



Development Assessment Commission

**Minutes of the 441st Meeting of the
Development Assessment Commission
held on Thursday 12 May 2011 commencing at 1:20 PM
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide**

PRESENT

Presiding Member	Ted Byrt
Members	Geoffrey Loveday Megan Leydon Carolyn Wigg John Dagas (2:15 pm arrival)
A/DAC Secretary	Frank Carpentieri
A/Principal Planner	Simon Neldner
DPLG Staff	Yasmine Alliu (Items 9.2, 9.6) Gabrielle McMahon (Items 9.1, 9.5, 20.1, 20.2) Glenn Searle (Items 9.7, 11.1). Anna Provatas (9.8) Carol Smith (Items 9.5, 20.1, 20.2)

1. **APOLOGIES** – Members Betty Douflias, Damien Brown
2. **CONFIRMATION OF THE MINUTES**
 - 2.1. **RESOLVED** that the Minutes of the 440th meeting held on 28 April 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 **Spencer Gulf Ports Pty Ltd (endorsed by the Department for Transport, Energy and Infrastructure) - To construct a commercial bulk shipping facility - Commercial Policy Area 13 of the Commercial Zone and Policy**

Area 15: Pasminco Metals Policy Area of the Industry Zone within the Port Pirie Regional Council Development Plan (Consolidated 7 October 2010) & LNWCA (Coastal Waters) Development Plan (Consolidated 11 March 2010) – Port Pirie Council (354/V050/10)

Member Carolyn Wigg was not present for Item 3.2

On 28 April 2011, the Development Assessment Commission resolved to DEFER further consideration of the application by Spencer Gulf Ports Pty Ltd to construct a commercial bulk shipping facility at Port Pirie pending the provision of additional information and/or clarification of outstanding issues.

The following correspondence was received and tabled:

- Port Pirie Regional Council – Correspondence from Len Wilton (Manager - Technical Services) dated 9 May 2011
- WPG Resources – Correspondence from Larissa Brown (Company Secretary) – received 9 May 2011
- Department for Transport, Energy and Infrastructure (DTEI) – advice dated 6 May 2011
- Environment Protection Authority (EPA) – advice dated 5 May 2011

The Commission discussed the application.

RESOLVED

1. RESOLVE that the proposed development contained in Application No 354/V050/10 is NOT seriously at variance with the policies in the Development Plan and to advise the Minister for Urban Development and Planning 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. 354/V050/10 by Spencer Gulf Ports Pty Ltd for the construction of a commercial bulk shipping facility at Port Pirie 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 No 354/V050/10 including:
 - WPG Resources – Correspondence from Larissa Brown to the Development Assessment Commission, received 9 May 2011
 - SKM Pty Ltd – Response to submission from Department for Transport, Energy and Infrastructure, dated 20 April 2011
 - SKM Pty Ltd - Response to submission from Port Pirie Regional Council, dated 29 March 2011
 - SKM Pty Ltd - Summary of Changes Relevant to Referral Agencies, dated 24 March 2011
 - SKM Pty Ltd - Revised Engineering Description, dated 21 March 2011
 - SKM Pty Ltd – Development Application, submitted November 2010
2. That the following information shall be submitted for further assessment and approval by the Minister for Urban Development, Planning and the City of Adelaide prior to commencement of construction
 - (a) A revised stormwater management plan that outlines improved and sustainable methods in respect to the capture, storage and re-use of

stormwater – this includes confirmation of the volumetric capacity of on-site storage tanks and how surplus water will be treated and discharged from the site into Council's drainage system;

