



## *Development Assessment Commission*

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Minutes of the 463rd Meeting of the  
Development Assessment Commission  
held on Thursday 14 June 2012 commencing at 1.05 PM  
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide

### PRESENT

Presiding Member	Ted Byrt
Deputy Presiding Member	Betty Douflias
Members	Geoffrey Loveday Megan Leydon Carolyn Wigg John Dagas
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPLG Staff	Gabrielle McMahon (Agenda Item 9.1) Philippe Mortier (Agenda Item 9.1) Elysse Kuhar (Agenda Item 9.2) Phil Turvey (Agenda Item 10.1) Fiona Tummel (Agenda Item 11.1) Karen Ferguson (Agenda Item 14.1)

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1. ATTENDANCE
2. APOLOGIES – Damien Brown.
3. DEFERRED APPLICATIONS
  - 3.1. River Property Investments PL - Land division (1 into 38) - Allotment 1, Punyelroo Road, Punyelroo - River Murray Zone & Recreation and Tourism Policy Area - Mid Murray Council (711/C008/11)

The Commission discussed the application.

## RESOLVED

- 1) RESOLVE that the proposed development is SERIOUSLY at variance with the policies in the Development Plan.
- 2) RESOLVE to refuse the Development Application 711/C008/11 for the land division (1 into 38) by River Properties Investment P/L for the following reasons:

The policies in the River Murray Zone, Recreation and Tourism Policy Area do not support the creation of separate allotments over buildings and structures established for temporary tourism accommodation in the form of a caravan park.

It is contrary to Principle of Development Control 1 of the Recreation and Tourism Policy Area as the proposed creation of separate allotments is not consistent with the Desired Future Character and Acceptable Uses for the Policy Area

It is contrary to Council Wide Objective 1 in that it creates a land division layout and security of tenure that would be more appropriate in the Shack Settlement Policy Area not the Recreation and Tourism Policy Area.

It is contrary to Council Wide Objective 10 in that it will formalise and allow security of tenure for tourist accommodation.

It is not consistent with Council Wide Objective 11 as the land division is not necessary for the ongoing use of the land as a caravan park.

### Advisory Notes:

- a. The applicant has a right of appeal against this refusal.
- b. Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day on which this notice was received or such longer time as the Court may allow.
- c. 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).

## 4. OUTSTANDING MATTERS

4.1. Status of Outstanding Matters – Nil.

## 5. COURT MATTERS

5.1. Status of Court Matters – Nil.

## 6. ENFORCEMENT MATTERS

6.1. Status of Enforcement Matters – Nil.

## 7. PRESIDING MEMBER'S REPORT – Nil.

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

## 9. SCHEDULE 10 APPLICATIONS

9.1 Sturt Land Pty Ltd - Demolition of existing buildings and the construction of a mixed use development, comprising retail and

commercial uses on ground level, residential apartments above and associated basement car parking and landscaping - 43-69 Sturt Street and 62-68 Gilbert Street, Adelaide - Mainstreet (Adelaide) Zone - MS(5) - Adelaide City Council (020/0009/12)

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

Applicant(s):

- Rebecca Thomas (Connor Holmes)
- David Bertram (Colvid) - representing the Applicant 'Sturt Land P/L'
- Tullio Tagliaferri (Tagara) - representing the Applicant 'Sturt Land P/L'
- Gavin Kain & Sarah Rogers (Woods Bagot)
- Jayne Lovell (MFY)
- James Hayter (Oxigen)

Agency:

- Ben Hewitt – Government Architect

Council:

- Rebecca Rutshack
- Helen Dand

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 of the Development Application 020/0009/12A by Sturt Land Pty Ltd for the demolition of existing buildings and the construction of a mixed use development, comprising retail and commercial uses on ground level, residential apartments above and associated basement car parking and landscaping 43-69 Sturt Street and 62-68 Gilbert Street, Adelaide, subject to the reserve matters and conditions listed below.

