



# *Development Assessment Commission*

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**Minutes of the 481st Meeting of the  
Development Assessment Commission  
held on Thursday, 23 May 2013 commencing at 1.00 PM  
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide**

## **1. OPENING**

### **1.1. PRESENT**

Presiding Member	Ted Byrt
Deputy Presiding Member	Megan Leydon
Members	Geoffrey Loveday Carolyn Wigg Simone Fogarty
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	Simon Neldner (Agenda Item 2.1) Nitsan Taylor (Agenda Item 3.1)

### **1.2. APOLOGIES** – Damien Brown, Andrew Ford.

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## **2. DEFERRED APPLICATIONS**

### **2.1. Wattle Range Council**

010/U088/11

**Section 343 in the Hundred of Rivoli Bay, Beach Road, Beachport  
being Certificate of Title: 5656/595 and adjacent coastal waters**  
Out of Council (Coastal Open Space Zone)

Megan Leydon declared a conflict of interest and left the meeting.

The Commission discussed the application.

## RESOLVED

1. RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. RESOLVE to grant Development Plan Consent to the proposal by Wattle Range Council for the construction of a rock wall/sea wall extension on an existing rock wall/seawall and shore connected rock nib on coastal land adjacent to Section 343, Hundred of Rivoli Bay, Beach Road, Beachport being Crown Record: Volume 5656 Folio 595 and adjacent coastal waters subject to the following conditions.

### Development Plan Consent Conditions:

1. That except where minor amendments may be required by other relevant Acts, or by reserve matters or 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 010/U088/11 including:

#### Plans by Magryn & Associates Pty Ltd, Project: Breakwater Extension

Drawing Number	Revision	Date
10078 - 1	L	14.5.13
10078 - 2	L	14.5.13

#### Reports / Correspondence:

- Magryn & Associates Pty Ltd response to the Coast Protection Board, dated 13 November 2012;
  - Magryn & Associates Pty Ltd response to the Coast Protection Board, titled Comments on Sand Management Program, dated October 2012;
  - Magryn & Associates Pty Ltd response to the Coast Protection Board, titled Comments on Design of Breakwater extension, dated 19 October 2012;
  - Magryn & Associates Pty Ltd response to the Environment Protection Authority, titled Notes on Dredging and Groyne Works, dated September 2012;
  - Construction Environmental Management Plan prepared by Magryn & Associates Pty Ltd, dated September 2012;
  - The further information and response to the representations prepared by Masterplan, dated 14 August 2012;
  - The response to the representations prepared by Masterplan, dated 2 April 2013;
  - Magryn & Associates Pty Ltd document titled Design Notes for Groyne 6 Extension, dated 6 June 2012;
  - Magryn & Associates Pty Ltd document titled Sand Management Report, dated July 2012;
  - Magryn & Associates Pty Ltd document titled Structure Assessment Report, dated June 2012;
  - Magryn & Associates Pty Ltd response to the Environment Protection Authority, titled Notes on Dredging and Groyne Works, dated September 2012; and
  - The letter from the Wattle Range Council, dated 22 November 2011.
  - Email from Peter Harriott (Wattle Range Council) dated 17 May 2013.
2. The Council shall prepare and implement a protocol to manage the public and community impacts of its boat ramp maintenance and sand management program. The protocol shall include (but not be limited to) the following requirements:

- that written notification of adjacent occupiers and/or residents and businesses must occur five (5) business days prior to any scheduled maintenance or sand management works being undertaken;
- that machinery and equipment involved in the sand management program must not be operated before 7.30am on any weekday and not on weekends or public holidays. All works must conclude at 6pm on any given day;
- that all *temporary* works areas and sand stockpiles within or adjacent to the boat ramp / beaches / coastal reserve must be appropriately managed to ensure that public access is restricted (i.e. temporary fencing, signposting etc) and that sand stockpiles are made safe at all times when placed within the beach area;
- that all contractors and council employees (including the Marine Facilities Advisory Committee) shall be made aware of the protocol and works limitations.

A copy of this protocol shall be provided to the Development Assessment Commission prior to the granting of Building Rules consent.

*Note: In some circumstances – such as following storm events – boat ramp and sand management works may be required without formal notification to ensure boat ramp access is maintained for search and rescue craft and/or commercial fisherman; however the Council must still ensure that these works are conducted in a manner to ensure that public safety is maintained at all times.*

### **Conditions Directed by the Coast Protection Board**

3. The proposed breakwater and associated rock nib are built in accordance with the plans and design drawings by Magryn and Associates Pty Ltd: Breakwater Extension, Boat Ramp Facility Beachport SA, drawing 10078 (Sheets 1 +2) Revision L.
4. Council is entirely responsible for the maintenance and future upgrade of the boat ramp, breakwater and associated structures.
5. Council will implement at its cost the sand management program detailed in Magryn and Associates Pty Ltd reports "Comments on sand management program beaches 4 to 7 (Boat Launching Facility) Beachport, SA, dated October 2012 and "Comments on Design of Breakwater Extension – Groyne 6 and Sand Management Program," dated 13 November 2012. Council will ensure that the beaches north of the facility will not be starved of sand through lack of appropriate bypassing.