- (b) A final schedule of colours, materials and finishes that helps reduce the visual impact of the proposed storage building, elevated structures and associated infrastructure. The selection of colours and finishes for the storage shed and the aerial conveyor gallery cladding should be determined in consultation with the Council;
 - (c) Preparation of a traffic management plan – in consultation with the Port Pirie Regional Council and the Transport Services Division (DTEI) – that minimises the operational impact of the development on local traffic flows. The preparation of this plan must address and satisfactorily resolve the issues raised by the Port Pirie Regional Council in its correspondence to the Development Assessment Commission dated 9 May 2011.
3. That the operation of the mineral exporting facility shall be limited to the receipt, storage and transfer of 3.5 million tonnes of iron ore per annum. No other materials may be received, stored and/or transferred to or from the mineral exporting facility.
 4. That the maximum number of train movements to and from the site across Main Road/Ellen Street and Ellen/George Street level crossings shall be limited to 36 per week (with each movement comprising a 'rake' of not greater than 600 metres in length). Eighty-five percent (i.e. 30) of these movements shall be outside of peak traffic periods to ensure the efficient and safe operation of the local and arterial road network.
 5. That all Council or state agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths, utility services etc) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to council or state agency specifications. All costs associated with these works shall be met by the proponent.
 6. That there shall be no shunting of trains over the Ellen Street/George Street crossing between the hours of 6am and 8am.
 7. That the grade separation of road and rail traffic in the form of a rail overpass over Leahey Road shall be designed and constructed in accordance with the technical specifications and road traffic requirements outlined in the written correspondence of Larissa Brown (WPG Resources Ltd) to the Development Assessment Commission. All design, development, construction and maintenance costs shall be met by the proponent. The rail overpass shall be completed and open to vehicular traffic prior to the operation of the minerals export facility.
 8. That all car parks, driveways and vehicle manoeuvring areas shall conform to Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the Development Assessment Commission prior to the use of the development.
 9. That the applicant shall submit a detailed landscaping plan for approval by the Development Assessment Commission prior to the commencement of construction. The landscaping plan should include consideration of a 'green wall' for ore storage facility wall facing George Street. The landscaping shown on that approved plan shall be established prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

10. That no additional signs shall be displayed upon the subject land other than those mandated by law and identifying the parking area access points and those shown on the approved plans. If any further signs are required, these shall be the subject of a separate application.
11. That all external lighting of the site, including car parking areas and buildings, shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site.
12. That the new level crossing and any alteration to existing level crossings shall conform to AS 1742.7-2007. Upon completion of the new level crossing on ALCAM assessment shall be undertaken prior to its use. The applicant shall contact Mr Andrij Slobodian, Manager, Level Crossing Unit – DTEI on (08) 8343 2588 to arrange for this assessment. All costs shall be borne by the applicant.
13. That the upgrade of the Genesee & Wyoming (GW) Port Pirie railyards within to permit trains to enter the yard at 15km/h shall be completed prior to the operation of the minerals export facility.
14. All works and site activities must be undertaken in accordance with a detailed Construction Environmental Management Plan (CEMP) prepared and submitted to the satisfaction of the Development Assessment Commission and the Environment Protection Authority prior to the commencement of construction activities on site. The CEMP must include measures that at a minimum address:
 - i. A Soil Erosion Drainage Management Plan (SEDMP) developed in accordance with the EPA Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry and the Handbook for Pollution Avoidance on Commercial and Residential Building Sites (Second Edition), including (but not limited to):
 - 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 the stormwater system and/or watercourses
 - e. Progressive rehabilitation and stabilisation (including revegetation of disturbed areas);
 - f. Pre-treatment measures; and
 - g. Prevents pollutant and sediment inflow to the stormwater system and/or watercourses.
 - ii. An Air Quality Management Plan, including:
 - a. Minimising the area disturbed 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 dust and loss of load; and
 - c. Management of any odours from any organic or other sources.
 - iii. A Noise and Vibration Management Plan, including:
 - a. Controlling noise at source
 - b. Scheduling noisy activities between 7am and 10pm and in accordance with the general environmental duty as described in section 25 of the Environment Protection Act 1993;
 - c. Equipment maintenance and use of mufflers and silencers;
 - d. Use of noise barriers.
 - e. Identification and ranking of noise and vibration risks according to severity and likelihood

- f. Identification of mitigation measures to be adopted to prevent adverse impacts on sensitive receivers; and
- g. Revised ranking of noise and vibration risks following mitigation.

Note: Mitigation measures to minimise noise and vibration risks should include, at a minimum:

- Commencing any particularly noisy part of the activity (such as masonry sawing, pile driving or jack hammering) after 9.00 a.m.
 - Informing residents prior to commencement of particularly noisy activities
 - Using the quietest equipment economically available
 - Using temporary acoustic barriers
 - Locating particularly noisy equipment as far as practicable from the site boundary
 - Ensuring that noise reduction devices such as mufflers are fitted and operating effectively.
 - Ensuring that equipment is not operated if maintenance or repairs would eliminate or significantly reduce a characteristic of noise resulting from its operation that is audible at noise-affected premises
 - Shutting down or throttling down noisy equipment when not in use
 - Operating equipment and handling materials so as to minimise impact noise.
 - Using off-site or other alternative processes that eliminate or lessen resulting noise
 - Locating equipment likely to generate significant vibration as far as practicable from the site boundary
 - Adoption of alternative processes which are likely to generate the least vibration.
15. The Remediation Management Plan provided with the application must be updated to include the following and must be submitted to the satisfaction of the EPA prior to construction commencing. The development must be undertaken in strict accordance with the updated Remediation Management Plan including, but not limited to in relation to dewatering, the following:
 - i. Management of the dewatering flow rate to demonstrate that the estimated radius of influence (R_o) calculated from the aquifer test data will not exacerbate the existing on-site or adjacent site contamination. In this regard dewatering plans must contain a technical justification that is adequate to demonstrate the proposed scope of dewatering will not affect the contaminant plumes.
 - ii. Sampling frequency and triggers for contingency plans to demonstrate management of dewatering, including disposal options for the duration of the activities.
 16. The development herein approved must be designed and constructed in strict accordance with the Groundwater Monitoring and Management Plan (Revision 2) prepared by Sinclair Knight Mertz (SKM) and dated 24 December 2010, as provided with Development Application 354/V050/10.
 17. Following the implementation of the Remediation Action Plan, a definitive statement in the form of an environmental assessment report (report) must be provided to the satisfaction of the EPA that:
 - i. has been prepared by a site contamination consultant in accordance with Schedules A and B of the National Environment Protection (Assessment of Site Contamination) Measure 1999 and relevant guidelines issued by the EPA, available at www.epa.sa.gov.au; and

- ii. provides definitive statements that in regard to site contamination the site does not pose unacceptable risks to human health and the environment taking into account the proposed use(s). Statements by site contamination consultants in relation to site contamination must be clearly qualified as to the existence of site contamination at the site by specifying the land uses that were taken into account in forming that opinion as required by Section 103ZA of the Environment Protection Act 1993.
18. Marine monitoring must be undertaken within the Port Pirie shipping channel and the results submitted to the EPA as follows:
- i. A minimum of 12 months baseline monitoring of the marine environment using diffusion gradient thin film (DGT) devices to monitor soluble metal concentrations (specifically Cadmium, Iron, Manganese, Lead and Zinc). The baseline marine monitoring program results must be submitted to the EPA prior to operational commencement.
 - ii. A further two years of DGT monitoring must be undertaken to demonstrate whether the barge movements are causing environmental harm by remobilising sediment and increasing soluble metal concentrations (Note: The barge should only sail when the water level is at or greater than 1.30m above chart datum unless the skipper can show that there is at least 10% clearance (ie >0.7m) between the vessel and the seabed). The monitoring results must include the chart datum, shipping time and clearance information and be provided to the EPA within three months of each of the following:
 - a. 12 months after commencement of operation of the facility; and
 - b. 24 months after the commencement of operation of the facility.

Note: Please contact the EPA (Sam Gaylard, Senior Marine Scientist) to confirm details of monitoring requirements.

19. A detailed dust management plan for the haematite ore receipt, storage, reclamation and ship loading facility, must be prepared and submitted to the satisfaction of the EPA prior to the commencement of haematite ore loading and the facility must be designed, constructed and operated in accordance with this plan. This plan must include, but not be limited to, the following:
- i. An emergency contingency plan which addresses rapid management of any spillage of ore that could result in dust being generated.
 - ii. The haematite ore receipt, storage, reclamation and ship loading facility must be designed and constructed with a ventilation system as per the details provided with Development Application 354/V050/10 and to ensure that prevent the escape of any haematite dust generated by plant operation.
 - iii. confirmation that the haematite ore receipt, storage, reclamation and ship loading facility must incorporate appropriate designed ventilation system and collection systems that prevent the escape of any haematite dust generated by plant operation.
20. All noise mitigation measures must be installed during the construction phase as per 'Table 30 - Noise abatement measures to meet the 'Noise Policy' as detailed in the report entitled Port Pirie Ore Storage and Export Facility - Acoustic Assessment Report (Rev 3) prepared by SKM Consulting and dated 1 February 2011, comprising the 'Full Internal Acoustic Lining Scenario' considered in the report and must be completed prior to operation of the development, as follows:

- i. The ore storage facility facade construction must achieve overall transmission loss of 30dB(A) and a minimum of 18dB in the 125HZ octave band, to be achieved as follows:
 - a. The use of 'Colorbond' type steel outer skin of at least 3.9kg/m²
 - b. The installation of an inner lining of 9mm thick fibre cement sheeting of surface density at least 13.5kg per square metre to be fixed to the outside of the structural frame of the storage shed; and
 - c. The ship loader must be fully enclosed in 'Colorbond' cladding or equivalent to achieve a minimum transmission loss of 15dB(A).
21. To prevent escape of any spills and chemicals, bunding with a minimum net capacity of 120% of the net capacity of the largest storage container must be constructed prior to operation of the development herein approved. Note: For further details refer to the EPA Guideline 080/07 – Bunding and spill management June 2007, available at: http://www.epa.sa.gov.au/xstd_files/Waste/Guideline/guide_bunding.pdf
22. All stormwater discharged from the site must be treated by a system designed to ensure that the discharges comply with the Environment Protection (Water Quality) Policy 2003.
23. The oil water separator must be a class 1 separator with an emergency shut off valve and alarm and must be installed prior to operation of the facility herein approved.
24. All wash down water from the vehicle wash must be directed to the wastewater treatment system herein approved.
25. All dust suppression and conveyor wash down wastewater must be retained on site and directed to the collection and evaporation pond.
26. Prior to operation of the development herein approved, a wash bay must be constructed within or immediately attached to the bulk ore storage shed (so as to prevent "drag-out") to allow for decontamination of any mobile plant exiting the bulk ore storage shed.
27. Prior to operation of the development herein approved, all air cleaning equipment and ventilation systems must be fitted with sufficient instrumentation to allow effective operation and system diagnosis to ensure bag failure is quickly identified and managed.
28. Front end loaders operating within the facility must be CAT 992G or CAT 988 model FELs with a factory sound attenuation package installed to achieve a 2dB(A) noise reduction, or equivalent FELs with a manufacturer warranted Sound Power Level lower than the above models.
29. The applicant is advised that the wharf site is vulnerable to coastal flooding risk and accordingly, the applicant shall, in regard to the proposed development, accept all responsibility for costs, loss and damage, as a result of coastal flooding.
30. That any mechanical and electrical equipment and power outlets on the wharf site shall be made safe from coastal flooding and therefore be raised in accordance with the Coast Protection Board's recommended floor level of 3.60m AHD.
31. That a closure schedule for the each of the level crossings shall be provided to emergency service organisations (in advance of operational movements) to ensure the timely provision of information in the selection of alternative

routes. The provision of a closure schedule shall form part of the standard operating procedure for the development.

32. An independent* traffic management review of the development shall be commissioned and funded by the proponent no earlier than three months and not later than six months from the operational use of the minerals export facility. This review shall consider the adequacy of the traffic management plan [as referred to in Condition 2(c)] with specific reference to the following issues:
- (i) the actual periods of disruption caused by trains utilising the Warnertown Road, Ellen Street/Main Road/Mary-Elie Street, and Ellen Street/George Street level crossings;
 - (ii) the actual peak vehicular traffic periods at each of the identified level crossings;
 - (iii) the ability of GWA to move "rakes" consistently to the storage facility and the railyards within the identified time constraints; and
 - (iv) the requirement for additional signage or other warning devices to notify motorists of impending delays at level crossings.

**Note: The traffic engineer selected shall have no previous involvement (either directly or indirectly) with the proposal (i.e. either for the proponent or the Council).*

33. A copy of the independent traffic management review (undertaken in accordance with Condition 32) shall be provided to the Minister for Urban Development, Planning and the City of Adelaide; the Development Assessment Commission; the local Council and the Transport Services Division (DTEI) within seven (7) months of the operational commencement of the minerals export facility. Any recommendations of the independent traffic management review to further mitigate identifiable road or traffic issues shall be implemented by the proponent but only in relation to ensuring that the estimated level crossing closure times and traffic management impacts forecast by the applicant are met. The traffic management plan shall then be updated to reflect any changes.

Note: It is anticipated that this review will identify any negative or disruptive issues associated with the initial operation of the development, and if required, recommend strategies to further minimise impacts to the local road network – particularly if the estimated level crossing closure times stated in the revised application documentation have not been met.

Obligations pursuant to the Development Act 1993 & Development Regulations 2008:

- i. 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).
- ii. 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 and Planning.
- iii. 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 Minister for Urban Development and Planning.

- iv. You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements.

Advisory Notes:

- a. A current list of Registered Private Certifiers in South Australia is available from the Planning SA web site (See: Register of Private Certifiers).
- b. 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.
- c. 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.
- d. The applicant is reminded of their 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.
- e. To limit offshore anchor damage to the seafloor, if feasible, the installation of permanent moorings should be considered.
- f. It is indicated (SKM Report, pg 189) that a monitoring program compliant with EPA requirements will be developed in regard to iron ore dust deposition in the marine environment. This should also include phytoplankton estimates.
- g. Based upon current knowledge and information the development and development site is at some risk of coastal erosion and inundation due to extreme tides notwithstanding any recommendations or advice herein, or may be at future risk. Neither erosion nor the effect of sea level change on this can be predicted with certainty. Also, mean sea level may rise by more than the 0.3 metres assumed in assessing this application.
- h. Accordingly neither the Minister for Urban Development, Planning and the City of Adelaide nor any of its servants, agents or officers accept any responsibility for any loss of life and property that may occur as a result of such circumstances.
- i. In the event that access is required to the transmission line or lattice tower, all non-fixed or movable structures must immediately be removed from the easement. Access to this critical power infrastructure takes priority over any activities being undertaken by or planned to be undertaken by the proponent. ElectraNet will not be financially liable for any losses resulting in this circumstance.
- j. *Electricity (General) Regulations 1997*, Regulation 42 (b) requires that 'a person must not, without the written authority of the electricity infrastructure operator – impede access to any door, gate or entrance of a substation.
- k. 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.