RESERVED MATTERS

1. That 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.
  - 1.1 That the applicant shall submit to the Development Assessment Commission, prior to the commencement of the construction of buildings on site, a definitive statement from a suitably qualified environmental expert advising that the land is suitable for its intended purpose. The recommendations made by AEC in the Remediation Management Plan shall be implemented and a Site Assessment Report shall be prepared by an environmental expert and endorsed by an Environmental Auditor.
  - 1.2 That the applicant shall submit to the Development Assessment Commission a Traffic Management Plan that outlines the operational details of the car park, including: access arrangements and times of operation for the visitor parking; details of the roller door; details of the times of operation of the loading dock; confirmation of the vehicles to be used for the waste management an confirmation that pedestrian traffic will not be interrupted;

access to lifts, bicycle room and security lockers and shall be to the satisfaction of the Development Assessment Commission.

- 1.3 That the applicant shall submit to the Development Assessment Commission the final details of screens to the services which are on street frontages, or in the public domain and the car park roller door. These should be designed so as to provide visual interest and shall be to the satisfaction of the Development Assessment Commission.
- 1.4 That the applicant shall submit to the Development Assessment Commission the details of the canopies to provide pedestrian protection and shall be to the satisfaction of the Development Assessment Commission.
- 1.5 That the applicant shall submit to the Development Assessment Commission the final details of the waste management practices. These details shall include a Waste Management Plan which covers the three phases of the development.
  - a. Resource recovery during demolition;
  - b. waste minimisation and resource recovery during construction;
  - c. resource recovery during use (office paper and staff kitchen recycling facilities); and
  - d. A subsequent Waste Management Plan shall be undertaken in accordance with the approved plan.

#### 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 020/0009/12A.

#### Plans by Woods Bagot:

SK0100 - 26-04-12 – Rev R  
SK0197 - 26-04-12 – Rev R  
SK0198 - 26-04-12 – Rev R  
SK0199 - 26-04-12 – Rev R  
SK0200 - 26-04-12 – Rev R  
SK0201 - 26-04-12 – Rev R  
SK0202 - 26-04-12 – Rev R  
SK0203 - 26-04-12 – Rev R  
SK0204 - 26-04-12 – Rev R  
SK0205 - 26-04-12 – Rev R  
SK0206 - 26-04-12 – Rev R  
SK0207 - 26-04-12 – Rev R  
SK0208 - 26-04-12 – Rev R  
SK0209 - 26-04-12 – Rev R  
SK0210 - 26-04-12 – Rev R  
SK0211 - 26-04-12 – Rev R  
SK0212 - 26-04-12 – Rev R  
SK0213 - 26-04-12 – Rev R  
SK0214 - 26-04-12 – Rev R  
SK0215 - 26-04-12 – Rev R  
SK0300 - 26-04-12 – Rev R  
SK0301 - 26-04-12 – Rev R  
SK0302 - 26-04-12 – Rev R

SK0303 - 26-04-12 – Rev R  
SK0304 - 26-04-12 – Rev R  
SK0305 - 26-04-12 – Rev R  
SK0306 – 04-06-12 – Rev A  
SK0307 - 04-06-12 – Rev A  
SK0308 - 04-06-12 – Rev A

Correspondence:

