



Development Assessment Commission

**Minutes of the 436th Meeting of the
Development Assessment Commission
held on Thursday 10 March 2011 commencing at 1.20pm
Conference Room 6.2, Level 6, 136 North Terrace, Adelaide**

PRESENT

Presiding Member	Ted Byrt
Deputy Presiding Member	Betty Douflias
Members	Damien Brown Geoffrey Loveday Megan Leydon Carolyn Wigg
Secretary	Rocío Barúa
A/Principal Planner	Simon Neldner
DPLG Staff	Victoria Samuel-White (Agenda Item 11.1) Tom Victory (Agenda Item 11.2) Phil Turvey (Agenda Item 11.4) Simon Neldner (Agenda Item 11.5) Anna Provatas (Agenda Item 13.2) Glenn Searle (Agenda Item 13.3) Gabrielle McMahon & Philippe Mortier (Agenda Item 3.2)

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1. **APOLOGIES** – Member John Dagas.
 2. **CONFIRMATION OF THE MINUTES**
 - 2.1. **RESOLVED** that the Minutes of the 434th meeting held on 24 February 2011 be taken as read and confirmed.
 3. **DEFERRED APPLICATIONS**
 - 3.1. **Status of Deferred Applications**
 - 3.2 **Alteman (SA) Pty Ltd c/ Jensen Planning & Design - Rundle Place: To vary the Planning Consent for 020/0020/08 and the associated**

Consents (Variations 1 and 2) to include the following: Variation to the number of levels of office accommodation - to now be 72 metres in height, amend office floor plates, provision of a car parking area on the podium level (98 spaces), revised elevations and amendments to the U-Park building façade (colours and canopy treatment) - 75-91 Rundle Mall, 90-100 Grenfell Street, 12-18 Frances Street & 1-19 Lindes Lane, Adelaide - Central Business Area Zone and Hindley Street and Rundle Mall Policy Area 14 and Eastern and Western Core Policy Area 15 – Adelaide City (020/0020/08 Variation 3 (Council reference:DA/562/2008/B)

The Commission considered the following tabled items:

- Emailed advice from Rebecca Rutschack (ACC) dated 7 March 2011
- Emailed advice from John Hanchett (ACC) dated 8 March 2011
- Correspondence from Ben Wilson (Murray F Young & Associates) – ‘Rundle Place Development (020/0020/08 Variation 3) Proposed Carpark Access Signalisation — dated 7 March 2011
- Correspondence from David Tuckett (Pacific Shopping Centres) to Debra Just (ACC) dated 6 August 2010
- Emailed advice from David Barone (Jensen Planning) dated 2 March 2011
- Ground Floor Retail Plan – Rundle Place, Adelaide – dated 2 March 2011 – Drawing Number ATP221 Rev F

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 a ‘Best Endeavours Agreement’ be prepared in accordance with the tabled information provided to the Commission at its meeting on 10 March 2011 to ensure that a traffic and pedestrian management solution – that satisfactorily addresses both the safety of pedestrians and the efficiency of the existing carpark (in particular) and Grenfell Street (in general) – is in operation prior to the completion of the development.
3. That the A/Principal Planner be delegated to determine the application – subject to the provision of a ‘Best Endeavours Agreement’ (as outlined in Resolution 2 above) to the reasonable satisfaction of the Development Assessment Commission - in accordance with 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, as submitted in Development Application No. 020/0020/08 Variation 3 (Council reference DA562/2008/C) and in accordance with the following plans identified as:.

