



# *Development Assessment Commission*

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**Minutes of the 506th Meeting of the  
Development Assessment Commission  
held on Thursday, 11 September 2014 commencing at 10.00AM  
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide**

## **1. OPENING**

### **1.1. PRESENT**

Presiding Member	Ted Byrt
Deputy Presiding Member	Megan Leydon
Members	Geoffrey Loveday Carolyn Wigg Simone Fogarty
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	Lee Webb (Agenda Item 2.1, 5.1) Laura Kerber (Agenda Item 3.3)

### **1.2. APOLOGIES** – Damien Brown, Andrew Ford

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The Development Assessment Commission RESOLVED that consideration and determination of items 2.1, 3.3 and 5.1 be delegated to a sub-committee comprising Mr Ted Byrt, Ms Megan Leydon and Mr Geoff Loveday.

## **2. DEFERRED APPLICATIONS**

### **2.1. District Council of Copper Coast**

Proposal: Port Hughes boat ramp upgrade

Address: Port Hughes, Yorke Peninsula

Zone: District Council of Copper Coast / Out of Councils (Urban Coastal Zone / Coastal Water Zone)

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 the District Council of the Copper Coast to upgrade the Port Hughes Boat Ramp subject to the following:

### **Reserved Matter:**

1. Pursuant to Section 33 (3) of *the Development Act 1993*, the following matter shall be reserved for further assessment, to the satisfaction of the Development Assessment Commission, prior to the granting of Development Approval:
  - a. The final designs, specifications and layout plans of the boat ramp facility (including car parking and access), to be prepared in consultation with the Department of Planning, Transport and Infrastructure (Transport Services).

Note: The above design details must take into consideration the Planning Conditions 22 – 26 and Advisory Notes u – w.

### **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 No 340/0244/13 and the following plan:
  - Amended Concept Plan date stamped received on 20/08/14, prepared by the District Council of the Copper Coast.
2. The design of the northern breakwater shall be amended to include a vertical concrete wall along the inside edge of the breakwater within the vicinity of the northern boat ramp lane.
3. Bollards or other appropriate barriers shall be installed between the public walkway around the foreshore and boat ramp and the road ways within the car park where appropriate.
4. The design of the car parking area adjacent the boat ramp manoeuvring area shall be amended by removing a minimum of seven parking spaces (and a landscaped island) from the northern end of the car park.
5. 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 reasonable satisfaction of the Development Assessment Commission prior to the use of the development.
6. All car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of the Development Assessment Commission.
7. The design of the car parking area and associated infrastructure shall comply with recognised CPTED (Crime Prevention through Environmental Design) principles to ensure the safety of those using the site during the day and night.
8. The final parking layout, manoeuvring and access areas, vehicular entry points and accessible car parking spaces shall be designed and constructed in

accordance with Australian/New Zealand Standards 2890.1:2004 and 2890.6:2009.

9. The carpark shall be designed in accordance with the requirements of the Disability Discrimination Act (DDA) 1992 and AS1428.
10. A 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.
11. The applicant shall submit a detailed landscaping plan for approval by 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 and nurtured at all times with any diseased or dying plants being replaced.
12. All lighting of the site, including car parking areas, 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.
13. An appropriate Construction Environment Management Plan (CEMP) which addresses the mitigation or minimisation of impacts (especially from noise and dust) during the construction phase shall be prepared and implemented. Dust generated by machinery and vehicular movement during site works, and any open stockpiling of soil or building materials at the site, must be suppressed to ensure that dust generation does not become a nuisance off-site.
14. An appropriate Soil Erosion and Drainage Management Plan (SEDMP) (as described in the "Stormwater Pollution Control, General Code of Practice for Local, State and Federal Government") shall be prepared and implemented which includes a range of strategies to collect, treat, store and dispose of stormwater during construction and from the final form of the development (i.e. from driveways, parking areas, lawns, etc) while minimising disposal into the environment. The SEDMP shall be incorporated into the CEMP.
15. Excavated materials and stockpiles shall be appropriately classified and managed in accordance with the Environment Protection Authority (EPA) Guideline: Standard for the Production and Use of Waste Derived Fill (October 2013).
16. Construction works shall only be undertaken between the hours of 7.30 am and 6.30 pm from Monday to Saturday and between 9.00 am and 5.00 pm on Sundays.
17. The development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.