- Planning statement from Connor Holmes, dated April 2012.
  - Letter from Connor Holmes, dated 4 June 2012.
  - Traffic reports by Murray F Young, dated April 2012 and 4 June 2012.
  - Public realm report by Oxigen and associated plans, dated 19/4/12.
  - Sustainability Report by Lucid, dated 20/4/2012.
  - Environmental Noise Assessment by Sonus dated 19/4/12.
  - Site Contamination Audit Report by AEC Environmental.
  - Environmental Wind Assessment by Mel Consultants, dated 9/12/2011.
  - National Rental Affordability Scheme Documentation, dated 23/4/2012..
  - CPTED report by Empower Justice Pty Ltd, dated April 2012.
  - Architectural Statement by Woods Bagot and associated plans.
2. That the recommendations within the CPTED report by Empower Justice Pty Ltd, dated April 2012, and the letter from Connor Holmes, dated 4 June 2012 shall be implemented within the development, to the satisfaction of the Development Assessment Commission.
  3. That the recommendations within the Environmental Wind Assessment report by MEL Consultants, dated April 2012, shall be implemented within the development and suitable CPTED provisions included, to the satisfaction of the Development Assessment Commission. The safety and security measures outlined in the Connor Holmes letter, dated 4 June 2012 shall also be implemented.
  4. That the acoustic attenuation measures recommended in the Sonus report, dated 19 April 2012, shall be undertaken within the development to the reasonable satisfaction of the Development Assessment Commission. Such acoustic measures shall be operational prior to the occupation or use of the Development.
  5. That mechanical plant or equipment shall be designed, sited and screened to minimise noise impact on adjacent premises or properties. The noise level associated with the combined operation of plant and equipment such as air conditioning, ventilation and refrigeration systems when assessed at the nearest existing or envisaged noise sensitive location in or adjacent to the site shall not exceed:
    - a. 55 dB(A) during daytime (7.00am to 10.00pm) and 45 dB(A) during night time (10.00pm to 7.00am) when measured and adjusted in accordance with the relevant environmental noise legislation except where it can be demonstrated that a high background noise exists.
    - b. 50 dB(A) during daytime (7.00am to 10.00pm) and 40 dB(A) during night time (10.00pm to 7.00am) in or adjacent to a Residential Zone, the North Adelaide Historic (Conservation) Zone or the Park Lands Zone when measured and adjusted in accordance with the relevant environmental noise legislation

except where it can be demonstrated that a high background noise exists.

6. That the hours of waste collection shall be between: 9am and 7pm on a Sunday and public holiday and between 7am and 7pm on any other day.
7. That the proposed car parking layout and vehicular entry points shall be designed and constructed to conform to the Australian Standard 2890.1:2004 for Off-Street Parking Facilities and Australian Standard 2890.6:2009 for Off Street Parking for people with disabilities.
8. That on-site Bicycle Parking facilities shall be designed in accordance with Australian Standard 2890.3-1993 and the AUSTRROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles.
9. That the public plaza shall remain open to the public at all times and shall not be gated at the main entrances to continue the high level of pedestrian connections through and beyond the site.
10. That the final landscape plan of the common areas shall be provided to the satisfaction of the Development Assessment Commission, prior to the its construction.
11. That the landscaping shall be maintained in good health and condition at all times with any dead or diseased plants / trees being replaced.
12. That detail of the art work throughout the site shall be provided to the satisfaction of the Development Assessment Commission, prior to the final approval. This includes screening of the services that are located in a public space.
13. That the proposal shall be in accordance with the samples and schedules of materials, finishes and colours shall submitted to the Development Assessment Commission.
14. That that the proposal shall be capable of achieving a minimum of a 5 Star green Star and a 7 Star NaTHERS rating.
15. A Building Site Management Plan is required prior to construction work beginning on site. The Building Site Management Plan should include details of such items as:
  - Work in the Public Realm
  - Street Occupation
  - Hoarding
  - Site Amenities
  - Traffic Requirements
  - Servicing Site
  - Adjoining Buildings
  - Reinstatement of Infrastructure
16. That a Construction Environment Management Plan (CEMP) shall be prepared and implemented in accordance with current industry standards – including the EPA publication “Environmental Management of On-site Remediation” - to minimise environmental harm and disturbance during construction. A copy of the CEMP shall be provided to the Development Assessment Commission prior to the commencement of site works.

The management plan must incorporate, without being limited to, the following matters:

- a. air quality, including odour and dust
- b. surface water including erosion and sediment control

- c. soils, including fill importation, stockpile management and prevention of soil contamination
- d. groundwater, including prevention of groundwater contamination
- e. noise
- f. occupational health and safety

For further information relating to what Site Contamination is, refer to the EPA Guideline: 'Site Contamination – what is site contamination?':

[www.epa.sa.gov.au/pdfs/guide\\_sc\\_what.pdf](http://www.epa.sa.gov.au/pdfs/guide_sc_what.pdf)

