



Development Assessment Commission

Minutes of the 524th Meeting of the Development Assessment Commission held on Thursday, 9 July 2015 commencing at 10.30 AM Basement Level, 28 Leigh Street, Adelaide

1. OPENING

1.1. PRESENT

Presiding Member	Simone Fogarty
Members	Helen Dyer (Deputy Presiding Member) Chris Branford Peter Dungey Dennis Mutton David O'Loughlin
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	Nitsan Taylor (Agenda Item 2.1) Simon Neldner (Agenda Item 3.1) Daniel Pluck (Agenda Item 3.2) Alex Mackenzie (Agenda Item 4.1)

1.2. APOLOGIES – Sue Crafter

2. DEFERRED APPLICATIONS

- 2.1. **Hans Zimmermann**
DA 145/3533/13
Newman Close, Willunga South
Proposal: Tourist Development

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 development application 145/3533/13 by Hans Zimmermann for the construction of two (2) pavilions for tourist accommodation at 64 Newman Close, Willunga South, 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 145/3533/13.

Site Plan, Dwg No. D01. 19/5/15

Pavilion 1, location of waste system, 30/6/15

Pavilion 2, location of waste system, 30/6/15

Floor Plan, 19/5/15

Pavilion 1 East and West Elevations, 2/07/15

Pavilion 1 North and South Elevations, 2/07/15

Pavilion 2 East and West Elevations, 2/07/15

Pavilion 2 North and South Elevations, 2/07/15

Pavilion 1, Elevation with Materials and Finishes, 19/5/15

Pavilion 2, Elevation with Materials and Finishes, 19/5/15

2. That the pavilions herein approved shall be used for short-stay tourist accommodation only and shall not to be used as self-contained dwellings. No stove top or oven facilities shall be installed in the buildings.
3. That each pavilion shall be connected to an approved wastewater disposal system, to the reasonable satisfaction of the Onkaparinga Council.
4. 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.
5. That during construction and at all times thereafter, stormwater generated from the development shall be diverted away from all buildings, shall not pond against or near the footings and shall not be discharged onto adjoining land.
6. That all car parking areas, driveways and vehicle manoeuvring areas shall conform to Australian Standards and shall be suitably constructed and formed in accordance with sound engineering practice prior to the occupation or use of the development.
7. That no additional signs shall be displayed upon the subject land other than those identifying the parking area access points and those shown on the approved plans. If any further signs are required, these shall be the subject of a separate application.
8. That all external finishes shall have surfaces which are of a low light reflective nature and be of dark natural colours.
9. That all earthworks shall be restricted to only those which are shown on the approved plan as required for building and/or access purposes.

10. That all exposed cut and fill shall be rounded off to follow and blend with the natural contours of the land, covered with approximately 100mm of top soil immediately after excavation and seeded with ground covers and screened with trees and shrubs to avoid erosion and visual concerns within 6 (six) months of the site being excavated.
11. That the fire access tracks required by subsequent conditions herein shall be constructed of materials of muted or earthy colour that will complement the neutral character of the locality.
12. That provision of a visual screen, such as battens, shall be installed around the under-floor services of each of the pavilions.

COUNTRY FIRE SERVICE CONDITIONS

13. Access to the building sites shall be of all weather construction, with a minimum formed road surface width of 4 metres and must allow forward entry and exit for large fire-fighting vehicles.
14. The all-weather road(s) shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either-
 - A loop road around the building; OR
 - A turning areas with a minimum radius of 12.5 metres; OR
 - A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
15. The all-weather road(s) shall incorporate passing bays with a minimum formed length of 7 metres including the road or driveway width, and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the driveway. Where it is necessary to provide adequate visibility, such as the nearest point to another passing bay, passing bays may be required at interval of less than 200 metres.
16. The gradient of the access road(s) shall not exceed 16 degrees (29%).
17. Vegetation overhanging the access road(s) shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres width and a vertical height clearance of 4 metres.

ACCESS (to dedicated water supply)

18. The Code Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting. Ministers Specification SA 78 describes the mandatory provision for access to the dedicated water for firefighting vehicles:
 - Provision shall be made adjacent to the dedicated fire-fighting water supply outlet for a hardstand area capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) or 21 tonnes that is a distance equal to or less than 6 metres from the water supply outlet.
 - Note 1: The dedicated fire-fighting water supply outlet may be located remote from the water storage facility to enable appropriate accessibility for fire-fighting services.
 - Note 2: Refer to 'Water Supply' (below) regarding the water supply outlets.

