



Development Assessment Commission

**Minutes of the 452nd Meeting of the
Development Assessment Commission
held on Thursday 24 November 2011 commencing at 1:20 PM
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide**

PRESENT

Presiding Member	Ted Byrt
Members	Betty Douflias Geoffrey Loveday Megan Leydon Damian Brown Carolyn Wigg John Dagas
Secretary	Rocío Barúa
Principal Planner	Mark Adcock
DPLG Staff	Daniel Pluck (Agenda Items 19.1 & 20.1) Yasmine Alliu (Agenda Item 22.1) Simon Neldner (Agenda Item 23.1)

1. **APOLOGIES** – Nil.

2. **CONFIRMATION OF THE MINUTES**

2.1 **RESOLVED** that the Minutes of the 451st meeting held on 10 November 2011 be taken as read and confirmed.

3. **DEFERRED APPLICATIONS**

3.1 **Status of Deferred Applications** – Nil.

4. **OUTSTANDING MATTERS**

4.1 **Status of Outstanding Matters** – Nil.

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** – Nil.

7. **PRESIDING MEMBER'S REPORT**

7.1 The Presiding Member advised he had discussions with John Hanlon, Acting Chief Executive, in relation to current departmental activities.

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

9. **MINISTER'S DECISIONS – UPDATE** – Nil.

10. **MAJOR DEVELOPMENTS – UPDATE** – Nil.

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

12. **COMMITTEES REPORT**

12.1 **Building Fire Safety** – Nil.

12.2 **Building Rules Assessment** – Nil.

13. **DELEGATION REPORT**

13.1 **s33 & s49 Decisions – October 2011**

RESOLVED that the Report be received and noted.

13.2. **s48 Decisions determined by the Presiding Member** – Nil.

14. **DEVELOPMENT APPLICATION STATISTICS – October 2011**

14.1 **RESOLVED** that the report be received and noted.

15. **PRINCIPAL PLANNER'S REPORT**

15.1 **McLaren Vale and Barossa Protection Bills & the Development Plan Amendment**

The Commission discussed a report circulated previously by the Principal Planner summarising the implications for DAC of the interim DPA and draft Bill.

RESOLVED that in relation to dealing with applications affected by the interim Barossa Valley and McLaren Vale Protection Districts Development Plan Amendment the Commission:

- o Support the granting of concurrence to very minor applications that clearly have no impact in terms of preservation of the character of the protection areas under delegation by the Principal Planner and in accordance with any guidelines able to be provided by the Department.
- o Support the refusal to grant concurrence to applications in the character preservation areas that are clearly intended to be refused by the interim DPA (i.e. which may impact on the preservation of the character of the protection areas) by the Principal Planner under delegation and in accordance with any guidelines able to be provided by the Department.
- o Forward any concurrence applications to DAC for decision where they do not clearly fit into either of the two categories above.
- o Acknowledge the intent of the DPA as a holding mechanism and advise parties (Council's, agencies, and applicants) where appropriate that applications other than very minor applications are unlikely to receive concurrence.

16. **ANY OTHER BUSINESS** – Nil.

16.1 **Development Plan Amendments within DPLG**

The Commission discussed the response provided by DPLG at the last meeting in relation to the number of Development Plan Amendments in the system.

RESOLVED that DPLG be requested to keep the Commission informed on a regular basis of key issues in relation to DPA's, and in particular any DPA's that affect issues previously raised by the Commission to the Minister.

17. **DEFERRED APPLICATIONS** – Nil.

18. **MAJOR DEVELOPMENTS** – Nil.

19. **SCHEDULE 10 APPLICATIONS**

19.1 **Dan Reffold – Construct a 34 dwelling cabin park (time extension request) – Lots 782, 783, 788, Government Road, Andamooka – Remote Areas Zone – Andamooka Policy Area 1 – Out of Council (O10/0022/07)**

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

Applicant(s)

- George Manos
- Scott Searle

The Commission discussed the application.

RESOLVED

1. That the Development Assessment Commission REJECT the request for a further 12 month extension to the Development Plan Consent for Development Application 010/0022/07 for the construction of a 34 dwelling Cabin Park.

20. SECTION 35 APPLICATIONS

20.1 Ryan Banks – Land Division (1 into 2) – 81 Bill Hunt Road (Section 778) Winkie, SA 5343 – Horticulture Zone – Berri Barmera Council (752/D020/10)

The Commission discussed the application.

