



Development Assessment Commission

Minutes of the 499th Meeting of the Development Assessment Commission held on Thursday, 29 May 2014 commencing at 10.00 AM 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 Andrew Ford
Secretary	Sara Zuidland
A/Principal Planner	Robert Kleeman
DPTI Staff	Gabrielle McMahon (Agenda Item 3.1)

1.2. APOLOGIES – Damien Brown, Carolyn Wigg, Simone Fogarty

2. DEFERRED APPLICATIONS – Nil.

3. NEW APPLICATIONS

3.1 Terminals Pty Ltd 040/1857/13 **49 Veitch Road, Osborne** Port Adelaide Enfield Council

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

Applicant(s)

- Carlo Fasolino (Terminals)
- Marcus Howard (Aurecon)
- Neil Mackenzie (Aurecon)

Representor

- Kobus Van Der Merwe (ASC Engineering Pty Ltd)
- Tony Wright (ASC Engineering Pty Ltd)
- Kim Moffat (Techport for Defence SA)

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 for Development Application 040/1857/13 by Terminals Pty Ltd to establish a bitumen import and dispatch facility including a product supply line at 49 Veitch Road, Osborne 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 as submitted in development application number 040/1857/13 and the following plans and documents:

Plans by Aurecon, Drawing numbers 235132

Plan	Revision	Date
L-000,	0	25/3/13
L-001,	0	2/4/13
L-002	1	2/4/13
L-003	0	2/4/13
L-004	0	2/4/13
L-005	0	2/4/13
L-010,	1	25/3/13
L-020	0	25/3/13
L-021	0	30/7/13
P and ID Plans		
PL-19-02	0	25/3/13
PL-19-03	0	25/3/13
PL-19-05	0	25/3/13
PL-19-06	0	25/3/13
PL-19/1	1	25/3/13
PL-19/2	1	25/3/13
Process Flow Diagram 235132-PL19/1		
F-01	1	25/3/13
Bike Parking and Storage		
KR-0002	A	28/5/14

- Planning Statement by Aurecon, Ref 235132, Revision V2, dated 24 May 2013
- Noise / Acoustic assessment by Aurecon, Ref 235132, Revision 0, dated 24 May 2013 (air quality report updated in subsequent report)
- Pollutant and Idour Islopath by Aurecon
- Turn Path Modelling by Aurcon
- Hazard Analysis by WorleyParsons, ref 4041010-01030-000SR-TEN-0001, dated 12 July 2013
- Letter from Aurecon dated 14 October 2013

- Letter from Aurecon dated 19 November 2013 (in response EPA letter dated 22 October 2013)
- Letter from Aurecon dated 19 November 2013 (in response EPA letter dated 5 November 2013)
- Letter from Aurecon dated 19 November 2013 (in response to the City of Port Adelaide Enfield)
- Letter from Aurecon dated 10 February 2014 and revised and reissued on 26 February 2014 (in response EPA letter dated 9 December 2013). This also included an updated air quality assessment report dated 26 February 2014.
- Letter from Aurecon dated 13 March 2014 (in response EPA letter dated 7 March 2014)
- Letter from Aurecon dated 2 April 2014 (in response to Category 2 representations)

DIRECTED BY THE ENVIRONMENT PROTECTION AUTHORITY

2. All noise sources to be installed on-site as part of the development must meet the relevant maximum sound power levels as specified for octave band centre frequencies by Appendix C of the 'Environmental Noise Assessment' report prepared by Aurecon, dated 24 May 2013, project 235132 file 130523.
3. Noise sources to be installed on-site as part of the development must not generate noise having an annoying characteristic (such as tonality, low frequency character, modulating or impulsiveness) detectable or audible at any noise sensitive receiver.
4. All hinged and roller doors to the Hot Oil Plant Building, Manufacturing Building, and the Boiler House and Mixing Building must be maintained closed during operation of any internal noise sources.
5. The bitumen loading bay and gantry must be bunded to prevent the discharge of contaminated stormwater. Any contaminated stormwater must be treated as wastewater and must be collected for treatment and disposal to a liquid waste disposal facility via a licensed transporter (Note: Refer to the EPA Guideline 'Bunding and Spill Management' for guidance on bund design).

