



# *Development Assessment Commission*

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## **Minutes of the 515th Meeting of the Development Assessment Commission held on Thursday, 12 February 2015 commencing at 9.30AM 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 Andrew Ford
Secretary	Sara Zuidland
A/Principal Planner	Robert Kleeman
DPTI Staff	Simon Neldner (Agenda Item 3.3, 3.5, 3.6, 3.7) Laura Kerber (Agenda Item 3.4) Janine Philbey (Agenda Item 3.6)
City of Salisbury Staff	Ben Green George Pantelos

#### **1.2. APOLOGIES – Damien Brown.**

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

### **3. NEW APPLICATIONS**

- 3.1. K Fountoglou**  
**DA 361/1117/2014/2A**  
76 Harvey Circuit, Mawson Lakes  
**City of Salisbury**

Proposal: Three storey residential building comprising 9 apartments and associated ground level carparking and service areas

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

Applicant(s)

- Kon Fountoglou
- Ben Battiste

Representor

- R Ravida
- Stan Batten - AB Valley Home Improvement Pty Ltd
- B Malkide

The Commission discussed the application.

### **RESOLVED**

1. RESOLVE to DEFER for further consideration.

#### 3.2. **Vartzokas Architects**

##### **DA 361/1670/2014/2A**

Office 1 / 27-29 Metro Parade, Mawson Lakes

##### **City of Salisbury**

Proposal: Conversion of existing gymnasium into 18 residential apartments

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

Applicant(s)

- Tom Vartzokas

Representor

- Dylan Barker
- Clinton Barker for John Hodges - Colorado Property Holdings Pty Ltd

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 30 March 2014, however pursuant to Section 33 of the *Development Act 1993*, Development Plan Consent is REFUSED to application number 361/1670/2014/2A for the change of use of the second floor gymnasium to 18 residential apartments as it is contrary to the following provisions of the Development Plan:
  - a. MFP (Levels) Zone: PDC 9 (Issue – Density)
  - b. General Section Residential Development: OB 1 (Issue – Amenity)
  - c. General Section Residential Development: PDC 25 and Design & Appearances: PDC 16 (c) (Issue – Private Open Space)
  - d. General Section Energy Efficiency: OB 1, PDC 1 & 2 (Issue - Borrowed Light)

3.3. **M Davies**

DA 415/0365/12

**Lot 15 (Lot B), Greenbanks, Q28 in Filed Plan 14756, Certificate of Title: Volume 5911 Folio 501, Greenbanks, Hundred of Burdett**

Rural City of Murray Bridge

Proposal: Construction of two storey dwelling and boat shed

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

Applicant(s)

- Merv Davies
- George Manos – Botten Levinson

Representor

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 at lot 15, Greenbanks (DA 415/0365/12), subject to the concurrence of the Minister for Planning and the conditions outlined below.

**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 No 415/0365/12:
  - Site Plan Drawing No. 209-014B dated 16/08/2012
  - Ground Floor Plan Drawing No. 209-014B dated 16/08/2012
  - 1st Floor Plan Drawing No. 209-014B dated 16/08/2012
  - South and West Elevations Drawing No. 209-014B dated 16/08/2012
  - North and East Elevations Drawing No. 209-014B dated 16/08/2012
2. 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**

3. During construction activities the property must be managed in a manner as to prevent erosion and pollution of the subject site and the environment, including keeping the area in a tidy and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.
4. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
  - a. Be located within the 1956 flood plain
  - b. Adversely impact native vegetation
  - c. Impede the natural flow of any surface waters

- d. Allow sediment to re-enter any water body
  - e. Facilitate the spread of pest plant and pathogenic material
5. Stormwater run-off from the structure must be managed to prevent erosion or pollution of the site and the environment, and diverted away from waste water disposal areas, such as septic tanks and aerobics systems. Connection to a water storage tank would assist in complying with this condition.

#### **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 under the River Murray Act 2003 to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
- 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. 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>
- h) The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts may be present on the subject land (eg. Scarred trees, campsites, burial sites, middens, etc). Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such and owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister

under section 23 of the Act. Penalties may apply for failure to comply with the Act.

- i) The applicant is strongly encourage to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit <http://www.stateflora.com.au>
- j) This approval does not obviate any considerations that may apply to the Environment Protection and Biodiversity Act 1999 (Cth). For further information please visit: <http://www.environment.gov.au/epbc>.

3.4. **CR Lindner Nominees Pty Ltd**

DA 313/0363/14

**Corner Carrington Street and Main Street, Kapunda (Various parcels of land)**

Light Regional Council

Proposal: Supermarket with associated car parking, loading and landscaping

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

Applicant(s)

- Graham Burns - Masterplan
- Paul Morris – GTA

Council

- James Miller
- Lisa Sapio

The Commission discussed the application.

**RESOLVED**

1. RESOLVE to DEFER for further consideration.

3.5. **Coburn Hotel Pty Ltd**

DA 010/U056/14

**14 Elder Terrace, Cockburn**

Out of Council

Proposal: Change of land use - extension of existing licensed area of the Coburn Hotel for the consumption of meals and beverages, community events and entertainment.