- l. An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain any additional licensing requirements.
- m. Dedicated mobile plant equipment, such as front end loaders, trucks and back hoes should have be used to avoid cross-contamination and drag out.
- n. 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>
- o. Once complete, the Council managed levee bank system is expected to protect the storage facility site from coastal flooding, however, in the interim there may be a risk of coastal flooding if the site is developed prior to completion of the levee. The Coast Protection Board has formally advised of the potential interim flooding risk and that the proponent, and all subsequent owners, must accept all responsibility for any future loss.
- p. The Coast Protection Board has released a set of guidelines, which should be followed in areas where CASS is likely to occur. Spoil material should be closely monitored and tested for potential CASS and a contingency plan to remediate this action should be put in place. The guidelines can be found online at: <http://www.environment.sa.gov.au/coasts/pdfs/no33.pdf>

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 - Nil**

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

9. **SCHEDULE 10 APPLICATIONS**

9.1 **TIA Consulting Pty Ltd – Four level detached dwelling (including roof garden) – 8 Karatta Dock, Port Adelaide – Port Adelaide Centre Zone PA 27 – Port Adelaide Enfield Council (040/3204/10)**

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

Representor(s)

- Ian Winter
- Sally McKinnon

Applicant(s)

- Graham Burns (Masterplan)

City of Port Adelaide Enfield

- Andrew Cronin

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 040/3204/10 by TIA Consulting Pty Ltd to construct a four level dwelling (including roof garden) at 8 Karatta Dock, Port Adelaide, 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 number 040/3204/2010.
 - Plans by Tia Consulting
Job number 10-050 Drawings numbered PL1 through to PL8, dated October 2010 and received 2 May 2011
2. That the finished floor level(s) of the proposed building(s) or structure(s) shall be constructed a minimum 300mm above the top of the kerb.
3. That prior to Development Approval the applicant shall provide a stormwater management plan and design for the site to be approved by the Development Assessment Commission (in consultation with Council's Technical Services Department). Such a plan and design shall outline adequate methods for the capture, storage and re-use of stormwater on site and demonstrate engineered levels to mitigate flood risk.
4. That the balconies shall not be enclosed with any solid material or glazing, without the prior approval of the relevant planning authority.³
5. That all pipes, vents and/or other equipment servicing the building shall be adapted to blend with the building such that they are unobtrusive and/or shall otherwise be hidden from view, to the reasonable satisfaction of the Development Assessment Commission.
6. That external lighting shall be directed and shaded in such a manner so as not to cause light overspill nuisance to neighbours or distraction to drivers on adjacent public roads.
7. That minimum building site and finished floor levels of 3.30 and 3.55 metres, relative to Australian Height Datum (AHD), respectively, are required for compliance with the Board's coastal flooding risk standard.

Advisory Notes:

- a. 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.

- b. 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. There is a potential for coastal acid sulfate soils (CASS) at this site. Such soils have the potential to cause major habitat loss and degradation due to the release of acid and heavy metal ions into the environment. There is also a threat to development after construction due to deterioration and corrosion due to the disturbance of CASS. It is recommended that some testing of the ground on this site be undertaken. The Coast Protection Board has released a set of guidelines which should be followed in areas where acid sulfate soils are likely to occur, which can be found at: <http://www.environment.sa.gov.au/coasts/pdfs/no3>
- d. The waters nearby fall within the area covered by the Adelaide Dolphin Sanctuary Act 2005, which requires a general duty of care to protect the dolphin population from harm.
- e. 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.
- f. 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.
- g. You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements.

9.2 Michael Macpherson – Land division (1 into 13) - 12 additional allotments – 35 Williams Road, Gould Creek – Hills Face Zone – Playford Council (292/D055/10)

The Commission discussed the application.