### **Coast Protection Board Conditions**

18. A management plan shall be prepared to ensure maintenance dredging operations avoid mid-summer and mid-winter, consider the effectiveness of a silt and turbidity curtain, test dredged material for contaminants and confirm the most suitable locations to deposit the dredged material; considering priorities related to beach replenishment and cliff erosion protection. This should be prepared to the satisfaction of the Coast Protection Board, prior to the next maintenance dredging operation.

19. Any imported substrate material or engineered fill shall be free of weeds and pathogens to ensure that noxious weed or contamination sources are not introduced into the coastal / marine environment.
20. Excavation and construction shall be carried out in a manner which minimises environmental impacts on adjacent marine environments. Turbidity and sedimentation from construction activities shall be monitored at all times and remedial actions undertaken immediately should significant environmental harm become apparent. This may involve cessation of the offending activity.
21. Any mechanical and electrical equipment and power outlets should be safe from flooding and therefore be raised in accordance with the Coast Protection Board's recommended floor level of 3.65m AHD or otherwise protected by levee or bunding which complies with that standard.

### **Environment Protection Authority (EPA) Conditions**

22. The construction of the development herein approved must be undertaken in accordance with a Construction Environment Management Plan (CEMP). The CEMP must contain a detailed construction and dredging methodology statement (including time of year, likely duration, hours of construction) and be provided to the reasonable satisfaction of the EPA, prior to commencing work. The CEMP must include:
  - i. a Water Quality Monitoring and Contingency Plan (*WQMCP*) with reference to the *Environment Protection (Water Quality) Policy 2003* outlining the monitoring, management actions, contingency plans and reporting for the construction and dredging activities to minimise and mitigate any harm to the environment. The *WQMCP* must include the location and frequency of monitoring for turbidity, dissolved oxygen, pH and plume extent; trigger levels to inform management actions; and the management actions to be undertaken to minimise harm to the environment.
  - ii. an Environment Management System (EMS), including (but not limited to):
    - a. induction process for all workers on-site;
    - b. monitoring and reporting;
    - c. frequency and location;
    - d. turbidity;
    - e. plumes;
    - f. flora and fauna protection;
    - g. runoff / sediment control;
    - h. waste management;
    - i. storage and handling of hazardous substances;
    - j. construction noise and vibration control; and
    - k. air quality (dust and odour).
23. All dredged material brought ashore and temporarily stored must be at least 100 metres (if practicable) above the high water mark. The material must be deposited in a location such that the material would not directly enter the marine environment.
24. All material removed off-site must be to a facility licensed to receive, dispose and/or treat that waste. The waste must be classified and characterised in accordance with the EPA Information Sheet - Current criteria for the classification of waste:

[http://www.epa.sa.gov.au/xstd\\_files/Waste/Information%20sheet/current\\_waste\\_criteria.pdf](http://www.epa.sa.gov.au/xstd_files/Waste/Information%20sheet/current_waste_criteria.pdf)

25. Any rock, gravel or other material placed in the marine environment must be washed clean and suitable for the purpose of use in the water. This material must comply with the Standard for the Production and Use of Waste Derived Fill:

[http://www.epa.sa.gov.au/xstd\\_files/Waste/Guideline/standard\\_wdf.pdf](http://www.epa.sa.gov.au/xstd_files/Waste/Guideline/standard_wdf.pdf)

**Department of Planning, Transport & Infrastructure (Transport Services) Conditions**

26. All proposed facilities shall be designed in accordance with the 'SA Boating Facility Advisory Committee Guidelines for Planning, Design and Construction of Boat Launching Facilities (1997)'.
27. The applicant shall ensure that all Australian Standards, building regulations and legislation of the State are adhered to.
28. Sufficient manoeuvring area shall be provided to ensure all vehicles can enter and exit the site in a forward direction.
29. The passenger parking areas shall conform to AS/NZS2890.1:2004 and AS2890.6: 2009.
30. All trailer parking shall be designed in accordance with AS2890.2-2002 Parking facilities – Off-street commercial vehicle 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 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).

**Coast Protection Board Notes**

- g. Council has an ongoing responsibility to monitor, maintain and upgrade the facility, which includes, but is not limited to, coastal protection upgrades, sand and seagrass management.