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

Applicant(s)

- Meredith Esam

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 010/U056/14 by Coburn Hotel Pty Ltd for a change of land use (extension of existing licensed area of the Coburn Hotel for the consumption of meals and beverages, community events and entertainment) at Elder Terrace, Cockburn (Allotment 322 in File Plan 199216 [Certificate of Title: 5549/293]), subject to the following conditions and advisory notes:

**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 plans, including the amended plans as submitted in Development Application 010/U056/14 including:

Plans & Documentation

- Proposed extended trading area for Coburn Hotel beer garden ("Plan A")
- Existing position of Coburn Hotel - Lot 6 ("Plan B")
- Marked up site plan - staging, patron and parking areas ("Plan C")
- Letter from Meredith Esam to DAC dated 20 November 2014
- Email from Meredith Esam to DAC dated 4 December 2014
- Letter from Meredith Esam to DAC dated 16 January 2015
- Site and Locality Photographs - provided by applicant

2. The operational hours of the outdoor area shall be restricted to:

- a. 8am to 10pm, Monday to Thursday
- b. 8am to 12 midnight Friday to Saturday
- c. 8am to 8pm Sunday

Except where varied by:

- d. Maundy Thursday: 11am to 12 midnight
- e. Christmas Eve, Sunday Christmas Eve, on days preceding other public holidays and Sundays preceding public holidays: 11am to 8pm
- f. the day following New Years Eve: midnight to 2am; then in accordance with the normal operational hours identified above
- g. Major event: 8am to 12 midnight

3. The maximum number of patrons in the outdoor area shall be restricted to 100 persons (unless specified as a 'Major event').
4. The maximum number of Major events (i.e. those events attracting over 100 persons) shall be restricted to not more than twelve events per calendar year. The maximum operational period of a 'Major event' must not exceed two days (48 hours).
5. That all external lighting of the outdoor area 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 in the reasonable opinion of the Development Assessment Commission.
6. That landscaping to achieve screening of the adjoining residence (i.e. northern perimeter of the site) shall be established within twelve (12) months of Development Approval being granted, and shall be maintained and nurtured at all times with any diseased or dying plants being replaced. The landscape screen shall comprise a suitable mix of indigenous species (to achieve mature height levels to not less than 2m), and achieve an overall planting width or buffer of not less than 1.5m along the northern boundary of the site.

### **Advisory Notes:**

1. You have a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
2. Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day on which you receive this notice or such longer time as the Court may allow.
3. Please contact the Court if you wish to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).
4. 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 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.
5. 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/pub.html>
6. The applicant is advised to consult with SA Health on the management of windblown dust (as a result of land contamination from previous railway activities) within nominated outdoor areas. This may include the sealing of flooring (i.e. pavers), the erection of a solid barrier to stop dust ingress and to undertake regular wash downs. For further information please contact SA Health [Public Health Services Branch] on 8226 7100.

#### **3.6. Neil Kowald (C/- Planning Chambers)**

DA 473/D045/14

Onkaparinga Valley Road and Muellers Road, Birdwood (various parcels of land)  
Adelaide Hills Council

Proposal: Boundary Realignment – 3 into 3

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

Applicant(s)

- Neil Kowald
- Jeff Smith

Council

- Marie Molinaro

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/D045/14 for the 3 into 3 boundary realignment at Onkaparinga Valley Road and Muellers Road, Birdwood (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/D045/14:

Document Number	Description
13-106let04	Letter to Development Assessment Commission (Delegate) re new application and addressing DAC's concerns
Sheet 1 of 2 – GS2304 LDA	Summary of land realignment and redesignation of parcels
Sheet 2 of 2 – GS2304 LDA	Plan of land realignment and redesignation of parcels
13-106let05	Letter to Development Assessment Commission re further information (bore log results and provision of Adelaide Hills 20 year trail strategy and action plan)

### **Land Division Conditions:**

2. 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.
3. All access to/from allotment 53 must be gained by the existing access adjacent the northern property boundary only. No additional vehicle access onto Onkaparinga Valley Road shall be permitted.

### **Advisory Notes:**

1. 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.
2. 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.
3. The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
4. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
5. 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.
6. 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).
7. 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>.

- 3.7. **Mark Fiora**  
DA 473/D064/10  
**Princes Highway, Beaumont Road, Ambulance Road, Grivell Road and Gallasch Road, Verdun**  
Adelaide Hills Council  
Proposal: Boundary Realignment – 7 into 7

The Commission discussed the application.

**RESOLVED**

1. REFER to DEFER for further consideration.

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

5. **MAJOR DEVELOPMENTS** – Nil.

**6. ANY OTHER BUSINESS**

**7. NEXT MEETING – TIME/DATE**

- 7.1. Thursday, 26 February 2015 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 2.00PM

Confirmed / /2015

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Ted Byrt  
PRESIDING MEMBER