RESOLVED

- 1. That the proposed development is SERIOUSLY AT VARIANCE with the policies in the Development Plan.
- 2. That pursuant to Section 39(4)(d) of the Development Act 1993 and Regulation 17(3)(a) of the Development Regulations 2008 the Development Assessment Commission REFUSE Development Application No. 292/D055/10 without proceeding to make an assessment for the following reasons:
 - a) The proposal is inconsistent with Council Wide Objectives relating to Orderly and Economic Development (OB1); Land Division (PDC466, PDC469, PDC 472); Rural Development (OB44, PDC205); and the Hills Face Zone (OB1, OB2, PDC1, PDC3, PDC 7, PDC 12, and PDC32) which seek to ensure that existing land is suitable for its intended use and that the natural rural character, visual and scenic amenity, habitat and low intensity agricultural land is protected and that the haphazard and premature division of land is prevented.

9.3 **WITHDRAWN** from agenda

9.4 **WITHDRAWN** from agenda

9.5 **Kyren Group – Variation to Planning Consent for 020/0018/10 (mixed use development – comprising car park, offices, residential accommodation**

and commercial uses) – 58-76 Franklin Street and 16-40 Young Street, Adelaide – CBA Zone, PA 15 – Adelaide City Council (020/0018/10 V2)

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

Applicant(s)

- Kon Corolis (Kyren Group)
- Rob Cheesman (Cheesman Architects)

Council

- Damien Dawson

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 GRANT Development Plan Consent to Development Application 020/0018/10 Variation 2 by Kyren Pty Ltd to vary the original Planning Consent for a mixed use development, comprising office, residential and carpark uses - in order to remove one building level for the residential and office components and increase floor to ceiling heights; for external and internal alterations (including encroachment over the footpath and increased canopy height) at 58-76 Franklin Street and 16-40 Young Street, Adelaide subject to the following reserve matters and conditions:

Reserved Matters

1. That prior to the granting of Development Approval of Stage 3 of the proposal, 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:
 - 1.1 Final selection of external materials, colours and finishes for the building to ensure a high level of quality. This should include details of the proposed glazing system to be used.
 - 1.2 Details on the Environmentally Sustainable Development (ESD) initiatives, including:
 - 1.2.1 The provision of an energy audit by an appropriately qualified professional demonstrating energy efficiency of the office component of the development of a minimum 5 Star NABERS rating or equivalent and a suitable level of energy efficiency within the base building and mechanical services within the retail component and a minimum of a 6 out of 10 NaTHERS energy efficiency rating for the residential component.
 - 1.2.2 Incorporation of a suitably sized stormwater retention and reuse system to reflect the significant potential for stormwater collection given the roof area proposed.

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 020/0018/10 Variation 2 (Council reference DA/322/10/B)

Plans by Cheesman Architects identified as follows:

Plan No. 10101: WD0401 Revision 7, dated 14/1/2011
Plan No. 10101: WD0402 Revision 10, dated 14/1/2011
Plan No. 10101: WD0403 Revision 5, dated 14/1/2011
Plan No. 10101: WD0404 Revision 5, dated 14/1/2011
Plan No. 10101: WD0405 Revision 5, dated 14/1/2011
Plan No. 10101: WD0406 Revision 5, dated 14/1/2011
Plan No. 10101: WD0408 Revision 5 dated 14/1/2011
Plan No. 10101: WD0409 Revision 5, dated 14/1/2011
Plan No. 10101: WD0410 Revision 5, dated 14/1/2011
Plan No. 10101: WD0202 Revision 0, dated 11/5/2011
Plan No. 10101: SD38 Revision -, dated 11/5/2011
SD26, Revision 11, dated 14/1/2011
SD27, Revision 11, dated 14/1/2011
SD28, Revision 7, dated 14/1/2011
SD29, Revision 7, dated 14/1/2011
SD31, Revision 7, dated 7/1/2011
SD37, Revision 8, dated 14/1/2011
SD38, Revision 7, dated 14/1/2011

Report by Cheesman Architects dated 6 December 2010

Letters by Kyren Pty Ltd to Adelaide City Council dated 7 March 2011 and 11 March 2011, email from Sam Case, dated 3 March 2011, and email from Con Corolis dated 11 May 2011.

2. That the approval for Development Application 020/0018/10 and conditions of consent /approval and any advisory notes are still relevant except where variation by this application and the following conditions of consent.
3. That the office component shall achieve and maintain a minimum 5 star NABERS rating.
4. That all external lighting of the site, shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no unreasonable nuisance or loss of amenity is caused to any person or driver beyond the site.
5. 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.
6. That the construction of the proposed canopy covering the area over the adjacent footpaths will require the installation and operation, during the hours of darkness, of lighting to illuminate the footpath.
7. That where stormwater disposal from the site is required, the following requirements shall be complied with:
 - 7.1 That the collection of stormwater to any part of Council's underground drainage system shall be in accordance with the Council's standard design requirements.
 - 7.2 The applicant shall ensure that storm water run off from the proposed canopies along the street frontages is contained within the canopy perimeter, collected and discharged to the building storm water system. All down pipes required to discharge the canopy storm water run off must be installed within the property boundary.

