



Development Assessment Commission

Minutes of the 507th Meeting of the Development Assessment Commission held on Thursday, 9 October 2014 commencing at 10.00 AM 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 Andrew Ford
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	Damian Dawson (Agenda Item 2.1) Alex Mackenzie (Agenda Item 3.1) Karen Ferguson (Agenda Item 5.1)

1.2. APOLOGIES – Damien Brown, Simone Fogarty

2. DEFERRED APPLICATIONS

2.1. Fishermans Wharf Markets Pty Ltd

040/0952/13

Lot 106 in DP 50895 Nelson Street, Port Adelaide

Proposal: Construction of a five level building for tourist accommodation. Applicant appeal against DAC refusal – amended plans submitted for potential compromise.

The Commission discussed the application.

RESOLVED

- 1) RESOLVE to DEFER for further consideration.

3. NEW APPLICATIONS

3.1. Karidis Corporation Limited

110/1041/06 V3

28 Durham Street, Glenelg

Proposal: Variation to Stage 3 of Bay Waters Retirement Living development – three levels of retirement apartments, ground floor community centre, consulting rooms, retail premises. and basement car park.

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

Applicant(s)

- Gerry Karidis
- Peter Karidis
- Romano Mihailovic
- Brian Hayes
- Nic Salvati

Representor

- Jennifer Schaffer
- Lea Armstrong for Suzy West
- Joan Hancock

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 Karidis Corporation Limited for a variation to DA 110/1041/06 V1 – the construction of a five level building comprising three levels of retirement living apartments, community centre, consulting rooms, retail premises, car parking and site works at 2-8 Durham Street, Glenelg, contained in Development Application No 110/1041/06 V3, 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 110/1041/06 V3.

ADS Architects

Site Plan, Dwg No. 12/JN1080/SK01, 29/05/12

Basement Level Plan, Dwg No. 12/JN1080/SK02/A, 24/08/13

Ground Floor Plan, Dwg No. 12/JN1080/SK03/B, 24/08/13

Plan Level 1, Dwg No. 12/JN1080/SK04/a, 24/09/12

Plan Level 2-3, Dwg No. 12/JN1080/SK05/a, 24/09/12

Roof Plan, Dwg No. 12/JN1080/SK08, 24/09/12

Elevations, Dwg No. 12/JN1080/SK07/c, 11/12/13

Durham Street Elevation, Dwg No. 12/JN1080/SK10, 11/12/13

Unit Types, Dwg No. 12/JN1080/SK06, 29/05/12

South Elevation – Line of Sight Diagram, Dwg No. 12/JN1080/SK09, 24/09/12

2. That 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 reasonable satisfaction of the Development Assessment Commission prior to the occupation or use of Stage 3 of the development.
3. That the car park shall be designed in accordance with the requirements of the *Disability Discrimination Act (DDA) 1992* and AS1428.
4. That the location of the vehicle crossing place shall comply with Australian Standard AS 2890.1 and ensure that sight lines are maintained. Any driveway shall ensure a minimum 1 metre clearance from any existing infrastructure (e.g. street sign, stobie pole, tree, cables etc) located on the verge.
5. That the basement car park shall be well lit and painted in white or light colours to assist in the reduction of shadowed areas.
6. That details of any air conditioning or air extraction plant or ducting to be placed on the exterior of the building in association with this development shall be submitted to and approved by the Development Assessment Commission.
7. That 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.
8. 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. Full details of the method of on-site stormwater retention shall be provided prior to the issuing of Development Approval, to the reasonable satisfaction of Council.
9. 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 City of Holdfast Bay and the Development Assessment Commission.
10. That the applicant shall submit a detailed landscaping plan to 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 and nurtured at all times with any diseased or dying plants being replaced.
11. That the landscaping shall comprise semi-mature trees and shrubs. The trees shall have a minimum height of 1500mm and the shrubs a minimum height and breadth of 300mm when planted.
12. That upstairs bedroom windows on the eastern elevations shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be manufactured obscure glass (chosen from the list of glass types in the relevant Council policy or equivalent to one of those glass types), fixed shut other than by a wind out mechanism (to no greater than 200mm) and hinged at the top of the window panel, or as

otherwise approved by Council. Further details of this requirement shall be provided at the Building Rules Assessment stage.