Plans by Buchan Group

ATP 220, Revision E, March 2009
ATP 220A, Revision E, March 2009
ATP 221, Revision F, March 2011
ATP 221A, Revision B, March 2009
ATP 222, Revision F, March 2009
ATP 223, Revision E, March 2009
ATP 224, Revision I, March 2009

ATP 224A, Revision B, December 2009
ATP 224B, Revision B, December 2009
ATP 825, Revision D, November 2010
ATP 226, Revision C, March 2009
ATP 420, Revision G, March 2009
ATP 421, Revision F, March 2009
ATP 422, Revision I, March 2009
ATP 520, Revision F, March 2009
ATP 521, Revision E, March 2009
ATP 620, Revision C, March 2009
ATP 620B, Revision B, March 2009
ATP 621A, Revision B, March 2009
ATP 622, Revision F, March 2009
ATP 820, Revision F
ATP 820A, Revision A
ATP 825, Revision E
ASK 420, Revision A, November 2010
ASK 520, Revision A, March 2010
ASK 225, Revision A, March 2010

- Planning Report by Jensen Planning & Design, dated 6 December 2010 and letter dated 16 February 2011
 - Traffic and Parking Review by MFY, dated December 2010
 - Architectural Vision Statement by Hassell, dated February 2011
 - MFY Report dated 7 March 2011
2. That Development Plan Consent and conditions and advisory notes for Development Application 020/0020/08, 020/0020/08 V1 and 020/0020/08 V2 are still applicable except where varied by this Development Application and the conditions and advisory notes that follow.
 3. That the office component shall achieve a 5 star NABERS Energy and Water rating.
 4. That an energy audit by an appropriately qualified professional demonstrating energy and water efficiency, including the proposed stormwater retention and reuse system, for the whole building shall be prepared to the reasonable satisfaction of the Development Assessment Commission prior to first occupation of the development.
 5. That no additional security grilles shall be applied to the shop fronts on Grenfell Street and Rundle Mall.
 6. That the scheduling of deliveries and access to the loading dock shall be implemented as recommended by the applicant's traffic reports forming part of the application.
 7. That the proposal shall be consistent with the Lighting Plan provided in Development Application 020/0020/08 V2 by Bestec – plan E319, revision B, dated October 2009, except where varied by this approval.
 8. 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 beyond the site.
 9. That a traffic management plan shall be prepared to the reasonable satisfaction of the Development Assessment Commission, that restricts traffic movements for service vehicles within Lindes Lane and Francis

Street to ensure compatibility with the proposed canopies, prior to construction commencing of Stage 2 of the development.

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 appropriate acoustic screening of the rooftop plant shall be provided, as detailed in option 2 within the acoustic report by Vipac Engineers & Scientist, dated 10 December 2009 and forming part of the application documentation 020/0020/08 V1, unless it can be demonstrated that the noise levels do not exceed the ambient background day time and night time noise levels. To determine whether the noise levels exceed the background noise, the applicant shall, within three months of the commencement of the operation of the development, undertake an assessment by an appropriately qualified acoustic engineer of the noise levels from the rooftop plant to the nearest sensitive receiver. This assessment shall be provided to the Development Assessment Commission. If the noise levels exceed the ambient background noise levels then the acoustic screening of the rooftop plant, as detailed in Option 2, shall be installed within 3 months of the applicant being advised by the Development Assessment Commission.
12. That further details of the design, materials and colours for the office tower and the office façade to Grenfell Street shall be provided, to the reasonable satisfaction of the Development Assessment Commission, prior to Building Rules Consent being granted to Stage 2 of the development
13. That final details of the canopy/ribbon element of the front of the office element to Grenfell Street shall be provided, to the reasonable satisfaction of the Development Assessment Commission, prior to Building Rules Consent being granted to Stage 2 of the development.
14. That the further details of the size, location and content of any signage shall be provided to the relevant planning authority for its approval as part of a separate application.
15. That the bicycle parks to be provided on site shall be installed and located in accordance with Australian Standards.
16. That the 'end of trip' facilities for bicycle users (i.e. showers, lockers, toilets) shall be available to the tenants occupying the office accommodation.

Advisory Notes

- a. The approval does not include any signage, which would need to be the subject of a separate application to the relevant planning authority.
- b. The traffic signalisation does not form part this application as the land is outside the subject land. If the applicant wants to pursue traffic signalisation then an analysis and justification for it is required and the approval of the Adelaide City Council, and consultation with key stakeholders.
- c. The applicant is encouraged to investigate the opportunities for them to implement urban design treatments to the crossover to the U-Park car park in regard to pavement, levels etc that highlight the pedestrian route / primacy along Grenfell Street. This must be done in consultation with and the approval of the Adelaide City Council.