8. That during construction, all materials and goods shall be loaded and unloaded within the boundaries of the subject land.
9. That the development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
10. That all trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
11. That internal ground floor building levels shall match existing footpath levels adjacent to access points to the site, unless otherwise agreed by Council.
12. 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.
 - 12.1 resource recovery during demolition;
 - 12.2 waste minimisation and resource recovery during construction; and
 - 12.3 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.

13. That the existing building shall not be demolished before Development Approval is granted.

Advisory Notes

- a. The proposal will penetrate the Adelaide Airport Obstacle Limitation surface (OLS) by 24 metres and will need to be approved in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996. The application will be forwarded to the Civil Aviation Authority (CASA) and the Department of Infrastructure, Regional Development and Local Government for their assessment.
- b. If approved by the Department of Infrastructure, Regional Development and Local Government any associated lighting would need to conform to the airport lighting restrictions and be shielded from aircraft flight paths. Crane operations associated with construction, if approved, will also be subject to a separate application. The applicant should contact Brett Eaton, Airside Safety Manager from Adelaide Airport on 8308 9245, if requiring any additional information.
- c. The approval does not include any signage, which would need to be the subject of a separate application to the relevant planning authority.
- d. 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.
- e. 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>
- f. 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.

- g. 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
- h. Section 779 of the Local Government Act provides that where damage to Council footpath / kerbing / road pavement / verge occurs as a result of the development, the owner / applicant shall be responsible for the cost of Council repairing the damage.
- i. 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.
- j. For further clarification or additional information, the applicant may contact the Adelaide City Council Customer Service Centre on 8203 7203.
- k. 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.
- l. Site works shall be carried out in such a manner so as not to damage the existing street trees. The sewerage serving the development shall be laid out and designed in such a manner which ensures retention of the existing street trees notwithstanding the requirements of the Regulations under the Sewerage Act, 1929.
- m. 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.
- n. 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.
- o. The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
- p. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- q. 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.
- r. The applicant may contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).

9.6 **E Berta (Mattson & Martyn Surveyors) – Land Division (1 into 2) – One additional allotment - Lot 1, Seaview Road, Yatala Vale – Hills Face Zone – City of Tea Tree Gully (070/D014/11)**

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

Applicant(s)

- Eva Berta
- John Berta

The Commission discussed the application.

RESOLVED

1. That the proposed development is SERIOUSLY AT VARIANCE with the policies in the Development Plan.
2. That pursuant to Section 39(4)(d) of the *Development Act 1993* and Regulation 17(3)(a) of the *Development Regulations 2008*, The Development Assessment Commission REFUSE Development Application No. 070/D014/11 without proceeding to make an assessment for the following reasons:
 - a. The proposal is inconsistent with Council Wide Objectives relating to Orderly and Economic Development (OB1); Land Division (PDC48, PDC152) ; Rural Development (OB95); Bushfire Protection (OB25, PDC 112, PDC 113, PDC 115) and the Hills Face Zone (OB1, OB2, PDC1, PDC 12, and PDC28) which seek to ensure that existing land is suitable for its intended use and that the natural rural character, visual and scenic amenity, native habitat and low intensity agricultural land is protected and that the haphazard and premature division of land is prevented.

9.7 **M Schoeman – Retrospective application for a gangway and pontoon – Lot 28 Riverside Drive, Big Bend – River Murray Zone, Shack Settlement Policy Area & Flood Plain Policy Area – Mid Murray Council (711/0425/10)**

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

Applicant(s)

- Mr Anthony Kelly (Mellor Olsson)

Department for Water

- Mr Kent Truehl (Principal Planner)

Department for Transport Energy & Infrastructure

- Mr Phil Moffatt (Master Mariner)

The Commission discussed the application.

RESOLVED

1. That the Development Assessment Commission DEFER further consideration of the proposal for a period of two (2) weeks to allow the applicant to revise their current application.
2. The applicant be strongly advised to consult with relevant state agencies (i.e. Department of Water, Department for Transport, Energy and Infrastructure) to achieve a negotiated outcome that achieves compliance with Development Plan provisions and other legislative requirements for the construction of jetties and pontoons along the River Murray.