- h. The final choice of breakwater rock has not been determined. A suitably qualified coastal engineer should be engaged to prepare the final material design of the breakwater structures.
- i. The proposed breakwater height crest level is 3.4m AHD which meets the Board's site level requirements. Note this is a minimum height and does not prevent wave overtopping, the applicant should decide if they want to increase the height to prevent some level of wave overtopping which may reduce maintenance costs in the future.
- j. The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act 1993, 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.
- k. Autumn is a recognised period when there is least stress in benthic communities and there is more resilience to the effects of less light caused by water turbidity from dredging operations. Works giving rise to high levels of turbidity should be avoided during mid summer and mid winter.
- l. Contingency management plans must be in place during construction to monitor and manage marine pests. If a feral species is identified or if there is a recognized risk PIRSA Biosecurity should be contacted.
- m. Seagrass communities are present within the area. The proposed development will likely require the clearance of native vegetation (i.e. seagrass). Your attention is drawn to the provisions of the *Native Vegetation Act 1991* in respect to approvals required for the clearance of native vegetation.
- n. The planning authority and proponent should ensure that aboriginal heritage and native title rights and interests are addressed if necessary. For information contact the Native Title Section of the Crown Solicitor's Office on 8207 1720.
- o. Spoil from excavations and construction dredging shall be tested for potential acid sulphate soils and other contaminants as necessary and treated and managed in accordance with accepted practices. The Coast Protection Board has released a set of guidelines which should be followed in areas where acid sulfate soils are likely to occur.
- p. Consultation should occur with the Department of Environment, Water and Natural Resources (in regards to Crown Lands) and/or Department of Planning, Transport and Infrastructure (in regards to the tenure of the seabed) to ensure that necessary land owner approvals are granted for the development and use of the land.

#### **Environment Protection Authority (EPA) Notes**

- q. The applicant is reminded of its general environmental duty, as required by *Section 25 of the Environment Protection Act 1993*, 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.
- r. 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 any changes to current licensing requirements.

- s. 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.
- t. 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>

### **Department of Planning, Transport & Infrastructure (Transport Services) Notes**

- u. When preparing the final designs of the boat ramp facility (including car parking and access) the applicant should consider the following:
  - i. Review the traffic management requirements, especially the main access and its closeness to the jetty approach. The boat ramp access may need to be moved further away from the jetty approach. It is possible that access for future maintenance works may be compromised if main access and jetty access are in such close proximity to each other.
  - ii. The boat ramp may be too close to the breakwater, reducing manoeuvring space for craft in the water and reducing safety.
  - iii. There may be a lack of manoeuvring area for vehicles and trailers at the head of the ramp.
  - iv. The boat ramp may need be relocated further inland to provide a greater manoeuvring area in the basin.
- v. The applicant should contact DPTI Commercial Marine Services, Principal Advisor Navigation Environment, Capt. Walter Ferrao on telephone (08) 8260 0027, or via email [walter.ferrao@sa.gov.au](mailto:walter.ferrao@sa.gov.au) in regards to reviewing the navigation markers and publishing the Notice to Mariners.
- w. The applicant will have to enter into a licence agreement with the Minister for Transport on terms agreeable to the Minister and subject to all statutory requirements being met. The applicant should contact DPTI Building Management Section, Senior Property Advisor, Mr Justin Shaw on telephone (08) 8343 2414, or via email [justin.shaw@sa.gov.au](mailto:justin.shaw@sa.gov.au)

### **Disclaimer**

The Development Assessment Commission attaches the following disclaimer to the above advice:

Based upon current knowledge and information the development and development site is at some risk of coastal erosion and inundation due to extreme tides notwithstanding any recommendations or advice herein, or may be at future risk. Neither erosion nor the effect of sea level change on this can be predicted with certainty. Also, mean sea level may rise by more than the 0.3 metres assumed in assessing this application. Accordingly neither the South Australian Development Assessment Commission nor any of its servants, agents or officers accept any responsibility for any loss of life and property that may occur as a result of such circumstances.

## **3. NEW APPLICATIONS**

### **3.1. Hot Property Group**

DA 361/453/2014

Proposal: Mixed Use Development (3 Storey) comprising supermarket, 11 shops and 79 student accommodation units and associated signage.

Address: 6-12 Capital St, Mawson Lakes

Zone: City of Salisbury - MFP Zone

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

#### Council

- Terry Sutcliffe (General Manager & Encumbrance Manager)
- Elinor Sedman (Senior Planner)

#### Applicant(s)

- Barry Santry (Evolution Hub)
- Paul Morris (GTA Consultants)
- James Hilditch (Hilditch Lawyers)
- Ben Green (Planning Consultant, Ben Green & Associates)
- Tony Pullino (Hot Property Group)

#### Representor

- Cristal Opacic (Peregrine Corporation)
- Phil Weaver (Phil Weaver & Associates)
- James Levinson (Botten Levinson)

The Commission discussed the application.