- d. The 'end of trip' facilities for the bicycle riders will be shared with the gym users. It is recommended that you review the number of showers, toilets and lockers provided to determine there is enough for both user groups during the peak morning rush and if these facilities will be sufficient to achieve a 5 star rating under the Building Code.
- c. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- d. Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au/pub.html>
- e. Development Approval will not be granted until Building Rules Consent and an Encroachment Consent have been obtained.
- f. 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
- g. That where stormwater disposal from the site is required:
- The collection of stormwater to any part of Council's underground drainage system shall be in accordance with the Council's standard design requirements.
 - 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.
- h. That final details of waste management practices shall be submitted to and approved by Council. These details shall include a Waste Management Plan which covers the three phases of the development:
- resource recovery during demolition;
 - waste minimisation and resource recovery during construction; and
 - 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.
- i. The canopy heights are at variance with the maximum allowable height under the City of Adelaide's encroachment policy (maximum 3.7 metres). You are advised that a separate encroachment consent will be required from the Adelaide City Council.

- j. Should the final selection of external materials, colours and finishes be altered from those approved will require the approval of the Development Assessment Commission.
- k. 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.
- l. 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.
- m. The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
- n. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- o. Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day on receiving this notice or such longer time as the Court may allow. The applicant should contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, and (telephone number 8204 0300).

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**

7.1 The Presiding Member advised that an invitation has been extended to the Minister for Urban Development, Planning and the City of Adelaide to attend a meeting of the Development Assessment Commission.

RESOLVED that the information be received and noted.

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

9. **SCHEDULE 10 APPLICATIONS– Nil.**

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

11. **SECTION 35 APPLICATIONS**

11.1 JB Design - Detached dwelling - single storey (second dwelling) & shed – pc 3 & 4 Glenford Gully Road, Middleton - General Farming (Port Elliot and Goolwa District) Zone – Alexandrina Council (455/1130/09)

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 Alexandrina Council's decision to grant Development Plan Consent to Development Application No. 455/1209/09 by JB Design for the construction of a second dwelling and shed as the development is not in accordance with the following provisions of the Development Plan:
 - a. Objective 1 of the General Farming (Port Eliot & Goolwa District) Zone and Council Wide Principles of Development Control PDC 261-267 that seek the retention and protection of farming land for a wide range of primary productive uses and the preservation of its open and rural character.

11.2 Padthaway Grape Growers Association – Wine Region Signage – Riddoch Highway, 695m south of Morambro Lane, Naracoorte – General Farming Zone – Naracoorte Lucindale Council (674/0123/10)

The Commission discussed the application.

RESOLVED

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the Development Assessment Commission NOT CONCUR with the Naracoorte Lucindale Council's decision to grant Development Plan Consent to Development Application No. 674/0123/10 by Padthaway Grape Growers Association for the installation of wine region signage as the development is not in accordance with the following provisions of the Development Plan:
 - a. Council-Wide policies in relation to Outdoor Advertising (Objective 1(d) & Principles of Development Control 2(c) and 3(d)), Tourism Development (Principle of Development Control 13(a), and Movement of People and Goods (Objective 1 & 2) that seek to minimise the number of signs installed along arterial roads for both visual amenity and road safety reasons.

11.3 Christine Hondow – Pole framed (2-bedroom) holiday accommodation unit – Section 478, Hundred of Menzies, Wallaby Road, Emu Bay – Coastal Zone – Kangaroo Island Council (521/0066/10)

The Commission discussed the application.

RESOLVED

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the Development Assessment Commission CONCUR with the decision of the Kangaroo Island Council to grant Development Plan

Consent to Development Application 520/0066/10 by Christine Hondow to construct a pole frame, two bedroom tourist accommodation unit with under-croft parking at Section 478, Hundred of Menzies, Wallaby Road, Emu Bay.

