



Development Assessment Commission

**Minutes of the 443rd Meeting of the
Development Assessment Commission
held on Thursday 9 June 2011 commencing at 1:37pm
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
A/Secretary	Frank Carpentieri
A/Principal Planner	Simon Neldner
DPLG Staff	Philippe Mortier (3.2) Gabrielle McMahon (13.2) Daniel Pluck (11.1) Tom Victory (11.2) Victoria Samuel-White (11.3) Amanda Nicholls (19.2)

-
1. **APOLOGIES** – Nil.
 2. **CONFIRMATION OF THE MINUTES**
 - 2.1. **RESOLVED** that the Minutes of the 442nd meeting held on 26 May 2011 be taken as read and confirmed.
 3. **DEFERRED APPLICATIONS**
 - 3.1. **Status of Deferred Applications**

RESOLVED that the Report be received and noted.

3.2 **HYLC Joint Venture – New Royal Adelaide Hospital – North Terrace, Adelaide – Institutional (Metropolitan Hospital) Zone – Adelaide City Council (020/0060/10) – Consideration of Reserved Matter**

RESOLVED

1. That the submitted information from the HYLC Joint Venture – in the form of a design review and timing schedule for the construction of the NRAH - satisfies the reserved matter contained in Development Application No. 020/0060/10 granted Development Plan Consent on 7 April 2011.

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**

8. **DETERMINATION OF CATEGORY 2 HEARINGS**

9. **SCHEDULE 10 APPLICATIONS** – Nil.

10. **SECTION 34 APPLICATIONS** - Nil.

11. **SECTION 35 APPLICATIONS**

11.1 **J Taheny - Land division (1 into 2) - Allotment 32, Little Sheoak Road, Warooka - General Farming/Commerce Industry – District Council of Yorke Peninsula (544/D012/10).**

The Commission discussed the application.

RESOLVED

1. That the proposed development is SERIOUSLY AT VARIANCE with the policies in the Development Plan.
2. That the Development Assessment Commission NOT CONCUR with the Yorke Peninsula Council's decision to grant Development Plan Consent and Land Division Consent to Development Application No. 544/D012/10 by J Taheny for a land division (1 into 2) as it is seriously at variance with the following provisions of the Development Plan:

General Farming Zone Objectives: 1, 3 & PDC 1, 7(a), (b) & (c)
Council Wide: Land Division Objective 1 and PDC 2
Industrial Development: Objectives 1 & 3

11.2 **Wideband Networks Pty Ltd - Transmitting Station – 130 Norton Summit Road, Teringie – Hills Face Zone – Adelaide Hills Council (473/1202/10)**

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 resolution of the Adelaide Hills Council to grant Development Plan Consent to Development Application No. 473/1202/10 by Wideband Networks Pty Ltd for a Telecommunications Facility (Transmitting Station) at 130 Norton Summit Road, Teringie.

11.3 **G Sullivan - Detached dwelling and outbuilding (non-complying) – Lot 10 Emu Flat Road, Armagh – Horticulture Policy Area 2 in the Primary Production Zone - Clare and Gilbert Valleys Council (433/0174/10)**

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 resolution of the Clare & Gilbert Valleys Council to grant Development Plan Consent to Development Application No. 433/0174/10 by G Sullivan for the construction of a single storey detached dwelling and outbuilding (non-complying) at Allotment 10 (DP45586) Certificate of Title Volume 5357 Folio 584, Emu Flat Road, Armagh, Hundred of Clare.

12. **OTHER APPLICATIONS – Nil.**

13. **CROWN/INFRASTRUCTURE APPLICATIONS**

13.1 **Report on Minister's Decisions**

RESOLVED that the Minister's decisions be received and noted.