### **RESOLVED**

- 1) RESOLVE that the proposed development is not considered to be seriously at variance with the Salisbury (City) Development Plan – Consolidated 22 August 2013.
- 2) RESOLVE pursuant to Section 33 of the *Development Act 1993* to **GRANT** Development Plan Consent to application number DA 361/453/2014 for a Mixed Use Development (3 Storey) comprising supermarket, 11 shops and 79 student accommodation units and associated signage at 6-12 Capital Street, Mawson lakes in accordance with the plans and details submitted with the application and subject to the following reserved matter, conditions and advisory notes:

#### **Reserved Matter**

1. Pursuant to Section 33 (3) of *the Development Act 1993*, the following matter shall be reserved for further assessment, to the satisfaction of the Development Assessment Commission, prior to the granting of Development Approval:
  - a) A channelised left turn deceleration lane shall be designed and constructed for the Elder Smith Road access as approved by DPTI Transport Services Division.

#### **Planning Conditions**

1. The proposal shall be developed in accordance with the details and Council stamped approved plans lodged with the application, except where varied by the conditions herein.

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

2. Prior to the grant of full development approval a Student Accommodation Facility Management Plan must be submitted to and approved by the Council. When approved the, plan will be endorsed and form part of this consent. All activities forming part of the use must comply with the endorsed plan. The plan must include (but not limited to);
  - a) Measures to control noise on the premises



- b) Car sharing hire arrangements
  - c) Security measures regarding entry to the student accommodation level
  - d) 'House rules'
3. Prior to the grant of full development approval, an amended landscape plan must be submitted to and approved by the Council. When approved, the plan will be endorsed and will then form part of this consent. The landscaping plan must be generally in accordance with the landscape concept plan dated 06/14 prepared by *Outerspace Landscape Architects*. The plan must show:
- a) A survey of all existing vegetation and natural features;
  - b) The area or areas set aside for landscaping which includes raised gardens beds within the laneways on the student accommodation level which incorporates edible garden design with at least three gardens bed set aside for this purpose.
  - c) A schedule of all proposed trees, shrubs/small trees and ground cover.
  - d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
  - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
  - f) Appropriate irrigation systems;
4. Prior to the grant of full development approval dimensioned and to scale plans of the signage on the building hereby approved, must be submitted to Council and to Council's satisfaction. When approved the, plan will be endorsed and form part of this consent.
5. The residents of the student accommodation facility shall be restricted to 'students' that are enrolled in, and attending at, a secondary or tertiary educational establishment in South Australia; or a student enrolled in, an attending at, an English Language or other course undertaken as a pre-requisite to administration to a secondary or tertiary educational establishment in South Australia.
6. Unless with the prior written consent from the Council, the retail and commercial uses hereby permitted may only operate between the following hours:
- *Monday to Friday:* 7:00am to 9:00pm
  - *Saturday :* 7:00am to 5:00pm
  - *Sunday :* 9:00am to 5:00pm
- Hours of operation for Public Holidays shall operate according to Sunday trading hours.
- Reason: To limit the effect of nuisance to residents living in the locality.*
7. Unless with the prior written consent of the Council, deliveries to and from the site (including waste collection) must only take place between the hours of 7:00am-7pm, Monday to Saturday only.
- Reason: To limit the effect of nuisance to residents living in the locality*
8. A fixed screening device to the satisfaction of Council, shall be constructed over each window on the second floor of a student accommodation unit, where there is an adjacent habitable room window within three (3) metres and direct overlooking .

9. No permanently fixed sound amplification equipment or loud speakers shall be used for purposes of announcements or playing music so as to be audible on adjoining land except with the prior written consent of the Council.

*Reason: To limit the effect of nuisance to residents living in the locality.*

10. 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.

*Reason: To limit the effect of the mechanical services for activities on the subject land within the site, thereby maintaining the amenity of the locality.*

11. Any air-conditioning units shall be wall mounted within the development and shall suitably concealed and clad to match principle buildings or of a material which is to the satisfaction of the Council.

*Reason: To enhance the amenity of the locality*

12. Landscaping shall be established within 6 months of the practical completion of the development herein approved and in accordance with an approved landscape plan, and shall be nurtured and maintained in good condition at all times, to the reasonable satisfaction of the Council.

