



# *Development Assessment Commission*

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Minutes of the 459th Meeting of the  
Development Assessment Commission  
held on Thursday 12 April 2012 commencing at 1:45 PM  
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide

## PRESENT

Presiding Member	Ted Byrt
Deputy Presiding Member	Betty Douflias
Members	Damien Brown Geoffrey Loveday Megan Leydon Carolyn Wigg John Dagas
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPLG Staff	Glenn Searle (Agenda Item 3.2) Gabrielle McMahon (Agenda Item 3.3) Stephanie Ryan (Agenda Item 11.2) Simon Neldner (Agenda Item 9.1 & 12.1)

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1. ATTENDANCE
2. APOLOGIES – Nil.
3. DEFERRED APPLICATIONS
  - 3.1. Status of Deferred Applications – Nil
  - 3.2 Eric Armstrong – Shed (Store) – Lot 43 Porter Street, Cowirra – River Murray Zone & Shack Settlement Policy Area – Mid Murray Council (711/0396/11)

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

Applicant(s):

- Bryan Hennig
- Eric Armstrong

The Commission discussed the application.

RESOLVED

(1) RESOLVE that the Development Application No. 711/0396/11 is SERIOUSLY AT VARIANCE with the policies in the Development Plan dated 17 November 2011 for the following reasons;

a) The proposal is inconsistent with PDC 1 and PDC 15 of the Shack Settlement Policy Area and Council Wide PDC 258 and 260 which seek to prevent the use of vacant land used for storage purposes.

(2) RESOLVE, pursuant to Section 39(4)(d) of the Development Act 1993 and Regulation 17(3)(a) of the Development Regulations 2008 to refuse Development Application No. 711/0396/11 without proceeding to make an assessment.

### 3.3 Futong Investment and Development Pty Ltd – 271-281 Gouger Street, Adelaide (020/0034/11)

Megan Leydon advised of a conflict of interest for Item 3.3 and left the room during discussion and resolution of the item.

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 Development Application 020/0034/11 (Council Reference: DA/0670/11) by Futong Investment and Development P/L for the demolition of buildings and the construction of an 8 level mixed use development, comprising basement and ground level car parking, retail on ground level and apartments above at 271-281 Gouger Street, Adelaide subject to the following conditions and advisory notes:

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 a definitive statement from a suitably qualified environmental expert advising that the land is suitable for its intended purpose. If required by the environmental expert, the applicant shall prepare a Phase 2 Site Assessment Report.

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 020/0034/11 including:

## Plans by Loucas Zahos, Project Number A1902

Number	latest	Date
SK00	P13	16 March 2012
SK01	P13	16 March 2012
SK02	P19	16 March 2012
SK03	P18	8 March 2012
SK04	P17	16 March 2012
SK05	P15	8 March 2012
SK06	P16	8 March 2012
SK07	P15	8 March 2012
SK08	P14	3 Feb 2012
SK09	P16	8 March 2012
SK10	P7	3 Feb 2012
SK11	P14	16 March 2012
SK12	P13	16 March 2012
SK13	P14	16 March 2012
SK14	P12	16 March 2012
SK15	P6	16 March 2012
SK16	P9	21 Nov 2011
SK17	P1	16 March 2012
SK51	P7	16 March 2012
SK52	P7	16 March 2012
SK53	P7	16 March 2012
SK54	P5	30 Nov 2011
SK55	P7	16 March 2012
SK56	P4	16 March 2012
SK57	P5	16 March 2012
SK58	P5	16 March 2012
SK59	P5	16 March 2012
SK60	P5	16 March 2012
SK61	P5	16 March 2012
SK62	P5	16 March 2012
SK63	P1	30 Nov 2011
SK64	P1	30 Nov 2011
SK65	P1	5 Dec 2011
SK66	P1	5 Dec 2011
SK71	P3	28 Nov 2011
SK72	P3	28 Nov 2011
SK73	P3	28 Nov 2011
SK74	P3	28 Nov 2011
SK78	P1	28 Nov 2011
SK79	P1	28 Nov 2011
SK90	P2	28 Nov 2011

### Reports

- Acoustic Reports by Vipac – Ref 50B-11-0091-TRP-776283-2, dated 2 December 2011 and ref 50B-11-0091-GCO-777791-0, dated 16 February 2012
- Traffic Impact Assessment – reports by Phil Weaver and Associates - Ref 095-11, dated 8 December 2011 and report dated 17 February 2012.
- Statement of Energy Efficiency by Lucid Consultants ref. LCE 5550-002, dated 20 October 2011, report LCE 5550-003, dated 20 October 2011, report LCE 5550-002.