WATER SUPPLY

19. The Code Part 2.3.4.1 mandates a dedicated and accessible water supply to be made available at all times for fire fighting. Ministers specification SA 78 prescribes the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe work and fire fighting hoses in accordance with Ministers Specification SA78.

- A minimum supply of 22000 litres of water per tourist building, shall be available at all times for bushfire fighting purposes.
- The dedicated fire-fighting water supply shall be clearly identified and shall be accessible to fire-fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has
 - i. A minimum inlet diameter of 38mm, AND
 - ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp) OR
 - iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire fighting purposes.
- The fire-fighting pump and any flexible connection to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation
- All bushfire fighting water pipes and connection between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provided maximum coverage of the building and surrounds.
- All fire-fighting hoses shall be capable of withstanding the pressure of the supplied water.
- All fire fighting hoses shall be of reinforced construction manufactured in accordance with AS2620 or AS 1221.
- All fire fighting hoses shall have a minimum normal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire fighting hoses shall be readily available at all times.
- CFS has no objection to the use of the existing on-site reticulation 'flushing system' on a basis for establishing the required 22000 litre at each proposed tourist building site, in lieu of additional fire fighting water supply storage tanks at each proposed tourist building. If this option is adopted the water supply outlet(s) shall be appropriately clearly identified and accessible. The existing mains powered electric pump shall be supplemented with an independently powered generator to enable operation of the water supply pumping system without reliance of the mains electricity grid.

VEGETATION

18. The Code Part 2.3.5 describes the mandatory provision for landscape planning shall include Bushfire Protection feature that will prevent or inhibit the spread of bushfire and minimise the risk to life and or damage to buildings and property.

- Grasses within 20m of the tourist buildings (or to property boundaries whichever comes first) shall be reduced to a height of 10 centimetres during the Fire danger season
- Additional trees and shrubs shall not be planted closer to the tourist buildings than the distance equivalent to their mature height.
- All branches overhanging the roof of the proposed tourist buildings shall be removed or trimmed clear of the line of gutters.

BUILDING CONSIDERATIONS

19. Refer to the Building Code of Australia Part 3.7 "Fire Safety" for construction requirements and performance provisions.

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 practical measures to ensure the activities on the site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. This includes being mindful of and minimising off site noise, dust and vibration impacts associated with development.
- h. Construction must be undertaken in accordance with Division 1 of Part 6 of the Environment Protection (Noise) Policy 2007 at all times.

3. NEW APPLICATIONS

- 3.1. **Mr Liu Hong Tao**
DA 580/R010/15
Windsor Avenue, Hahndorf
District Council of Mount Barker
Proposal: Tourist Accommodation Facility

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 CONCUR with the decision of the Mount Barker Council to grant Development Plan consent to construct a tourism accommodation facility at Windsor Avenue, Hahndorf (DA 580/R010/15: Council Reference - 580/0637/14).

- 3.2. **Peregrine Corporation Pty Ltd**
DA 313/E003/15
1 Mildred Street, Kapunda

Light Regional Council

Proposal: Demolition of existing structures and construction of integrated service station complex in the form of a petrol filling station including automated carwash and associated vacuum facilities, car parking, signage and co branded retail

Simone Fogarty (Presiding Member) and Helen Dyer (Deputy Presiding Member) both declared a conflict of interest and were not present for the hearing of this item. The Commission elected Dennis Mutton as Acting Presiding Member for this item.

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

Applicant(s)

- Robert King – ADS Architects
- Thuy Nguyen – Peregrine Corporation

Representor

- Michael Hudson

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. 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 313/E003/15.

Plans

ADS Architect Plans

28/05/2015 – 14/JN1217/sk01c – Site Plan

28/05/2015 – 14/JN1217/sk02a – East and West Elevations

28/05/2015 – 14/JN1217/sk03a – North and South Elevations

28/05/2015 – 14/JN1217/sk04a – South Elevation

Other

- 19m Semi-Trailer – Turn Path Analysis – March 2015 – job no. 33-1705725 rev no. A (SK101)
 - Refuse Collection - Turn Path Analysis – March 2015 – job no. 33-1705725 rev no. A (SK102)
 - Vehicle Clearance - Turn Path Analysis – March 2015 – job no. 33-1705725 rev no. A (SK103)
 - Queuing Capacity - Turn Path Analysis – March 2015 – job no. 33-1705725 rev no. A (SK104)
2. The hours of operation of the following components shall be restricted to the following times:
 - a. Rubbish Collection – 7am to 7pm Monday to Saturday and 9am and 7pm on a Sunday or public holiday
 3. 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. 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. All materials and goods shall be loaded and unloaded within the boundaries of the subject land.
 6. The applicant shall submit a detailed landscaping plan 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. The development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
 8. All trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
 9. 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. 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. 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. That the boundary fence mounted on top of the retaining wall adjoining Jeff Street be terminated three metres from the corner of Jeff Street and South Terrace.

