



# *Development Assessment Commission*

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**Minutes of the 448th meeting of the  
Development Assessment Commission  
held on Thursday 22 September 2011 commencing at 1:15 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	Gabrielle McMahon (Agenda Items 16.1, 17.2) Nitsan Taylor (Agenda Item 19.2) Fiona Tummel (Agenda Items 20.1 & 20.2) Gorica Brumazovic (Agenda Item 22.1) Simon Neldner (Agenda Items 17.1, 19.1)

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1. **APOLOGIES** – Nil.
2. **CONFIRMATION OF THE MINUTES**
  - 2.1 **RESOLVED** that the Minutes of the 447<sup>th</sup> meeting held on 25 August 2011 be taken as read and confirmed.
3. **DEFERRED APPLICATIONS**
  - 3.1 **Status of Deferred Applications**

**RESOLVED** that the Report be received and noted.
4. **OUTSTANDING MATTERS**
  - 4.1 **Status of Outstanding Matters**

**RESOLVED** that the Report be received and noted.

**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**

**RESOLVED** that the Report be received and noted.

**7. PRESIDING MEMBER'S REPORT**

7.1 The Commission had a meeting with Minister Rau and discussed planning issues over lunch. The Presiding Member found the meeting very informative and helpful.

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

**9. MINISTER'S DECISIONS – UPDATE**

**RESOLVED** that the update template be amended to include the date of the Minister's decisions.

**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**

**RESOLVED** that the Report be received and noted.

**13.2 s48 Decisions determined by the Presiding Member**

**RESOLVED** that the Report be received and noted.

**14. DEVELOPMENT APPLICATION STATISTICS**

**14.1 Statistics for August 2011**

**RESOLVED** that the Report be received and noted.

**15. PRINCIPAL PLANNER'S REPORT**

15.1 The Principal Planner updated the Commission on a range of matters.

**16. ANY OTHER BUSINESS**

**16.1 Adelaide Oval Redevelopment – Stadium Management Authority – Briefing on proposed design and extent of works**

The Commission attended a pre-lodgement briefing for the Adelaide Oval redevelopment at the offices of the Stadium Management Authority..

**17. DEFERRED APPLICATIONS**

**17.1 M & M Schoeman – the proposal is for approval of a gangway and pontoon – Lot 28 Riverside Drive – Big Bend – River Murray Zone, Shack Settlement Policy Area and the Flood Plain Policy Area – Mid Murray Council (711/0425/10)**

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

Applicant(s)

- Anthony Kelly (for Mr Schoeman)

The Commission discussed the application.

**RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the Development Assessment Commission APPROVE Development Application 711/0425/10 by Mark & Merryn Schoeman for the construction and installation of a gangway and pontoon at allotment 28 Riverside Drive, Big Bend 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 No 711/0425/10:
  - Mellor Olsson – Correspondence from Anthony Kelly dated 13 July 2011
  - Proposed Pontoon and Gangway – Site Plan (Side View – Revised)
  - Proposed Pontoon and Gangway – Site Plan (Plan View – Revised)
2. During construction 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 state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.

3. Appropriate measures must be undertaken to minimise water quality impacts during works on or near the riverbed. The use of a silt curtain, coffer dam or similar may 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. 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 of the day on which this notice is received 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 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.
- h. The applicant is advised that in order to mitigate the adverse effects of wash caused by river traffic, any vessels moored to the pontoon structure should, where possible, be aligned perpendicular to the riverbank, or be protected by fenders secured to the structure. This will also avoid the potential for other vessel operators to commit an offence under Regulation 168 of the Harbours and Navigation Regulations 2009, which requires vessel operators to not exceed a speed of 4 knots within 30 metres of any vessel that may be adversely affected by the wash of the vessel.
- i. Within 24 hours of a flood warning being issued for the district, the pontoon and other detachable elements should be removed and transported to a site above the 1956 flood level, so as to not impede any floodwaters, pollute water resources or threaten public safety.
- j. 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.