### **Conditions Directed by the Environment Protection Authority**

6. All works and site activities must be undertaken in accordance with a Construction Environmental Management Plan (CEMP) prepared to the satisfaction of the Development Assessment Commission prior to the commencement of construction activities. The CEMP must include reference to: water quality testing to be conducted before, during and after the construction; testing of sediments on the inshore side of the groyne according to the national Ocean Disposal Guidelines for Dredged Materials; and appropriate actions to be taken in light of test results.
7. Stormwater runoff from the stock piles of material must be managed on site to prevent run off into the marine environment.
8. All rocks to be used in the construction of the groyne and nib extension which are sourced from agricultural paddocks must be washed prior to being brought on site to remove attached soils and sediment as well as

any potential accumulated agricultural fertilisers, pesticides and herbicides residue.

9. A sediment curtain must be used around the groyne and nib extension whilst dredging and during construction of the extension.

**Conditions requested by the Transport Services Division of the Department of Planning, Transport and Infrastructure**

10. Prior to the commencement of construction the applicant shall enter into a lease for the breakwater area under terms and conditions acceptable to the Minister for Transport.
11. Navigation aids shall be installed and/or relocated to ensure all relevant marine standards and codes are met. The installation of new and maintenance of the navigation aids will be the responsibility of the applicant.
12. The breakwater extension shall be published in the Notices to Mariners. All costs associated with this shall be borne by the applicant.

**Advisory Notes:**

1. Development Approval will not be granted until Building Rules Consent and/or an Encroachment Consent have been obtained. A separate application must be submitted for such consents. No building work or change of classification is permitted until the Development Approval has been obtained.
2. 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.
3. 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.
4. You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements.
5. You have a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval. Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day on which you receive this notice or such longer time as the Court may allow. Please contact the Court if you wish to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).

**Advisory Notes requested by the Coast Protection Board**

6. The geotextile bag breakwater will not be repaired or maintained by DEWNR of the Coast Protection Board. Any proposal to do so by others will require the Board's permission, as owner of the structure, prior to any works taking place.
7. The proposed breakwater design suggests that a further upgrade will be required in the future to protect against increased exposure to wave energy that results from loss of protection from the degrading geotextile breakwater and seagrass sand bank. That upgrade will require further development approval.

8. The Board will not fund repair works to the foreshore north of the boat ramp that are the consequence of a lack of sand management around the breakwaters and boat ramp.

**Advisory Notes requested by the Environment Protection Authority**

9. 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.
10. The use of the washing waters and processing of the material for the armour material should meet the various requirements and the provisions of the Environment Protection (Water Quality) Policy 2003.
11. The applicant is reminded that due care should be taken to prevent or minimise adverse impacts and to appropriately manage storm water runoff during construction and for the long term. Guidance can be found in the EPA's Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry and the EPA Handbook for Pollution Avoidance on Commercial and Residential Building Sites.
12. The applicant is reminded that construction activities with adverse noise impacts and must comply with relevant provisions of the Environment Protection (Noise) Policy 2007.
13. Any dredging must be carried out by an EPA licensed contractor. 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.
14. As part of the EPA Licence the operator would be required to:
  - Implement an independently verified water monitoring program.
  - Have a contingency plan in place prior to dredging events in case of equipment failure/ accidents which may cause pollution issues in the marine environment
15. 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.
16. 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>
17. All plant and equipment should be in good mechanical condition with silencers fitted where appropriate). Noisy equipment should be located as far away as practical from residences to assist in achieving compliance with the Environment Protection (Noise) Policy 2007.

### **3. NEW APPLICATIONS**

#### **3.1 Department of Planning, Transport & Infrastructure**

252/V023/12

#### **Cheltenham Parade, Cheltenham Park**

City of Charles Sturt (Residential Zone, Cheltenham Park Policy Area 22)

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

Applicant(s)

- Terry Stewart - DPTI

Representor

- Jim Moore

The Commission discussed the application.

### **RESOLVED**

1. RESOLVE to DEFER for further consideration.

#### 3.2. **Malcolm Pickering**

752/D003/12

**Allotment 41, DP 76989; CT 6009/767; Allotment 42, DP 76989; CT 6009/768, situated seven kilometres north of Barmera on the Goyder Highway, within the Cobdogla Irrigation Area.**

Berri Barmera Council (Primary Production Zone, Precinct 2 Lake Bonney North)

The Commission discussed the application.

### **RESOLVED**

1. RESOLVE that the proposed development is NOT seriously at variance with the policies in the Berri Barmera Council Development Plan Consolidated – 1 December 2011.
2. RESOLVE to GRANT Development Plan Consent and Land Division Consent subject to the conditions and notes forming part of this assessment and the concurrence of the Berri Barmera Council and the Minister for Urban Development Planning and the City of Adelaide.

