



# *Development Assessment Commission*

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## **Minutes of the 564th Meeting of the Development Assessment Commission held on Thursday, 24 November 2016 commencing at 9.30 AM 28 Leigh Street, Adelaide**

### **1. OPENING**

#### **1.1. PRESENT**

Presiding Member	Simone Fogarty
Members	Helen Dyer (Deputy Presiding Member) Chris Branford David O'Loughlin Sue Crafter Peter Dungey Dennis Mutton John Hodgson (ACC)
Secretary	Cathryn Longdon
DPTI Staff	Tom Victory (Agenda Item 2.2.1) Nitsan Taylor (Agenda Item 2.2.2) Malcolm Govett (Agenda Item 2.2.3) Brett Miller (Agenda Item 2.2.3) Gabrielle McMahon (Agenda Item 3.2.1) Jason Bailey (Agenda Item 3.2.1 and 2.2.1)

#### **1.2. APOLOGIES – Nil.**

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### **2. DAC APPLICATIONS**

#### **2.1. DEFERRED APPLICATIONS - Nil**

## 2.2. NEW APPLICATIONS

### 2.2.1 Fishermen's Wharf Pty Ltd

040/W038/16

#### **Lot 202 North Parade, Lot 22 Nelson Street and Part Lot 106, McLaren Parade Port Adelaide**

City of Port Adelaide Enfield

Proposal: Demolition of building (Fishermen's Wharf Market building- Wharf Shed 1)

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

Applicants(s)

- Anthony Gatti
- Mr Ehmann

Agency

- Peter Wells – DEWNR (Heritage)

The Commission discussed the application.

#### **RESOLVED**

- 1) The proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) The Development Assessment Commission is satisfied that the proposal generally accords with the relevant Objectives and Principles of Development Control of the Port Adelaide Enfield (City) Development Plan.
- 3) To grant Development Plan Consent to the proposal by Fishermen's Wharf Pty Ltd for the demolition of the Fishermen's Wharf Market building – (Wharf Shed 1) at Lot 202 North Parade, Lot 22 Nelson Street and Part Lot 106, McLaren Parade Port Adelaide, subject to the following conditions of consent.

#### **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 following plans submitted in Development Application No 040/W038/16:

##### **Plans:**

<b>Drawing No.</b>	<b>Sheet Title</b>	<b>Revision</b>	<b>Date</b>
SK01	Intro, Fishermen's Wharf Market, Site Plan SK	-	July 2016
SK05	Intro, Fishermen's Wharf Market, Demolition Plan	-	July 2016

2. To avoid the site remaining in an undeveloped and unsightly condition for a long period of time, a Landscaping and Land Rehabilitation Plan shall be submitted to the satisfaction of the Development Assessment Commission within 10 months of the demolition of the Fishermen's Wharf building and implemented within 12 months of the demolition of the building. Landscaping for the site will not be required in the event that a replacement development (which is considered to be substantial by the

Commission) is approved and being undertaken on the site within 12 months of the demolition of the building.

3. A Demolition Environment Management Plan shall be prepared and implemented in accordance with current industry standards to minimise environmental harm and disturbance during the demolition process.

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 (Site development machinery should generally not be operated outside the hours of 7 AM to 6 PM daily).
- f. management of waste include resource recovery during demolition
- g. occupational health and safety, and
- h. the removal of all deleterious material from the land in a timely fashion.

A copy of this plan shall be provided to the satisfaction of the Development Assessment Commission prior to the commencement of demolition.

#### **ADVISORY NOTES**

- a. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- b. The authorisation will lapse if not commenced within 12 months of the date of this Notification.
- c. 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.
- d. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- e. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow.
- f. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).
- g. Demolition waste and excavated materials (including soil) shall be appropriately classified, managed and stored for on-site use or transported off-site for re-use and/or disposal in accordance with the Environment Protection Authority (EPA) Guideline: Standard for the production and use of Waste Derived Fill (October 2013).
- h. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department of Environment, Water and Natural Resources, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example (a) an application

to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.

- i. The following are requirements of the Heritage Places Act 1993.
  - a. 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.
  - b. 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 Department of Environment, Water and Natural Resources.
- j. The following are requirements of the Aboriginal Heritage Act 1988:
  - a. If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

#### 2.2.1 **Escapod Pty Ltd (for S and A Cross)**

145/L021/16

##### **165 Whitings Road, Blewitt Springs**

City of Onkaparinga

Proposal: Installation of two (2) new Tourist Accommodation units removal of Condition 3 attached to DA 145/2917/03

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

Applicants(s)

- Stuart Cross – Applicant
- Maddie Dobbin (URPS)
- Matt King (URPS)

The Commission discussed the application.