11.4 Kevin Pearce – Establishment of a farm-based tourism activity (Guided 4WD bike tours) – Waitpinga – General Farming Zone – City of Victor Harbor (453/636/09)

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 City of Victor Harbor's decision to grant Development Plan Consent to Development Application No. 453/636/09 by Kevin Pearce for a change of land use to include a tourism activity (guided 4WD motor bike tours, toilet facilities, veranda and parking area) at Allotment Pieces 110-112, Sections 1302 and 1305 Waitpinga Road, Waitpinga as the development is not in accordance with the following provisions of the Development Plan:
 - a. Council-Wide policies in relation to Tourism development (Principle of Development Control 192), Protection of natural heritage (Principles of Development Control 163-164), Form of development (Objective 8), Rural development (Objective 74, Principles of Development Control 305-309), Appearance of land and buildings (Principle of Development Control 313); and specific policies within the South Mount Lofty Ranges Region (Objective 90, Principles of Development Control 382, 392, 394) and the General Farming Zone (Objective 1-2, Principles of Development Control 1 & 5) that seek to limit the scale, type and location of tourism ventures, protect and conserve natural and ecologically sensitive areas and ensure the continuation of primary production activities on land designated for that purpose.

11.5 Phillip Wilson – Storage Shed – 23-25 Commercial Street, Burra – District Town Centre Zone - Regional Council of Goyder (422/060/09)

RESOLVED that the application be DEFERRED pending an inspection of the site and the preparation of a written report.

12. OTHER APPLICATIONS – Nil.

13. CROWN/INFRASTRUCTURE APPLICATIONS

13.1 Report on Minister's Decisions - Nil.

13.2 SA Health – Stage 3, Lyell McEwin Hospital redevelopment – Lot 1 in FP 126908, Oldham Road, Elizabeth Vale – Institutional Zone – Playford Council (292/V089/10)

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

Applicant(s)

- Rob Cheesman, Cheesman Architects

Department Transport, Energy & Infrastructure (DTEI)

- Mark Hryciuk

Environmental Protection Agency (EPA)

- Heather Treloar
- Wendy Boyce

In attendance

- Peter Swift (SA Health)
- Tim Packer (SA Health)

The Commission discussed the application.

RESOLVED

1. That the Development Assessment Commission supports the following elements of the proposal:
 - a. The overall design merit of the hospital redevelopment - including the incorporation of environmentally sustainable and energy efficiency elements.
2. That the Development Assessment Commission DEFER further consideration of Development Application No. 292/V089/10 for the Stage C redevelopment of the Lyell McEwin Hospital pending the provision of a written agreement or memorandum of understanding between the applicant (SA Health) and the Department for Transport, Energy & Infrastructure (DTEI) to ensure the coordinated resolution of road traffic and pedestrian safety issues that have been identified in the surrounding road network as a result of previously approved and proposed stages of the overall hospital redevelopment.

- 13.3 **Australian Rail Track Corporation (endorsed by the Department for Transport Energy and Infrastructure) – Construction of a new two-kilometre rail crossing loop at Ambleside – Rail reserve located between the Beaumont Road bridge and the Spoehr Road level crossing at Ambleside – Watershed (Primary Production) Zone and the Onkaparinga slopes policy area – Adelaide Hills Council (DA 473/V015/10).**

BACKGROUND

On 5 March 2011, the A/Principal Planner advised members of the Commission on the administrative oversight which led to one representor – who indicated a wish to be heard – not being invited to be heard (as required by Section 49 – 7(d)(b) of the *Development Act 1993*) when the application was first considered on 10 February 2011. The Commission was further advised that the Minister for Urban Development, Planning and the City of Adelaide had not received or considered the application and that the previous recommendation of the Commission should now be withdrawn and the matter re-considered.

RESOLVED

1. That the previous recommendation made to the Minister for Urban Development, Planning and the City of Adelaide on 10 February 2011 in relation to Development Application No. 473/V015/10 by the Australian Rail Track Corporation for the construction of a new two-kilometre rail crossing loop at Ambleside be withdrawn and the development application be re-considered.

2. That the minutes of the Development Assessment Commission meeting held on 10 February 2011 be amended to reflect this change.