RESOLVED

1. That the proposed development is SERIOUSLY AT VARIANCE with the policies in the Development Plan.
2. That the Development Assessment Commission NOT CONCUR with Berri Barmera Council's decision to grant Development Plan Consent and Land Division Consent to Development Application No. 752/D020/10 by Mr Ryan Banks for a land division (1 into 2) as it is seriously at variance with the following provisions of the Development Plan:

Horticulture Zone: Objectives: 1, 3, 4, 5
Principle of Development Control 4, 5, 7 & 8
Council Wide: PDC 65

21. SECTION 34 APPLICATIONS – Nil.

22. CROWN/PUBLIC INFRASTRUCTURE

22.1 SA Water Corporation – To construct a new water pumping station and ancillary infrastructure works, tree damaging activity to a significant tree, demolition of existing buildings and a temporary change of land use from a dwelling to an office – 2-4 Walkerville Terrace, Gilberton (CT Volume 5286 Folio 326 & Volume 5286 Folio 783) – Local Centre Zone, Residential Character Zone, Gilberton South Policy Area 13 – Walkerville Council (200/V002/11)

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

Applicant(s)

- Steve Dangerfield

Attended, but did not speak:

- Gary Neave
- Sally Silz

- Michael Geddes

Representor(s)

- Wendy Vodopivec
- Francis O'Eraik

The Commission discussed the application.

RESOLVED

1. That the proposed development contained in Application No 200/V002/11 is NOT SERIOUSLY AT VARIANCE with the policies in the Development Plan and to advise the Minister for Planning of this pursuant to Section 49 (a) of the Development Act 1993.
2. That the Development Assessment Commission recommend that the Minister for Planning APPROVE Development Application No. 200/V002/11 by SA Water Corporation to construct a new water pumping station and ancillary infrastructure works, tree damaging activity to a significant tree, demolition of existing buildings and a temporary change of land use from a dwelling to office, 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 200/V002/11 in particular:
 - SA Water Report: Section 49 (Crown Development) Development Application North South Interconnection System Program-Proposed Gilberton Pumping Station Town of Walkerville, Author: M Geddes, Issue Date: 15/07/11, Version No: 03
 - Gilberton Pump Station Plan and Roof Plan Job No 2011028 date 06.07.2011 DWG no SK2010-01931-01 B
 - Gilberton Pump Station Elevation Job No 2011028 date 06.07.2011 DWG no SK2010-01931-02 B
 - Gilberton Pump Station Elevation Job No 2011028 date 06.07.2011 DWG no SK2010-01931-03 B
 - North-South Interconnection System Project Adelaide WP-03 Gilberton Pump Station General Arrangement Plan DWG no 2010-01932-01 Revision A1 dated 08-06-11
 - North-South Interconnection System Project Adelaide WP-03 Gilberton Site Pipe work Plan DWG no 2010-01927-01 Revision A1 dated 08-06-11
 - NSISP Gilberton Pump Station Landscape Plan DWG no 2010.01924.01 Issue C dated 07-11
 - North-South Interconnection System Project Adelaide WP-03 Gilberton Site Services Drainage SA Water –Plan DWG no 2010-01929-01 Revision A1 dated 01-06-11

- North-South Interconnection System Project Adelaide WP-03
Gilberton Site Demolition Plan DWG no 2010-01922-02 Revision A1
dated 08-07-11
2. That construction is undertaken in accordance with a Construction Environment Management Plan. This plan shall be prepared and implemented to the reasonable satisfaction of the Minister for Planning.
 3. That a Traffic Management Plan shall be provided in accordance with relevant statutory requirements including AS1743-Manual of Uniform Traffic Control Device Part 3: Traffic Control Devices for Works on Roads and Footpaths to the satisfaction of the Minister for Planning (in consultation with the, Walkerville Council) and the Department of Transport Energy and Infrastructure before site works occur.
 4. That Tree 15 as numbered in the report SA Water Report: Section 49 (Crown Development) Development Application North South Interconnection System Program-Proposed Gilberton Pumping Station Town of Walkerville, Author: M Geddes, Issue Date: 15/07/11, Version No: 03 Appendix F Tree assessment report shall be removed.
 5. That Tree Protection Zones shall be established around all significant trees to be retained in accordance with the report prepared by Dean Nicolle dated 14 July 2010.
 6. That semi-mature native tree species (>1m in height) indigenous to the local area shall be planted on a 2 for 1 basis to compensate for the removal of the significant tree. The replacement tree planting shall occur within three months of the tree's removal.
 7. That mitigation measures for noise attenuation shall be applied to the Pumping Station as proposed in the Noise Assessment produced by Parsons Brinkerhoff dated July 2011 and 3. 1 of the SA Water Report that includes concrete walls, high rating acoustic roof system, attenuators on ventilation inlet and outlet, acoustic doors and an acoustically rated wall along the adjacent property boundaries.
 8. That the noise emitted from the proposed development and received at the nearest dwellings shall comply with the Environment Protection (Noise) Policy 2007.
 9. That the landscaping shown on the plans forming part of the application 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.
 10. That the temporary office/amenity at 6 Walkerville Terrace shall revert back to a residential use after 12 months from the start of site works.
 11. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road.
 12. That all Council and DTEI maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council specifications. All costs associated with these works shall be met by the proponent.