#### **RESOLVED**

- 1) The proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) The Development Assessment Commission is satisfied that the proposal generally meets the key objectives and principles of development control of the Onkaparinga (City) Development Plan.
- 3) To grant Development Plan Consent to the proposal by Escapod Pty Ltd for the installation of two (2) new tourist accommodation units at 165 Whitings Road Blewitt Springs and removal of Condition 3 attached to DA 145/2917/03, subject to the following conditions of consent:

#### **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 following plans submitted in Development Application No 145/L016/16.

Escapod Pty Ltd

Drawing Schedule & Locality Plan, Job No. 1601, Dwg No. DA00, 20/06/16  
Siting Plan, Job No. 1601, Dwg No. DA01, 20/06/16  
Typical Floor Plan, Job No. 1601, Dwg No. DA21, 20/06/16  
Typical Roof Plan, Job No. 1601, Dwg No. DA22, 20/06/16  
Elevations Sheet 1, Job No. 1601, Dwg No. DA31, 20/06/16  
Elevations Sheet 1, Job No. 1601, Dwg No. DA32, 20/06/16  
External Perspective 3D Images #01-15

#### URPS

Planning Report, Ref. 2015-0147, dated 21 June 2016

2. The buildings herein approved shall only be used for the purposes of tourist accommodation. Any alternative land use will require a new development application.
3. The applicant shall submit to the Development Assessment Commission a detailed landscaping plan that includes landscaping along the southern boundary, prior to the commencement of site works. The landscaping shown on that 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.
4. All external finishes shall have surfaces which are of a low light reflective nature and of dark natural colours that complement the surrounding natural landscape.
5. During construction and at all times thereafter, stormwater generated from the development shall be diverted away from all buildings, shall not pond against or near the footings and shall not be discharged or flow onto adjoining land. Where drainage is directed to the street water table, this shall be by way of a council approved stormwater drainage system.
6. All wastewater from the premises must be discharged to a waste control system that complies with the provisions of the South Australian Public Health Act 2011.

#### CFS Directed Conditions

##### ACCESS (to dwelling)

7. The Code Part 2.3.3.1 describes the mandatory provision for 'Private' roads and driveways to buildings, where the furthest point to the building from the nearest public road is more than 30 metres, shall provide safe and convenient access/egress for large Bushfire fighting vehicles.
  - The existing access shall be extended to the proposed dwellings to enable fire-fighting vehicles to enter and exit the site in a forward direction, as per the Code.

##### WATER SUPPLY (for fire-fighting)

8. The Code Part 2.3.4.1 mandates a dedicated and accessible water supply to be made available at all times for fire-fighting.
  - The CFS notes that the existing fire-fighting water supply is satisfactory.

#### VEGETATION

9. The Code Part 2.3.5 requires landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.
- Additional trees and shrubs shall not be planted closer to the dwelling than the distance equivalent to their mature height.
  - Grasses within 20 metres of the dwelling or to the property boundaries, whichever comes first, shall be reduced to a height of 10cms during fire danger season.

#### BUILDING CONSIDERATIONS

10. Refer to the Building Code of Australia Part 3.7 "FIRE SAFETY" for construction requirements and performance provisions.

#### BUSHFIRE SURVIVAL PLAN

11. CFS further recommends:
- The applicants shall prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season.
  - This BSP should give clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event and when to take such protective actions.
  - The BSP should address the possibility that the owners may not be present at the time of the bushfire event.
  - The BSP should address the possibility that 'last minute' evacuation may not be a safe option.
  - The BSP should not expect guests to be involved in fire-fighting operations.
  - The SA CFS 'Prepare, Act, Survive' document (refer CFS website) should be utilised as a basis for the drafting of the (GUEST) BSP.

#### ADVISORY NOTES

- a. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- b. The authorisation will lapse if not commenced within 12 months of the date of this Notification.
- c. 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.
- d. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- e. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow.

- f. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).
- g. A waste control application must be lodged with Onkaparinga Council's Community Health Team and approved prior to the commencement of any building work. The owner/applicant must sign the application form and provide a contour site plan drawn to a scale of 1:200, with details of all drains shown including the method of disposal of the wastewater. The approved waste control system must be installed and constructed in accordance with the provisions of the South Australian Public Health Act 2011 & AS/NZS 3500, prior to habitation/occupation.
- h. Pursuant to the South Australian Public Health Act 2011, no building work, structures, paving, parking of vehicles or driving over an approved waste water disposal area (including set back distances), is permitted.