The Presiding Member then declared the meeting open and welcomed the following people to address the Commission:

Representor

- Mark Parnell MLC

Applicant(s)

- Angelo Demetrisiz
- Richard Coombe

The Presiding Member apologized to Mr Parnell for the administrative oversight which resulted in an invitation not being sent to personally appear before the Commission on 10 February 2011. Mr Parnell accepted this apology. The Presiding Member then invited Mr Parnell to address the Commission.

The applicant was then invited to respond to the issues raised in Mr Parnell's representation.

The Commission discussed the application.

RESOLVED

1. That the proposed development contained in Development Application No. 473/V015/10 is NOT seriously at variance with the policies in the Development Plan.
2. That the Development Assessment Commission recommend that the Minister for Urban Development and Planning APPROVE Development Application No. 473/V015/10 by the Australian Rail Track Corporation for the construction of a new two-kilometre rail crossing loop at Ambleside 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. 473/V015/10.
 - Volume 1: Development Application and associated working papers dated 29 July 2010
 - Volume 2: Drawings dated 29 July 2010 – including:

AET900.008-C-DWG-001
AET900.008-C-DWG-100
AET900.008-C-DWG-101
AET900.008-C-DWG-102
AET900.008-C-DWG-103
AET900.008-C-DWG-104
AET900.008-C-DWG-105
AET900.008-C-DWG-106
AET900.008-C-DWG-107
AET900.008-C-DWG-108
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AET900.008-C-DWG-125
AET900.008-C-DWG-126
AET900.008-C-DWG-127
AET900.008-C-DWG-128
AET900.008-C-DWG-201
AET900.008-C-DWG-202
AET900.008-C-DWG-203
AET900.008-C-DWG-204
AET900.008-C-DWG-205
AET900.008-C-DWG-206
AET900.008-C-DWG-207
AET900.008-C-DWG-208
AET900.008-C-DWG-209
AET900.008-C-DWG-210
AET900.008-C-DWG-301
AET900.008-C-DWG-302
AET900.008-C-DWG-304
AET900.008-C-DWG-306

- Supplementary information letters (AET900.008-C1-S0325 & AET900.008-C1-S0337) dated 29 November
2. That all works shall be undertaken in accordance with a final Soil Erosion and Drainage Management Plan (SEDMP). A copy of this plan shall be submitted to the satisfaction of the Environment Protection Authority prior to work commencing. The SEDMP must be in accordance with Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry and include measures that at a minimum address:
- Minimising areas disturbed;
 - Installation of erosion control measures;
 - Maintenance of erosion control devices and sediment control measures;
 - Appropriate location of stockpiles to protect drainage lines
 - Progressive rehabilitation and stabilisation (including re-vegetation) of disturbed areas
 - Pre-treatment measures
 - Preventing pollutant and sediment inflow to the Onkaparinga River
 - How results of the monitoring program will be reported, and if exceedences are identified what actions and changes to the SEDMP will be implemented.
3. That all chemicals and liquids shall be stored in a bunded area not subject to flooding, to prevent escape of any spill. Note: Bunds must comply with the requirements of *EPA Guideline 080/07 – Bunding and Spill Management (June 2007)*.
4. That a suitable spill kit for chemicals (including fuels) shall be available at all times.

5. That prior to construction a contingency plan shall be prepared and implemented to the satisfaction of the Environment Protection Authority that:
 - a. Specifies procedures for safe storage and handling of materials and;
 - b. Addresses spill management and the steps to be taken so that such spillages are contained, managed and disposed to an appropriate facility
6. The Monitoring Program outlined in the Soil Erosion and Drainage Management Plan Ambleside Rail Crossing Loop, dated 9 December 2010 shall be implemented. This includes weekly (and after rain events) site environmental inspections which would be undertaken throughout the construction period by the construction contractor's environmental representative. Table 3.3 of the applicant's report provides water quality parameters, frequency and locations for sampling.
7. That drainage from the enclosed bridge deck shall be collected and treated to appropriate quality before discharge to the receiving environment.
8. That the treatment system shall incorporate a bypass oil/water class 1 separator with alarm.

