



Development Assessment Commission

Minutes of the 497th Meeting of the Development Assessment Commission held on Thursday, 27 March 2014 commencing at 1.00 PM 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	Damien Brown Geoffrey Loveday Carolyn Wigg Simone Fogarty Andrew Ford
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	David Storey (Agenda Item 3.2)
City of Salisbury Staff	Greg Sproule (Agenda Item 3.3)

1.2. APOLOGIES – Nil.

2. DEFERRED APPLICATIONS – Nil.

3. NEW APPLICATIONS

3.1. Cactus Beach – Various applications

This item was withdrawn from the agenda prior to the meeting.

3.2. **Bardana (Moulton Investments)**

894/D002/13

Approximately 8km north-west of the Coonawarra township and approximately 25km north of the town of Penola

Wattle Range Council (Primary Production Zone)

Proposal: Concurrence - Land Division (1 into 2)

The Commission discussed the application.

RESOLVED

- 1) RESOLVE to NOT CONCUR with the decision of the Wattle Range Council to GRANT Development Plan Consent and Land Division Consent to the division of land by Bardana at Public Road, Maaoupe (DA 894/D002/13).

3.3. **Astib Realty Pty Ltd**

361/1565/2013/2B

2 Mawson Link, Mawson Lakes

City of Salisbury

Proposal: Four storey residential apartment building comprising 24 apartments and associated ground level carparking and service areas.

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

Applicant(s)

- Andrew Souter
- Gosia Zebroska-Bogusz

Representor

- Shane Adam

The Commission discussed the application.

RESOLVED

- 1) The proposed development is not considered to be seriously at variance with the Salisbury (City) Development Plan – Consolidated 22 August 2013.
- 2) Pursuant to Section 33 of the Development Act 1993, Development Plan Consent is **GRANTED** to application number 361/1565/2013/2B for the construction of a four storey residential apartment building comprising 24 apartments and associated ground level carparking and service areas in accordance with the plans and details submitted with the application and subject to the following conditions and advisory notes:

Reserve Matters:

1. Pursuant to Section 33 (3) of the *Development Act 1993*, the following matters shall be reserved for further assessment, to the satisfaction of the Development Assessment Commission, prior to the granting of Development Approval of the Development:
 - 1.1 The design detail and finishes of the blank southern wall and the western elevation to address the aesthetics and the amenity of the adjoining residences and the streetscapes.

Conditions

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

Approved plans are as follows:

- a) Location Plan PD01B (27.11.2013 revision)
 - b) Overall Site Plan/Carpark Layout PD 02B (29.11.2013 revision)
 - c) Level 1 Floor Plan PD03B (27.11.2013 revision)
 - d) Level 2 Floor Plan PD04B (27.11.2013 revision)
 - e) Level 3 Floor Plan PD05B (27.11.2013 revision)
 - f) Elevation 1 of 2 PD06D (17.02.2014 revision)
 - g) Elevation 2 of 2 PD07D (17.02.2014 revision)
 - h) Apartment 1-4 Floor Layout (27.11.2013 revision)
 - i) Apartment 5-8 Floor Layout (27.11.2013 revision)
 - j) Shadow Diagrams PD10 (17.02.2014 revision)
2. 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.
 3. The developer shall employ measures to eliminate dust emissions from the site during the construction period so as not to cause nuisance to adjoining residents.
 4. All driveways and carparking areas shall be constructed with either brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicle types. Individual carparking bays shall be clearly linemarked. Driveways and carparking areas shall be established prior to the approved use commencing and maintained at all times to the satisfaction of Council.
 5. Should the development require the relocation of any public infrastructure or services, all such works shall be the responsibility of the developer and at no cost to Council. Such works may include, but are not limited to, street trees, light poles and stormwater entry pits.
 6. 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.
 7. Any air-conditioning units or external pipework or exhaust system mounted on the roofs or walls of buildings within the development shall be colourbond material to match the principal building.
 8. No materials, goods or containers shall be stored in the designated carparking area or driveways.
 9. Containers, bins or receptacles used for the temporary storage of garbage, waste or refuse arising from the premises, must be stored within the designated bin storage area on the ground floor.
 10. Outside lighting shall be restricted to that necessary for security purposes only and shall be directed and shaded to prevent light overspill and/or nuisance to adjacent occupiers or distraction to drivers on adjacent public roads.
 11. The development is to comply with the following Development Engineering conditions:
 - a. Stormwater systems shall be designed and constructed to cater for minor storm flows (Residential ARI=5 years) and connected into the existing stub located in the north-west corner of the site. Surface stormwater is to

be managed in a manner that ensures no ponding of water against buildings or structures, no creation of any insanitary condition, and no runoff into neighbouring property for the major storm event ARI = 100 years.