### 2.2.3 **C C Cooper & Co**

571/D014/14

#### **1719 Narrung Road, Meningie West**

The Coorong District Council

Proposal: Land division by boundary realignment – 3 into 3

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

Applicants(s)

- Trevor White

The Commission discussed the application.

#### **RESOLVED**

- 1) The proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) The Development Assessment Commission is satisfied that the proposal generally meets the key objectives and principles of The Coorong District Council's Development Plan.
- 3) To grant Development Plan Consent and Land Division Consent to Development Application 571/D014/14 by C C Cooper and Company for land division by boundary realignment (3 into 3) at 1719 Narrung Road, Meningie West subject to the conditions of consent listed below.
- 4) To seek the concurrence of The Coorong District Council and the Minister for Planning to the decision to grant Development Plan Consent.

#### **PLANNING CONDITIONS**

1. 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 following plans submitted in Development Application No 571/D014/14.

Kevin Burgess & Associates

Plan of Division, Sheets 1 to 2 V01, Reference: C130/13-1, Dated: 28 March 2014

**Condition directed to be applied by the Minister responsible for administering the River Murray Act 2003:**

2. During any works or construction activities associated with the land division, the subject land must be managed to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.

**LAND DIVISION REQUIREMENTS**

1. A final plan complying with the requirements for plans asset out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.
2. The financial requirements of SA Water shall be met for the provision of water supply.
3. The necessary easements shall be vested in SA Water.
4. All internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipe-work relating to each allotment is contained within its boundaries.

**ADVISORY NOTES**

- a. The development must be substantially commenced or application for certificate made within 12 months of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- b. The authorisation will lapse if not commenced within 12 months of the date of this Notification.
- c. The applicant is also advised that the final land division certificate must be obtained from the Development Assessment Commission to complete the development within 3 years of the date of the Notification unless this period is extended by the Commission.

**3. ADJOURN TO INNER METROPOLITAN DEVELOPMENT ASSESSMENT COMMITTEE**

**3.1. DEFERRED APPLICATIONS - Nil**

**3.2. NEW APPLICATIONS**

**3.2.1 Department of Education and Child Development (DECD) c/- Cox Architecture**

020/L046/16

**Frome Road, Adelaide**

City of Adelaide

Proposal: construction of a new Adelaide High School including the redevelopment of the Reid Building

David O'Loughlin declared a conflict of interest and was not present for this item.

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



#### Applicants(s)

- Adam Hannon
- Brenton Burman
- Deb O’Riely
- Nathan Hawkes

#### Council

- Rebecca Rutschack
- Shanti Ditter
- David Bland

The Commission discussed the application.

#### **RESOLVED**

It is recommended that the Development Assessment Commission:

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. The Development Assessment Commission is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Adelaide (City) Development Plan.
3. To grant Development Plan Consent to the proposal by the Department of Education and Child Development for Development Application 020/L046/16 for the construction of a new High School at Frome Road, Adelaide subject to the following reserved matters and conditions of consent.

#### **RESERVED ASSESSMENT**

Pursuant to Section 33(3) of the *Development Act 1993* the following matters shall be reserved for further assessment. This does not preclude Development Approval being granted in stages – and the satisfaction of these reserve matters may not be required prior to other unrelated works commencing.

#### Materials Selection

1. Pursuant to Section 33(3) of the Development Act 1993, in consultation with the Government Architect, final details of the external materials shall be provided to the satisfaction of the Development Assessment Commission, including the provision of a detailed materials schedule and samples board. Final selections shall be approved prior to Development approval being granted for the construction of the superstructure.
2. Pursuant to Section 33(3) of the Development Act 1993, final details of the screening element for the infrastructure enclosure and for the infrastructure within it to be located near Frome Road frontage, shall be provided to the satisfaction of the Development Assessment Commission prior to Development approval being granted for the construction of the superstructure.

#### Traffic Movements and Waste Collection

3. Pursuant to Section 33(3) of the Development Act 1993, a final Waste Management Plan (WMP) shall be prepared, in consultation with the Adelaide City Council and to the satisfaction of the Development Assessment Commission, prior to the Development Approval being granted for the for the construction of the superstructure. This WMP shall detail the proposed waste management practices and collection methods to be

adopted for the development, to provide safe and convenient access to minimise conflict between vehicles, pedestrians and cyclists.