9.8 **R Bray – Land Division (7 into 7) – No additional allotments - Mt Barker Road, Aldgate – Public Purpose Zone – Adelaide Hills Council (473/C001/11)**

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

Applicant(s)

- Richard Bray
- Marcus Rolfe (URPS)

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 Development Application number 473/C001/11 by Richard Bray for a community division of land (7 into 7) comprising Pieces 9 & 11 and one Allotment comprising Pieces 2 and 8 in Community Plan 23887, Mount Barker Road, Aldgate 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 number 473/C001/11.
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. You are 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. You have a right of appeal against the conditions which have been imposed on this Development Plan Consent.
- d. 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.
- e. 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).
- f. The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. Any queries regarding the

clearance of native vegetation should be directed to the Native vegetation Council Secretariat on 8124 4744.

- g. The applicant is advised that the Land Management Agreement for the site will require updating to reflect new allotment changes.

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

11. **SECTION 35 APPLICATIONS**

11.1 **J & S Williams – Land Division - Pieces 14, 15 & 16, DP 70067, Hundred of Scott CT: 6018/973; Lot 17, DP 70067, Hundred of Scott CT: 5964/714, Lot 10, FP 36558, Hundred of Scott, CT 5477/729 – Coastal & Primary Industry Zone – Streaky Bay District Council (781/D005/08)**

The following correspondence was received and tabled:
District Council of Streaky Bay – Lachlan Miller (Chief Executive Officer) – dated 11 May 2011

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 Streaky Bay District Council's decision to grant Development Plan Consent and Land Division Consent to Development Application No. 781/D005/08 by Jeffery & Sara Williams for the division of land as it is seriously at variance with the following provisions of the Development Plan:

Council Wide – Objectives 18, and 87
Coastal Zone - Objective 1 and Principles of Development Control 4 & 5

12. **OTHER APPLICATIONS** – Nil.

13. **CROWN/INFRASTRUCTURE APPLICATIONS**

13.1 **Report on Minister's Decisions** - Nil.

14. **MAJOR DEVELOPMENTS**

14.1 **Major Developments update – April 2011**

RESOLVED that the Report be received and noted.

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 during the month of April 2011.**

RESOLVED that the Report be received and noted.

18. DEVELOPMENT APPLICATION STATISTICS

18.1 Monthly Update – April 2011

RESOLVED that the Report be received and noted.

19. PRINCIPAL PLANNER'S REPORT - Nil

20. ANY OTHER BUSINESS – APPLICANT BRIEFING

20.1 Tang Cheng – Demolition of existing building & 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, PA 28 – Adelaide City Council (020/0001/11)

20.2 Tang Cheng – Demolition of existing building & construction of a 15-level building for student accommodation above – 260 Pulteney Street, Adelaide – Mixed Use Zone, PA 22 – Adelaide City Council (020/0004/11)

The Presiding Member, Ted Byrt, and Members Carolyn Wigg, Megan Leydon and Geoffrey Loveday with the A/Principal Planner, Simon Neldner, and DPLG Staff Member Carol Smith attended a site visit of a demonstration unit at 314 Waymouth Street, Adelaide prior to the commencement of the DAC meeting. The proponent – Mr Xu – was present for the site visit. Commission members then returned to Conference Room 6.2 (136 North Terrace) for a formal briefing on each proposal.

Member John Dagas was not present for the site visit or briefing for these items.

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

Applicant(s)

- Michael O'Connell (Hames Sharley)
- Carlo Gnezda (Project Architect)
- George Vanco (Tang Cheng)

Others in attendance (did not speak)

- Vanessa Zheng (Tang Cheng)
- David Cooke (Hames Sharley)

The Commission discussed the application.

RESOLVED

1. That applicant's briefing be received and noted.

20.3 Mawson Lakes Corporation Pty Ltd - Mawson Lakes Town Centre Redevelopment – University Parade, Mawson Lakes (Stages 2-4) – MFP (Levels) Zone – City of Salisbury (361/0183/11)

The A/Principal Planner briefed the Commission on proposed amendments to plans for the development of the Mawson Lakes Town Centre (Stages 2-4).

RESOLVED

1. That the proposed amendments be received and noted.

2. That the City of Salisbury be advised that upon formal submission of any plan amendments the Council will be given an opportunity to provide formal

comment. DPLG staff will then undertake the formal assessment of the proposal and prepare a planning report for the Commission's consideration.

21. NEXT MEETING – TIME/DATE

Thursday, 26 May 2011
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide.

The Presiding Member thanked all in attendance and closed the meeting at 5.00 PM

Confirmed / /2011

.....
Ted Byrt
PRESIDING MEMBER

.....
Frank Carpentieri
A/DAC SECRETARY