*Reason: To ensure landscaping is established and that it is well maintained.*

13. Containers, bins or receptacles used for the temporary storage of garbage, waste or refuse arising from the premises, shall be located and/or screened from public view, to the reasonable satisfaction of the Council.

*Reason: To maintain the amenity of the locality.*

14. During the period that the development is being undertaken all paper, plastic, rubbish and other waste material associated with the building work shall be appropriately secured. It is a requirement to ensure that all waste material is secure and contained on site until removal to ensure the work site is kept safe and tidy at all times. Litter and waste material resulting from the subject land shall not pollute or contaminate adjacent properties and is to be kept in a generally neat and tidy condition to the reasonable satisfaction of the Council.

*Reason: To maintain the tidiness and amenity of the locality.*

15. A minimum of 153 car spaces must be provided on the land for the development hereby permitted, to the satisfaction of the Council.

16. Access to buildings and designated carparking spaces shall be designed and constructed in accordance with the provisions as outlined in the "Guidelines for the Provision of Parking for People with Disabilities in South Australia" (March 1993) and in accordance with AS 1428 Parts 1, 2 and 4.

*Reason: To ensure that the development complies with the Disability Discrimination Act 1992.*

17. Vehicle parking bays shall be provided with wheel stops and shall installed in each parking bay to prevent damage to adjoining fences or buildings.

*Reason: To prevent damage to fences and buildings thereby preserving the amenity of the locality.*

18. All driveway, access and car parking areas shall be designed, constructed and sealed to provide an impervious hard wearing surface in a manner satisfactory to Council.

*Reason: To provide all weather parking and vehicle access.*

19. Before the use commences, the area(s) set aside for the parking of vehicles and circulation as shown on the endorsed plans must be:
- a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
  - d) Drained and maintained;
  - e) Line marked to indicate each car space and all access lanes;
  - f) Clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the Council. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Council.

*Reason: To ensure that the development complies with standards and best engineering practice.*

20. All disused and redundant vehicle crossings must be removed and the area reinstated to footpath, kerb and channel to the satisfaction of Council. Additionally, the footpath along the Elder Smith Drive which is to be demolished as part of this approval must be reinstated to the same standard as existing, with exposed aggregate, to the satisfaction of Council, and landscaping undertaken in the verge area to Council's satisfaction.

*Reason: To ensure that the development complies with standards and best engineering practice, and the amenity of the streetscape is maintained or improved.*

21. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay) and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Relevant Authority.

*Reason: To ensure that the development complies with standards and best engineering practice.*

22. This approval includes approval for the two pylon signs only. Approval for other signage shown indicatively on the plans will require a separate application to Council.

23. Apart from any signs, which may be permitted for the zone, no advertisement or advertising display, including portable easel or A-frame signs, other than those depicted on the approved plans, shall be erected and/or displayed within the subject land or on any building or structure within the subject land.

*Reason: To restrict the proliferation of advertisements on site.*

24. No bunting or streamers shall be displayed on the subject site or on Council land.

*Reason: To maintain visual amenity and public safety in the locality.*

25. The sign(s) must be constructed and maintained to the satisfaction of the Relevant Authority.

*Reason: To maintain visual amenity and public safety in the locality.*

26. Unless otherwise approved by Council, outside lighting shall be restricted to that necessary for security purposes only and shall be directed and baffled in such a manner so as not to cause light overspill and/or nuisance to adjacent occupiers or distraction to drivers on adjacent public roads. The lighting design must ensure that all entrances into the development are lit in a manner which suitably defines the entry during the evening to the satisfaction of Council.

*Reason: To ensure that lighting does not cause nuisance or danger to adjoining occupiers or road users thereby reducing the amenity of the locality and/or making road use unsafe.*

27. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Relevant Authority.

*Reason: To maintain the amenity of the locality.*

The following conditions are included at the request of DPTI – Transport Services Division