## 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 following plans submitted in Development Application No 020/L046/16:

Plans by Cox Architecture

Plan Number and description	Date and Revision
DAC-01(1) - LOCALITY PLAN	Dated 30 August 2016, revision 1
DAC-02(1) - MASTERPLAN	Dated 30 August 2016, revision 1
DAC-03(1) - EXISTING CONDITIONS PLAN	Dated 30 August 2016, revision 1
DAC-04(1) - SITE PLAN	Dated 30 August 2016, revision 1
DAC-05(1) - STREETScape ELEVATION	Dated 30 August 2016, revision 1
DAC-06(1) - BASEMENT GA PLAN	Dated 30 August 2016, revision 1
DAC-07(1) - GROUND LEVEL GA PLAN	Dated 30 August 2016, revision 1
DAC-08(1) - LEVEL 1 GA PLAN	Dated 30 August 2016, revision 1
DAC-09(1) - LEVEL 2 GA PLAN	Dated 30 August 2016, revision 1
DAC-10(1) - LEVEL 3 GA PLAN	Dated 30 August 2016, revision 1
DAC-11(1) - LEVEL 4 GA PLAN	Dated 30 August 2016, revision 1
DAC-12(1) - LEVEL 5 GA PLAN	Dated 30 August 2016, revision 1
DAC-13(1) - LEVEL 6 GA PLAN	Dated 30 August 2016, revision 1
DAC-14(1) - LEVEL 7 GA PLAN	Dated 30 August 2016, revision 1
DAC-15(1) - ELEVATIONS	Dated 30 August 2016, revision 1
DAC-16(1) - ELEVATIONS	Dated 30 August 2016, revision 1
DAC-17(1) - SECTIONS	Dated 30 August 2016, revision 1
DAC-18(1) - SECTIONS	Dated 30 August 2016, revision 1
DAC-19(1) - PERSPECTIVES	Dated 30 August 2016, revision 1
DAC-20(1) - PERSPECTIVES	Dated 30 August 2016, revision 1
DAC-21(1) - PERSPECTIVES	Dated 30 August 2016, revision 1
DAC-22(1) - SHADOW DIAGRAMS	Dated 30 August 2016, revision 1
DAC-23(1) - SHADOW DIAGRAMS	Dated 30 August 2016, revision 1
DAC-24(1) - LANDSCAPE PLAN GROUND LEVEL	Dated 30 August 2016, revision 1
DAC-25(1) - LANDSCAPE PLAN LEVEL 2	Dated 30 August 2016, revision 1
DAC-26(1) - LANDSCAPE PLAN LEVEL 6	Dated 30 August 2016, revision 1

### Reports and correspondence

- Planning report by Aecom, dated 26 August 2016
- Traffic, Parking and Pedestrian Impact Statement by Aecom, dated 26 August 2016
- Statement of Energy Efficiency by Aecom dated 25 August 2016
- Stormwater Management Plan by W & G, dated 19 April 2016
- Wind Impact Statement by MEL Consultants (D58/16), dated 2016
- Acoustic Report - Noise Impact Statement by Aecom dated 22 August 2016
- Site contamination Assessment by Golder associates dated 27 June 2016
- Arborist report by Arborman Tree Solutions , dated 30 May 2016

### Information received after lodgement

- Correspondence from Aecom dated 4 November 2016
- Waste Management Plan by Rawtec, dated November 2016 and subsequent information (email, memorandum and Turing Paths) received 15 November 2016)

### Site Contamination

2. A Remediation Management Plan (RMP) shall be prepared and an Earthworks Completion Report written by a suitably qualified

environmental consultant, demonstrating that the requirements of the RMP have been met, shall be provided to the Development Assessment Commission, prior to Development Approval for any earthworks on site.

3. A post Remediation Management Plan shall be undertaken that identifies any residual contamination left on the site (i.e location, depth and width) to alert future users so they are made aware of the potential for a limitation on activities that may occur on the land. A copy of this report shall be provided to the Development Assessment Commission and the Adelaide City Council and if contamination exists there shall be a notation made on the Certificate of Title.

#### Car parking and access

4. All vehicle car parks, driveways and vehicle entry and maneuvering areas shall be designed and constructed in accordance with the relevant 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 occupation or use of the development.
5. All traffic movements associated with the development, including the movement of waste and delivery vehicles shall be operated in a safe and convenient manner, minimising conflict between vehicles, pedestrians and cyclists.