- 17. That final details of lighting to the public spaces shall be provided to the satisfaction of the Development Assessment Commission and prior to the occupation or use of the Development. The lighting to the public realm shall be installed in accordance with Council's guideline entitled "Under Verandah/Awning Lighting Guidelines". Such lighting shall be operational during the hours of darkness at all times to the reasonable satisfaction of the Development Assessment Commission.
- 18. That no additional signs shall be displayed upon the subject land other than those identifying the parking areas or wayfinding throughout the site or that do not require an approval under the Development Act. If any further signs are required, these shall be the subject of a separate application.
- 19. That Council maintained infrastructure that is removed or damaged during construction works shall be reinstated to Council specifications. All costs associated with these works shall be met by the proponent.
- 20. That prior to the commencement of construction a dilapidation report (i.e. condition survey) shall be prepared by a qualified engineer to ensure the stability and protection of adjoining buildings, structures and Council assets. A copy of this report shall be provided to the Adelaide City Council.
- 21. That during construction, all materials and goods shall be loaded and unloaded within the boundaries of the subject land, including any land that has been issued with an approval for an encroachment or hoarding permit within the public realm, or otherwise to the satisfaction of the Development Assessment Commission.
- 22. That all trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
- 23. That the development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
- 24. That the connection of any storm water discharge from the land to any part of the Adelaide City Council's underground drainage system shall be undertaken in accordance with the Council Policy entitled 'Adelaide City Council Storm Water Requirements' to the reasonable satisfaction of the Development Assessment Commission.

Advisory Notes:

- a. In accordance with the development application and condition 1, the provision of at least 15% of the dwellings constructed on the land must meet the Gazetted criteria for affordable housing.
- b. It is recommended that 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.

- c. Development Approval will not be granted until Building Rules Consent and an Encroachment Consent have been obtained from the Adelaide City Council. A separate application must be submitted for such consents. No building work or change of classification is permitted until the Development Approval has been obtained.
- d. An Encroachment Permit will be separately issued by the Adelaide City Council for the proposed encroachment into the public realm when Development Approval is granted. In particular your attention is drawn to the following:
  - An annual fee may be charged in line with the Encroachment Policy.
  - Permit renewals are issued on an annual basis for those encroachments that attract a fee.
  - Unauthorised encroachments will be required to be removed.
  - Please contact the Adelaide City Council Approvals Section on 8203 7421 for further information
- e. 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.
- f. 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>
- g. The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.
- h. Pursuant to Regulation 74, the Council must be given one business day's notice of the commencement and the completion of the building work on the site. To notify Council, contact City Services on 8203 7332. For further clarification or additional information, please contact the Adelaide City Council Customer Service Centre on 8203 7203.
- i. 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.
- j. While the proposed development at 94.83 metres high (AHD), and does not penetrate the Adelaide Airport Obstacle Limitation Surface (OLS), any further structures, including aerials, masts and vent exhaust stacks, must be subject to a separate assessment.
- k. Adelaide Airport Limited advise that crane operations are required to be the subject of a separate application, as these are likely to penetrate the OLS. Adelaide Airport Limited will require 60 days notice prior to any crane operations during the construction. Crane assessment may also have to be conducted by the Civil Aviation Authority (CASA).
- l. Adelaide Airport Limited advise that restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft light paths.



m. The following stages form part of the application.

Stage 1:

- Section of the Basement constructed to provide site wide services and sufficient car parking for Building A
- Building A constructed
- Public realm to immediate vicinity of Building A completed.
- Gilbert Street urban realm completed

Stage 2:

- Section 02 of basement constructed to provide sufficient car parking for Building B
- Building B constructed
- Public realm to immediate vicinity of Building B completed.
- Norman Street and part of Sturt Street urban realm completed.

Stage 3:

- Basement completed
- Building C constructed
- All urban realm completed including village square, Sturt Street and Myer Street.

n. The development must be substantially completed within 5 years of the date of this Notification, unless this period has been extended by the Development Assessment Commission.

o. You are also advised that any act or work authorised or required by this Notification must be completed within 7 years of the date of the Notification unless this period is extended by the Commission.

p. 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).