### **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 752/D003/12.

Plan Amended 12/07/2012: in D76989 Cobdogla Irrigation Area: CsT 6009/767 & 6009/768:	Proposed Plan of Division Allotments 41 & 42 In the area named BARMERA: DWG No R003512PROPrevB.
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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. The preparation of a Soil Erosion and Drainage Management Plan or similar document may assist in complying with this condition.
3. If a Cobdogla Irrigation Trust Inc domestic water supply is required for any of the proposed allotments, in addition to paying connection fees, 1 megalitre of water entitlement must be provided to the Cobdogla

Irrigation Trust Inc to cover the annual water consumption of that allotment.

**Advisory Notes:**

- a) The development must be substantially commenced or application for certificate made within 12 months of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- b) The applicant is also advised that the final land division certificate must be obtained from the Development Assessment Commission to complete the development within 3 years of the date of the Notification unless this period is extended by the Commission.
- c) The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
- d) The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- e) Such an appeal must be lodged at the Environment, Resources and Development Court within two months 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 0300).
- g) Any proposed clearance of native vegetation will require consideration of the Regulations and consultation with and/or approval of the Native Vegetation Council.
- h) The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
- i) In accordance with section 144 of the Natural Resources Management Act 2004, the occupier of the land on which a well is situated must ensure that the well (including the casing, lining and screen of the well and any mechanism used to cap the well) is properly maintained. A permit is required from the Department of Environment, Water, and Natural Resources for any work to be carried out on a well or for new wells to be drilled. Information on specific wells can be obtained from [www.waterconnect.sa.gov.au/GD/](http://www.waterconnect.sa.gov.au/GD/).
- j) If there is any use of water from the River Murray Prescribed Watercourse or wells that may be affected by the land division, or if it is intended to use water from these resources to service the new allotments, the interested parties should contact the Department of Environment, Water and Natural Resources to ensure relevant requirements under the *Natural Resources Management Act 2004* are met. Further, a permit is required from the Department for any work to be carried out on a well or for new wells to be drilled. For further information contact the Department on 8595 2053 or visit: <http://www.sa.gov.au/subject/Water%2C+energy+and+environment/Water/Water+use+for+irrigators/Water+licences+and+permits/Forms+for+water+licences> .

- k) If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine relevant requirements under the *Native Vegetation Act 1991* and its Regulations. Note that "clearance" means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9741 or visit: <http://www.nvc.sa.gov.au>.
- l) The applicant is encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit: <http://www.stateflora.com.au>.
- m) The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts may be present on the subject land (eg. scarred trees, campsites, burial sites, middens, etc). Under section 20 of the *Aboriginal Heritage Act 1988* (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.
- n) Regulations 39 and 39A of the Electricity (General) Regulations 1996 stipulate the requirements and distances that are to be kept between buildings and structures and both overhead and underground powerlines. The developer should be made aware of these regulations if it is proposed to erect buildings or structures near the powerlines. Any enquiries should be directed to the Office of the Technical Regulator (telephone: 8226 5500).
- o) The registered easement marked B provides tenure for ElectraNets 132kV transmission line. No building or permanent structure can be placed on this easement. For temporary structures or storage of materials within this easement the regulations prescribe a horizontal safety clearance zone of 15 metres measured from the centre of the transmission line. Furthermore fences within this zone are restricted to 2.0metres in height and must have access gates installed to allow heavy vehicle access along the entire length of the line. Restrictions on landscaping also exist and No storage of earthworks equipment (including huts) may occur within this easement.
- p) The applicant is advised that Permits under section 221 of the *Local Government Act 1999* are required for the approval of the construction and implementation of access from the subject allotments to land under Councils care and control.

DPTI requests that all vehicular access to/from the proposed allotments be gained via Queen Elizabeth Drive only. This can be achieved either through separate license agreements with the Minister for Environment and Conservation for individual access points or by the creation of rights of way or common property at the rear of the subject land to share the existing access point only. In turn, the existing access to/from Goyder Highway would need to be permanently closed and a 0.1m buffer reserve placed along the Goyder Highway frontage of proposed the allotments to prevent access to Goyder Highway.

Should the above arrangement be unachievable, DPTI may give consideration to a single access point only via Goyder Highway to serve the proposed allotments. This shared access would need to be located to meet the Safe Intersection Sight Distance (SISD) requirements shown in the Austroads 'Guide to Road Design, Part 4A: Signalised and Unsignalised Intersections' – 285m for a 110kph speed zone, and designed to cater for any simultaneous two-way movement of expected vehicles. Rights of way or common property would need to be shown on this application for the shared access area.

- q) A permit under the *Local Government Act 1999* will be required for access to Queen Elizabeth Drive.
- r) A final plan complying with the requirements for plans as set 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.

**4. ADJOURN TO CAPITAL CITY DEVELOPMENT ASSESSMENT COMMITTEE**

**5. MAJOR DEVELOPMENTS** – Nil.

**6. ANY OTHER BUSINESS** – Nil.

**7. NEXT MEETING – TIME/DATE**

7.1. Thursday, 13 June 2013 in Conference Room 6.2, Level 6, 136 North Terrace, Adelaide SA

**8. CONFIRMATION OF THE MINUTES OF THE MEETING**

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

**9. MEETING CLOSE**

The Presiding Member thanked all in attendance and closed the meeting at 3.25 PM

Confirmed / /2013

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Ted Byrt  
PRESIDING MEMBER