k. The applicant is advised that there are Aboriginal sites located within the subject land parcel – see attachments titled AARD Map and AARD Letter. It is strongly recommended that the applicant consult with the Mannum Aboriginal Community Association prior to the commencement of any works. Contact Ms Isobelle Campbell (Chair) on telephone 8570 1196, mobile 0407 006 651, email: [issy.ngautngaut@yahoo.com.au](mailto:issy.ngautngaut@yahoo.com.au) or mail PO Box 4, Nildottie SA 5238.

l. Low water levels experienced during 2006, 2007 and 2008 have reduced riverbank stability along some sections of the River Murray between Blanchetown and Wellington, with areas susceptible to riverbank collapse presenting high risks for life and property. Therefore, it may be appropriate to have a geotechnical engineer accredited by Engineers Australia assess the site and the plans in order to consider the possibility and potential effect of riverbank collapse within structural considerations. This would confirm that the area will remain safe during and after low water levels or changed soil conditions, and that the development will not create a significant risk of riverbank collapse due to additional weight on or near the riverbank. The Australian Building Codes Board 'Landslide Hazards' Handbook (2006) may provide some guidance in this regard: <http://www.abcb.gov.au/index.cfm?objectid=CC8E6434-2C94-11DF-AD33001143D4D594>.

Indicators of riverbank collapse include cracking, leaning trees and bubbling in the water near the riverbank; however these signs are not always obvious and may occur more than 30 metres from the river's edge. Fenced-off areas, previously collapsed areas, and steep riverbanks should be avoided. Further, the presence of heavy or vibrating equipment on site should be minimised where possible. For more information or to report potential collapse sites call the 24-hour Riverbank Collapse hotline on telephone 1800 751 970 or visit: <http://www.sa.gov.au/subject/Water,+energy+and+environment/Water/River+Murray/Riverbank+collapse>.

m. The applicant is advised that although no Historic Shipwrecks protected under the Historic Shipwrecks Act 1981 are recorded in the locality, undiscovered wrecks or their remnants may be located within the vicinity of the development site. Prior to the commencement of any works, a survey of the area should be carried out to identify any shipwreck remains or associated artefacts, thus avoiding inadvertent damage to a Historic Shipwreck and a possible penalty. If any shipwreck or associated relic is located it should be reported to the Department of Environment and Natural Resources (the delegated Commonwealth and South Australian authority), after which an assessment will be made to ascertain if the material is historic. For further information contact the Department of Environment and Natural Resources, GPO Box 1047 Adelaide SA 5001, telephone 8124 4944 or visit: [http://www.environment.sa.gov.au/Heritage/Maritime\\_heritage](http://www.environment.sa.gov.au/Heritage/Maritime_heritage).

n. If there is an intention to clear native vegetation (whether dead or alive, in the water or on land) 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 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, trimming or removal 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>.

- o. 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>.
- p. This approval does not obviate any considerations that may apply to the Environment Protection and Biodiversity Conservation Act 1999 (Cth). For further information visit: <http://www.environment.gov.au/epbc>.

**17.2 Tang Cheng Holdings – Demolition of existing building and construction of a 15-level mixed use development comprising restaurant on ground floor and student accommodation above – 399 King William Street and 10 Gilbert Street, Adelaide – Mixed Use Zone: King William Street South Policy Area 28 – Adelaide City Council (020/0001/11)**

Member John Dagas declared a conflict of interest and left the meeting for this agenda item.

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

Applicant(s)

- George Vanco

In attendance, but did not address the Commission

- Michael O'Connell
- Carlo Gnezda
- Vanessa Zhang

The Commission discussed the application.

**RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the Development Assessment Commission GRANT development plan consent for Development Application 020/0001/11 by Tang Cheng Holdings for demolition of a building and the construction of a 15 level mixed use development, comprising restaurant on ground level and student accommodation above at 399 King William Street and 10 Gilbert Street, Adelaide 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 020/0001/11 (Council reference DA/1011/10).