GENERAL

6. All works and site activities shall be undertaken in accordance with a final Construction Environment Management Plan (CEMP) which shall be prepared and submitted to the satisfaction of the Development Assessment Commission prior to construction commencing. The CEMP shall include measures that at a minimum address:
 - soil erosion and drainage management
 - site contamination, including consideration of the following:
 - the management of potential/acid sulphate soils (PASS/ASS) must be in accordance with the EPA Guideline: Site Contamination - Acid Sulfate Soil Materials (dated November 2007);
 - the management of dewatering and of any uncharacterised soil that is excavated on or off the site in accordance with the EPA Guideline: Environmental Management of On-site Remediation (dated March 2006).
 - noise and vibration management
 - air quality management
 - waste management.

7. That all car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of the Development Assessment Commission.
8. That 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.
9. There shall be no complete closure of Veitch road at any time as a consequence of this development and in the event that a temporary partial closure is required this shall be limited to times outside of peak hours (6.30am to 8.30am and 3.30pm to 5.00pm) and two weeks notice shall be given to adjoining property owners.

Advisory Notes:

- a) The City of Port Adelaide Enfield Council advises that a permit will be required for the construction or alteration of a non-SA Water system to address sewerage, as per the South Australian Public Health (Wastewater) Regulations, 2013.
- b) 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.
- c) The applicant is reminded that construction activities and associated noise impacts are required to meet the mandatory provisions of Part 6 Division 1 of the Environment Protection (Noise) Policy 2007 (Noise Policy), specifically:
 - construction activities having an 'adverse impact on amenity' must not occur on a Sunday or other Public Holiday, nor outside of the hours of 7am to 7pm on any other day
 - all 'reasonable and practicable' measures to minimise the noise impact of the construction activity must be undertaken, including (but not limited to) the list of measures contained in Sub-clause 23(1)(c) of the Noise Policy.
- d) The applicant is recommended to implement (as a minimum) all of the noise mitigation measures contained in the further information letter provided to the EPA by Aurecon dated 14 October 2013, in particular it is recommended that the applicant initiate a program to communicate and liaise with nearby industrial and noise sensitive receivers, and set up a complaints register with a nominated person contactable on-site at all times who has the authority to rectify any problems as they are identified.
- e) 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.
- f) 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.
- g) 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>

- h) The Coast Protection Board advises that the bund wall around the bitumen storage tanks, to be constructed for spill protection and containment, will also protect the tanks from a flood event. Its proposed height of 3.3m AHD meets the Board's minimum height to mitigate flood risk to 2050. The applicant is advised there is a further 0.7m of to Sea Level Rise predicted to 2100 and the bund level will need to be increased in the future to meet this risk.
- i) The Coast Protection Board advises that There is a risk of Potential Coastal Acid Sulfate Soils (CASS) in the location of the proposed development and through the construction of the bund walls. This could result in environmental harm with the disturbance of sediments typically resulting from developments that involve drainage, de-watering, and in this case, excavation or filling.
- j) The Coast Protection Board advises that Acid sulfate soils have the potential to cause major habitat loss and degradation due to the release of acid and heavy metal ions into the environment. They also pose a threat to development after their construction due to deterioration and corrosion as a result of the disturbance of CASS. The Coast Protection Board has released a set of guidelines which should be followed for such areas, and these can be found at the following website:

http://www.environment.sa.gov.au/about-us/boards-and-committees/Coast_Protection_Board/Coastal_acid_sulfate_soils
- k) SEAGAS operates a high pressure gas transmission pipeline in the vicinity of the proposed development. They have no objection with the scope of the current activity, however advise that should the scope of works deviate significantly then SEAGAS require notification with revised plans so that further assessment can be made.
- l) Safe Work SA advise that the applicant has a duty of care which extends to the safe design of plant and systems of work including the operations and maintenance of the facility. Natural gas provided to the vapour burner and gas appliances may require consultation with the office of the Technical Regulator for approvals and licensing requirements.
- m) 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).
- n) The development must be substantially commenced within 2 years of the date of the approval, unless this period has been extended by the Development Assessment Commission.
- o) The applicant is also advised that any act or work authorised or required by this Notification must be completed within 5 years of the date of the approval, unless this period is extended by the Commission.
- p) The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.

4. ADJOURN TO INNER METROPOLITAN DEVELOPMENT ASSESSMENT COMMITTEE

5. MAJOR DEVELOPMENTS – Nil.

6. **ANY OTHER BUSINESS** – Nil.

7. **NEXT MEETING – TIME/DATE**

7.1. Thursday, 3 June 2014 in Meeting Hall, Adelaide Town Hall (via 25 Pirie Street, Adelaide)

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 10.37 AM

Confirmed / /2014

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Ted Byrt
PRESIDING MEMBER