Note: Class 1 separators are designed to achieve a concentration of less than 5mg of oil under standard test condition (as outlined in European standard BSEN 858-1. By pass separators are designed to fully treat all flows generated by rainfall rates of up to 5mm/hour. Flows above this rate are allowed to by pass the separator.

9. That a Construction Environmental Management Plan (CEMP) shall be submitted to the satisfaction of the Environment Protection Authority 14 days (or greater) prior to any works commencing on the site.

The CEMP must address the following environmental aspects, as a minimum:

- Noise and Vibration Management;
- Waste Management;
- Sediment, Erosion and Drainage Management;
- Remediation Management; and
- Fire Prevention and Management

10. That the applicant shall provide a definitive statement in the form of an environmental assessment report (report) that:
 - a. 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; and
 - b. In regard to site contamination the site(s) does/do 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.

11. That the following documentation and design details shall be provided to the satisfaction of the Minister for Urban Development, Planning and the City of Adelaide – in consultation with the Heritage Adviser (DENR) - before the commencement of construction:
 - a. Detailed explanation of the process of dismantling the brick section of the flue, repairs to the bluestone base and details of the proposed reconstruction of the brick section of the flue;
 - b. Detailed explanation of the proposed temporary restraint works to the chimney base prior to commencement of works;
 - c. Proposed methodology to retain the chimney – either face stone cliff or new sandstone wall, with flue revealed within walling;
 - d. Details of the underpins or shores to the base of the chimney, as decided once excavation works commence on site.

12. That noise / acoustic façade treatments - as described in the acoustic report (Section 5.3, Sonus Pty Ltd, June 2010) – shall be installed to dwellings (with the prior agreement of the property owner) located within a 300m radius of the locomotive(s) standing location. These works shall be fully completed prior to the operation of the new crossing loop and certified by an acoustic engineer as compliant with the *Environment Protection (Noise) Policy 2007* (see below) so as to minimise low frequency noise propagation at the side of the dwelling facing the noise source.

Design of the crossing loop should ensure that noise from the rail corridor operations does not exceed limits* at the relevant noise sensitive receivers:

 - LAeq,15hr of 65dB(A) and LAm_{ax} of 85dB(A) between 7am and 10pm on the same day;
 - LAeq, 9hr of 60dB(A) and LAm_{ax} of 85dB(A) between 10pm and 7am on the following day.

** The values are specified using "Fast" time weighting.*

13. That a bushfire protection management plan – developed in consultation with the SA Country Fire Service and the Adelaide Hills Council – shall be prepared and implemented as an on-going strategy to ensure that the risk of fire (in a high bushfire risk) area is minimised along the rail corridor. This includes (but is not limited to) the operation and maintenance of locomotives and railcars, access to the rail corridor for emergency vehicles (including the provision of keys to locked gates) and the clearance and management of native vegetation. The bushfire protection management plan shall be reviewed on an annual basis. A copy of the bushfire management plan (including subsequent amendments) shall be provided to the SA Country Fire Service and the local Council.

14. That the proponent shall design, construct and maintain a grade level, all weather crossing point (on the alignment of the existing right of way at the former Ambleside Station) in order to maintain truck, machinery and other vehicular access to adjoining farmland prior to the operational use of the crossing loop. To ensure that safety is maintained at this crossing

point for the adjoining landowner and track maintenance personnel, appropriate signage and/or warning devices will also need to be installed

Obligations Pursuant to the Development Act 1993 and 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. 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 Minister for Urban Development and Planning.
- iv. The applicant will require a fresh consent before commencing or continuing the development if 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
<http://www.planning.sa.gov.au/go/building/professional-information/register-of-private-certifiers> Advisory Notices.
- b. 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, the applicant should contact Shane Turner, Building Management, Department for Transport, Energy and Infrastructure (telephone 8226 5223) Level 2, 211 Victoria Square, Adelaide, 5000.
- d. Any request for an extension of time must be lodged with the Development Assessment Commission prior to the time periods specified above.
- e. 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, not to pollute the environment in a way which causes or may cause environmental harm.
- f. An environmental authorisation in the form of a licence is required for the operation of this development with reference to Schedule 1 of the Environment Protection Act 1993 - Prescribed activities of environmental significance - 7(2) Railway Operations.
- g. The EPA will require the operator (the person(s) undertaken the construction activity) to obtain an EPA licence prior to any works commencing - Prescribed activities of environmental significance. Schedule 1 of the Environment Protection Act 1993 - 7(2) Railway Operations.