13.2 **Terminals Pty Ltd - bulk liquid storage facility and product supply pipeline at Outer Harbor - General Industry – City of Port Adelaide Enfield (040/V073/10)**

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

Applicant

- George Horman (Terminals Pty Ltd)
- Geoff Millard (Terminals Pty Ltd)

Agencies

- Marc Hryciuk (DTEI – Transport Services Division)
- Ray Clifford (Safework SA)
- Gerry Thompson (EPA)

Others in attendance (did not speak)

- Aaron Brumby (Defence SA)
- Daniel DeConno (Defence SA)
- Sean Reardon (Flinders Ports)
- Hayley Riggs (EPA)
- David Vaughan (EPA)
- Josephine Barkla (EPA)
- Byron Holmes (EPA)
- Brett Fundak (OMPI - DTEI)
- Marcus Howard (Aurecon Group)
- Mageesh Naidu (Aurecon Group)

The Commission discussed the application.

RESOLVED

1. RESOLVE that the proposed development contained in Development Application No 040/V073/10 is NOT seriously at variance with the policies in the Development Plan and to advise the Minister for Urban Development, Planning and the City of Adelaide of this pursuant to Section 49.8(a) of the *Development Act 1993*.
2. RESOLVE to recommend that the Minister for Urban Development, Planning and the City of Adelaide APPROVE Development Application No. 040/V073/10 by Terminals Pty Ltd for a bulk fuel storage facility and associated pipeline, 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 040/V073/10, in particular:
 - The Report number 204667, Revision 5, by Aurecon dated 30 November 2010.
 - The letter and attachments A and B and draft Construction Environment Management Plan from Aurecon dated 18 February 2011, in response to the EPA requests for further information dated 7 and 20 January 2011.
 - The letter from Aurecon to the Development Assessment Commission dated 21 March 2011 in which options 1 and 2 for the pipeline were removed.
 - The letter and attachments A, B and C and amended draft Construction Environment Management Plan from Aurecon dated 21 April 2011, in response to the EPA request for further information dated 1 April 2011.
2. That all potentially contaminated stormwater collected in the gantry area and tank bunded areas must be diverted to storage tanks for treatment and disposal to a liquid waste disposal facility via a licensed transporter.
3. That all tank drainage systems must be located above ground. Associated infrastructure to collect tank residue must also be established above ground, with disposal to a liquid waste disposal facility via a licensed transporter as required.
4. That all petroleum product storage tanks (those that generate vapour and not diesel or LPG) must be fitted with internal floating roofs to minimise emissions of volatile organic compounds produced as a result of storing this material. These must be installed prior to commissioning of the tanks.

5. That all storage tanks must be installed with leak detections systems, (as per the proposal, i.e. "tell tale" at the lowest point), and the tank compound bases and bunds lined with HDPE and concrete. These must be installed prior to commissioning of the tanks.
6. That the vapour recovery unit (VRU) must be constructed and operational within 30 days of petroleum products being first delivered to the site for storage or distribution.
7. That vapour emissions generated through the loading of trucks at the fuel gantry must be directed to the VRU (activated Carbon Adsorption with regeneration by variable screw dry vacuum pump) as per the Report 204667 and detailed in the report from Aurecon dated 18/2/2011.
8. That there must be adequate length and spillage capacity within the rail siding to ensure that all cars are contained within the siding.
9. That any contaminated groundwater must be treated prior to disposal at a facility licensed by the EPA to receive such waste.
10. That the oil separator must be sized according to the volumes of rainfall and hydrocarbons that can reasonably be expected in the catchment of the device.
11. That all works and site activities must be undertaken in accordance with a final Construction Environment Management Plan (CEMP) which must be prepared and submitted to the satisfaction of the EPA prior to construction commencing. The CEMP must include measures that at a minimum address:
 - 11.1 A Soil Erosion and Drainage Management Plan (SEDMP) on the construction site developed in accordance with *Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry*, and including:
 - a. minimising areas disturbed
 - b. installation of erosion control measures
 - c. maintenance of erosion control devices and sediment control measures
 - d. appropriate location of stockpiles to protect drainage lines
 - e. progressive rehabilitation and stabilisation (including revegetation) of disturbed areas
 - f. pre-treatment measures
 - g. preventing pollutant and sediment inflow to a stormwater system or watercourse.
 - 11.2 A Site Contamination Management Plan which includes consideration of the following:
 - a. the management of potential acid sulphate soils (PASS) must be in accordance with the EPA Guideline: *Site Contamination – Acid Sulfate Soil Materials* (dated November 2007);
 - b. the management of any uncharacterised soil that is excavated on or off the site in accordance with the EPA Guideline: *Environmental Management of On-site Remediation* (dated March 2006).
 - 11.3 A Noise and Vibration management Plan which considers the management of noise during the construction phase (in particular work associated with construction of the product supply pipeline which will pass close to residential areas), including:

- a. controlling noise at the source
- b. use of noise barriers
- c. scheduling noisy activities between 7 am and 10 pm in accordance with the General Environmental Duty as described in section 25 of the *Environment Protection Act 1993*
- d. equipment maintenance and use of mufflers and silencers
- e. undertaking noisy activities between 7 am and 7 pm
- f. undertaking particularly noisy activities after 9 am
- g. locating noisy equipment as far as practicable from noise sensitive receivers
- h. shutting or throttling down equipment when not in actual use
- i. ensuring that noise reduction devices are fitted where possible and are operating effectively
- j. ensuring that equipment is not operated if maintenance or repairs would reduce the noise impact (including annoying characteristics) of the equipment
- k. notifying residents prior to commencement of construction by way of a letterbox drop
- l. providing a complaints hotline to be attended at all times by an on-site contact person
- m. implementing a strategy to deal with complaints immediately as they arise
- n. maintaining a complaints register detailing address of complainant, time and date of complaint, nature of complaint and action taken.

11.4 A Construction Air Quality Management Plan, including:

- a. minimising the area and extent of earthworks required and ensuring disturbed areas are protected and revegetated in a timely manner
 - b. specific measures to manage dust and limit emissions, including covered construction vehicles to prevent any loss of load
 - c. management of any odours and any organic sources.
12. That for compliance with the Coast Protection Board's coastal flooding risk standard, all significant building works and critically important operational areas (except the transfer pipeline) shall achieve minimum building site and floor levels of 3.0 metres and 3.25 metres Australian Height Datum (AHD), respectively, or otherwise be protected from flooding to these levels. The tank farm bund wall height should be a minimum of 3.1 metres AHD.
 13. That any electrical and mechanical equipment and power outlets associated with the development shall be raised or protected to a minimum height of 3.25 metres AHD at the tank farm site and 3.55 metres AHD at the wharf site.
 14. That all heavy vehicles shall enter the site via the right turn from Pelican Point Road into the subject site.
 15. That the ingress and egress points shall be designed and constructed to cater for the largest vehicle likely to enter the subject site.
 16. That appropriate road treatments (acceleration and channelized right turn lanes) shall be installed to the satisfaction of the Development Assessment Commission.

17. That all car parking shall conform to AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009 for Off-Street Parking Facilities.
18. That all commercial vehicle areas shall conform to AS 2890.2:2002.
19. That all vehicles shall enter and exit in a forward direction.
20. That all car parking spaces, driveways and associated manoeuvring areas shall be sealed in bitumen, concrete or brick pavers prior to first occupation of the site.
21. That all stormwater shall be collected on site and discharged appropriately without jeopardising the integrity and safety of Pelican Point Road.
22. That no stormwater or other wastes shall be discharged into the adjoining rail corridor.
23. That all connections to the adjoining Australian Rail Track Corporation (ARTC) infrastructure shall be designed and constructed to the satisfaction of the ARTC.
24. That all stormwater from buildings and paved areas shall be captured, stored, re-used or disposed of in a manner and with materials to the reasonable satisfaction of the Development Assessment Commission.
25. That a landscape plan and schedule shall be submitted to and approved by the Development Assessment Commission prior to the commencement of site works. Such a plan shall provide for the planting of trees, shrubs and ground covers in the nominated landscape areas.
26. That the herein approved development shall be constructed and operated in accordance with the *Construction Noise and Vibration Management Plan* authored by Aurecon Pty Ltd dated 2 December 2010 to the satisfaction of the Development Assessment Commission.
27. That the advertisement(s), and support structure(s) shall be prepared and erected in a professional manner and maintained in good repair at all times, to the reasonable satisfaction of the Development Assessment Commission.
28. That the proposed sign(s) shall be constructed wholly on the subject site and no part shall extend beyond the property's boundary.
29. That the site and buildings shall be maintained in a neat and serviceable condition and operated in an orderly and tidy manner at all times, to the reasonable satisfaction of the Development Assessment Commission.
30. That external roof sheeting and wall cladding shall consist of sound, undamaged materials of uniform colour and appearance, to the reasonable satisfaction of the Development Assessment Commission.
31. That work on the installation of the pipes in any Council land or roads, or any land/roads that Council may be the owner or custodian of in the future, is unable to commence until the applicant has obtained Council's approval and entered into appropriate land tenure arrangements with Council.