TSSD Conditions

13. The access points to Mildred Street and South Terrace shall be constructed in accordance with GHD Site Plan, Job No. 33-1705725, SK111, Revision A, dated APR 2015.
14. The Mildred Street and South Terrace access points shall be suitably line marked and signed in order to reinforce the desired traffic flow at the access points.
15. All redundant crossovers shall be closed and reinstated to Council specification at the applicant's cost prior to the opening of the development.
16. The largest vehicle permitted on site shall be restricted to a 19.0 metre articulated vehicle as per AS2890.2-2002.
17. All fuel deliveries shall be undertaken outside of the peak traffic periods on Mildred Street and South Terrace.
18. All on-site car parking and vehicle manoeuvring areas shall be consistent with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.

EPA Conditions

19. Development must be undertaken in accordance with the *Construction Environment Management Plan, Proposed Kapunda On the Run Service Station prepared by Fyfe Pty Ltd (Ref. 80017-11-1 Rev B), dated 9 April 2015*.
20. The applicant must engage a suitably qualified and experienced site contamination consultant to implement the *Construction Environment Management Plan, Proposed Kapunda On the Run Service Station prepared by Fyfe Pty Ltd (Ref. 80017-11-1 Rev B), dated 9 April 2015* and to:
 - a. Manage and dispose of contaminated material in accordance with EPA and other relevant guidelines (as stated in the CEMP); and
 - b. Validate underground storage systems (USS) excavation 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 (which includes the preparation of a validation report).
21. The applicant must provide a copy of the validation report for the excavations of the Underground Storage Systems (USS) to the EPA and the Development Assessment Commission prior to occupation of the redeveloped site.
22. 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.

23. 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 and rectified.
24. All fuel 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.
25. Following the installation of the in-ground fuel tanks, all trafficked areas must be hard surfaced using either bitumen, concrete or other impervious material.
26. 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.
27. 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) Based on submissions made at the hearing it is suggested the applicant undertake a pre-development dilapidation report for the dwelling located on the corner of Jeff Street and South Terrace.
- b) 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.
- c) The applicant is also advised that any act or work authorised or required by this Notification must be completed within 3 years of the date of the Notification unless this period is extended by the Commission.
- d) The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
- e) The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- f) Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow.
- g) The applicant is 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).
- h) 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.
- i) Any future variations or amendments to this development may give rise to heritage impacts requiring further consultation with the Department of Environment, Water and Natural Resources, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example (a) an application to vary the planning concern, or (b) Building Rules documentation that incorporates differences from the proposal described in the planning documentation.

- j) The applicant is reminded of the following requirements of the *Heritage Places Act 1993*:
 - i. If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
 - ii. Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department of Environment, Water and Natural Resources.
- k) The applicant is reminded of the following requirements of the *Aboriginal Heritage Act 1988*:
 - i. If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.
 - l) 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 the land use into account), the applicant may need to remediate the contamination in accordance with EPA guidelines.
 - m) 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.
 - n) 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>
 - o) 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/DPTI-Advertising-Signs-Assessment-Guidelines.pdf

4. ADJOURN TO INNER METROPOLITAN DEVELOPMENT ASSESSMENT COMMITTEE

5. MAJOR DEVELOPMENTS

5.1. Wunda Projects Australia Pty Ltd Adelphi Terrace, Glenelg

Helen Dyer and Peter Dungey both declared a conflict of interest and were not present for the hearing of this item.

RESOLVED

- 1) Endorse the draft Guidelines and the ranking of assessment matters, with any amendments as agreed by the Commission.
- 2) Endorse the draft Report to the Minister, with any amendments as agreed by the Commission.

6. ANY OTHER BUSINESS

- 6.1. **Crown Solicitor's Office Briefing** – Cancelled
- 6.2. **SA Tyre Recyclers** – Briefing

RESOLVED

- 1. Confidential Decision

7. NEXT MEETING – TIME/DATE

- 7.1. Thursday, 23 July 2015 in Basement, 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 1.00 PM

Confirmed / /2015

.....
Simone Fogarty
PRESIDING MEMBER