Plans by Hames Sharley 32102, Revision B, dated 3/6/11

DA0.0, DA1.0, DA1.1, DA1.2, DA1.3, DA1.4, DA1.5, DA1.6, DA1.7, DA1.8, DA2.0, DA2.1, DA2.2, DA2.3, DA3.0, DA3.1, DA4.0, DA5.0, DA5.1, DA5.2

Reports:

- Hames Sharley, planning Report dated 22 December 2010 and letters dated 25 February 2011, 14 April 2011 and 14 September 2011
  - Report by Carlo Gneza and, dated 13 September 2011 and associated plans (internal layouts) numbered 1 to 12
  - Environmental Site Assessment by Environmental investigations, dated 18 February 2011
  - Traffic Report by GTA consultants, dated 16 December 2010 and letter dated 15 February 2011
  - Acoustic report by VIPAC Engineers and Scientists, dated 15 December 2010
  - Preliminary Engineering report and design brief by TMK consulting, Job No. 1011078, dated 16 December 2010 and report dated 24 February 2011
  - Letter and documents by Colliers International Student Services, dated 21 February 2011
  - Waste Management Plan by Leigh Design, dated 23 February 2011
  - Building certification details by Davis Langon in two memorandums dated 30 January 2011
2. That the final details of the external materials, surface finishes and colours of the Development shall be provided to the reasonable satisfaction of the Development Assessment Commission prior to obtaining final approval.
  3. That the acoustic attenuation measures recommended in the VIPAC report, dated 15 December 2010, forming part of this consent and 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.
  4. That the recommendations in the Environmental Site Audit Report by Environment Investigations dated 18 February 2011, forming part of this consent shall be undertaken within the Development to the reasonable satisfaction of the Development Assessment Commission. This includes the provision of a Remediation Action Plan (RAP).
  5. That further details on the rooftop plant and equipment shall be provided to the satisfaction of the Development Assessment Commission, prior to obtaining Building Rules Consent.
  6. That appropriate acoustic screening of the rooftop plant and equipment shall be provided and the final details shall be to the satisfaction of the Development Assessment Commission.

7. That a landscape plan of the outside terrace areas shall be provided to the satisfaction of the Development Assessment Commission, prior to the occupation of the site.
8. That lighting to the King William Street Canopy shall be installed in accordance with Council's guideline entitled "Under Veranda/Awning Lighting Guidelines" (attached to this consent) at all times to the reasonable satisfaction of the Development Assessment Commission and prior to the occupation or use of the Development. Such lighting shall be operational during the hours of darkness at all times to the reasonable satisfaction of the Development Assessment Commission.
9. That the finished floor level of the ground floor level at the entry point to the development shall match the existing footpath unless otherwise agreed to by the Adelaide City Council in writing.
10. That the connection of any storm water discharge from the Land to any part of the Council's underground drainage system shall be undertaken in accordance with the Council Policy entitled 'Adelaide City Council Storm Water Requirements' which is attached to this consent to the reasonable satisfaction of the Development Assessment Commission.
11. That the applicant or the person having the benefit of this consent shall ensure that all storm water run off from the canopy is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the canopy storm water run off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Development Assessment Commission.
12. That roof water collected from the Development shall be re-used for toilet flushing and/or similar re-use within the Development to the reasonable satisfaction of the Development Assessment Commission.
13. That doors to the proposed tenancy on the ground floor shall not extend beyond the boundary alignment.
14. That the proposal shall include the treatment of service doors and exits onto public footpaths to minimise potential conflict with pedestrians or create points of concealment.
15. That final details of waste management practices shall be submitted to and approved by the Adelaide City Council prior to Development Approval being issued. These details shall include a Waste Management Plan which covers the three phases of the development.
  - resource recovery during demolition;
  - waste minimisation and resource recovery during construction; and
  - resource recovery during use (office paper and staff kitchen recycling facilities).
  - A subsequent Waste Management Plan shall be undertaken in accordance with the approved plan.
16. That details of mechanical plant or equipment, shall be provided to the satisfaction of the Development Assessment Commission prior to obtaining final approval. 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.



- 16.1 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.
- 16.2 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.
17. That a minimum of three visitor bicycle parks shall be provided in an easily accessible and safe location in associated with the restaurant / café facility, to the reasonable satisfaction of the Development Assessment Commission.
18. That during construction, all materials and goods shall be loaded and unloaded within the boundaries of the subject land.
19. That the development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
20. That all trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.