Advisory Notes:

- a. 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.

- b. An EPA licence is required for the following activities:
 - activities producing listed waste
 - discharge to marine or inland waters
 - petroleum storage
 - railway operations (for the ongoing transportation of hydrocarbons)
- c. A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
- d. Any discharge to the marine environment (Port River) from the site must not occur unless a marine monitoring discharge program has been submitted to and approved by the EPA. Such a monitoring program must be prepared in accordance with guidance on the preparation of monitoring plans provided in EPA Guideline entitled *'Regulatory Monitoring and Testing: Monitoring Plan Requirements'* dated 2006.
- e. A pipeline designed in accordance with AS2885.1 is also required to be operated and maintained in accordance with AS2885.3. In accordance with AS2885, the operator is recommended to document the specific risk management actions and measures in an approved Safety and Operating Plan (SAOP) as specified in *AS2885.3-2001 (Operation and Maintenance)*.
- f. A Safety Management Study to identify threats to the pipeline should be prepared and validated by an appropriately constituted workshop in accordance with Australian Standard *AS2885.1 - 2007: Pipelines - Gas and liquid petroleum*.
- g. Verification of the vapour recovery units in the form of a stack emission and dispersion modelling programme is likely to be required within three months of their commissioning as a condition of an EPA licence to:
 - ensure compliance with the *Environment Protection (Air Quality) Policy 1994*;
 - ensure compliance with the compound and odour threshold criteria detailed in the EPA Guidelines document entitled *'Air Quality impact using design ground level concentrations (DGLCs)'*; updated January 2006. Guidance on the preparation of monitoring reports is provided within the EPA Guideline entitled *'Monitoring and Testing - Monitoring report requirements'*, dated 2006. Guidance on Independent Verification is contained within the EPA Guideline entitled *'Regulatory monitoring and testing: Independent verification requirements'* dated December 2006.
- h. Construction and site preparation work must be completed in accordance with the mandatory provisions of Part 6 Division 1 of the *Environment Protection (Noise) Policy 2007*.
- i. Construction activities must not occur on a Sunday or public holiday, or on any other day outside of the hours of 7:00 am to 7:00 pm (unless adequate justification can be supplied in accordance with Sub-clause 23(1)(b)).
- j. The applicant is reminded of EPA Guideline *Bunding and Spill Management* updated June 2007.