13. That any damage to DTEI maintained roads, verge etc. that results from the construction of the pipeline shall be repaired in accordance with DTEI standard specifications for reinstatement of damage. All costs shall be borne by the applicant.
14. That all driveways and car parking areas shall be constructed with brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicle types. Individual car parking bays shall be clearly line marked. Driveways and car parking areas shall be established prior to the approved use commencing and maintained at all times to the satisfaction of the Minister for, Planning.
15. That no materials, goods or containers shall be stored in the designated car parking area or driveways.
16. That all outdoor storage and trade waste shall be contained and stored pending removal in an area screened from public view.
17. That the proposed vehicle manoeuvring areas and entry points shall be designed and constructed to conform to the Australian Standards.
18. That external security lighting shall be designed and installed in accordance with relevant Australian Standards (AS 4282 1997 and AS/NZS 1158.3.1-2005) so not to cause light over spill or nuisance to adjacent residential occupiers or cause a distraction to drivers on adjacent public roads.
19. The developer shall employ measures to eliminate dust emission from the site during the construction period so as not to cause nuisance to adjoining residents.
20. That the development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times. Graffiti shall be removed within five business days of the graffiti becoming known or visible with the timely removal of graffiti being the responsibility of the operators of the development.

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 Minister for Planning.
- 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 Minister for Planning.
- c. The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
- d. Pursuant to Section 49(14) of the Development Act 1993 before any building work is undertaken, the building work is to be certified by a private certifier, or by some person determined by the Minister for the purposes of this provision, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the Regulations).
- e. A current list of Registered Private Certifiers in South Australia is available from the Planning SA web site (See: Register of Private Certifiers).

- f. Building works may commence only when a Certificate of Compliance with Building Rules has been received from a Private Certifier, subject to any conditions imposed by DAC and the Certifier. At completion of the project all certified documents should be retained by the responsible agency for the life of the asset.
- g. For additional information relating to certification of government building projects, the applicant should contact Stan Fuller, Building Surveyor, DAIS Building Management, (telephone 8226 5225) Level 8, Wakefield House, 30 Wakefield Street, Adelaide.
- h. At completion of the project all certified documents should be retained by the responsible agency for the life of the asset.
- i. Any request for an extension of time must be lodged with the Development Assessment Commission prior to the time periods specified above.
- j. The applicant is encouraged to select native tree species of local provenance that are considered suitable replacements for the tree(s) to be removed (i.e. amenity / shade trees, provision of habitat etc). For information on appropriate species to be planted, the applicant may wish to contact local Council or State Flora within Belair National Park on telephone 8278 7777 or visit www.stateflora.com.au. Replacement trees should also be selected on the basis of their intended location and longer-term growth / maturity level (i.e. not close to buildings or other infrastructure etc).
- k. If significant trees are to be retained, the applicant is advised to consult Australian Standard AS 4970 – 2009 Protection of Trees on Development Sites to ensure the incorporation of protective fencing, mulch and appropriate remedial treatments.

Requirements of the new standard include:

- The establishment of Tree Protection Zones to restrict activities including the dumping of waste, machine excavation, storage and preparation of chemicals, and physical damage to trees;
 - The erection of protective fencing around a Tree Protection Zone prior to machinery or materials brought onto the site;
 - The use of approved signs to identify the Tree Protection Zone;
 - Mulching, watering and weed removal recommendations to maintain the tree protection zone.
 - Regular monitoring of tree protection measures should be undertaken throughout the development and construction process to ensure that any trees to be retained on the site are carefully managed to ensure their long-term survival and growth.
- l. That 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. Site development machinery should generally not be operated outside the hours of 7 AM to 6 PM daily.

- m. If any additional signs are required these shall be the subject of a separate application

23. OTHER APPLICATIONS

23.1 HYLC Venture - Construction of the new Royal Adelaide Hospital: Submission and determination of Conditional Matters 2.1, 2.2, 2.3, 2.4 & 2.5 of the consent issued by the Development Assessment Commission on 7 April 2011 - North Terrace, Adelaide – Institutional (Metropolitan Hospital) Zone – Adelaide City Council (020/0060/10)

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

Applicant(s)

- Alistair Loomes
- Steve Grieve

Attended, but did not speak

- Peter Robertson
- Deiter Lim
- Simon Morony
- Gordon Higgins

The Commission discussed the application.

RESOLVED

1. That a formal response to Condition 2.1 be deferred, so as to provide for additional time for the applicant to reconsider cyclist and pedestrian access to the western parklands and Port Road frontage as part of a precinct level landscape and mobility master plan (to be further developed in accordance with Condition 2.6). And secondly, that the option for a covered and elevated walkway from the hospital to the western parklands – previously indicated in Condition 2.1 – is no longer required.
2. That a formal response to Condition 2.5 be deferred on the basis of further detailed traffic engineering, pedestrian and road safety design work being undertaken. However, the eastern access point shall remain in its current location as a required element of the project.
3. That Conditions 2.2, 2.3 and 2.4 have been satisfied in accordance with the requirements of the Development Plan Consent granted by the Development Assessment Commission on 7 April 2011 for the construction of the new Royal Adelaide Hospital (DA 020/0060/10).

24. NEXT MEETING – TIME/DATE

Thursday, 8 December 2011
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide.

The Presiding Member thanked all in attendance and closed the meeting at 3:40 PM

Confirmed / /2011

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Ted Byrt
PRESIDING MEMBER

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Rocío Barúa
SECRETARY