### **Advisory Notes**

- a. The approval does not include any signage (other than directional), which would need to be the subject of a separate application to the relevant planning authority.
- 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. 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>
- d. 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.
- e. In addition the applicant is advised that the installation of an ETSA transformer within the building may require the submission of a variation application. Furthermore, any proposal to install electricity infrastructure including a transformer or switching cubicle within the public realm will require the consent of Council and may not be forthcoming.
- f. 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.

- g. Development Approval will not be granted until Building Rules Consent and/or an Encroachment Consent have been obtained. 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.
- h. An Encroachment Permit will be separately issued 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 Approvals Section on 8203 7421 for further information
- i. 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
- j. Insecure building sites have been identified as a soft target for vandalism and theft of general building materials. The Adelaide Local Service Area Police and the Adelaide City Council are working together to help improve security at building sites. Items most commonly stolen or damaged are tools, water heaters and white goods. To minimise the risk of theft and damage, consider co-ordinating the delivery and installation of the goods on the same day. Work with your builder to secure the site with a fence and lockable gate. Securing the site is essential to prevent unauthorised vehicle access and establishes clear ownership. If the applicant has any further enquiries about ways to reduce building site theft, he/she should not hesitate to contact the Adelaide Local Service Area Community Programs Section on 8463 7024. Alternatively, the applicant can contact Adelaide City Council for further assistance and information by calling Nick Nash on 8203 7562.
- k. With respect to the awning /canopy:
  - A street work permit must be obtained prior to the commencement of any work on Council's property. For information in relation to the issuing of on-street work permits, please contact the Adelaide City Council Customer Service Centre on 8203 7203.
  - The top of the concrete pads for any support posts must provide a 100mm clearance to the finished footpath level.

- Council will reinstate the footpath material at the street work permit holder's expense.
- l. With respect to any proposed storm water discharge from the property to the adjacent private road/right of way, the applicant must ensure that there are no objections from the owners of any other properties with rights over the private road.
  - m. With respect to any proposed storm water discharge from any allotment to the proposed private road/right of way, the applicant must ensure that there are no objections from the owners of any other properties with rights over the proposed right of way. The applicant must be prepared to create an easement within the proposed right of way for the purpose of storm water drainage, if required as a result of any proposed storm water discharge from any allotment to the proposed right of way.
  - n. The applicant has indicated an outdoor dining area to King William Street and Gilbert Street. This will require separate approval to the Corporation's Outdoor Dining Coordinator.
  - o. 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.
  - p. For further clarification or additional information, the applicant should contact the Adelaide City Council Customer Service Centre on 8203 7203.
  - q. The emission of noise from the premises is subject to control under the Environment Protection Act and Regulations, 1993 and the applicant (or person with the benefit of this consent) should comply with those requirements.
  - r. 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.
  - s. 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.
  - t. The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
  - u. The applicant has 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 of receiving this notice or such longer time as the Court may allow. The applicant should contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).

**18. MAJOR DEVELOPMENTS – Nil.**

## 19. SCHEDULE 10 APPLICATIONS

### 19.1 **Bells River Park Pty Ltd – land division – Section 67 Sturt Highway, Blanchetown, Fringe Zone, Flood Zone – District Council of Loxton Waikerie (551/D023/10)**

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

Applicant(s)

- Philip Bell

The Commission discussed the application.

#### **RESOLVED**

1. That the Development Assessment Commission, pursuant to Section 39(4)(d) of the Development Act 1993 and Regulation 17(3)(a) of the Development Regulations 2008, REFUSE Development Application No. 551/D023/10 without proceeding to make an assessment for the following reasons:

1.1 The proposal will not meet Objectives of the Fringe Zone as the proposed land division will not maintain and promote the envisaged agricultural or horticultural land use while creating the potential for current and future land-use conflict;

1.2 The proposal is inconsistent with Council Wide Objectives which seek to ensure that development should take place in a manner that will not interfere with the effective and proper use of any other land in the vicinity.