- b. The finished floor level of the building is to be a minimum of 150mm above the post-development Q100 flood level adjacent the building. Any modifications to existing infrastructure required to comply with this are the responsibility of the developer, and all infrastructure shall be reinstated to the satisfaction of Council prior to occupancy of the building.
- b. The carparking layout include carpark spaces and aisle widths are to be designed and constructed to comply with AS2890.1 – Off-street Parking.
- c. All construction is to be completed to the reasonable satisfaction of Council. Detailed designs and specifications for all civil works are to be provided to Council for comment prior to construction and no construction is to commence until requirements have been met.

Advisory Notes

- a) As the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
- b) 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 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.
- c) The emission of noise from the premises is subject to control under the Environment Protection Act 1993 and Environment Protection Regulations 2009 and the applicant (or person with the benefit of this consent) should comply with those requirements.
- d) The development must be substantially completed within 1 year of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- e) 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.
- f) You have a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval. 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. 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. MAJOR DEVELOPMENTS – Nil.

5. ANY OTHER BUSINESS

5.2. Confidential Legal Advice – DA 711/D029/10

RESOLVED

- 1) The proposed development is NOT seriously at variance with the policies in the Mid Murray Development Plan Consolidated – 29 April 2010.
- 2) To **GRANT** Development Plan Consent and Land Division Consent to Development Application 711/D029/10 for a land division of 1 into 3 at Section 313 Mannum-Purnong Road, Caurnamont subject to the following conditions:

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 711//D029/10. Proposed Plan of Division 10026_120704-mm1 04/07/12

Council Conditions

2. The applicant fully funds an upgrade of the Caurnamont CWMS with all works to be carried out and all costs paid prior to the granting of Section 51 Clearance.
3. The applicant to submit an application and pay the associated fees to connect each property to the Caurnamont CWMS. The application must be approved and the works undertaken prior to the granting of Section 51 Clearance.

EPA Conditions

4. The community wastewater management system must be upgraded in accordance with recommendations of the Aquatec - Maxcon Caurnamont WWTP technical Report March 2011.
5. All existing shacks as shown on the plan of division lodged with Development application 711/D029/10 must be connected to the upgraded community wastewater management system.

DEWNR - Crown Lands Condition

6. Free holding of CL 405/26 is required to be completed before any subsequent division can take place.

DEWNR – River Murray Condition

7. During any works or construction activities associated with the land division, the subject land must be managed in a manner as to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.

Land Division Requirements

8. Payment of \$5360 into the Planning and Development Fund (2 allotment/s @ \$2680/allotment). Payment may be made by credit card via the internet

at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.

9. 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.

Notes

1. 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 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.
2. 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>
3. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
4. 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 whether the proposed clearance requires formal approval under the *Native Vegetation Act 1991*. 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 of 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>.
5. The applicant is strongly encouraged 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>.
6. The site is located within the Branched Broomrape Quarantine Area. Development must be undertaken in accordance with the legally enforceable protocols of the **Code – Control of Branched Broomrape**, which was issued by the Authority of the Minister for Environment and Conservation in January 2008. Soil, in bulk or attached to plant and equipment may contain small Branched Broomrape seeds. Therefore, plant and machinery, including certain work vehicles, will require decontamination at the worksite or designated location before moving from the Quarantine Area. All areas require inspection prior to soil extraction. Any movement of soil from the Branched Broomrape Quarantine Area requires a written approval from an Inspector issued prior to its removal from the Quarantine Area. Failure to obtain a written approval is a breach of the requirements of the 'Notice Concerning the Control of Branched Broomrape' issued under the provisions of the Plant Health Act 2009. A penalty of up to \$20,000 applies to such a breach. Protocols also apply to agricultural production. **Cleaning and**

decontamination of plant, machinery and work vehicles may be supplied free of charge by PIRSA staff if arranged in advance.

7. If there is any use of water from the River Murray Prescribed Watercourse or wells that may be affected by the land division, or if it is intended to use water from these resources to service the new allotments, the interested parties should contact the Department for Water to ensure relevant requirements under the *Natural Resources Management Act 2004* are met. Further, a permit is required from the Department for Water for any work to be carried out on a well or for new wells to be drilled. For further information contact the Department on 8595 2053 or visit:<http://www.sa.gov.au/subject/Water%2C+energy+and+environment/Water/Water+use+for+irrigators/Water+licences+and+permits>.
8. 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 an 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.

6. **NEXT MEETING – TIME/DATE**

- 6.2. Thursday, 10 April 2014 in Conference Room 6.2, Level 6, 136 North Terrace, Adelaide SA

7. **CONFIRMATION OF THE MINUTES OF THE MEETING**

- 7.2. **RESOLVED** that the Minutes of this meeting held today be confirmed.

8. **MEETING CLOSE**

The Presiding Member thanked all in attendance and closed the meeting at 2.30 PM

Confirmed / /2014

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Ted Byrt
PRESIDING MEMBER