### Correspondence

- Letter from Loucas Zahos, dated 29 November 2011 and 27 March 2012
- Letter from Connor Holmes in response to representations, dated 20 February 2012
- Email from Loucas Zahos, dated 11 April 2012, confirming that the thickness of the glass to the apartments facing Gouger Street will be a minimum thickness of 10.38mm

2. That final details of waste management practices shall be submitted to and approved by the Development Assessment Commission, in consultation with 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.
  - a. resource recovery during demolition;
  - b. waste minimisation and resource recovery during construction; and

- c. resource recovery during use (office paper and staff kitchen recycling facilities).
  - d. a subsequent Waste Management Plan shall be undertaken in accordance with the approved plan.
3. That the acoustic attenuation measures recommended in the VIPAC reports, dated 2 December 2011 and 16 February 2012, 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 a landscape plan of the common areas shall be provided to the satisfaction of the Development Assessment Commission, prior to the occupation of the site.
5. That details of the art work to Murrays Lane areas shall be provided to the satisfaction of the Development Assessment Commission, prior to the final approval.
6. That the landscaping shall be maintained in good health and condition at all times with any dead or diseased plants / trees being replaced.
7. That no additional signs shall be displayed upon the subject land other than those identifying the parking areas. If any further signs are required, these shall be the subject of a separate application.
8. That external materials, surface finishes and colours of the Development shall be consistent with the description hereby granted consent and shall be to the reasonable satisfaction of the Development Assessment Commission.
9. That the provision of a minimum 66,000 litre rainwater storage collection shall be provided on site for the use of toilet flushing throughout the development.
10. 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.
11. 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.

12. 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.

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)

A copy of the CEMP shall be provided to the Development Assessment Commission prior to the commencement of site works.

13. That lighting to the Gouger Street canopy and colonnade (respectively) shall be installed in accordance with Council’s guideline entitled “Under Verandah/Awning Lighting Guidelines” at all times to the reasonable satisfaction of the Council 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.
14. 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 Adelaide City Council.
15. 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.
16. That the proposed car parking layout and vehicular entry points shall be designed and constructed to conform to the Australian Standard 2890.1:2004 (including Amdt 1) for Off-Street Parking Facilities and Australian Standard 2890.6:2009 for Off Street Parking for people with disabilities. On-site Bicycle Parking facilities shall be designed in accordance with Australian Standard 2890.3-1993 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles.
17. 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.
18. 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 and the Development Assessment Commission.

19. That during construction, all materials and goods shall be loaded and unloaded within the boundaries of the subject land.
20. That the development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
21. 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 proposal includes the following staging:
  - 1- Footings & Sub-Structure
  - 2- Superstructure
  - 3- Architectural & Services
- b) 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.
- c) 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.
- d) 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>
- e) 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.
- f) In addition you are 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.
- g) 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.
- h) 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.
- i) 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

j) 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

A copy this plan must be provided to the Council and the Development Assessment Commission prior to demolition and/or construction works.

k) 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 you have any further enquiries about ways to reduce building site theft, please do not hesitate to contact the Adelaide Local Service Area Community Programs Section on 8463 7024. Alternatively, you can contact Adelaide City Council for further assistance and information by calling Nick Nash on 8203 7562.

l) 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.

m) 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.

n) 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.

o) The applicant has indicated an outdoor dining area to Gouger Street. This will require separate approval to the Corporation's Outdoor Dining Coordinator.

- p) 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.
- q) For further clarification or additional information, please contact the Adelaide City Council Customer Service Centre on 8203 7203.
- r) 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.
- s) 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.
- t) 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.
- u) You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements.
- v) 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).
- w) The following requirements of the Heritage Places Act 1993 should be noted:
  - if an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
  - where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the SA Heritage Unit (DENR) on 8214 4960.

#### 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 Pruszinski Architects P/L - Demolish existing building and construct a 22 level mixed use building comprising ground floor retail, 4 levels of car parking, 4 levels of office space and remainder as apartments (152 in total) - 123-139 Flinders Street and 201-209 Pulteney Street, Adelaide - Mixed Use Zone: Grote and Wakefield Streets Policy Area 22 - Adelaide City Council (O20/0032/11)

Megan Leydon advised of a conflict of interest for Item 9.1 and left the room during discussion and resolution of the item.