13. That the provision for vehicle crossovers and inverts, including the reinstatement of existing crossovers and footpaths associated with the development, shall be repaired and constructed at the owner's expense, to the reasonable satisfaction of Council.
14. That any change in levels along external site boundaries of 200mm or more shall be retained to suitable engineering standards and any fencing shall be erected on top of such retaining walls. Construction of all retaining walls shall be undertaken and completed prior to the commencement of construction of the development herein approved.
15. That all trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
16. 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.
17. 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 Monday to Saturday and not on Sundays or public holidays.
18. That an appropriate *Soil Erosion and Drainage Management Plan* (SEDMP) (as described in the "Stormwater Pollution Control, General Code of Practice for Local, State and Federal Government") shall be prepared and implemented which includes a range of strategies to collect, treat, store and dispose of stormwater during construction and from the final form of the development (i.e. from roofs, driveways, parking areas, lawns, etc) while minimising disposal into the environment.

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 development as described does not penetrate the Adelaide Airport Obstacle Limitation Surface (OLS) airspace protected for aircraft operations. Any further proposed addition to the structure, including aerials, masts and vent/exhaust stacks, must be subject to a separate assessment.
- h) Crane operations associated with construction shall be the subject of a separate application. Adelaide Airport Limited required 48 days notice of any crane operations during the construction. Crane assessment may also have to be conducted by the Civil Aviation Safety Authority (CASA).
- i) Restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths.
- j) The *Environment Protection (Water Quality) Policy 2003* requires any person who is undertaking an activity, or is an occupier of land to take all reasonable and practicable measures to avoid the discharge or deposit of waste from that activity or land into any waters or onto land in a place from which it is likely to enter any waters (including the stormwater system).

The policy also creates offences that can result in on-the spot fines or legal proceedings. The following information is provided to assist with compliance with this legislation:

- i. *Building and construction must follow sediment control principles outlined in the "Stormwater Pollution Prevention – Code of Practice for the Building and Construction Industry (EPA, 1999). Specifically, the applicant must ensure:*
 - During construction no sediment should leave the building and construction site. Appropriate exclusion devices must be installed at entry points to stormwater systems and waterways.*
 - A stabilised entry/exit point should be constructed to minimise the tracking of sand, soil and clay off site. However, should tracking occur, regular clean-ups are advised.*
- ii. *Litter from construction sites is an environmental concern. All efforts should be made to keep all litter on site. The applicant should ensure that bins with securely fitted lids, capable of receiving all waste from building and construction activities, are placed on site.*
- iii. *All building and construction wastewaters are listed pollutants under the Environment Protection (Water Quality) Policy 2003 and as such must be contained on site.*

It is important that the applicant familiarise themselves with the terms of the Policy and ensure that all contractors engaged by the applicant are aware of the obligations arising under it. For further information the applicant may contact the Environment Protection Authority on telephone (08) 8204 2004.

4. ADJOURN TO INNER METROPOLITAN DEVELOPMENT ASSESSMENT COMMITTEE

5. MAJOR DEVELOPMENTS

- 5.1. **Iron Road P/L** – Cape Hardy Sea Port, Infrastructure Corridors and long term Employee Village – consideration of Level of Assessment and Guidelines (Major Development)

RESOLVED

- 1) That an Environmental Impact Statement be considered as the appropriate level of assessment.

6. ANY OTHER BUSINESS

- 6.1. **Hot Property Group** - DA 361/453/2014

RESOLVED that the Minutes of the meeting of the Development Assessment Commission held on 11 September 2014 be corrected by amending the wording of the **Reserved Matter** for Agenda Item 3.1 - DA 361/453/2014 by Hot Property Group for a Mixed Use Development (3 Storey) comprising supermarket, 11 shops and 79 student accommodation units and associated signage at 6-12 Capital Street, Mawson lakes, to the following:

Reserved Matter

1. Pursuant to Section 33 (3) of *the Development Act 1993*, the following matter shall be reserved for further assessment, to the satisfaction of the Development Assessment Commission, prior to the granting of Development Approval:

- a) The design of the channelised left turn deceleration lane for the Elder Smith Road access to the approval of DPTI Transport Services Division.

- 6.2. **Appeal – Bade Vs Davies and DAC** - DA 415/0745/08

RESOLVED

1. That the detail of this report and any resolution be treated in confidence as it deals with a matter before the ERD Court.
2. This resolution is confidential.

7. NEXT MEETING – TIME/DATE

- 7.1. Thursday, 23 October 2014 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 3.00 PM

Confirmed / /2014

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Ted Byrt
PRESIDING MEMBER