28. The Elder Smith Road access shall be in accordance with GTA Consultants Preliminary Plan, 14A1108000-D02-01P1, dated 20 June '14.
29. Access via Elder Smith Road to serve the site shall be ingress only, accommodating only left-turn in movements from Elder Smith Road.
30. All works required to facilitate access to the site from Elder Smith Road shall be undertaken to DPTI's satisfaction at the applicant's cost. The applicant should contact DPTI, MeTRO, Acting Senior Access Management Engineer, Ms Teresa Xavier on ph. 8226 8325 or via email [teresa.xavier@sa.gov.au](mailto:teresa.xavier@sa.gov.au) to discuss the requirements.
31. The applicant shall enter into a Developer Agreement with DPTI for the required road works to be designed/constructed;
32. The channelised left turn lane shall be completed prior to the any vehicles accessing the site via Elder Smith Road (i.e. if the applicant wishes to access the site from Elder Smith Road during construction, the deceleration lane needs to be completed prior to this occurring).
33. The largest vehicle permitted to access the site shall be a 14 metre semi-trailer.
34. All vehicles shall enter and exit the site in a forward direction.
35. All car parking shall be designed and constructed in accordance with AS/NZS 2890.1:2004 and 2890.6:2009.
36. All commercial vehicle facilities shall be designed and constructed in accordance with AS 2890.2:2002.
37. All bicycle facilities shall be designed and constructed in accordance with AS 2890.3:1993.

38. No stormwater from this development shall be permitted to discharge on-surface to Elder Smith Road. In addition, any existing drainage of Elder Smith Road shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the applicant.

### **Advisory Notes**

- a. Any internal fit-out of the shops hereby approved, must comply with the Food Act 2001 and relevant food safety standards to the satisfaction of Council.

The following advisory notes are provided at the request of DPTI – Transport Services Division

- b. Signage on this site that is viewable from the adjacent or nearby roads shall not utilise any element of LED/LCD display (the use of LED lighting for the internal illumination of a sign box is permissible).
- c. Signage on this site shall not contain any element that flashes, scrolls, moves or changes.
- d. Signage on this site shall be limited to a low level of illumination so as to minimise distraction to motorists.
- e. Non-illuminated signage on this site shall be finished in a material of low reflectivity to minimise the risk of sun/headlamp glare that may dazzle or distract motorists.
- f. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not occur on or adjacent to the subject land.

### **3.2. Goelia Pty Ltd**

Proposal: Tourist Accommodation

Address: Government Road, Government Road

Zone: Kangaroo Island Council - Coastal Conservation Zone

This item was withdrawn from the agenda.

### **3.3. David Paschke**

Proposal: Boundary Realignment – 3 into 3

Address: Willow Road and Pfeiffer Road, Woodside (various parcels of land)

Zone: Adelaide Hills Council - Watershed (Primary Production) Zone, Policy Area 10 Onkaparinga Valley

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

Applicant(s)

- David Paschke (Applicant)

Council

- Tom Victory – Adelaide Hills Council

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 Approval to Development Application 473/D007/14 for the 3 into 3 boundary realignment at Willow Road and Pfeiffer

Road, Woodside (various parcels of land) 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 473/D007/14.

Amended Plan of Division 14/04/2014, Veska and Lohmeyer Pty Ltd, Ref No 14020, Rev 3

2. An amended plan of division is prepared, to the satisfaction of DAC, which extends the eastern boundary of proposed allotment 51 approximately 60m eastward to near the riparian boundary.

**Adelaide Hills Council Conditions:**

3. Prior to Section 51 clearance to the division approved herein, the existing dwelling on existing allotment 1 shall be fully decommissioned and converted to a horticultural workers amenities facility as per the authorised plans and conditions in Development Authorisation 14/375/473 to the satisfaction of Council.

**Land Division Conditions:**

4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division 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 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) If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine relevant requirements under the *Native Vegetation Act 1991* and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that 'clearance' means any activity that could cause any substantial damage to

native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9741 or visit: <http://www.nvc.sa.gov.au>.

- 3) RESOLVE to delegate authority to the Principal Planner, DAC, for Planning Condition #3.

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

#### 5. **MAJOR DEVELOPMENTS**

##### 5.1. **South East Abalone P/L**

Proposal: Nora Creina Golf Course and Tourism Resort (Major Development proposal)

Address: South East (between Robe and Beachport)

Zone: District Council of Robe - Coastal Conservation Zone

#### **RESOLVED**

- 1) That the draft Guidelines for a Public Environmental Report and the ranking of issues be endorsed, with any amendments as agreed by the Commission.
- 2) That the proposed draft Report to the Minister be endorsed, with minor amendments as approved by the Presiding Member.

#### 6. **ANY OTHER BUSINESS**

#### 7. **NEXT MEETING – TIME/DATE**

- 7.1. Thursday, 9 October 2014 in Conference Room 6.2, Level 6, 136 North Terrace, 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 2.00 PM

Confirmed                    /                    /2014

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Ted Byrt  
PRESIDING MEMBER