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

Applicant(s)

- Paul Pruszinski
- Chris Vounassis
- Greg Vincent
- Dorothy Jiang
- Tom Jarrett

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 Development Application O20/0032/11 by Pruszinski Architects to demolish the existing building and construct a 22 level mixed use building at 123-139 Flinders Street and 201-209 Pulteney Street, Adelaide subject to the following reserved matters, conditions and advisory notes:

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 for any superstructure works upon the site:
  - a. Final arrangement, layout and detailing of the ground floor and all carpark levels, in particular the public spaces proposed upon the site and the interface between the building and the street frontages. Consideration should be given to the provision of additional functions and commercial opportunities and adaptive reuse beyond the ground floor including at least the first two levels of the carpark. A suitable degree of weather protection, safety, interest and activity for pedestrians should be considered.
  - b. Waste management plan for the development.
  - c. Servicing plan for the loading/unloading of service vehicles upon the site. Consideration should be given to the scheduling of deliveries and the size and nature of vehicles able to be accommodated by the loading dock and right of way.

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 020/0032/11 including:

#### Plans by Pruszinski Architects

Basement Plan – 01-03 Rev P2 dated 23.8.11  
Ground Floor - 02-01 Rev P4 dated 20.12.11  
Level 1 Floor Plan - 02-02 Rev P5 dated 7.2.12  
Level 2 Floor Plan - 02-03 Rev P4 dated 20.12.11  
Level 3 Floor Plan - 02-04 Rev P3 dated 24.10.11  
Level 4 Floor Plan - 02-05 Rev P3 dated 24.10.11  
Level 5 Floor Plan - 02-06 Rev P3 dated 24.10.11  
Level 6 Floor Plan - 02-07 Rev P3 dated 24.10.11  
Level 7 Floor Plan - 02-08 Rev P3 dated 24.10.11  
Level 8 Floor Plan - 02-09 Rev P3 dated 24.10.11  
Level 9 Floor Plan - 02-10 Rev P3 dated 24.10.11  
Level 10 Floor Plan - 02-11 Rev P4 dated 7.2.12  
Level 11 Floor Plan - 02-12 Rev P4 dated 7.2.12  
Level 12 Floor Plan - 02-13 Rev P4 dated 7.2.12  
Level 13 Floor Plan - 02-14 Rev P4 dated 7.2.12  
Level 14 Floor Plan - 02-15 Rev P3 dated 24.10.11  
Level 15 Floor Plan - 02-16 Rev P3 dated 24.10.11  
Level 16 Floor Plan - 02-17 Rev P3 dated 24.10.11  
Level 17 Floor Plan - 02-18 Rev P4 dated 7.2.12  
Level 18 Floor Plan - 02-19 Rev P4 dated 7.2.12  
Level 19 Floor Plan - 02-20 Rev P3 dated 24.10.11  
Level 20 Floor Plan - 02-21 Rev P4 dated 7.2.12  
Level 21 Floor Plan - 02-22 Rev P2 dated 23.8.11  
East, North Elevations – 04-01 Rev P3 dated 30.1.12  
South, West Elevations– 04-02 Rev P3 dated 30.1.12  
Streetscape– 04-03 Rev P2 dated 23.8.11  
Section– 05-01 Rev P3 dated 24.10.11  
Perspectives– 11-01 Rev P4 dated 25.1.12  
Perspectives– 11-03 Rev P3 dated 25.1.12

#### Reports

Pedestrian Wind Environment Advice - Windtech - dated 12 May 2011.  
Sustainability Advice Report - LUCID - dated 19 August 2011.  
Acoustic Advice - Aurecon - dated 27 July 2011  
Transport Impact Assessment - GTA Consultants - Issue B dated 23 August 2011

Correspondence from Pruszinski Architects dated 25 October 2011

2. That the final selection of external materials, surface finishes and colours of the Development shall be provided to the reasonable satisfaction of the Development Assessment Commission. Consideration should be given to the ongoing maintenance requirements of materials in the final selection.
3. 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 and the Development Assessment Commission
4. That the applicant or the person having the benefit of this consent shall ensure that all storm water run off from the building/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.
5. That mechanical plant or equipment, shall be designed, sited and visually and acoustically screened to minimise amenity and 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.
6. That the acoustic attenuation measures recommended in the 'Acoustic Advice – Flinders Pulteney Corner - Pruszinski Architects' prepared by Aurecon dated 27 July 2011 (Ref 220894-002), forming part of this consent and shall be undertaken within the Development to the reasonable satisfaction of the Development Assessment Commission. Such acoustic features and measures shall be operational prior to the occupation or use of the Development.
7. 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.