#### Waste

6. Details of an Organic Waste Management strategy shall be prepared, in consultation with the Adelaide City Council and to the satisfaction of the Development Assessment Commission prior to the granting of Development approval for the superstructure. The strategy shall include identification of the method of collection from the site and associated vehicle movements.
7. The final details of the proposed waste management practices to be adopted by the applicant or the person(s) having the benefit of this consent during the construction of the Development, shall be consistent with the approved plans and submitted to Adelaide City Council. Such details shall include a Waste Management Plan which shall cover the three phases of the Development, namely:
  - a. resource recovery during demolition
  - b. waste minimisation and resource recovery during construction; and
  - c. resource recovery during occupation or use of the Development including proposed methods of recycling of all recyclable materials

#### Bicycle parking

8. All bicycle parks shall be designed and constructed in accordance with the relevant Australian Standards. Those located in the Plaza shall be well lit during the hours of darkness.

#### Landscaping

9. The applicant shall submit a final detailed landscaping plan outlining the species selection, to ensure congruence with the adjacent Park Land setting, and be prepared in consultation with the Adelaide City Council and to the satisfaction of the Development Assessment Commission prior to the commencement of superstructure works.

10. The landscaping scheme shown on the final Landscaping Plan shall be established prior to occupation of the development and shall be nurtured and maintained, with any dead or dying plants to be replaced.

#### Lighting

11. Lighting of the site, including car parking areas and buildings, shall be designed, located, shielded and constructed to conform to Australian Standards. Such lighting shall be operational during the hours of darkness to the reasonable satisfaction of the Development Assessment Commission.

#### Wind

12. The applicant shall review the wind impacts to the Level 2 Terrace within one year of occupation of the development, to ensure the wind conditions are satisfactorily mitigated to achieve a generally comfortable environment for short term exposure activities, to the satisfaction of the Development Assessment Commission.

#### Acoustic

13. The acoustic attenuation measures recommended in the Aecom Noise Impact Assessment report dated 22 August 2016, forming part of this consent shall be fully incorporated into the building rules documentation to the satisfaction of the Development Assessment Commission.
14. 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:
  - 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.

#### Stormwater

15. All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road.
16. An appropriate *Soil Erosion and Drainage Management Plan* (SEDMP) (as described in the "Stormwater Pollution Control, General Code of Practice for Local, State and Federal Government") shall be prepared and implemented which includes a range of strategies to collect, treat, store and dispose of stormwater during construction and from the final form of the development (i.e. from roofs, driveways, parking areas, lawns, etc) while minimising disposal into the environment.

EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following website:  
<http://www.epa.sa.gov.au>.

## Environmental

17. A Construction Environment Management Plan (CEMP) shall be prepared and implemented in accordance with current industry standards – including the EPA publications “Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition” and “Environmental Management of On-site Remediation” – to minimise environmental harm and disturbance during construction.

The CEMP 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. Aboriginal burial sites

For further information relating to what Site Contamination is, refer to the EPA Guideline: 'Site Contamination – what is site contamination?'. A copy of the CEMP shall be provided to the Development Assessment Commission prior to the commencement of site works.

## Conditions – General

18. Details of any air conditioning or air extraction plant or ducting to be placed on the exterior of the building, in association with this development shall be submitted to and approved by the Development Assessment Commission.
19. Air conditioning or air extraction plant or ducting shall be screened such that no nuisance or loss of amenity is caused to users of properties in the locality to the reasonable satisfaction of the Development Assessment Commission.
20. A copy of the 5-star Green Star rating report (designed and as built) shall be provided to the Development Assessment Commission.

## **ADVISORY NOTES**

### Heritage

- a. The following advice is provided in accordance with the requirements of the *Heritage Places Act 1993*. The proponent is advised that:
  - i) 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.
  - ii) 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 Department of Environment, Water and Natural Resources.

- b. The following advice is provided in accordance with the requirements of the *Aboriginal Heritage Act 1988*. The proponent is advised that:

If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage team within the Department of State Development – Aboriginal Affairs and Reconciliation (as Delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Section 23 of the *Aboriginal Heritage Act 1988* (AHA) enables a land – use proponent to seek an authorisation from the Minister for Aboriginal Affairs and Reconciliation (the Minister) where any ground disturbing activity is likely to result in damage, disturbance or interference to an Aboriginal site, object or remains. Without authorisation from the Minister it is an offence to damage, disturb or interfere with Aboriginal sites, objects or remains.

