That pursuant to Section 33(3) of the *Development Act 1993*, the applicant shall submit detailed proposals for the following reserved matters requiring further assessment and approval by the Development Assessment Commission, prior to final Development Approval of the application:

1. That a lighting plan shall be prepared to ensure that all externally located auto-pay machines and carpark entrances and exits are sufficiently illuminated in accordance with relevant Australian Standards (i.e. AS 4282-1997 and AS/NZS 1158.3.1-2005) to ensure the use, visibility and safety of these facilities for motorists and pedestrians is maintained at all times.

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 No 100/1687/11 and as outlined below:

Plans - Westfield Marion - Project No 10-0256 - prepared by MFY

Masterplan - Level 1 Traffic and Parking - Drawing 10-0256-03_SH01 Rev G dated 12.9.2011

Masterplan Stage 1 - Level 2 Traffic and Parking - Drawing 10-0256-03A_dated 17.8.2011

Masterplan Stage 1 - Mezzanine - Drawing 10-0256-03B_SH01_dated 17.8.2011

Masterplan Stage 1 - Mezzanine 1 - Drawing 10-0256-03B_SH02_dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 1 - Drawing 10-0256-03_SH03_Rev A dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 2 - Drawing 10-0256-03_SH04_Rev A dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 3 - Drawing 10-0256-03_SH05_Rev A dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 4 - Drawing 10-0256-03_SH06_Rev A dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 5 - Drawing 10-0256-03_SH07_Rev A dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 6 - Drawing 10-0256-03_SH08_Rev A dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 8 - Drawing 10-0256-03_SH09_Rev A dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 9 - Drawing 10-0256-03_SH10_Rev B dated 24.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 10 - Drawing 10-0256-03_SH11_Rev A dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 11 - Drawing 10-0256-03_SH12_Rev A dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 12 - Drawing 10-0256-03_SH13_Rev A dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 13 - Drawing 10-0256-03_SH14_Rev B dated 12.9.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 14 - Drawing 10-0256-03_SH15_Rev B dated 12.9.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 15 - Drawing 10-0256-03_SH16_Rev A dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS 16/17 - Drawing 10-0256-03_SH17_Rev A dated 17.8.2011

Masterplan - Controlled Access Equipment Layout - ACCESS - 5A - Drawing 10-0256-03_SH18_Rev - dated 6.9.2011

Masterplan - Controlled Access Equipment Layout - Nested Area - Drawing 11-0151_03_SH18 Rev _ - dated 29.11.2011

Other Plans:

Controlled Parking Domain Site Masterplan - Project 5524 - July 2011
Controlled Parking Westfield Marion Carpark Access Control System - Project 5524 - July 2011
Controlled Parking Westfield Marion Carpark Access Control System - L1 Mezz & L2 - Project 5524 - July 2011
On Street Parking - Surrounding Marion Regional Centre DEC 2011
LR:12341_1.0

Specifications:

SKIDATA - APT450.Logic - Easy Cash - Pay on Foot Station
SKIDATA - APT450.Logic - Barrier Gate - Barrier Unit
SKIDATA - APT450.Logic - Column Gate - Entrance / Exit Gates
SKIDATA - APT450.Logic - Column Gate RFID - Detector Unit

Reports:

Development Application Report - Masterplan
Marion Shopping Centre - Installation of Automated Parking Equipment - prepared by MFY for Westfield Limited dated 6 September 2011 (No. 11-0151) Rev A
Aurecon - Parking Operations Plan - SAC and Marion GP Plus - Ref: 23804-001 28 October 2010 Rev 5.

Correspondence:

Letter from Masterplan to Marion Council dated 14 October 2011
Letter from Masterplan to DAC dated 27 October 2011
Letter from MFY to DPTI (TSD) dated 23 August 2011
Letter from Masterplan to DAC dated 23 December 2011
Letter from MFY to Masterplan dated 23 December 2011
Letter from SAALC to Mark Adcock dated 2 February 2012

2. That the amended car parking layout, queuing /access areas and vehicular entry points shall be designed and constructed to conform to AS NZS 2890.1-2004: Parking Facilities (Off street carparking) and access for commercial vehicles shall be designed in accordance AS 2890.2-2002 Parking facilities (Off-street commercial vehicle facilities).
3. That prior to the installation and operational use of the automated access and parking control system (i.e. boom gates, queuing lanes, ticket machines, pay stations etc) approved herein, the northern mezzanine carpark deck (previously approved under DA 100/2387/2010) shall be constructed to ensure that sufficient replacement parking spaces are available for users of the shopping centre in accordance with the report prepared by MFY for Westfield Limited dated 6 September 2011 (No. 11-0151) Rev A
4. That a security and management protocol shall be prepared and implemented that ensures that carpark entrances and exits, queuing areas and pay stations are monitored in real time (within a dedicated control room on-site) to ensure that equipment breakdowns, user incidents and emergency situations can be effectively managed and resolved by the centre operator.

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 Department of Transport, Planning and Infrastructure (DPTI) has advised that approval will be required in respect to the installation of the boom gates (in accordance with the approved plans) under Section 17 of the Road Traffic Act 1961.
- h) The applicant is advised that the Metropolitan Road Widening Plan shows a possible requirement for a strip of land up to 4.50m in width from portions of the Morphett Road, Sturt Road and Diagonal Road frontages of this site to allow for the future upgrading of adjacent arterial road intersections. Additionally, the plan makes provision for the future use of land up to 2.13m in width from portions of the Morphett Road frontage for future widening purposes. The consent of the Commissioner of Highways will be required for all new building works located on or within 6m of this possible requirement. As the boom gates are seen to be 'minor works' consent has been granted.

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

23. **OTHER APPLICATIONS** – Nil.

24. **NEXT MEETING – TIME/DATE**

Thursday, 23 February 2012
 Conference Room 6.2, Level 6, 136 North Terrace, Adelaide

The Presiding Member thanked all in attendance and closed the meeting at 5:30pm.

25. **ENDORSEMENT OF MEETING MINUTES**

Confirmed / / 2012

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 Ted Byrt
 PRESIDING MEMBER