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)

A copy of the CEMP shall be provided to the Development Assessment Commission prior to the commencement of site works.

8. That lighting to the Pulteney Street and Flinders Street frontages shall be installed in accordance with Council's guideline entitled "Under Verandah/Awning Lighting Guidelines" at all times to the reasonable satisfaction of the 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 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
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 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.
12. That the proposed layout and vehicular entry points shall be designed and constructed to conform to the relevant Australian Standards (AS/NZ 2890.1: 2004).

Advisory Notes:

- a) 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).
- b) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, 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. 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>
- c) 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.
- d) 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.
- e) You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements.
- f) Development Approval will not be granted until Building Rules Consent has 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.
- 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) 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.
- i) That access to buildings and designated disabled car parking spaces shall be designed and provided in accordance with the relevant Australian Standards.
- j) Crane operations associated with construction may require a separate application. Further information can be obtained from Brett Eaton, Airside Safety manager on 8308 9245.

k) 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

A copy this plan must be provided to the Council and the Development Assessment Commission prior to demolition and/or construction works.

l) An Encroachment Permit may be required for any 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 Council's 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 Councils Approvals Section on 8203 7421 for further information.

m) The following requirements of the Heritage Places Act 1993 should be noted:

- if an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
- where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the SA Heritage Unit (DENR) on 8214 4960.

10. SECTION 34 APPLICATIONS - Nil.

11. SECTION 35 APPLICATIONS

11.1 MacMillan Racing – Racehorse training facility – Lot 202, Finnis-Clayton Bay Road, Hindmarsh Island – Waterfront Zone – Alexandrina Council (455/0262/11)

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

Applicant(s)

- Craig Rowe
- Tiffany Hartwell
- John MacMillan

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 Concur with the Alexandrina Council's decision to grant Development Plan consent to Development Application 455/0262/11 for a Race horse training facility comprising horse keeping (20 horses), Shed, stable complex, training track and two detached dwellings at Lot 202, Finniss-Clayton Road, Clayton Bay, Alexandrina, CT 6060/215, subject to the conditions and notes as proposed by the Council and the following planning condition:

Planning Conditions:

1. The two dwellings herein approved shall be used at all times as the residence and caretakers/trainers dwelling associated with the approved use of the land and shall not be used or otherwise disposed for any other purpose.

11.2 Stephen Butcher – 3 Tourist Cottages & Olive Oil Cellar Door – Lot 1 in DP25485, 114 Kavanagh Road, Echunga – Rural Watershed Protection – Mount Barker Council (580/0313/11)

The Commission discussed the application.

RESOLVED

- 1) RESOLVE to NOT concur with the District Council of Mount Barker's decision to grant Development Plan Consent to Development Application No. 580/0313/11 by Mr S Butcher for the construction of three cabins for tourist accommodation and a cellar door sales outlet (olive oil) with small café with associated driveway and carpark (20 vehicles) as it is at variance with the following provisions of the Development Plan:
  - (a) The proposal is inconsistent with Objectives 1, 14, 15 and PDCs 1, 12, 43, 58 and 86 of the Rural Watershed Protection Area Zone, and Objectives 57, 58, 59, 77, and PDCs 355 and 356 of the Council Wide Policies which seek to protect surface and underground water sources from pollution.

## 12. OTHER APPLICATIONS

12.1 Royal Adelaide Hospital: Submission and determination of Conditional Matters

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

Applicant(s):

- Steve Grieve

The Commission discussed the application.

RESOLVED

- 1) RESOLVE that Conditions 2.8 and 2.17 have been satisfied in-principle (subject to further clarification and/or submission of information) as outlined by the requirements of the Development Plan Consent granted by the Development Assessment Commission on 7 April 2011 for the construction of the new Royal Adelaide Hospital (DA 020/0060/10).

- 2) RESOLVE that further work needs to be undertaken in respect to Condition 2.18 for all service / utility infrastructure (situated within the public realm) across the hospital precinct. The overall design philosophy proposed for the ventilation system for the basement carparking areas is supported.

13. CROWN/INFRASTRUCTURE APPLICATIONS

13.1 Report on Minister's Decisions - Nil.

14. MAJOR DEVELOPMENTS

14.1 Major Developments update – Nil.

15. MATTERS DELEGATED BY THE GOVERNOR - Nil

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 - Nil

19. PRINCIPAL PLANNER'S REPORT - Nil

20. ANY OTHER BUSINESS - Nil

21. NEXT MEETING – TIME/DATE

Thursday, 26 April 2012

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 / /2012

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Ted Byrt  
PRESIDING MEMBER