The Kaurna people have asserted that the whole of the River Torrens ad large parts of the Adelaide parklands is a site of cultural significance based on Aboriginal tradition and association. As a general observation, by virtue of past occupation and use by Aboriginal people, all areas within a 200m radius of traditional water courses are of elevated risk of discovery of Aboriginal sites, objects or remains.

#### Environmental

- c. 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.
- d. 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
- e. If, in carrying out the activity, contamination is identified which poses actual or potential harm to the health or safety of human beings or the environment or potential harm to the health or safety of human beings or the environment that is not trivial (taking land use into account), the applicant may need to remediated the site in accordance with EPA guidelines.
- f. If, at any stage, contamination is identified which poses actual or potential harm to water that is not trivial, a notification of contamination which affects or threatens groundwater (pursuant to Section 83A of the Environment Protection Act 1993) must be submitted to the EPA.
- g. 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 licensing requirements.

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.

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 with compliance with this legislation:

- i. 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.
- ii. 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.
- iii. 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 the applicant familiarise themselves with the terms of the Policy and ensure that all contractors engaged by the applicant are aware of the obligations arising under it. For further information the applicant may contact the Environment Protection Authority on telephone (08) 8204 2004.

EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following website: <http://www.epa.sa.gov.au>.

#### Contaminated Waste

- h. Demolition waste and excavated materials (including soil) shall be appropriately classified, managed and stored for on-site use or transported off-site for re-use and/or disposal in accordance with the Environment Protection Authority (EPA) Guideline: Standard for the production and use of Waste Derived Fill (October 2013).

#### Signs

- i. No additional signs shall be displayed upon the subject land other than those 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.

#### Adelaide City Council (assets and infrastructure)

- j. The applicant should consult with Council regarding the design and construction of the pedestrian plaza area which encroaches into the public realm on Frome Road, as well as the establishment of drop off / pick up arrangements. The design should be cognisant of the future footpath and cycling bikeway plans for the area.
- k. The applicant is notified that all Council requirements are required to be met if temporary hoarding or site works require modification to existing

Council and/or SA Power Network's public lighting (including associated infrastructure such as cabling etc.). The works shall be carried out to meet Council's requirements and all costs borne directly by the developer.

- l. The applicant is notified that all modifications requiring temporary removal/ 'relocation/ 'provision of temporary lighting/ 'reinstatement of existing Council and/or SA Power Network's public lighting (including associated infrastructure such as cabling etc.) meeting Council's requirements. The works shall be carried out to meet Council's requirements and all costs borne directly by the developer.
- m. The applicant is notified that all damage to ACC's infrastructure, including damage to public lighting and underground duelling etc. caused by projects works or loading of site crane onto pathways being repaired to meet Council's requirements and at the cost of the developer.
- n. The applicant is notified that Council requires it be provided with relevant lighting calculation grid detailing for property boundary lines relating to the Control of the obtrusive effects of outdoor lighting.

#### General

- o. The development must be substantially commenced within 2 years of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- p. 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.
- q. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- r. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow.
- s. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide (telephone number 8204 0289).

#### **4. PORT ADELAIDE DEVELOPMENT ASSESSMENT COMMITTEE**

4.1. **DEFERRED APPLICATIONS** – Nil

4.2. **NEW APPLICATIONS** – Nil

#### **5. MAJOR DEVELOPMENTS**

5.1. **DEFERRED APPLICATIONS** – Nil

5.2. **NEW APPLICATIONS** - Nil

#### **6. REPORTING**

6.1. **DAC** - Nil

6.2. **IMDAC** - Nil



6.3. **PADAC** - Nil

6.4. **BRAC** - Nil

**7. ANY OTHER BUSINESS**

**8. NEXT MEETING – TIME/DATE**

8.1. Thursday, 8 December 2016 in Leigh Street, Adelaide SA

**9. CONFIRMATION OF THE MINUTES OF THE MEETING**

9.1. **RESOLVED** that the Minutes of this meeting held today be confirmed.

**10. MEETING CLOSE**

The Presiding Member thanked all in attendance and closed the meeting at 1.55 PM

Confirmed                      24/11/2016

A handwritten signature in black ink, appearing to read 'Simone Fogarty', written in a cursive style.

.....  
SIMONE FOGARTY  
PRESIDING MEMBER