### 19.2 **Fabcot Pty Ltd – Redevelopment of the Brickworks site – 2-6 Ashwin Parade, Torrensville – District Centre (Brickworks) zone – City of West Torrens (211/1272/10)**

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

Applicant(s)

- Simon Tonkin (MasterPlan)
- Jeremy Hill (Solicitor)

In attendance but did not address the Commission

- Adrian Kilburn (Fabcot)
- Matt Holland (Woolworths)
- Mario Dreosti (Architect)
- Adrian Swale (Solicitor)

Council Representatives (West Torrens)

- Declan Moore, Acting CEO
- Angelo Catinari, General Manager Urban Services

The Commission discussed the application.

#### **RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.

2. That the Development Assessment Commission GRANT Development Planning Consent to Development Application 211/1272/11 by Fabcot Pty Ltd for the construction of a shopping centre with associated advertising signage, access roadways, car parking, landscaping, stormwater management, demolition of existing buildings, and removal of 15 significant trees at 2-6 Ashwin Parade, Torrensville, and delegate the power to issue consent to the Principal Planner DAC subject to the Principal Planner determining any appropriate conditions and reserved matters in consultation with the West Torrens Council, including an amendment or condition that improves the safety and convenience of pedestrian circulation from Ashwin Parade to the site and through the car park.

## 20. SECTION 35 APPLICATIONS

### 20.1 **P McSherry - Change of Use: Helicopter Facility and association signage - Lot 3 Langhorne Creek Road, Langhorne Creek - Grazing Zone - Alexandrina Council (455/124/10)**

The Commission discussed the application.

#### **RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the Development Assessment Commission CONCUR with the Alexandrina Council's decision to grant Development Plan Consent to Development Application No. 455/0124/10 by Peter McSherry for a change in land use for a helicopter facility and associated signage at Lot 3 Langhorne Creek Road, Strathalbyn, Hundred of Strathalbyn and Bremer.

### 20.2 **M & K Knight - Commercial Storage Facility and Tourist Accommodation - Lot 200 Waikerie-Cadell Road, Ramco - Horticulture Zone - Loxton Waikerie Council (551/272/10)**

The Commission discussed the application.

#### **RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the Development Assessment Commission CONCUR with the Loxton Waikerie Council's decision to grant Development Plan Consent to Development Application No. 551/0272/10 by M & K Knight for a Commercial Storage Facility and Tourist Accommodation at Lot 200 Hundred of Waikerie, Waikerie-Cadell Road, Ramco.

## 21. SECTION 34 APPLICATIONS – Nil.

## 22. CROWN/PUBLIC INFRASTRUCTURE – Nil.

### 22.1 **Commissioner of Highways – Removal of one significant pine tree - Between 2 Garfield Ave and 1 Tennyson Ave at Kurralta Park. The tree is on land which was acquired for the South Road/Anzac Highway**

## **Underpass Project – Residential Zone – West Torrens Council (211/V003/11)**

The Commission discussed the application.

### **RESOLVED**

1. That the proposal contained in Development Application No. 211/V003/11 is NOT seriously at variance with the policies in the Development Plan.
2. That the Development Assessment Commission recommend that the Minister for Urban Development, Planning & the City of Adelaide APPROVE Development Application No. 211/V003/11 by the Commissioner of Highways to remove one (1) significant tree located on land between Garfield Avenue/Tennyson Avenue and South Road, Kurralta Park (A2 in FP7057, CT 5805/158) 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 211/V003/11:

Arborman Tree Solutions report dated 7 October 2010.

Requirements under the Development Act 1993 & the Development Regulations 2008:

- 1.1 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 Urban Development, Planning & the City of Adelaide.
- 1.2 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 Urban Development, Planning & the City of Adelaide.
- 1.3 The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.

### **Advisory Notes**

- a. Any requests for an extension of time must be lodged with the Development Assessment Commission prior to the time periods specified above.

23. **OTHER APPLICATIONS** – Nil.

24. **NEXT MEETING – TIME/DATE**

Thursday, 13 October 2011

Conference Room 6.2, Level 6, 136 North Terrace, Adelaide.

The Presiding Member thanked all in attendance and closed the meeting at 4:00 PM.

Confirmed / /2011

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Ted Byrt  
PRESIDING MEMBER

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Rocío Barúa  
SECRETARY