- h. 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.
- i. 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>.
- j. All creosote treated timber sleepers (and any other wastes which cannot be utilised) must be transported to an appropriately licensed facility for the receipt and/or disposal of that particular waste.
- k. The applicant is reminded of their duty to act reasonably in relation to the management of natural resources within the State, in accordance within Section 9 of the Natural Resources Management Act 2004.
- l. It is important to note that the following legislation applies to the subject land:
- i. The Prescription of the Water Resources in the Western Mount Lofty Ranges, which require those that are or are proposing to use surface, watercourse and/or underground water for any purpose – other than stock and domestic use from dams less than 5 megalitres – at any time in the future, to apply for a water licence with the Department for Water.
- ii. The Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Western Mount Lofty Ranges Area, which prohibits:
- New or additional use of surface, watercourse and/or underground water for any purpose other than stock and domestic use;
 - New taking of water from dams 5 megalitres or greater for any purpose (including stock and domestic use);
 - New taking of water from watercourse describes as a swamp of the Fleurieu Peninsula, that are listed as a critically endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth), for any purpose (including stock and domestic use);
- until the expiry of the current Notice of Prohibition on 12 July 2012 (and any subsequent Notices of Prohibition).
- m. If there is any intention to take surface, watercourse or underground water, or if there are any existing water uses that may be impacted by the development, the proponent should contact the Department for Water to ensure compliance with the Prescription of Water Resources in the Western Mount Lofty Ranges and the related Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells. The applicant should note that 'take' may include the diversion of watercourse and floodwater flows, accessing groundwater and dewatering deep holes. For further information contact the Department for Water on telephone 8339 9803.
- n. Any water affecting activities (including but not limited to the construction of bridges, crossing points and culverts) should be undertaken in accord with the Adelaide and Mount Lofty Ranges Natural

Resources Management Board Regional NRM Board. For further information visit: <http://www.amlrnrm.sa.gov.au>.

- o. This approval does not obviate any considerations that may apply to the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth). For further information visit: <http://www.environment.gov.au/epbc>.
- p. The applicant must advise DTEI Traffic Management Centre on telephone 1800 013 313 of any construction works that may impact on traffic flows along Onkaparinga Valley Road prior to any works

14. MAJOR DEVELOPMENTS

14.1 Major Developments update February 2011

RESOLVED that the Report be received and noted.

14.2 Site Inspection and Meeting - 24 March 2011 – Whyalla (Rare Earths) and Sheep Hill (Deep Water Port) Projects.

RESOLVED

1. That the Development Assessment Commission request specialist members in chemical engineering (specific to uranium) and environmental science be included in the consideration of the Rare Earths project at Whyalla.
2. That the draft guidelines and level of assessment for both major projects then be considered on 7 April 2011.

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 determined during the month of February 2011

RESOLVED that the Report be received and noted.

17.2 Section 48 Major Development Decisions determined by the Presiding Member during the month of February 2011

RESOLVED that the Report be received and noted.

18. DEVELOPMENT APPLICATION STATISTICS

18.1 Monthly Update – February 2011

RESOLVED that the Report be received and noted.

19. PRINCIPAL PLANNER'S REPORT

19.1 A/Principal Planner's report

RESOLVED that the Report be received and noted.

20. **ANY OTHER BUSINESS** - Nil

21. **NEXT MEETING – TIME/DATE**

24 March 2011 – Major Development – Site Inspection

The Presiding Member thanked all in attendance and closed the meeting at 4:00pm

Confirmed / /2011

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Ted Byrt
PRESIDING MEMBER

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Rocío Barúa
SECRETARY