



Development Assessment Commission

Minutes of the 467th Meeting of the
Development Assessment Commission
held on Thursday, 13 September 2012 commencing at 1.30 PM
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide

1. OPENING

1.1. PRESENT

Presiding Member
Deputy Presiding Member

Ted Byrt
Megan Leydon

Members

Damien Brown
Geoffrey Loveday
Simone Fogarty
Andrew Ford

Secretary

Sara Zuidland

Principal Planner

Mark Adcock

DPTI Staff

Anna Provatas (Agenda Item 3.1)
Yasmine Alliu (Agenda Item 3.2 & 3.3)
Simon Neldner (Agenda Item 3.4 & 2.1)

1.2. APOLOGIES –

Carolyn Wigg

2. DEFERRED APPLICATIONS

2.1. City of Mitcham
080/1129/11
135-139 and 147-153 Daws Road, St Marys
City of Mitcham (General Industry and Residential (Central Plains) Zone)

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 REFUSE Development Application No 080/1129/11 by the City of Mitcham for a change of land use (educational facility to community centre) and additional off-site carparking area at 135-139 and 147-153 Daws Road, St Marys as the development is at variance with the provisions of the Development Plan in these respects:
 - (i) The development of a community centre and branch library further entrenches a type of land use not envisaged within a General Industry Zone;
General Industry Zone: OB1, OB2(c), PDC1, PDC3, PDC5
Council-Wide: Form of development: OB1, OB2, PDC1, PDC2, PDC14
 - (ii) Community centre and library uses that serve a local community should be developed in a mixed-use or centre zone where facilities can be more appropriately co-located and parking arrangements shared
Council-Wide: Centres and Shops: PDC63, PDC66(b)
 - (iii) An adequate level of carparking that is immediately accessible and available at all times cannot be provided on-site for the type and duration of activities proposed.
Council-Wide: Centres and Shops: PDC66(b); Community Facilities: PDC71(c); Movement of People and Goods: OB25(d), PDC78(f), PDC79
3. NEW APPLICATIONS
 - 3.1. Vaughan Farmilo
473/D035/11
Lots 6 & 7 in FP 396, Bird in Hand Road, Woodside, Hd of Onkaparinga
Adelaide Hills Council [Watershed Zone (Primary Production)]

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

Applicant(s)

- Jeff Smith (Planning Chambers)

Council

- Sandra Fawcett

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 and Land Division Consent to the proposal by V Farmilo and others for land division by boundary realignment (2 into 2 allotments) in Development Application 473/D035/11 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 473/D046/11

Land Division Requirements

2. That two copies of a certified survey plan shall be lodged for Certificate purposes.

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).
- g. 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.
- h. Any works associated with the land division should avoid the unnecessary removal of native vegetation and disturbance of soil, to minimise the risk of soil erosion and subsequent impacts on water quality through increases in siltation, nutrient loading and turbidity.

The Department for Water have advised that the following legislation applies to the subject property:

- i. The Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Western Mount Lofty ranges ('Notice of Prohibition') which prohibits:
 - New or additional use of surface, watercourse and/or underground water for any purpose other than stock and domestic use;
 - New taking of water from dams 5 megalitres or greater for any purpose (including stock and domestic use);

- New taking of water from watercourses described as a swamp of the Fleurieu Peninsula, that are listed as a critically endangered ecological community under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), for any purpose (including stock and domestic);
until the expiry of the current Notice of Prohibition on 10 July 2012 (and any subsequent Notices of Prohibition).
- j. Prescription of the Water Resources in the Western Mount Lofty Ranges ('Prescription'), which requires those that are or are proposing to use surface, watercourse and/or underground water for any purpose (other than stock and domestic use from dams less than 5 megalitres) at any time in the future, to apply for a water license with the Department for Water.

If there is any surface, watercourse or underground water use occurring on the subject land that may be impacted by the land division, the interested parties should contact the Department for Water to ensure compliance with the Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Western Mount Lofty ranges and the related Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells. For further information contact the Department for Water (telephone number: 8339 9803)

- 3.2. Mr F Churcher (Sawley Lock O'Callaghan Surveyors)
292/D018/12
Lot 20 Precolumb Road, One Tree Hill, Hundred of Munno Para
Playford Council (Hills Face Zone - Watershed Policy Area 2)

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

Applicant(s)

- Mr F Churcher
- Mrs Churcher

The Commission discussed the application.

RESOLVED

1. RESOLVE to DEFER a decision on the application to allow for the applicant's representative to be available.

- 3.3. Costa Rinaldi Wines Pty Ltd
292/1499/11
Lot 2 Gawler One Tree Hill Road, Yattalunga
Playford Council (Primary Production (Mount Lofty Ranges) Zone)

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

Applicant(s)

- Mr Alan Rumsby
- Mr Larry Costa

The Commission discussed the application.

RESOLVED

1. RESOLVE to CONCUR with development application 292/1499/11 by Costa Rinaldi Wines Pty Ltd for winery alterations and conditions at Lot 2, Gawler One Tree Hill Road, Yattalunga.

3.4. D'arenberg Wines
145/D049/08
Whitings Road, Blewitt Springs
City of Onkaparinga (Hills Face & Rural Zones)

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 NOT CONCUR with the City of Onkaparinga to grant Development Plan Consent and Land Division Consent to Development Application No 145/D049/08 for a re-alignment of allotment boundaries (2 into 2) at Whitings Road, Blewitt Springs as the proposal is contrary to the following provisions:

Hills Face Zone: OB1, OB2(a), PDC1, PDC28

Council-Wide: Rural Development: OB1, PDC1, PDC4, PDC5; Land Division: PDC1, PDC8(h); Form of Development: OB1, OB2, PDC1, PDC2

4. ADJOURN TO CAPITAL CITY DEVELOPMENT ASSESSMENT COMMITTEE

5. MAJOR DEVELOPMENTS - Nil.

6. ANY OTHER BUSINESS – Nil.

7. NEXT MEETING – TIME/DATE

7.1. Thursday, 27 September 2012 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 5.00 PM

Confirmed / /2012

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Ted Byrt
PRESIDING MEMBER