- k. 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>.
- l. The Coast Protection Board's policy requires that the development is capable, by reasonably practical means, of being protected or raised to withstand a further 0.7 metres of sea level rise to the year 2100.
- m. Portions of the above-ground transfer pipeline may be subject to flooding however the Coast Protection Board does not require the pipeline to be elevated to the Board's recommended minimum development levels. The pipeline's supports and foundations should be designed to resist flood damage (eg floating debris) and to resist buoyancy forces.
- n. Facilities at the wharf are set behind a sheetpile wall and rock seawall. Council should ensure these measures are adequate to prevent damage from erosion.
- o. The proponent and future lessees or landowners should provide, monitor, maintain and upgrade or modify all coastal protection measures necessary now and in the future.
- p. The waters adjacent to parts of the development fall within the area covered by the *Adelaide Dolphin Sanctuary Act 2005*. The first objective of the Act is to ensure the protection of the dolphin population from direct physical harm including changes in water quality. Contractors should also be made aware of the Act and that there is a duty of care with regards to it.
- q. The land over which the development is situated has the potential to develop acid sulfate conditions if exposed to oxygen. The Coast Protection Board has released a set of guidelines, which should be followed in areas where acid sulfate soils are likely to occur. The guidelines can be found online at: <http://www.environment.sa.gov.au/coasts/pdfs/no33.pdf>
- r. The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations.
- s. The applicant is advised that any works (stormwater connections, driveways, etc) undertaken on Council owned land will require the approval of Council's Technical Services Department, prior to any works being undertaken. Further information may be obtained from the Technical Services Department on telephone (08) 8405 6600.
- t. 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 you to comply with this legislation:

- (1) 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.
- (2) 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.
- (3) 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 you familiarise yourself with the terms of the Policy and ensure that all contractors engaged by you are aware of the obligations arising under it. For further information please contact the Environment Protection Authority on telephone 8204 2004.

- u. The applicant is reminded that any future signs, hoarding, advertising, bunting, or flags should be subject of a further application to Council under the Development Act, 1993.
- v. The development must be undertaken in accordance with the following staging requirements:

Stage 1

Commencement Stage 1 – January 2012

Completion of Stage 1 – January 2014

Stage 2

Commencement Stage 2 – July 2014

Completion Stage 2 – July 2017

You are advised that any act or work authorised or required by this Notification must be fully completed by July 2017.

If you are unable to meet these requirements (or the staging timeframes need to be varied or extended), application can be made to the Minister for Urban Development, Planning and Local Government and the City of Adelaide (DPLG).

- w. You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements.
- x. Pursuant to Section 49(14) of the *Development Act 1993* before any building work is undertaken, the building work is to be certified by a private certifier, or by some person determined by the Minister for the purposes of this provision, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the Regulations).
- y. A current list of Registered Private Certifiers in South Australia is available from the Planning SA web site (See: Register of Private Certifiers).

Building works may commence only when a Certificate of Compliance with Building Rules has been received from a Private Certifier, subject to any conditions imposed by DAC and the Certifier. At completion of the project

all certified documents should be retained by the responsible agency for the life of the asset.

For additional information relating to certification of government building projects, contact Stan Fuller, Building Surveyor, DAIS Building Management, (telephone 8226 5225) Level 8, Wakefield House, 30 Wakefield Street, Adelaide.

14. MAJOR DEVELOPMENTS

14.1 **Major Developments update** – Nil.

15. MATTERS DELEGATED BY THE GOVERNOR

16. COMMITTEES

16.1 **Building Fire Safety** – Nil.

16.2 **Building Rules Assessment**– Nil.

17. DELEGATIONS

17.1 Section 33 and Section 49 Decisions

RESOLVED that the Report be received and noted.

17.2. **Section 48 Major Development Decisions determined by the Presiding Member** – Nil.

18. DEVELOPMENT APPLICATION STATISTICS

18.1 Monthly Update

RESOLVED that the Report be received and noted.

19. PRINCIPAL PLANNER'S REPORT

19.1 A/Principal Planner's report

19.2 The proposed Service Level Agreement between Development Assessment Commission and the Department of Planning and Local Government 2011-2013 was discussed with Amanda Nicholls, Director – Corporate Services (DPLG).

20. ANY OTHER BUSINESS - Nil

21. **NEXT MEETING – TIME/DATE**

Thursday, 23 June 2011
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide

The Presiding Member thanked all in attendance and closed the meeting at 3:32pm

Confirmed / / 2011

.....
Betty Douflias
DEPUTY PRESIDING MEMBER

.....
Frank Carpentieri
A/SECRETARY