9.2 Jeanette Carter - Land Division (Boundary Realignment) - Lot 61 Yantaringa Road, Paechtown (CT: 5385/495) and Lot 8 Yantaringa Road, Paechtown (CT: 5986/964) - Rural Watershed Protection Zone - DC Mount Barker (580/D013/12)

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

Council

- Shanti Ditter

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 application by Ms Jeanette Carter for Land Division (boundary realignment) at lot 61 and lot 8 Yantaringa Road, Paechtown, in Development Application No 580/D013/12 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 submitted in development application number 580/D013/12.
2. That the location of the new boundary shall not result in the existing wastewater management system for the existing dwelling becoming non-compliant with the relevant Standards and Codes. Any changes to the wastewater management system shall be submitted to the Council's Environment Health Officer.

#### 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 of the day on which you receive 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).

#### 10. SECTION 34 APPLICATIONS - Nil.

- 10.1 Fisherman's Bay Management Pty Ltd - Land Division - Fishermans Bay settlement - Township Zone (344/D007/10), Holiday Settlement(Fishermans Bay) Zone and Holiday Settlement (Deferred-Fishermans Bay) Zone (344/D006/99 Variations and extension) - District Council of Barunga West (344/D007/10, 344/D006/99, variations 1 and 2 and extension)

Megan Leydon declared a conflict of interest and left the meeting.

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

#### Applicant(s)

- Bill Rudd (Botten Levinson)
- Michael Roder SC

#### Council

- Nigel Hand
- David Altman

The Commission discussed the application.

RESOLVED

- 1) RESOLVE to defer further consideration to the next meeting of the Commission on 28 June 2012.

#### 11. SECTION 35 APPLICATIONS

- 11.1 J Warming - Land Division (one into two) - Main South Road, Normanville - Primary Industry Zone - Yankalilla Council (260/D019/10)

The Commission discussed the application.

RESOLVED

- 1) RESOLVE to CONCUR with the decision of the Council to grant Development Plan consent and land division consent for Development Application 260/D019/10 by J Warming to undertake a land division (1 into 2) on an allotment comprising Allotment 4 in FP 19121 (CT5474/931) at Main South Road, Normanville.

#### 12. OTHER APPLICATIONS – Nil.

#### 13. CROWN/INFRASTRUCTURE APPLICATIONS

- 13.1 Report on Minister's Decisions - Nil.

#### 14. MAJOR DEVELOPMENTS

- 14.1 Spencer Gulf Ports Link (SPGL) - Port Bonython Bulk Export Facility – near Whyalla, Eyre Peninsula – consideration of Level of Assessment and Guidelines

The Presiding Member welcomed Dr Anthony Cheshire to join the Commission as a Specialist Member, as appointed by the Minister for Planning.

The Commission discussed the application.

RESOLVED to adjourn consideration of the matter to the next meeting of the Commission on 28 June 2012.

#### 15. MATTERS DELEGATED BY THE GOVERNOR

#### 16. COMMITTEES

- 16.1 Building Fire Safety – Nil.
- 16.2 Building Rules Assessment– Nil.

#### 17. DELEGATIONS

- 17.1 Section 33 and Section 49 Decisions –Nil.
- 17.2. Section 48 Major Development Decisions determined by the Presiding Member – Nil.

18. DEVELOPMENT APPLICATION STATISTICS

18.1 Monthly Update – Nil.

19. PRINCIPAL PLANNER'S REPORT

19.1 A/Principal Planner's report – Nil.

20. ANY OTHER BUSINESS

20.1 Sturt Land Pty Ltd - 43-69 Sturt Street and 62-68 Gilbert Street, Adelaide - Request to waive the open space contribution (O20/0009/12A)

Item was withdrawn by the applicant prior to the meeting.

20.2 Resolve that the Principal Planner provide advice to the next meeting of the Commission as to the best way of requiring a follow up report from the applicant on the achievement of the energy rating targets and compliance, as required.

21. NEXT MEETING – TIME/DATE

Thursday, 28 June 2012  
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide.

22 CONFIRMATION OF THE MINUTES

22.1. RESOLVED that the Minutes of this meeting held today be confirmed.

The Presiding Member thanked all in attendance and closed the meeting at 5.15 PM

Confirmed / /2012

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Ted Byrt  
PRESIDING MEMBER